

**Proposed development: Full Planning Application (Regulation 4): Demolition of existing bowling green hut and dilapidated children's playground; and erection of 2no industrial buildings (Use Class B8 or Eg) with associated landscaping and access from Didsbury Street.**

**Site address:  
Burnley Road Bowling Pavilion  
Burnley Road  
Blackburn  
BB1 3HN**

**Applicant: Mr Roker**

**Ward: Audley & Queens Park**

**Councillor Salim Sidat  
Councillor Ehsan Raja  
Councillor Altaf Patel**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 APPROVE – Subject to a Section 106 Agreement for a commuted sum payment of £45,000, relating to A6119 / Carl Fogarty Way Roundabout improvement works; and conditions. Full details are set out at paragraph 4.1.**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

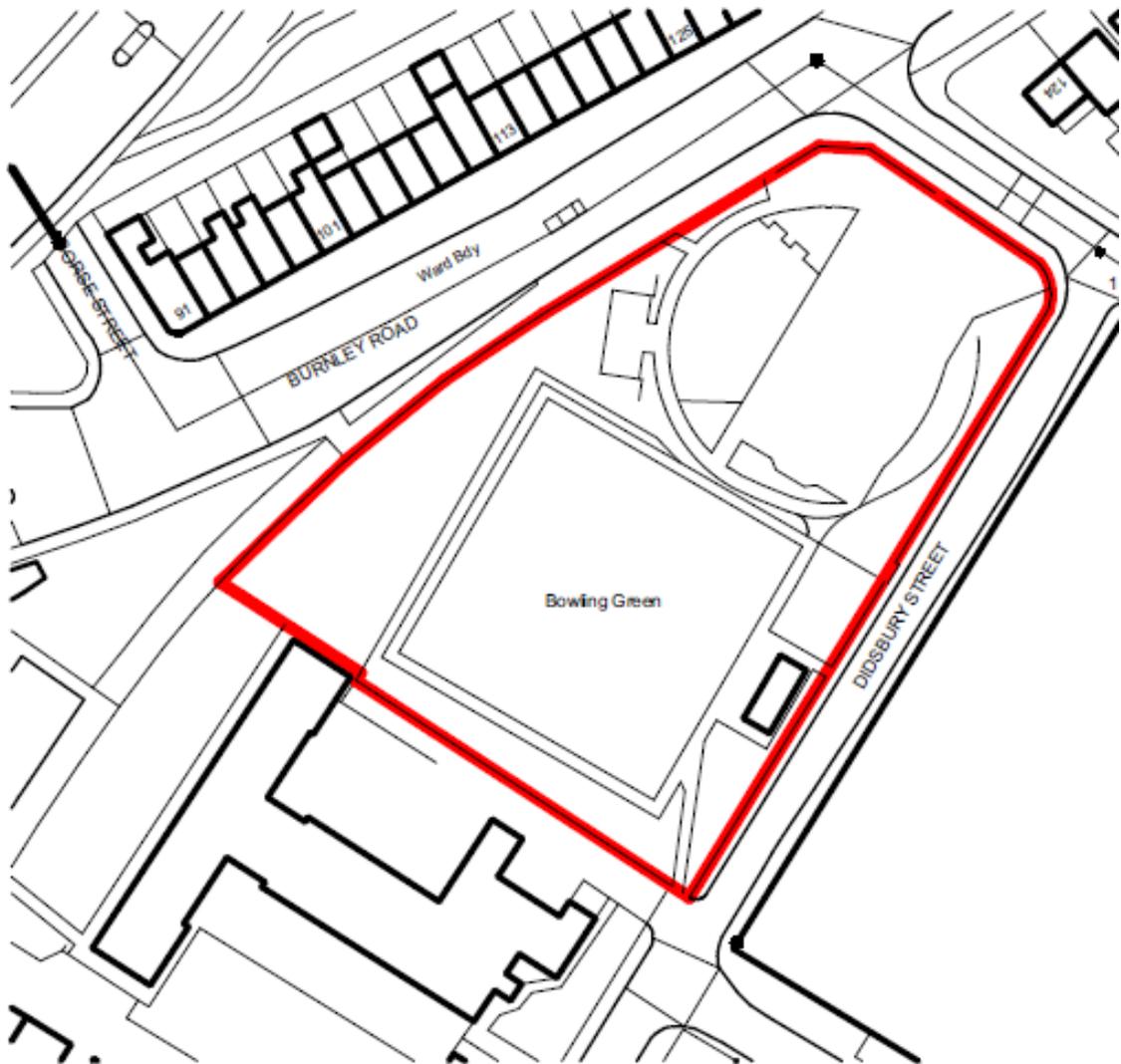
- 2.1 The proposal is in the form of a major (in excess of 1000sqm floor space) full planning application. It is reported to Committee on account of the application site (the site) being Council owned, in accordance with the requirements of Regulation 4 of the Town and Country Planning General Regulations 1992, and the Council's adopted Scheme of Delegation. Support of the application would progress the sale of the site to the applicant.
- 2.2 Detailed assessment of the application finds that the proposed development corresponds with the Council's overarching employment growth strategy, as set out in the Core Strategy and Local Plan Part 2. Delivery of a high quality employment led development will be secured, focussed on disused land to the south east of Burnley Road, Blackburn. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions and a Section 106 Agreement.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The site measures 5620 square metres in area. It is Council owned and consists of a redundant recreational space featuring a Multi-Use Games Area (MUGA), an equipped playground, a skate ramp and a bowling green with an associated pavilion / hut. Accordingly, it is considered to be previously developed land (brownfield).
- 3.1.2 The site is bounded by Burnley Road to the north west, Hereford Road to the north east, Didsbury Street to the south east and the place of worship known as Masjid e Saliheen to the south west.
- 3.1.3 The area is generally characterised as residential. Alternatives uses do, however, sit immediately adjacent to the site, in the form of the aforementioned place of worship to the south west and an industrial mill site to the south east.
- 3.1.4 More generally, the site is located to the east of Blackburn's inner urban area and within 1.5km of the M65 corridor, to the west.

3.1.5 The site is defined by the red edged Location Plan (Campbell Driver Partnership, 2/12/2021) and the wider context is illustrated by the aerial image (DTPC TS, June 2022), as follows:



### 3.2 Proposed Development

3.2.1 Full planning permission is sought for the demolition of a bowling green hut, removal of playground equipment and erection of 2no. single storey industrial buildings for uses B8 (storage and distribution) and / or E(g) (Uses which can be carried out in a residential area without detriment to its amenity), with associated (hard & soft) landscaping and creation of an access from Didsbury Street.

3.2.2 Proposed industrial units would host storage and distribution (Use Class B8) or uses which can be carried out in a residential area without detriment to its amenity (Use Class Eg), with ancillary office space. Unit 1 would be circa 8.5m high and Unit 2 circa 6m high. Total floor space proposed is 1886 square metres, broken down as follows:

- Units 1a, 1b, 1c – each 222sqm, including 22.5sqm of office space in each;
- Units 1d – 400sqm, including 60.2sqm of office space; and
- Unit 2 – 820sqm, including 39.9sqm of office space.

3.2.3 Widening of Didsbury Street and creation of an access into the site therefrom is also proposed. These works will be captured under Section 278 powers of the Highways Act 1980.

3.2.4 The following proposed site layout illustrates the proposal (Campbell Driver, 8/07/2021).



3.2.5 Full details of the application are set out in the submitted drawings and supported Planning and Design & Access Statements.

### **3.3 Development Plan**

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

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

#### **3.3.3 Core Strategy**

- Policy CS1 – A Targeted Growth Strategy
- Policy CS13 – Environmental Strategy
- Policy CS15 – Ecological Assets
- Policy CS16 – Form and Design of New Development
- Policy CS22 – Accessibility Strategy
- Policy CS23 – Tackling Worklessness

#### **3.3.4 Local Plan Part 2 (LLP2)**

- Policy 2 – The Inner Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 36 – Climate Change

### **3.4 Other Material Planning Considerations**

#### **3.4.1 BwD Air Quality Planning Advisory Note**

#### **3.4.2 National Planning Policy Framework (The Framework) (2019)**

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

- Approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:
  - Any adverse impacts of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole; or
  - Specific policies in the framework indicate development should be restricted.

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

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

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places

#### 3.4.3 National Planning Policy Guidance (NPPG).

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

### 3.5 **Assessment**

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

- Principle of the development
- Amenity impact
- Environmental impact
- Accessibility and transport
- Design and layout
- Planning Gain / Section 106 contributions: Highway improvement works.

#### 3.5.1 Principle

3.5.2 The absence of any heritage constraints on the bowling hut ensures acceptability of its demolition.

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

- 3.5.4 Policy 7 on Sustainable and Viable Development echoes the presumption in favour of sustainable development set out in The Framework. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 3.5.5 Policy CS3 confirms that provision will be made for up to 105.5 hectares of employment land between 2011 and 2026, emphasising the importance of employment growth across the borough. Although the site is not allocated for any specific purpose, its re-use for employment would clearly align with the Council's strategic economic growth objectives. Although not defined in the application, as end users have not yet been established, a significant number of jobs would likely be created by the development.
- 3.5.6 Although the site is unallocated, in both the current and emerging Local Plan, it does form an identifiable area of open space which would be lost as a consequence of the development. In this context, Policy 9 (Green Infrastructure) explains the Council's approach:

*Development involving the partial or complete loss of land identified as Green Infrastructure on the Adopted Policies Map, or any unidentified areas of open space including playing fields; and any development which otherwise has the potential to result in the severance of green infrastructure connections, will not be permitted unless:*

- i) The development can be accommodated without the loss of the function of the open space;*
- ii) The impact can be mitigated or compensated for through the direct provision of new or improved green infrastructure elsewhere, or through the provision of a financial contribution to enable this to occur; or*
- iii) The need for or benefits arising from the development demonstrably outweigh the harm caused, and the harm has been mitigated or compensated for so far as is reasonable.*

- 3.5.7 The site has been identified as a non-strategic site in the Council's 'Equipped Play Assets Strategy 2017 – 2022'. It is, therefore, one of only a few sites with the potential to be decommissioned. The MUGA, playground and skate ramp have been subject to regular vandalism and anti-social behaviour, which presented an ongoing nuisance for residents and local businesses for some 5 – 6 years. In addition, the bowling green was closed and fenced off around 15 years ago with no community interest in using it during that time. The Council has, therefore, acted to resolve the issue, closing the playground and removing the MUGA, around 3 years ago, notably with no complaints. Although the Council recognises the importance of protecting its green and recreational spaces, this should not be at any cost, especially where such spaces are evidently causing nuisance and adverse environmental impacts and where the site could be brought forward for a viable, alternative use.

3.5.8 Following the decision to decommission the site, the Council considered various options, which culminated in an invitation for commercial development proposals (via the Growth Framework) and selection of the applicant as the preferred developer.

3.5.9 An analysis of the Council's employment land, in consultation with local agents, has revealed a local demand for the type of units that are proposed; a position re-enforced by submission of this application.

3.5.10 It should be recognised that feasibility of an alternative affordable housing scheme was explored for the site, but this proved to be unviable, due to site constraints and evident good supply of affordable homes in the east of Blackburn.

3.5.11 Accordingly, the proposal is considered consistent with the requirements of iii) of Policy 9, insofar that it is demonstrated that environmental and economic benefits would arise, through re-use of a site that is currently detrimental to the area, in its redundant and unmanaged state, and through job creation. Moreover, any harm that would arise, can be appropriately and reasonably mitigated. These matters are addressed later in this assessment.

3.5.12 The principle of the development is, therefore, found to be acceptable, in accordance with the provisions of the Development Plan and The Framework.

#### 3.5.13 Amenity

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

3.5.14 Noise / Nuisance: A Noise Impact Assessment has been submitted with the application which considers likely noise impacts arising for residential uses in proximity to the site; the nearest dwelling being circa 11m to the east, on Burnley Road. Following review of the assessment, the Council's Public Protection consultee offers no objection to the proposal, in recognition that no significant adverse noise impacts will arise, subject to securing the following limitations via condition:

- Hours of operational use restriction of between 07:00 – 18:00 hours, Monday to Friday; 08:00 – 18:00 hours, Saturday; and 08:00 – 16:00 hours, Sundays and Bank Holidays;
- Roller Shutters to be electronically operated; and
- Noise not in exceedance of 52dB(A) at the boundary of any residential premises.

- 3.5.15 Limited demolition / construction hours will be secured via condition, to guard against excessive nuisance arising for adjacent uses, during this phase of the development.
- 3.5.16 Submission of a monitoring programme for noise and vibration arising from pile driving during construction phase will also be secured via condition, should pile driven foundations be required.
- 3.5.17 Air Quality: A high level assessment of anticipated air quality impacts, in accordance with the Council's Air Quality PAN, has been undertaken, which confirms that submission of a detailed Air Quality Impact Assessment (AQIA) prior to determination of the application, is not necessary. Instead, Public Protection recommend securing an assessment via condition. This approach is, however, considered unnecessary, as mitigation of air quality impacts resulting from assessment of an AQIA post decision would be by means of providing electric vehicle (EV) charging points, for operational use of the development, and a Demolition / Construction & Environmental Management Plan (DCEMP), for demolition / construction phase. Five EV charging points are proposed, as indicated on the site layout, implementation of which will be secured via condition; as will submission of a DCEMP.
- 3.5.18 Contaminated Land: Phase 1 and Phase 2 Geo-Environmental Assessments have been submitted with the application, to establish the need or otherwise for a remediation strategy to guard against ground contaminants. To date, the assessments await review by the Council's Public Protection consultee. Application of the Council's standard contaminated land conditions are, therefore, recommended.
- 3.5.19 Relationship Between Buildings: An acceptable interface between proposed buildings and all neighbouring dwellings is achieved, in accordance with the Council's adopted standards. An acceptable relationship between proposed buildings and all neighbouring commercial and community uses is also achieved. In this context, it should be noted that no adopted separation standard exists in respect of a place of worship and any proposed use.
- 3.5.20 Accordingly, the development is found to appropriately safeguard public amenity, in accordance with the requirements of Policy 8 and The Framework.
- 3.5.21 Environment  
Policies CS13, 9 and 40 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.
- 3.5.22 Flood Risk / Drainage: The site is located within Flood Zone 1 (low risk). As the site area does not exceed 1 hectare, a site specific Flood Risk Assessment is not required.
- 3.5.23 No objection is offered from the Council's Drainage consultee, as Lead Local Flood Authority, or from United Utilities, subject to submission of a Surface Water Drainage Scheme and a SuDS Management and Maintenance

Scheme, for the lifetime of the development, notwithstanding the submitted information, as recommended by United Utilities.

3.5.24 Ecology: An Ecological Appraisal has been submitted with the application and reviewed to the Council's Ecology consultee. No significant ecological issues are identified. It is recommended that issues relating to bats, nesting birds, invasive species, hedgehog and biodiversity enhancement measures are resolved via condition and or informative, as follows:

- Bats - Demolition of the bowling hut to be in accordance with the details set out in the Ecological Appraisal;
- Nesting birds - No tree or shrub removal during bird nesting season (March – August inc.), unless a bird nesting survey prior to clearance establishes that no active bird nests are present;
- Invasive species - Removal of Cotoneaster to be in accordance with the details set out in the Ecological Appraisal;
- Habitat loss / Biodiversity Net Gain - Landscaping Scheme to provide replacement trees and shrubs and a bird nesting / bat roosting opportunities scheme; and
- Hedgehog (Informative) – That hedgehog are protected under the Wild Mammal (Protection) Act 1996.

3.5.25 Trees: a Tree Inspection Report has been submitted with the application and reviewed by the Council's Arboricultural consultee. It is proposed that seven category U trees (low value) are to be removed and a single category B tree (moderate value). Removal of these trees is considered acceptable, given the benefits otherwise arising the development and their predominant low value. Six higher value trees along the Burnley Road frontage of the site would be retained, affording some screening benefit and assisting integration of the development within the street scape. No objection is offered towards the proposed layout and removal of the trees, subject to on site replacement, tree planting and protection of trees to be retained, during demolition / construction phase of the development.

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

#### 3.5.27 Highways / Accessibility and Transport

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

3.5.28 A Transport Statement (TS) has been submitted with the application and reviewed by the Council's Highways consultee. Matters raised in the initial

review of the TS have been satisfactorily addressed by the applicant, by way of clarifications, including confirmation of the proposed uses and floor space, as set out earlier in this report, and amendments to the layout to include enhanced pedestrian links through the site.

3.5.29 Review of the TS concludes no significant impacts will arise on the surrounding highway network.

3.5.30 Assessment of required car parking provision against the Council's adopted standards establishes an allowance of 47 parking bays. 49 spaces are provided which are broadly in accordance with adopted dimensions. Two Powered Two Wheel (PTW) spaces are also provided.

3.5.31 The general arrangement of the units and car parking and servicing area is considered acceptable, insofar as delivery / despatch and parking can efficiently co-exist without detriment to highways users, as confirmed by review of a swept-path analysis.

3.5.32 An important feature of the proposal is the widening of Didsbury Street and provision of a new access into the site therefrom, as indicated on the proposed layout. This will allow adoption of the street. Notwithstanding the submitted information, a Grampian condition (off-site works) will require submission of full technical details of the road widening and access, including footway connections and adequate sight lines. Delivery of these highway improvements which will be via a Section 278 Agreement and they will be implemented prior to operational use of the development.

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

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

3.5.35 Design / Character and Appearance

Policies CS16 and 11 require a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhance and reinforcing the established character of a locality. Key aspects of character which must be taken into account are the following:

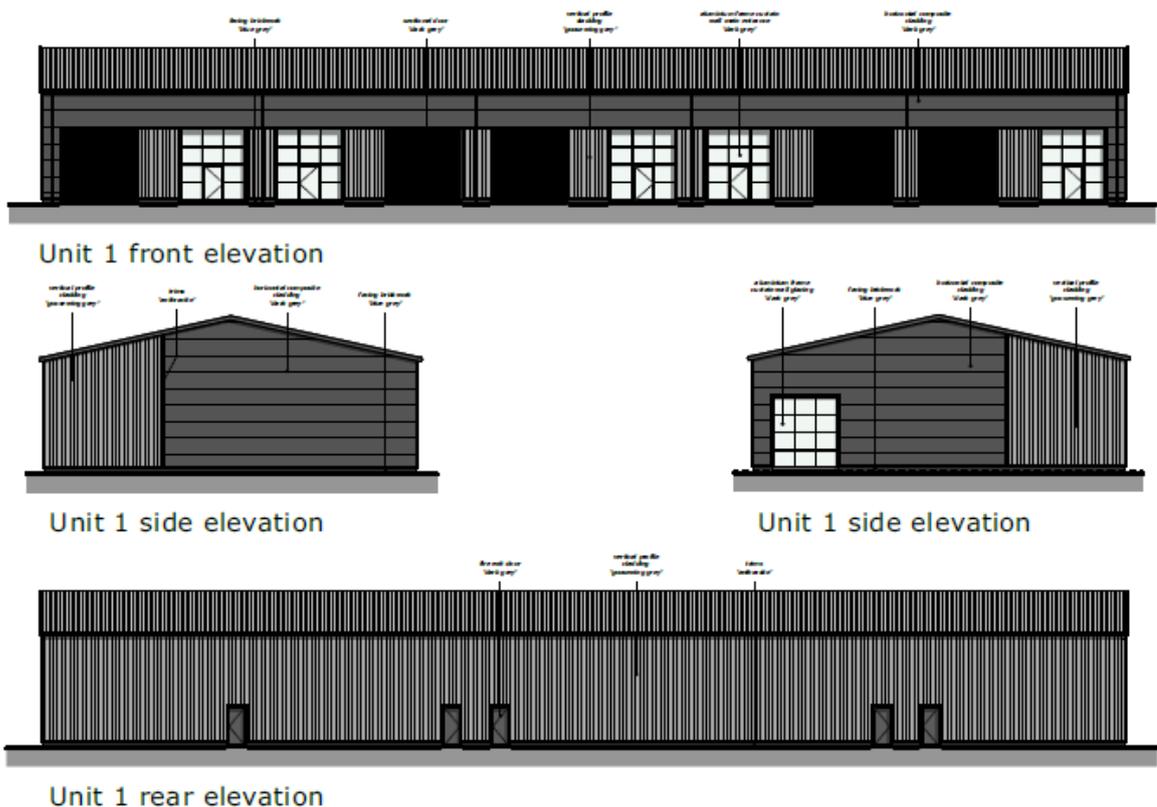
- i) Existing topography, buildings and landscape features and their integration into the development;
- ii) Layout and building orientation to make best use of existing connections, landmarks and views;
- iii) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use these to complement character;
- iv) Height and building line of the established area;

- v) Relationship of the buildings to the street; and
- vi) Frontage treatment such as boundary walls.

3.5.36 A Design and Access Statement has been submitted with the application which sets out the design approach to the proposal.

3.5.37 The scale of the proposed buildings is proportionate to the site and the wider street scape. Units 1a – 1b are arranged in linear fashion with a total floor area of 1066sqm, featuring a gable roof profile, up to a ridge height of 8.5m. Unit 2 is a single unit with a floor area of 820sqm, again with a gable roof, up to a ridge height of 6.5.

3.5.38 The front elevations feature a combination of Goosewing Grey vertical profiled cladding and dark grey horizontal composite cladding. This is tied together with anthracite-coloured trims around all door openings, window openings and between all material transitions. The side elevations of Unit 1 continue the scheme of vertical profiled cladding which wraps around and encapsulates the rear of the building. Unit 2 changes this by wrapping Goosewing Grey horizontal composite cladding around the corner before transitioning back to vertical profiled cladding. Submission of external materials will be secured via condition. Units are illustrated below (Campbell Driver, 8/07/2021):





View of unit 2 from unit 1



View of unit 1 from unit 2

3.5.39 Submission of boundary treatments will be secured via condition.

3.5.40 Retention of trees to the Burnley Road frontage and implementation of additional landscaping, as aforementioned, will assist in softening the appearance of the development.

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

3.5.42 Planning Gain / Section 106 Financial Contributions

A financial contribution from the applicant of £45,450, towards traffic enhancements and improvements to walking and cycling routes in the vicinity of Carl Fogarty Way and Burnley Road, will be secured via a Section 106 Agreement. The figure includes a monitoring fee of £450.

3.5.43 Summary

This report assess the full planning application for the demolition of existing bowling green hut and dilapidated children's playground; and erection of 2no

industrial buildings (Use Class B8 and Eg) with associated landscaping and access from Didsbury Street. In considering the proposal, a wide range of material considerations have been taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, Supplementary Planning Document, Planning Advisory Note and the National Planning Policy Framework.

## **4 RECOMMENDATION**

### **4.1 Approve subject to:**

- (i) **Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £45,450, including a monitoring fee of £450 (as set out at para 3.5.42).**

**Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Strategic Director of Growth and Development Department will have delegated powers to refuse the application.**

- (ii) The following conditions:

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

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

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

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

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

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

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

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

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

i) A preliminary risk assessment including:

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

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

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

6. Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed

remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

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

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

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

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

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

**9.** The approved use shall be restricted to the following times:

Monday to Friday: 07:00 – 18:00 hours

Saturday: 08:00 – 18:00hours

Sundays/Bank Holidays: 08:00 – 16:00 hours.

**REASON:** To prevent noise disturbance / loss of amenity at nearby residential properties, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

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

Monday to Friday: 08:00 to 18:00

Saturday: 09:00 to 13:00

Sundays or Bank Holidays: No site operations

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

**11.** Roller shutters fitted to units hereby approved shall be electrically operated.

REASON: To prevent noise disturbance / loss of amenity at nearby residential properties, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

**12.** The noise rating level arising from the commercial/industrial premises shall not exceed 52dB(A) at the boundary of any residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142 'Methods for rating and assessing industrial and commercial sound'

REASON: To prevent noise disturbance / loss of amenity at nearby residential properties, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

**13.** The demolition of the Bowling Pavilion and the removal of the willows at TN2 shall be carried out in accordance with the details contained in the Ecological Appraisal, Bowland Ecology job number: BOW17.995 , Section 5.7 and 5.8 as already submitted with the planning application and agreed in principle with the LPA prior to determination.

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

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

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

**15.** The removal of Cotoneaster shall be carried out in accordance with the details contained in the Ecological Appraisal, Bowland Ecology job number: BOW17.995, Section 5.4 as already submitted with the planning application and agreed in principle with the LPA prior to determination.

REASON: In order to appropriately remediate the site of an invasive species, in the interests of safeguarding ecology and biodiversity, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

**16.** Trees within the site shall be retained in strict accordance with the proposed site layout drawing, numbered 21.149 001 Rev I. These retained tree shall be protected through the duration of site clearance, demolition and construction works, in accordance with the tree protection measures set out in the submitted report titled 'Tree Inspection for Design, Demolition and Construction (to BS: 5837 2021), dated 6/2/2019.

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times, in accordance with Policies 9 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

**18.** Prior to occupation of the development hereby approved, and notwithstanding the submitted detail, a Landscape and Environmental Management and Maintenance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all landscaping subject to details approved under condition 16, and it shall detail a programme of works including scheduled frequencies of weeding and watering as well as monitoring of habitats for a period of 30 years. The strategy shall be implemented in accordance with the approved detail upon completion of the development.

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

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

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

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

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

- A plan showing the areas of storage for all plant and materials associated with construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

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

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

**21.** Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted details, full design specification of the proposed widening to Disbury Street and access therefrom into the site, including drainage, street lighting and cross sections confirming gradients, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in full in strict accordance with the approved detail, prior to operational use of the development hereby approved.

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

**22.** Visibility splays at the site entrances shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device

exceeding a height greater than 1 metre above the crown level of the adjacent highway.

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

## **5.0 PLANNING HISTORY**

- 5.1 10/01/0527: Ballcourt, Playground and Skateboard facility, Bowling Pavilion.  
Approved 25/10/2001.

## **6.0 CONSULTATIONS**

### **6.1 BwD Public Protection**

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

#### **Condition – Hours of Use Restriction**

The approved use shall be restricted to the following times:

Monday to Friday: 07:00 – 18:00 hours

Saturday: 08:00 – 18:00hours

Sundays/Bank Holidays: 08:00 – 16:00 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.

#### **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 - Industrial/Commercial Noise Control**

The noise rating level arising from the commercial/industrial premises shall not exceed 52dB(A) at the boundary of any residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142 'Methods for rating and assessing industrial and commercial sound'

**Reason:** To ensure an acceptable standard of residential amenity.

#### **Condition - Air Quality (Large Commercial Development)**

Prior to the commencement of the development an air quality impact assessment shall be submitted, in writing, to the Local Planning Authority (LPA). The scope of the assessment must be agreed with the LPA in writing. The assessment shall recommend appropriate mitigation if an adverse impact is identified in accordance with the LPA planning advisory note: 'Air Quality' and agreed in writing with the LPA.

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

### **CONTAMINATED LAND CONDITIONS**

#### **Condition 1**

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

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

#### **Condition 2**

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

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

#### **Condition 3**

Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme

should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

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

### **Floodlighting**

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

#### **Condition – Floodlighting**

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

#### **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**

### **Condition**

Should pile driving 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.

## **Floodlighting Control (Construction Phase)**

### **Condition**

Should floodlighting be required on site a scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. 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.

## **6.2 BwD Drainage (Lead Local Flood Authority)**

No objection subject to the following condition:

No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:

- i) Separate systems for the disposal of foul and surface water;
- ii) a detailed drainage strategy to demonstrate that the post-development discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development rate of 5 litres per second;
- iii) the drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- iv) details of any necessary flow attenuation measures, including the use of SuDS where appropriate;
- v) confirmation that drainage of foul and surface water is directed away from the railway; and

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

The development shall be implemented in strict accordance with the approved details.

### 6.3 BwD Highways

#### Parking

We have reviewed the adopted parking standards against the floorarea offered, which differs depending on what document you refer to. I have taken the measurement from the proposed site plan for assessment, this present the combined floorarea to be 1892sqm. As the site is speculative, we have taken an assessment for the greatest car parking generator which is B1– Business Park (the new Class E) (1 car space per 40sqm) this suggests an allowance of 47 car parking spaces. The details received provide 33 spaces (this includes 5 disabled parking spaces).

The parking number are in our opinion insufficient to support the new development. Whilst a lower number is encouraging, in favour of sustainable transport modes, we also need to be conscious that parking does not spill onto the highway, which is nearing saturation.

The requirement for parking for cycle/ptw should be provided within the site. No details are forthcoming. The provision should be located close to the entrance of the building, covered and secure. Please request this information or condition accordingly.

The arrangement and layout of the car parking spaces is spread around the site. Spaces are normally sited close to the entrance of the properties. Certainly the larger units, you would normally associate these to be placed adjacent/immediately in front of the building. We would request this is reconsidered.

All parking bays should conform to the Councils standard parking bay sizes of 2.4m x 4.8m with 6m manoeuvrability into and out of the spaces.

There is no mention of cycle routes into the site, please provide details.

#### Servicing

The detail surrounding the needs for servicing associated with the site are sparse. A partial swept path tracking is offered on the proposed site plan, this is insufficient. A full swept path analysis should be provided, this should include turning into and out from the entrance (from both directions) and also full turning using the turning area provided at the edge of Unit 2.

Furthermore, details on frequency of movements to unit's 1a-1d are required, in addition to this turning movement associated with each unit should be presented for assessment.

### **Access & Layout**

A new access point is proposed into the site from Didsbury Street. The new access would appear considerably wide at the bellmouth and should be reduced to support pedestrian priority and safe access across the entrance where necessary

Didsbury Street was officially closed by order as highway in March 1980, albeit not physically closed, even today, it remains open to all traffic. As this will now provide access to the new development, the highway status needs reinstating. The council has undertaken some investigative work to ascertain the extent of the highway boundary and what is required for it to be readopted, this was shared with the developer, showing the extent and width of the c/way and footways either side. The details received do not correctly reflect the area of works that are required to be undertaken. We would request a cleaner plan is provided showing the area (as set out in the details forward to them) required for widening works.

All design and construction works (incl associated lighting and drainage) is to be undertaken by the highway authority at the developer's expense. Please attach this as a Grampian condition.

Pedestrian connective routes from the highway into the site, and leading up to the entrance points to each building have been adequately provided. We would encourage a connected footway/cycleway path from Burnley Road frontage to support better connectivity for all users into and out of the site, and promoting alternative transport measures. Please request further details.

### **Transport Statement**

#### **Proposed Development**

The type and scale of the proposed development is not clear and conflicting information is provided across the various documents. E.g. The planning application is for 2,223 sqm of E1. The site layout plan shows 2 units, Unit 1 with a combined GFA of 1066sqm and Unit 2 of 820sqm with a combined total of 1,886 sqm. The TRICS trip generation assessments presented in the Transport Statement are based on a development of 7,600 sqm comprising B8, office space and showrooms.

The various documents should be reviewed and amended to ensure the type and scale of development proposals are accurate and consistent throughout the planning application and supporting documents.

#### **Site Access**

Page 21 of the Transport Statement states that "The 43m sight lines can easily be delivered for the posted 20mph limit with a shared path width of 4m."

The stopping sight distance adjusted for bonnet length where speeds are 20 mph is 25m not 43m. Nevertheless, no drawing has been provided to demonstrate that the required visibility splay is achievable. Furthermore, the reference to a shared path width of 4m appears to be an error. There are no other references to a 4m shared path within the TS and there is nothing on the site layout drawings which identifies one.

The planning information pack includes numerous drawings relating to works along Didsbury Street to enable (re)adoption of this part of the local highway network. There is no mention of these proposals within the Transport Statement so it is not clear if these works form part of the application or if there is an alternative arrangement in place to deliver the works.

Within the Existing Highway Setting there is no description of Accrington Road nor its junction with Didsbury Street. I would consider this as a preferred route to/from the site, particularly for HGVs. Similarly, no accident data is presented for this part of the local highway network. Carl Fogarty Way was introduced to reduce the impact of traffic on Burnley Road which is fronted by residential properties for much of its length. Promoting access for HGVs from Burnley Road is counter intuitive to these aims. Access to the proposed development site should be promoted from Accrington Road via Didsbury Street.

The swept path analysis for a HGV only shows a manoeuvre within the site and does not demonstrate how a HGV is to access the site from the local road network. The swept path should show the full route from either Burnley Road or Accrington Road. It is noted from the Didsbury Street drawings that the works proposed would provide a 5.5m carriageway width with 1.8m taken by marked parking bays. An available carriageway width of 3.7m is unlikely to be sufficient for 2 vehicles to pass and is also likely to make it difficult for HGVs to turn in and out of the site. As such, these manoeuvres should be included within the swept path analysis and where appropriate taken into account within the progression of design works relating to Didsbury Street widening.

A pedestrian access from Burnley Road would be a welcome addition to the sites access arrangements. This could be further supported by providing an internal footpath to the rear of the parking spaces opposite units 1a and 1b with a pedestrian crossing across the internal vehicle route to Unit 2.

### **Parking**

The type and scale of the development proposals should be confirmed. Notwithstanding this a 'worst case' review based on the planning application form data which suggests 2,223 sqm of E type development returns a benchmark parking requirement of 56 spaces.

Again there appears to be some inconsistency within the planning documents with the planning application indicating 25 car parking spaces and 10 disability spaces are to be provided. The Transport Statement and the (revised) Site Layout Plan indicate 28 car parking spaces and 5 disabled spaces are to be provided. The (revised) proposed site layout does not indicate any disabled parking provision in relation to Unit 2. I would also note that the parking for Unit 2 would be better positioned adjacent to the building so that pedestrians are able to access the Unit without having to cross the internal roads.

No provision for cycle parking or EV charging is evident on the (revised) Site Layout Plan, confirmation of any such provision should be provided.

The car park accumulation exercise presented on Page 22 of the Transport Statement indicates a peak requirement for 38 (40 Max) parking spaces and not 28 as stated in the text below the table. The max is 7 spaces above the provision and indicates that overspill parking is likely to occur. As an aside it would be useful if the time of day could be included within the car park accumulation table.

### **Road Safety**

The collision plans on page 11 show Lower Eccleshill Road and not Carl Fogarty Way. I have undertaken checks on Crashmap and there have been 4 incidents close to the junction of Didsbury Street / Accrington Road in the most recently available 5 year period. Two of these accidents were serious but there is no discernible pattern to suggest an inherent safety problem with the road layout.

### **Trip Generation**

The trip generation presented appears to be for a scale of development well above that being proposed. As such, there are unlikely to be any significant traffic impact concerns although it would be appreciated if the Traffic Impact Assessment could be updated to reflect the type and scale of the proposed development.

### **Sustainable Access**

The site is Plot 6 of the Furthergate sites previously considered for contributions towards the Red Lion Roundabout Scheme with a proportionate contribution calculated at £45,000. Contributions towards canal access improvements and a pedestrian crossing of Gorse Street would also have merit. This would tie in well with the earlier mentioned pedestrian access to the site from Burnley Road.

### **Off-site highway works**

These should be in line with that set out under access above, a Grampian condition is required to be attached.

In addition to this 278 works and In line with Councils emerging local plan policies, a series of infrastructure interventions to support development proposals in the Borough have been identified. This document makes reference to the roundabout at Carl Fogarty Way/Burnley Road requiring enhancements for traffic and also further improvements to aid walking and cycling, together with wider connections to improving canal side access. We are therefore requesting a contribution through a S106 of £45,000, to assist in delivering these measures. The cost is apportioned against the size of development and trips generated.

### **Other**

Construction Method Statement is required, please condition Matters also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Any old entrances no longer required will require closing and formally reinstating back to full footway.

- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.

To conclude, in principle would have no objections, subject to the above matters being satisfactorily addressed

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

Please attach standards conditions/Informatives: Highways, 1, 2, 3, 4, 8, 10, 11, 14, 15 and 17

Saf –21<sup>st</sup> April 2022

Further details received 10<sup>th</sup> June 2022

The additional detail have been reviewed against our initial comments.

**Parking:** This has been increased from 33 spaces to 49 (this includes EV charging points). Although the layout would suggest that disabled bays are being provided, the bays do not conform to a disabled space provision. We also note that PTW and Cycles have been provided. These modes of transport should be secured and covered (details of this to be submitted for approval)

Please could you attach a condition for car parking layout to be received for approved and implemented prior to occupational use of site

**Servicing:** I would re-enforce Walter's concern (on his latest comments) the swept path that has been provided is all shown on one drawing. We would request that these are separated onto individual drawings showing the swept path.

We would also request further consideration is given to the static movement as reported in Walter's comments

**Access & layout:** the plans indicated a joint footway/cycleway from Burnley road into the site. The path should be 3m wide to support the joint use. This should also extend to the entrance of unit 2 with safe delineated crossover. This can be conditioned.

**Off-site highway works (GRAMPIAN CONDITION):** we would request that the Grampian condition as requested in our initial comments is attached for offsite highway works. The scheme is to be submitted for approval and works to be undertaken prior to operational use. Could we also attach the works would be designed and built by the council at the developer's expense. (Informative)

This is in addition to the S106 requested, that also needs to be secured.

**Transport Assessment:** the issues have largely been addressed, some minor issues remain, please see attached report

To conclude we support the application and welcome the changes made.  
Please attached all conditions as requested previously and above, together with standard condition and Informatives (to also include all matters as set out under other)

Saf – 4<sup>th</sup> July 2022

#### 6.4 **BwD Cleansing**

No objection

#### 6.5 **BwD Arboriculture Officer**

No Objection - This a much improved layout from a tree and screening point of view. Ideally they show us a plan of Tree Protective Fencing which shouldn't be too much of a problem. Heras fencing is fine in this case.

#### 6.6 **BwD Property**

No objection

#### 6.7 **United Utilities**

##### **Drainage**

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

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

##### ***Condition 1 – Surface water***

*No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:*

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;*
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and*
- (iii) A timetable for its implementation.*

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

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

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

### **Management and Maintenance of Sustainable Drainage Systems**

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

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

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

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

*The development shall subsequently be completed, maintained and managed in accordance with the approved plan.*

*Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.*

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

## 6.8 Ecology

Thank you for consulting the GMEU

### Summary

The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds, invasive species, hedgehog and biodiversity enhancement measures can be resolved via condition and or informative.

### Bats

An updated bat assessment found the bowling hut to have very low bat roosting potential and two trees t have low bat roosting potential. Reasonable avoidance measures have been recommond for th Pavillion and trees. I recommend these are conditioned along the following lines.

***The demolition of the Bowling Pavilion and the removal of the willows at TN2 shall be carried out in accordance with the details contained in the Ecological Appraisal, Bowland Ecology job number: BOW17.995 Section 5.7 and 5.8 as already submitted with the planning application and agreed in principle with the LPA prior to determination.***

### Other Protected Species

All other protected species were reasonably discounted owing to the sites isolation from suitable habitat and lack of suitable habitat on the site. I have no reason to doubt these findings. No further information or measures are required.

### Nesting Birds

The updated assessment confirmed that the site was high risk for nesting birds. ***My previous recommendation of the 7<sup>th</sup> February 2022 still applies.***

### Cotoneasters

Certain species of Cotoneaster 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. Cotoneaster were found on the site but the exact species was not identified. The propsed safeguards in the ecological report are however more than adequate, as the only risk would be transport of soil constaminated with seed off-site and deposition in a semi-naturl location, which is unlikely. I recommend a condition along the following lines is applied to any permission.

***The removal of Cotoneaster shall be carried out in accordance with the details contained in the Ecological Appraisal, Bowland Ecology job number: BOW17.995 Section 5.4 as already submitted with the planning application and agreed in principle with the LPA prior to determination.***

### Hedgehog

Habitats on the site were deemed suitable for hedgehog a UK Biodiversity Priority species to hibernate and nest. Given the location however, I regard this risk as very low. I therefore recommend an informative along the following lines is applied to any permission.

*The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals such as hedgehog. Planning consent does not provide a defence against prosecution under this act.*

### Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. I previously expressed concerns that it appeared unlikely that mitigation could be achieved on site for the loss of the existing low value habitats and recommended further information on how the developer would provide mitigation for loss of trees and shrubs. *The ecological report has made recommendations relating to replacement trees (section 5.2), bird nesting opportunities (section 5.11) and bats (section 5.15), I am unclear however whether these will be adopted. If they are to be adopted then the detail can be provided via condition.*

#### 6.9 Lancs Police

No objection / standard advice.

#### 6.10 Public consultation

39 letters were posted to the local community on 21<sup>st</sup> April 2022 and 15<sup>th</sup> June 2022. Site notices were also displayed. A press notice was published 14<sup>th</sup> February 2022. In response, 12 comments were received; see Summary of Representations.

**7.0 CONTACT OFFICER: Nick Blackledge – [Principle Planner].**

**8.0 DATE PREPARED: 7<sup>th</sup> July 2022.**

## 9.0 SUMMARY OF REPRESENTATIONS

### Objection – Mr Ali, Burnley Road Resident. Received: 01/02/2022.

Regarding the above opening application, following receipt of your letter - we are seeing the removal of 2 leisure facilities (bowling green & children's park), which whilst dormant for some time, were nonetheless amenities of the area.

These are now being replaced with more concrete, industrial buildings, likely bringing increased traffic, emissions and deterring families and the public in general to avoid walking around the area - thus rendering the whole matter, not so environmentally friendly.

What are the council approving here exactly?

What is the long term goal of the council in respect of improving our neighbourhood, increasing greenery etc?

What can one do to oppose the idea of this proposal for industrial sites?

Please kindly advise as soon as possible.

Thank you in advance.

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### Objection – Jeff Green, 32 St Oswalds Close, Blackburn & Maureen Green, 124 Burnley Road, Blackburn. Received: 07/06/2022 & 21/06/2022.

I am writing to you with regards to the above Planning Application, which I feel I must object to in **it's current form**. My name is Jeff Green, the Son of Maureen Green who owns No. 124 Burnley Road Blackburn. BB1 3HN, which is directly opposite the proposed development. I have Power of Attorney for my Mum's property & financial affairs and I am acting in this capacity.

The reasons for my Objection are as follows.

1. Looking at the plans, there is no Landscaping proposed to the area on Hereford Rd, which is the only elevation not to & is directly opposite our property. Unit 2 looks to be really close to the pavement of Hereford Rd. **If the Unit was moved back & Lanscaping put between the pavement & the unit, this would be acceptable.**
2. The plans state that the site will accommodate access for HGVs. As the Access is via Didsbury Street, I must disagree with this statement as Didsbury Street isn't wide enough for HGVs to manoeuvre & access the proposed site. This is especially so with all the vehicles parked on Didsbury Street, adjacent to Wardle Storey & further up on the opposite side at certain times of the day by people attending the Mosque. I drive down there quite often and 2 cars can't pass side by side. I suggest that someone from the Planning Office takes a physical look at this. I am happy to meet someone there.

3. The building of Carl Fogarty Way has taken a considerable amount of traffic away from our Residential area (One of the reasons for Carl Fogarty way being built was to reduce traffic). The building of these 2 units will undoubtedly bring more traffic back to the area, especially if access is via Hereford Rd, onto Didsbury Street. Drivers will also use Burnley Road as a "Cut Through" from Whitebirk, instead of using Carl Fogarty Way.
4. Hereford Road is already heavily congested at times with HGVs going to Wardle Storey. You only need to look at the road surface between the junction of Burnley Road & Leicester Road to see the damage that HGVs have done. Allowing more HGV access along this stretch of road will make this even worse. **With points 2, 3 & 4 in mind, if this goes ahead, don't you think that access via Burnley Road would be better?**
5. The Application states that the use of the Units is unknown. Firstly, how can you allow for Planning permission for unknown usage? Are the 2 units sub-sectioned off into Multiple units? & are 35 car parking spaces enough or too much for units of this size, when you don't know how many Employees will be working there.
6. There are still quite a number of empty units within Blackburn and even within a 1 mile radius of this site. I still don't see the requirement for more units, especially if you don't have any clients

Further to my letter from yesterday regarding the planning application no. 10/22/0034. Please find attached a photograph of Didsbury St today. This shows the road completely closed due to a machine being delivered to Wardle Storage. Another reason why access to the new development shouldn't be from Didsbury St.



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**Objection – Mr W Ali, Burnley Road Resident. Received: 28/03/2022.**

Good afternoon,

Firstly, I would like to apologise for the delay in writing to you about my concerns with the proposed development (Ref: 10/22/0034).

You will recall, I spoke to you some weeks back to discuss some of the obvious concerns with this planning application, not only as a resident but also from a wider community perspective. I am now putting these concerns in writing; with the assurance you will address them at the next phase of consideration.

1. You have disposed of the children's playground and bowling green, facilities which were few and far between anyway. The obvious concerns here are that both age spectrums of the community suffer as a result; children will have nowhere to enjoy their leisurely time and our elderly folk seem to have been well forgotten. Why are we not substituting those facilities for more community focused initiatives? I appreciate the council is cash strapped and keen to offload assets, but surely your priority should be to seek interest from investors who will benefit the local community or at the very least minimise any opposite effect such as pollution, traffic, noise etc.

To sell our children's playground and our elderly folks leisure facilities in order to allow the potential construction of not 1 but 2 factories is deeply disappointing. I understand councils are under intense financial pressure but you are still obliged to consider how the business you conduct meets the needs of your community.

The council's broader approach should be to ensure it takes full and proper account of the social, economic and environmental value that can arise from asset sales.

I recall a concept from a few years ago called 'The Community Right to Reclaim Land' which helps local people ensure that public bodies do not retain under-used land or property. My only ask is that you assure us that the council is focused on getting these sites back into productive use where communities request disposal in relation to plans for acquisition and transformation of the same. In this particular case, the council should consider emulating this concept in order to enable community-led housing, community gardening initiatives etc. Ultimately, initiatives which show that you are giving back to the local community.

2. Next to the land in question, is a large community led mosque frequented by up to 1000 worshippers. The mosque has multiple entrances but the predominant access is via Didsbury St. Most days, 100's of children attend the evening education classes using Didsbury St, including parents parking along that road or walking from nearby areas. What implications will the approval of these 2 industrial buildings bring to that road, the mosque and family's utilising that route? Has the council addressed the potential risks to the community in the shorter winter days, if that road is significantly busier or no longer easy to use due to increased traffic or changes to its design.

3. I would like to add a further point regarding the potential increase in traffic.

Efficient movement on our road networks is essential for both society and a successful economy. What priorities have been agreed by the council, which focus on improving public services and, in relation to transport, reducing the problems of potential congestion in view of this planning application?

4. I would like you to provide a detailed response in regard to the implications from this proposal, in relation to noise disturbance i.e. what hours of operation will be approved for these 2 industrial buildings and what implications will that have for nearby residents? Can we expect the sound of loud machinery, or noise pollution when in operation at all hours? Will there be a potential of vehicles constantly entering/exiting the premises at all hours causing noise and vehicle pollution?

I would also like the council to give a detailed response in relation to the inevitable pollution being emitted from the factories. What toxic emissions will be released into the air? How is the council looking to address against the backdrop of its Climate Emergency policies? Lest I remind you, the council is replacing a children's playground and Bowling Green with a significantly less environmentally friendly proposal.

I used the 'NextDoor' app to make mention of this proposal and was inundated with responses from local residents, concurring with my concerns. A lady who owned a cafe on Accrington Road, commented that the Bowling Green was open for business one day and suddenly fenced up and closed the next. It was left deserted for a number of years, before being sold on by the Council with no notice to residents. The neighbour added that her late father used to make his way to the Bowling Green with his bowls and sandwiches; as he had done many times per week, meeting fellow war veterans, only to find it had closed permanently. Can you imagine his disappointment?

Other residents commented about the consistent lack of 'correct investment' and 'care' from the council and that they had got used to being disappointed. This is simply unacceptable. The council should be focused on improving the livelihoods of its community, not for people to have no faith in it.

5. Finally, I wanted to raise a question about the appearance of the proposed application. The council has admirably worked very hard to improve the area, building a highway to significant standards and making it aesthetically pleasing. One of the key benefits of this was a vast reduction of traffic through Burnley Road, which was also strengthened. This application contradicts the objectives of that project. How do 2 industrial buildings correlate with improving the area, reducing traffic, improving community cohesion etc? Why haven't the council pushed for community friendly proposals like new housing (which would also work towards fulfilling on its ambitions), public stores, offices or indeed promoted/considered proposals from more neighbourhood friendly ideas?

The Whitebirk area is predominantly residential, the focus of the highway project was, in the words of Eric Wright "...will bring improved facilities, access and development to the area...". What improvement will industrial buildings add to our local community other than an array of non-family friendly outcomes. The council

needs to convince the community that they are making good on their electoral promises and promote residential planning. In your Local Plan Briefing Report dated 09/02/21 you boast about plans to have 7000 new homes built in the next 15 years and identifying areas suitable for implementing green friendly policies in line with the Climate Emergency. Have you placed any of these objectives into the heart of development in our area? A proposal for industrial buildings is out of character with our neighbourhood, both in the context of what it is replacing and with what the council has promised in its future action plans.

**Please kindly note the following:**

- Following receipt of your most recent letter dated 18/03/22, outlining details of planning application (amendment), I have accessed your website to view the amendments and found no details on there. I spoke to a number of affected neighbours who reported the same and thus none of us aware of the amendments in question.
- I wish for you to **withdraw my personal information.**

Finally, a special thanks to you Nick for the time you have previously spared to hear my views and for reading this letter.

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**Objection – Mr W Ali, Burnley Road. Received: 08/04/2022.**

I trust you are well.

Whilst I haven't heard back from at all since my last email, I thought I'd offer some updates on my part.

There seems to be a growing moment, inadvertently triggered moreso by possible amendments to the planning recently, of a small community of folk raising voice against the whole matter.

\*Video sent with objection.

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**Objection – Aamir, Burnley Road Resident. Received: 29/03/2022.**

Hello regarding the units on Hereford road and burnley road junction. Is the council crazy? Have you ever been to Hereford road when trucks arrive for the existing commercial units. They block the road, traffic builds up, driveways gets blocked, and you want to allow two units! This is madness. You are going to kill the residential area.

I oppose the application.

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**Objection – Klaudia Koscielnicka, 129 Burnley Road, Blackburn. Received: 29/03/2022.**

This relates to Burnley Road bowling pavilion planning permission.

I strongly oppose to the planning permission for two industrial units to be built.

My reasons for this are as follows

I have 2 young children and another child due in June and there is already to much traffic on Burnley Road and this will only add to the volume of traffic.

I dont understand why industrial units would be built here because Blackburn Council have already confirmed that industrial units are to be built behind my house so to add more at the front is just ridiculous in a suburban area.

The council should be replacing the playground with a new playground, not replacing it with industrial units and more traffic and emissions.

The noise is already very loud from the road so adding more traffic is something I'm strongly against.

There are alot of kids in the area with nowhere to play and socialise.

We've just had building work of some sort behind our house where Blackburn council have said that industrial units will be built and the land has been prepared ready for these units.

The noise we had for weeks with heavy machinery operating all day and increased traffic due to the machinery coming and going each day I think it's totally unacceptable to then start to build in front of our houses aswell as the back is just to much.

The long term affects this will have on the area will be unbearable to everyone who lives here. We need more social space on this side of Blackburn, not more industrial units.

The industrial units will attract more rats.

The planning applications for the rear of our houses is bad enough but to build units at the front is a step to far for alot of residents.

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**Objection – Syed Shah, 50 Leicester Road, Blackburn. Received: 29/03/2022.**

I have concern with this planning permission Park bowling green on Burnley road in to 2 large commercial units Because there is no safety for community and childrens We have feeling very difficulty for parking So i don't think so this is commercial area So I'm not happy with this planning Permetion So please reconsider Thanks

**Objection – Laura Pickering, 48 Leicester Road, Blackburn. Received: 30/03/2022.**

I write in relation to Burnley Road Bowling Pavilion and would like to oppose the application to build commercial units on it.

I have lived in the area for 11 years and plan shortly to buy my property so have no plans to move anytime soon.

When we first moved in it was a quiet area and although the factory is directly across from me it was quiet initially. Around 4 years ago it expanded and our daily lives have become a nightmare. Constant traffic parking outside our property and unable to park and having a disabled child I am now having to pay to have a disabled bay put in. The wagons are never ending and block the roads on a daily basis. The noise from the workers and the vehicles is out of control and numerous times it has set on fire causing danger to the surrounding areas and on many occasions the wagons have driven into fences, sign posts etc. Building more units so close is outrageous. It will cause endless congestion, unwanted emissions and even more noise. In summer we are unable to keep our windows open as it is. As a mother of a 5 year old I do not want more pollution in the area especially as my son is an asthmatic. I want my child to be able to play safe. There are many areas not built up that these units can be built and putting them in this area is truly outrageous

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**Objection – H A Harri. Received: 31/03/2022.**

No no no.

Completely disapprove of the plans.

Hereford road is already a nightmare for traffic. Has anyone from the council visited when trucks arrive for the existing commercial unit? I am aware of at least 4 different household residents who have already complained about this in the past. Adding an additional unit... wow.

This is aside from the Islamic centre and children etc, the local residents, and elderly folk already at risk.

Burnley road has been promised to be made quiet with traffic, do you too many using it as a short cut, and now you wish to add 2 large units ( of which plans show 8 separate units)

The location is NOT fit for commercial property. Opposed entirely.

In the event that this still goes ahead, access should not be from Burnley road, Hereford road, or Didsbury street. An option is to connect it to the top end of Burnley road and give entrance from there ( the old Burnley road which is now a dead end). I do however hope that the application is denied entirely.

I wish not to disclose my details publicly. That said, if it becomes necessary, I am happy to do so

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**Objection – Hajrah Manzoor. Received: 31/03/2022.**

I have grown up with this park and every day i go past it, I remember all he memories that I created. It's already been knocked down which disappointed me, and I do not think that this is the right place to be building units, due to the fact that it is right in the center of a big junction with heavy ongoing traffic.

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**Objection – Paul Green, 124 Burnley Road, Blackburn. Received: 21/06/2022.**

Dear Sir / Madam,

I am writing to you again with regards to the revised above Planning Application, which I feel I must still object to in **it's current form**. My name is Paul Green & I am resident at the above address.

The reasons for my Objection are as follows.

1. Looking at the plans, there is no Landscaping proposed to the area on Hereford Rd, which is the only elevation not to & is directly opposite our property. Unit 2 looks to be really close to the pavement of Hereford Rd. **If the Unit was moved back & Lanscaping put between the pavement & the unit, this would be acceptable.**
2. The plans state that the site will accommodate access for HGVs. As the Access is via Didsbury Street, I must disagree with this statement as Didsbury Street isn't wide enough for HGVs to manoeuvre & access the proposed site. This is especially so with all the vehicles parked on Didsbury Street, adjacent to Wardle Storey & further up on the opposite side at certain times of the day by people attending the Mosque. I drive down there quite often and 2 cars can't pass side by side. I suggest that someone from the Planning Office takes a physical look at this. I am happy to meet someone there.
3. The building of Carl Fogarty Way has taken a considerable amount of traffic away from our Residential area (One of the reasons for Carl Fogarty way being built was to reduce traffic). The building of these 2 units will undoubtedly bring more traffic back to the area, especially if access is via Hereford Rd, onto Didsbury Street. Drivers will also use Burnley Road as a "Cut Through" from Whitebirk, instead of using Carl Fogarty Way.
4. Hereford Road is already heavily congested at times with HGVs going to Wardle Storey. You only need to look at the road surface between the junction of Burnley Road & Leicester Road to see the damage that HGVs have done. Allowing more HGV access along this stretch of road will make this even worse. **With points 2, 3 & 4 in mind, if this goes ahead, don't you think that access via Burnley Road would be better?**
5. The Application states that the use of the Units is unknown. Firstly, how can you allow for Planning permission for unknown usage? Are the 2 units sub-sectioned off into Multiple units? & are 35 car parking spaces enough or too much for units of this size, when you don't know how many Employees will be working there.

The details on the Noise Assessment report from "Red Acoustics" (RO97-REP01) is incorrect. It shows Didsbury St being where Hereford Rd is & Vice-verse. The report also states that location NSP3 borders Hereford Rd, but on the diagram NSP3 is where the flats are on Disbury St. Again, the diagram shows NSP2 right on our house, not near the main arterial route as stated. How can anyone say at this moment in time what the noise levels will be, when you don't know w  
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7. There are still quite a number of empty units within Blackburn and even within a 1 mile radius of this site. I still don't see the requirement for more units, especially if you don't have any clients that the Units are to be used for?

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