

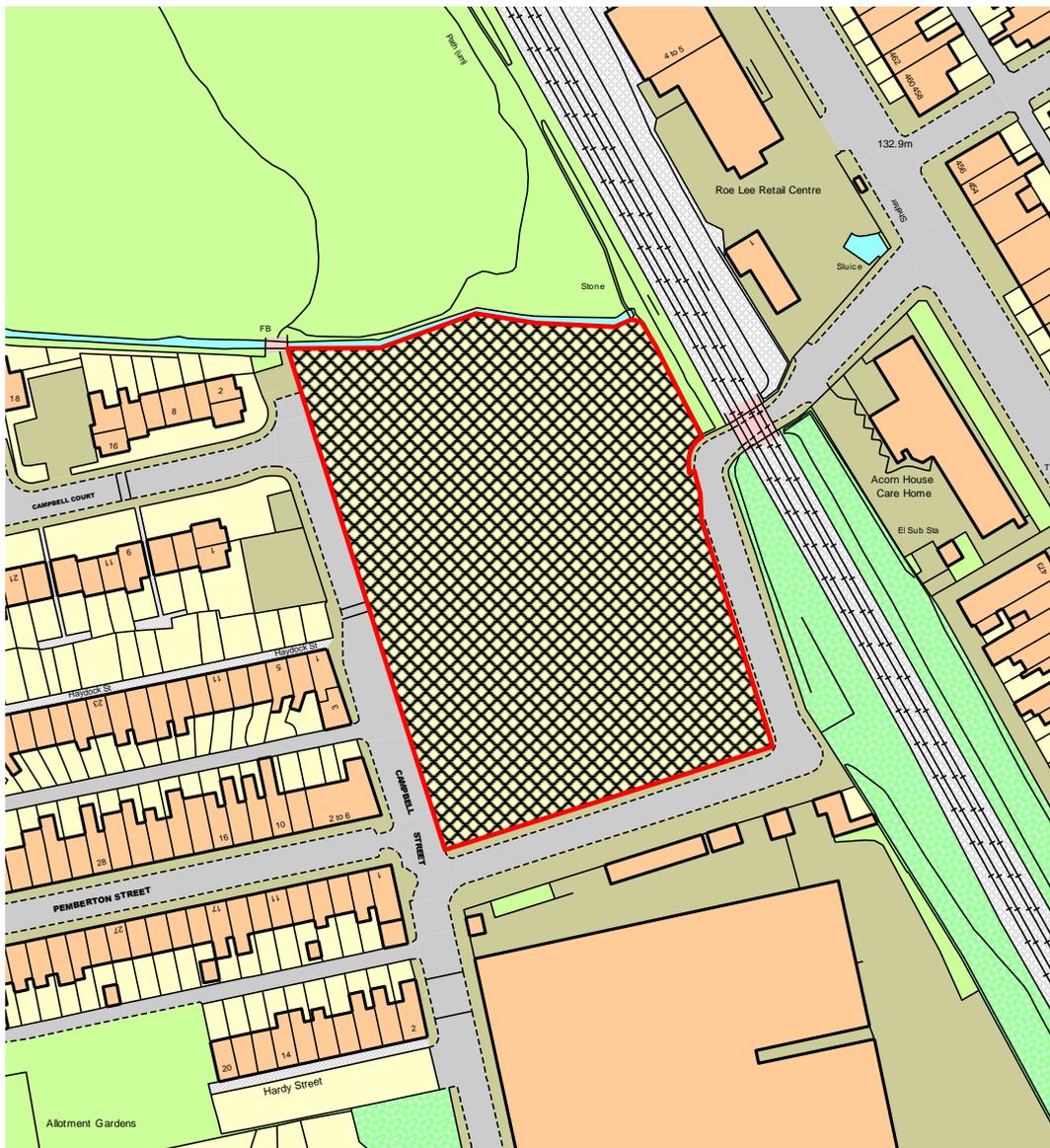
Proposed Development: Change of use of site to temporary car sales with 2 portacabins and erection of fencing around site with 2 7.5m wide sets of recessed gates

Site Address: Site of demolished Roe Lee Mill No. 1, Whalley New Road, Blackburn, BB1 9AA

Applicant: Yasran Yaseen

Ward: Roe Lee

**Councillor Phil Riley
Councillor Saj Ali
Councillor Sylvia Liddle**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's scheme of delegation, and given that a significant number of public objections have been received. A summary of the objections received is detailed below in Section 7. The objections raised principally concern the potential for noise pollution, increased traffic and adverse impacts on highway safety to be caused. Parking shortfalls in the local area and potential for air quality to be adversely effected have also been cited.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 33 adjacent properties, on 22nd July 2022. Two site notices were also displayed outside of the site, on 23rd August 2022. In addition, a number of consultations have taken place with consultees upon the receipt of amended/updated information. A summary of the responses received is detailed below in Section 7.
- 2.3 The Council's development plan supports new commercial development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposals would deliver a temporary car sales pitch for up to 236 vehicles. The siting of two sales cabins, formation of staff and customer parking, and erection of security fencing is also detailed on the submitted plans together with the formation of two new recessed access points from Alderman Arthur Townsend Way.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed during the course of the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be assessed in determining this application are as follows;
- Establishing the principle of development
 - Ensuring the design, layout and appearance of the proposals are acceptable
 - Safeguarded the residential amenities of the immediate neighbours
 - Ensuring adverse impacts on the local highway network are avoided
 - Removing the potential for flooding to occur
 - Preventing harm to the safety of the adjacent railway line
 - Ensuring contamination does not occur

3.0 RATIONALE

3.1 Site and Surroundings

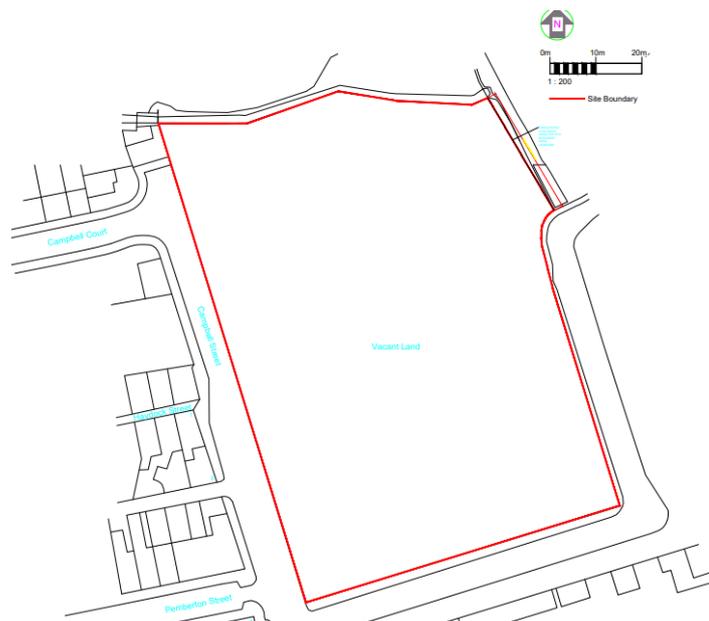
3.1.1 The application site is a large piece of brownfield land located within the defined Urban Boundary for Blackburn, the Roe Lee Housing Land Allocation and the Roe Lee Masterplan Area. The site previously housed part of Roe Lee Mill, which was approved for demolition in 2013.

Figure One – Satellite image of the site



3.1.2 The site covers an area of circa 1.9 acres and is currently covered with grasses and self-seeded shrubs. Dwellings are positioned to the west with commercial buildings to the south. A stream defines the north boundary with a railway and embankment positioned to the east. The site is currently entirely open with no boundary treatments or structures within it.

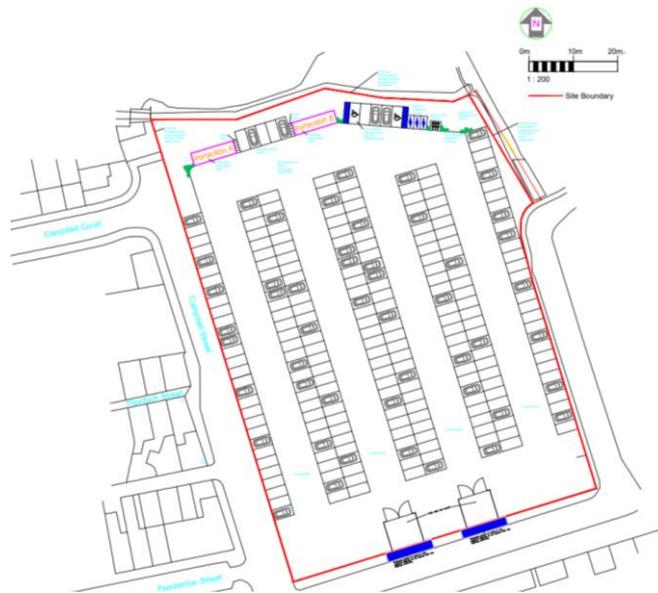
Figure Two – Location Plan showing the general extent of the site



3.2 Proposed Development

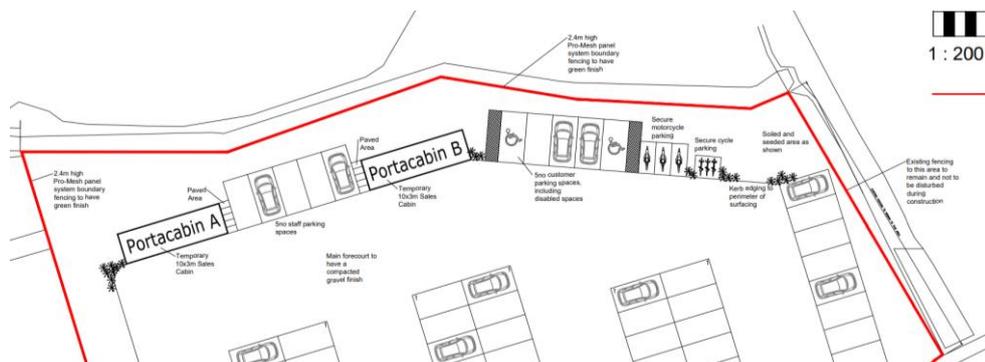
3.2.1 As detailed above, this application involves temporary use of the site for the sale of cars, which is a *sui generis* use. Up to 236 car sales pitches would be provided in linear formations. The sales pitches would be divided by 8m wide service roads. Two new access points would be formed from Alderman Arthur Townsend Way and a one-way system would be operated internally for HGVs. The new access points would be 7.5m wide with 1.8m high vehicle access gates set 7m back from the highway boundary. Various improvements to the public highway network are also proposed in conjunction with those works.

Figure Three – Proposed Site Plan



3.2.2 In support of the proposed change of use, two sales cabins would be sited to the north of the plot providing office space and ancillary functions. They would have footprints of 30 square metres, flat roofs 2.8m in height and be externally finished in grey in colour. In addition, 5 staff parking bays and 5 customer parking bays would be formed alongside motorcycle parking and cycle storage racks. Green 2.4m high weldmesh fencing is proposed around the entire site. Soft landscaping is also detailed on the submitted plans to the north of the sales cabins and parking areas.

Figure Four – Proposed Site Plan Showing Service Areas



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (2011):

- Policy CS2: Typology of Employment Land

3.4.2 Local Plan Part 2 (2015) (LPP2):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 16: Housing Land Allocations
- Policy 36: Climate Change

3.4.3 Roe Lee Masterplan – November 2016:

4.0 **ASSESSMENT**

4.1 Principle of Development

4.1.1 As detailed above, the site is located within the Urban Boundary, as defined by Policy 1. Those locations are identified as the preferred areas for all new development. The site is not allocated for commercial/employment development yet Policy CS2 provides support for the development of Neighbourhood Opportunity sites, with specific reference to vacant pieces of land.

- 4.1.2 Such sites should be identified within or close to residential areas where employment uses can be accommodated either as standalone uses or as part of mixed use developments. Uses on Neighbourhood Opportunity sites must not unacceptably impact on residential amenity by virtue of their scale, operational practices/processes, or appearance. The proposals comply with the initial requirements of Policy CS2 and the latter requirements are covered in a greater level of detail below.
- 4.1.3 The application site is allocated for housing development as part of Policy 16/3 “Roe Lee Development Site” of LPP2, and the adopted Roe Lee Masterplan (adopted 9th December 2016). The land also forms part of the housing trajectories for the emerging Local Plan. The proposals have been reviewed by BwD Strategic Planning and no objections have been raised under provision that a 3-year temporary permission be issued (refer to paragraph 7.5 of this report). A condition is therefore recommended to restrict the permission to that timeframe. Such a condition is necessary in order to allow for the potential for housing development to be reassessed in the future. Subject to compliance with that condition, the proposed development would be acceptable in principle, in accordance with the relevant requirements of Policy CS2 and Policy 1.
- 4.1.4 In compliance with the presumption in favour of sustainable development detailed within the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

4.2 Design and Visual Amenity

- 4.2.1 The application site is a brownfield mill clearance site. It has been subject to fly tipping previously and currently appears overgrown and unkempt. Any development proposals here would therefore provide a welcomed opportunity to improve its overall appearance. Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the site’s wider context and making a positive contribution to visual amenity.
- 4.2.2 Minimal works are proposed to facilitate the car sales pitches and those works are limited to the laying of surfacing treatments in the form of compacted gravel. It is assumed that a harder surfacing treatment would be used for the parking areas and around the cabins yet those details are unclear from the plans. A condition is therefore recommended to agree the scope of a hard and soft landscaping scheme. The condition will also facilitate the provision of planting around the site, thereby providing numerous visual enhancements.
- 4.2.3 The siting of two modestly sized sales cabins would not appear out of place in the broader context of these proposals. 2.4m high perimeter fencing is proposed to all four sides of the site together two vehicle gates of a similar style. The use of green weldmesh fencing is preferential to other forms of boundary treatments. However, fencing no higher than 2m should be installed at this site given its part-residential character. A further condition is therefore

recommended in order to control those details. Subject to compliance with the recommended conditions, the proposed development would be acceptable with reference to design and visual amenity, in accordance with the relevant requirements of Policy CS2 and Policy 11

4.3 Residential Amenity

4.3.1 Dwellings surround the application to the west and safeguarding the amenities of those neighbours is an important material planning consideration. Policy 8 requires all development proposals to secure a satisfactory level of amenity for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, and the general relationship between buildings. Concerns have been raised in public comments on residential amenity grounds.

4.3.2 In relation to noise, a Noise Impact Assessment has been submitted in support of the application, which concludes the following – *'Impact from anticipated car and LGV vehicle movements is predicted to be low. No additional mitigation measures are proposed.'* BwD Public Protection have reviewed the merits of the submitted assessment and the development as a whole. No objections have been raised and I concur with their findings.

4.3.3 A number of conditions are advised in order to safeguard the aural amenities and living environments of the immediate neighbours from both the construction and operational phases of the development. Those conditions include measures to control opening hours, the times of vehicle deliveries, sources external lighting, the logistics of the construction phase and construction working hours. It is recommended that all of those conditions are added given the close proximity of dwellings.

4.3.4 No wider impacts would be caused for the amenities of the immediate neighbours owing to the nature of the development. Subject to compliance with the recommended conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policies CS2 and 8.

4.4 Highways and Parking

4.4.1 As detailed above, access to the application site would be gained via two newly formed vehicle access points. Policy 10 requires all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highways users. Concerns have been raised in public comments on highways and parking grounds.

4.4.2 The application was initially reviewed by BwD Highways and some reservations were identified. In response to those concerns further plans and supplementary information has been submitted. The further information presented has been prepared by a Highways Engineer and it adequately addresses the concerns initially identified. Access to the site by HGVs would only be infrequent and such activity would not adversely compromise the safety or capacity of the local

highway network. Swept path details have been submitted that confirm such vehicles can enter, navigate and leave the site in a safe and logical manner. It is also fair to assume that many cars for sale will simply be driven to the site.

- 4.4.3 A condition is recommended to ensure the new access points are adequately constructed and any required off-site works of highways improvement are implemented prior to the development being brought into use. The required works involve the formation of two new access points, installation of bullnose curbing, road markings and the installation of additional signage. The amended access layouts are detailed below in Figure Five.

Figure Five – Amended Access Layouts and HGV Tracking



- 4.4.4 Further conditions are recommended to ensure parking areas are provided for customers and staff and to ensure covered cycle storage areas are provided. Such provision is adequate to meet the demands of the development and there are no adopted standards for open air car sales sites. The condition recommended to control the logistics of the construction phase is also necessary on highways grounds in order to minimise disruptions for the local highway network from that phase. Subject to compliance with the recommended conditions, the proposed development would be acceptable with reference to highways and parking, in accordance with Policy 10.

4.5 Flooding and Drainage

- 4.5.1 The site is positioned partly within Flood Zone 2 and has a medium vulnerability to sources of fluvial flooding. Policy 9 requires all development proposals to avoid unacceptable impacts on environmental interests, including flood risk. Wider requirements concerning the provision of adequate foul and surface water drainage systems are also detailed within the policy.
- 4.5.2 A Flood Risk Assessment was submitted in support of the application yet objections were raised by BwD Drainage given the inadequacy of its contents.

An amended Flood Risk Assessment was subsequently submitted detailing additional mitigation. The majority of the site would be surfaced in compacted gravel, which is a highly permeable surfacing treatment. In addition, the sales cabins would be installed 0.3m above ground level in order to prevent them from flooding. A condition has been advised by BwD Drainage to ensure the development is implemented in accordance with the mitigation measures detailed within the amended Flood Risk Assessment, which is recommended to be added.

- 4.5.3 In relation to drainage provisions, any surface waters from the sales cabins and parking areas would be directed to the gravel forecourt and/or soft landscaped areas. Such features would serve as adequate soakaways. One of the sales cabins features a toilet yet that would involve the use of a septic tank, which would need emptying when full. On that basis, no further details are required regarding drainage provisions. Subject to compliance with the recommended condition, the proposed development would be acceptable with reference to flooding and drainage, in accordance with the relevant requirements of Policy 9.

4.6 Ecological Assessments

- 4.6.1 The site is a brownfield site and likely has a low baseline ecological value. Further requirements within Policy 9 require all development proposals to avoid unacceptable impacts on environmental interests, including habitats and species. The BwD Ecological Advisor has reviewed the merits of the application and no objections have been raised. A number of conditions have been advised in order to minimise potential disturbance for nesting birds and ensure ecological enhancement measures are provided.
- 4.6.2 A condition is recommended to control the former and the latter can be adequately secured through the implementation of a soft landscaping scheme, which is recommended above. In addition, an informative note should be added to any approvals issued concerning the legalities of preventing the spread of invasive plant species. Subject to those obligations being followed, the proposed development would be acceptable with reference to ecological assessments, in accordance with the relevant requirements of Policy 9.

4.7 Railway Infrastructure

- 4.7.1 As detailed above, the site is positioned adjacent to a railway line. Further requirements within Policy 8 require all development proposals to secure a satisfactory level of safety for surrounding uses. A holding objection was initially raised by Network Rail given that works are proposed in close proximity to the railway embankment.
- 4.7.2 That said, the Agent has subsequently submitted an Asset Protection Questionnaire to Network Rail during the course of the application. They are satisfied that the proposed works can be properly managed through the implementation of relevant railway safety measures. As proposed, the

development is thus acceptable with reference to railway infrastructure, in accordance with the relevant requirements of Policy 8.

4.8 Contamination

4.8.1 The site has historically been used for commercial purposes yet minimal works are proposed in the way of excavations. Further requirements within Policy 8 state that potentially contaminated land must be remediated to a standard which provides a safe environment for occupants and users and does not displace contamination. BwD Public Protection have reviewed the merits of the application in relation to contamination. They have advised that a condition be added to control the risks associated with unexpected sources of contamination, which is recommended.

4.8.2 The application has also been reviewed by the Environment Agency given the close proximity of a watercourse. The washing of cars is likely to be operated from the site given the nature of the proposed use. Such activity should be conducted away from the adjacent stream in order to avoid riverine contamination. A further condition is therefore recommended to control those activities, where relevant. Subject to compliance with those conditions, the proposed development would be acceptable with reference to contamination, in accordance with the relevant requirements of Policy 9.

4.9 Air Quality

4.9.1 The development would create additional emissions when compared with the current use. Policy 36 requires all development proposals to demonstrate how they have been designed to minimise their contribution to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the development. Concerns have been raised in public comments regarding air quality.

4.9.2 BwD Public Protection have reviewed the merits of the application and a condition has been advised regarding the installation of electric vehicle charging points. However, such installations can be very expensive and it would be unreasonable to expect them to be installed for a temporary development. Those requirements should be reviewed as part of any subsequent applications to extend the timeframe of the development, where relevant. On that basis, the proposed development is acceptable with reference to air quality.

4.10 Summary

4.10.1 This application seeks temporary consent for the operation of a car sales business and implementation of various associated works. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4.

4.10.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless

material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle and with reference to design and visual amenity, highways and parking, flooding and drainage, ecological assessments, railway infrastructure, contamination, and air quality.

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

5.0 RECOMMENDATION:

Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to the following conditions and informative note;

5.1 This permission covers a temporary 3-year period from the date of implementation, which the Local Planning Authority must be formally notified of in writing prior to implementation. All operations associated with the development hereby approved shall permanently cease on or before the expiration of 3 years after that date.

REASON: In order to ensure the development is not continued indefinitely, to enable the prospect of residential development to be reviewed in the future, and to comply with the requirements of Policy 16/3 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (Whalley/01 – Revision A), Whalley/02 – Revision A, Whalley/03, Whalley/04, 333-22-001, 333-22-002, 333-22-003, 333-22-004, 333-22-005, 333-22-006, 333-22-007, 333-22-008 and 333-22-009. There shall be no storage of scrap vehicles within the application site.

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

5.3 The external materials to be used for the construction of the development hereby approved shall be as stated on the submitted application form and approved drawings and those materials shall not be varied without the prior written consent of the Local Planning Authority.

REASON: Those materials are acceptable for this development and site, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.4 No development commence on site unless and until, a detailed Landscaping Scheme has first been submitted to and approved in writing by the Local

Planning Authority. The scheme shall include but not be exclusively limited to the following;

- a) Details of proposals for supplementary landscaping around all aspects of the development that compliments local priority habitat and provides for a net gain in biodiversity;
- b) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting, and;
- c) Details confirming the types and extents of any areas of hardstanding to be applied.

The approved scheme shall be implemented in its entirety within the first available planting season following the substantial completion of the development. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

- 5.5 This permission does not allow for the installation of any boundary treatments taller than 2m in height when measured from existing ground levels and prior to their installation, amended plans clarifying the height of those features shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details.

REASON: In order to prevent excessively tall boundary treatments being installed in support of the development, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.6 The development hereby approved shall only operate between the hours of 09:00 and 18:00, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise the potential for noise pollution to occur for the immediate neighbours, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.7 Any vehicle deliveries associated with the development hereby approved shall only be conducted between the following hours, unless otherwise agreed in writing by the Local Planning Authority.

- a) Monday – Friday: 09:00 – 18:00
- b) Saturdays, Sundays and Bank Holidays: 10:00 – 16:00

REASON: In order to minimise the potential for noise pollution to occur for the immediate neighbours, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.8 Prior to their installation, details overviewing the types, positions and heights of any required new external light sources to be incorporated as part of the development hereby approved, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the agreed details, unless otherwise agreed in writing.

REASON: In order to minimise the potential for light pollution to be caused for the immediate neighbours, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.9 No development shall commence on site unless and until, a Construction Method Statement has first been submitted to and approved in writing by the Local Planning Authority, which shall provide for but not be exclusively limited to the following;

- a) The parking of vehicles of site operatives and visitors;
- b) Details of the sizes and types of vehicles to be visiting the site;
- c) The loading and unloading of plant and construction materials;
- d) The storage of plant and construction materials;
- e) Wheel washing facilities;
- f) A scheme for the recycling/disposing of waste, and;
- g) Details of the type, position and height of any required external lighting.

The development shall thereafter be implemented in strict accordance with all of the measures detailed within the submitted Construction Method Statement, unless otherwise agreed in writing.

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

5.10 All construction works associated with the development hereby approved shall only take place between the following hours;

- a) Monday – Friday: 08:00 – 18:00 hours
- b) Saturday: 09:00 - 13:00 hours
- c) No such works shall take place on any Sundays or Bank Holidays

REASON: In order to minimise the potential for noise pollution to occur for the immediate neighbours from the construction phase, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.11 The development hereby approved shall not be brought into use unless and until, the new access points and required off-site works of highways improvement as detailed on the approved plans '333-22-003, 333-22-005, 333-22-006, 333-22-007 and 333-22-008' have been constructed and implemented in their entirety, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure appropriate access points are constructed and any required off-site works of highways improvement are implemented, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.12 The development hereby approved shall not be brought into use unless and until, the parking areas as detailed on the approved plan 'Whalley/02 – Revision A' have been provided in their entirety.

REASON: In order to ensure appropriate off-street vehicle parking provisions are made in support of the development, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.13 No above ground works shall commence on site unless and until, a covered cycle storage scheme has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details and shall not be brought into use until they have been provided in their entirety.

REASON: In order to ensure covered cycle storage provisions are made in support of the development, in the interests of encouraging use of sustainable modes of transport, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.14 The development hereby approved shall be implemented in strict accordance with all of the mitigation measures detailed within the submitted Flood Risk Assessment – Revision A, prepared by Paul Erskine and dated June 2022.

REASON: In order to ensure adequate measures are put in place to minimise the risks associated with flooding, in the interests of securing sustainable development, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.15 No works in support of the development hereby approved to clear trees and/or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey produced by a suitably experienced ecologist has first been carried out immediately prior to clearance works. In such situations, written confirmation that no active bird nests are present shall have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such works.

REASON: In order to minimise disturbance for nesting bird populations during the construction phase, in the interests of biodiversity, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.16 Should contamination be encountered unexpectedly during redevelopment of the site, all works should cease, and the Local Planning Authority should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: In order to protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.17 Prior to the washing of any vehicles on site, a scheme shall have first been submitted to and approved in writing by the Local Planning Authority regarding the capture and disposal of waste water. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: In order to ensure adequate measures are put in place for the capture and disposal of waste water, in the interests of preventing pollution of the adjacent watercourse, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

Case Specific Informative Note

- 5.18 It is an offence to plant or cause any species listed under Section 14, Part 2 and Schedule 9 of the Wildlife and Countryside Acts (WCA) 1981 (as amended) to spread in the wild. If at any time during redevelopment of the site any invasive plant species are found on site, work should cease immediately and the Local Planning Authority should be contacted.

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/13/0169 – Demolish Northern Light Construction property and single storey warehouse – Prior approval given – August 2013.

7.0 CONSULTATIONS

- 7.1 BwD Highways – In summary, we reserve making a formal recommendation until the below concerns, in particular identifying a suitable route for a HGV Autotransporter deliveries to the site, have been addressed by the Applicant.

(Parking Provision) The submitted plans shows the site being divided into 236 car parking spaces to be used for displaying the vehicles for sale, 5 car parking spaces are provided for staff, 5 car parking spaces are designated for customers including 2 for disabled drivers together with 3 secure parking spaces for motorcycles and 3 secure cycle storage spaces. The aisles between the rows of parked cars are at least 8m wide which are ample for two way vehicular movements.

The parking lots should be a minimum of 5.0m x 2.4m to comply with the Council's Parking Standards. The provision of 5 customer parking spaces may be limited, there is however, space to accommodate additional customers. The proposed layout for parking is otherwise acceptable.

(Access) 2x 7m wide gated accesses onto Alderman Arthur Townsend Way are proposed. The gates are set back to enable a vehicle to pull off the road to open the gate. No swept path analysis, visibility splays, highway design or construction details for these two accesses have been presented, please request that these are provided as part of this application.

There is concern that HGV Autotransporters delivering vehicles to the site may struggle to negotiate surrounding narrow residential streets to get to the site. The head height restriction on Alderman Arthur Townsend Way precludes access via Whalley New Road.

The applicant should identify a suitable route providing a swept path analysis of the route to demonstrate that the route is suitable for commercial HGV traffic. Information on the frequency of deliveries should also be provided. A swept path analysis of HGVs entering and leaving the site through the gated entrances is required to ensure that there is no overrun onto the footways when the manoeuvre is carried out and to determine the corner radii of the accesses.

(Update) In summary, we would support the proposals in the principle, given that the applicant has addressed our main concerns.

(Access for HGV's) The route identified turns off Whalley New Road onto St James Road, Openshaw Drive, Rosewood Avenue and then Campbell Street, which are primarily residential streets with significant amounts of traffic calming. Given that the number of planned visits by HGVs will be typically once a week, the impact on the residential streets will be minimal. It is also envisaged that the cars will also be driven to the site individually from other showrooms. No objections are made to the use of this proposed route.

(Proposed Road Markings & Traffic Signs) The applicant has also submitted details of the road markings at the entrances as well as additional height restriction warning signs to ensure that HGV's leaving the site do not turn right along Alderman Arthur Townsend Way. A distance plate of 100 Yards would suffice. These proposals are also acceptable.

(Swept Path Analysis – Access & Egress Gates) The swept path details provided show that the locations of the gated entrances are acceptable. The 7m setback of the gates is also acceptable.

(Car Park Construction Details) The road pavement and kerbing details provided for the proposed site are acceptable.

(Modifications to Existing Footway to Form Gated Entrances) These details are acceptable. Bullnose kerbs are required in support of those works.

7.2 BwD Public Protection – No objections. Should this application be approved, conditions should be imposed to control opening hours, the times of vehicle deliveries, unexpected sources of contamination, sources of external lighting, construction working hours, dust emissions, and construction lighting. Air quality mitigation measures should also be provided in the form of electric vehicle charging points.

7.3 BwD Drainage/Lead Local Flood Authority – We object to the proposals because a satisfactory Flood Risk Assessment has not been submitted. We may remove our objection if a satisfactory assessment is submitted. We need an assessment of the likely depth of flooding and details of how users of the development will be protected.

(Update) We have reviewed the amended Flood Risk Assessment, and we have no objections to the proposals. Please insert a condition ensuring that the mitigation measures detailed within the amended Flood Risk Assessment are followed.

7.4 BwD Ecological Advisor – In summary, we are satisfied that the application can be forwarded for determination and that any permission if granted is supported by the conditions and informative notes detailed below.

(Birds) The site is an ex-industrial site which has developed into scrubland with scattered trees. The site has the potential to support nesting birds within the scrub and potentially ground nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). We would therefore recommend that all tree removal and scrub clearance should not be undertaken in the main bird breeding season (March-August inclusive), unless nesting birds have found to be absent, by a suitably qualified person. We recommend that a condition to this effect be placed on any permission.

(Invasive Species) I have not had the opportunity to visit the site and it is possible that invasive plant species could be present. We suggest that an informative note be used to make the applicant aware of the laws which are in place to protect biodiversity. If at any time any invasive species such as Japanese knotweed are found on site, then work should cease immediately and the LPA/an ecologist should be contacted.

(Biodiversity Enhancement) We would expect any such scheme to include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework. We would recommend that opportunities for biodiversity enhancement be incorporated into the development. These should include sensitive landscaping using native species, which can be conditioned.

- 7.5 BwD Strategic Planning – The site is part of a larger area of land that was allocated for residential development within Local Plan Part 2 (site reference 16/3). The majority of this allocation is currently being built out for 155 dwellings by Persimmon Homes under planning permission 10/18/0895. The remaining area of land, which this application relates to, is proposed to be re-allocated as a housing site through the emerging Local Plan (site reference H072), which is currently being examined by independent Planning Inspectors.

The emerging Local Plan identifies the site as delivering 26 dwellings and therefore forms part of the Local Plan trajectory of sites that will ensure the plan's housing requirement is met over the plan period to 2037. Discussions with the site's owner established that there remains potential for the site to be delivered for housing in the future and should therefore remain as an allocation within the plan. However, the Council recognises that, at the present time, limited progress has been made to bring the site forward for housing. On this basis, temporary use of the site for an alternative use as applied for would, in principle, be supported in this location. The site is a vacant, brownfield site within the urban area with an existing employment use located to the south of the site.

It is considered that, if the application is granted planning permission that this should be for a **temporary period of 3 years**. This would allow the Council to reassess whether there is a realistic prospect of the allocated site being developed for its intended use (housing) after this 3 year period. There are also a number of other policies within the borough's development plan that the proposal will need to ensure compliance with, including Local Plan Part 2 Policy

10: Accessibility and Transport, Policy 8: Development and People and Policy 9 Development and the Environment.

7.6 BwD Cleansing – No objections.

7.7 Environment Agency – We have no objection to the development as proposed, subject to the inclusion of an appropriate condition regarding a scheme to dispose of foul drainage and surface water. Such a condition is necessary in order to protect the nearby watercourse from a deterioration in quality to a lower status class.

The development is located on the site of a former cotton mill therefore, there is a high risk of the site being contaminated as a result of this previous use. However, the applicant is not seeking to undertake intrusive ground works beyond the erection of a boundary fence and gates, therefore the risk of pollutants being mobilised to contaminate controlled waters is low.

The applicant is seeking to discharge surface water to the nearby watercourse and due to the nature of the proposal, we have assumed that vehicle washing may take place on the site. The proposed development will be acceptable if the drainage scheme is secured by way of a planning condition.

The proposed development falls within Flood Zone 2, which is land defined as being at risk of flooding. We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category.

7.8 Network Rail – Network Rail is placing a holding objection on the proposal – the applicant is proposing to place a 2.4m high pro-mesh panel system on the boundary with the railway. This is not acceptable to Network Rail.

(Update) Network Rail Asset Protection has looked at the plans and this proposal would need an Interface Manager to review the proposals to confirm that there is no impact to the railway. We are particularly concerned about Network Rail Earthworks, which could be adversely affected by any changes to levels on the site. An Asset Protection questionnaire should be completed for assessment. A site visit will be required and Network Rail agreement to the works on site is also required. There is also a potential for encroachment onto Network Rail land which will need to be investigated further and any NR land must be removed from the proposal.

(Update) The holding objection can be removed. Works can be managed by RAMS and a Network Rail site presence to remove risks to the operational railway.

7.9 Ward Cllrs

7.10 Public Consultation – 10 objections have been received. See section 10 for the full representations of the objections received. Below is a summary:

- Noise pollution may be caused
- Elevated traffic levels may be caused
- Highway safety may be compromised
- Parking shortfalls exist locally
- Air pollution may be caused

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 2nd November 2022

10.0 SUMMARY OF REPRESENTATIONS

Objection – Mrs Dawn Heffernan, 3 Haydock Street, Blackburn. Received: 28/07/2022.

Hi am writing in regards to planning permission at Roe Lee Ref: 10/22/0591

I am a resident on the facing the site, where this proposal has been made. It concerns me that this is a quiet secluded street and the number of vehicles that will be entering the establishment is concerning, due to that being the nature of the business. I have pet cats which is one of the reasons we opted for this street not to mention the emissions the area is going to experience, obviously they will be testing these vehicles before sale, and it worries me about noise pollution and attraction of boy racers. Therefore, on them grounds I oppose the proposal as it will not be beneficial to this area.

Objection – Mr Jason Heffernan, 3 Haydock Street, Blackburn. Received: 29/07/2022.

I would like to know where the entrance of this planning application is please? I am a resident who lives adjoining this site and I am not happy about this application

Objection – Caroline Hyslop, 35 Haydock Street, Blackburn. Received: 02/08/2022.

I would like to Oppose the application for planning as a car sales yard would increase traffic in a predominantly residential area which along with my own, is home to a large number of children and extra traffic poses a danger to them whilst they are playing out.

There is also the worry of noise pollution in an area that is currently quiet and a nice place to live.

Objection – Fiona Hasler, 39 Pemberton Street, Blackburn. Received: 02/08/2022.

I object on the grounds of this would increase traffic flow in an already too busy area, and also limit parking in the area that is already stretched for parking. This is a residential area that is slowly being overtaken.

Objection – Macauley Cooper, Haydock Street, Blackburn. Received: 03/08/2022.

I am writing to you to advise that I reject the idea of the spare land on Campbell Street. I am a resident of Haydock Street and we received a letter stating the planning ideas. I believe it is potentially being used for a second hand car sales yard. This will cause extra traffic, noise pollution and air pollution. This doesn't benefit the area at all as there are plenty of units at Roe Lee Business Park.

Objection – Sophia Khan, Haydock Street, Blackburn. Received: 03/08/2022.

I am emailing today as I am a resident of Haydock Street, Blackburn. We have received a letter stating that there is going to be some planning for a car sales site on Campbell Street. I do not agree with this as the planning shows it will be done directly across from our home and our street, our car park for residents of Haydock Street is at the end of the street and I don't agree with the planning.

I think it will cause more noise pollution, extra traffic, air pollution, draw more people to our quiet lovely street and home, dangerous for pets and children as we have to walk from our street to our carpark with children which is near the planning you decide to make happen. If you look at other car sales locations it is not directly outside of residents streets or cars, the plan is directly opposite our private car park and street.

Please can this be re considered as I do not think it is a right location for car sales, perhaps another business but not for dozens of cars to be polluting the street we walk on daily.

Objection – Rebecca Hobkirk, 21 Pemberton Street, Blackburn. Received: 08/08/2022.

Hi I am emailing to oppose against the building of a second hand car sales place on Campbell street. This is worrying as there will be extra car noise, air pollution and it is also dangerous for our pets and children. Also this area will not benefit from this at all. There is already a car sales place 0.4 miles away from here. We have a quiet area here, it is peaceful 90% of the time, and I feel this will cause disruption and traffic.

Objection – Nicola Hobkirk, 25 Pemberton Street, Blackburn. Received: 08/08/2022.

I am a resident on Pemberton and I wish to oppose the application for a second-hand car sales yard. As you can understand, this is worrying as there is going to be extra traffic, noise pollution, air pollution, dangerous for pets, children and doesn't benefit this area at all.

Objection – Neil Aspden, 27 Haydock Street, Blackburn. Received: 08/08/2022.

Regarding the application for a second hand car sales yard on the land on Campbell Street. This would cause extra traffic, noise pollution, air pollution and would be dangerous for pets and school children. I am strongly opposed to it. It is currently full of wild plants, birds, bees and other insects. It needs protecting.

Objection – Luca Mate, 5 Haydock Street, Blackburn. Received: 19/08/2022.

I'm sending this email to oppose about the second hand car sales yard that is planning to build near my house. This area is really nice and quite and safe for our pets to go outside, i and all my neighbours really love to keep it this way. I hope our emails can stop this happening.
