

Proposed development: Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.14 "land contamination" pursuant to planning application 10/20/0324 "Demolition and redevelopment of Petrol Filling Station and Head Office" - to enable prior demolition of building

**Site address:
Grimshaw Park Service Station
Grimshaw Park
Blackburn
BB2 3AG**

Applicant: The Kay Group (UK) Ltd

Ward: Blackburn Central Councillors: Mahfooz Hussain, Samin Desai, Zamir Khan



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE** subject to the amendment of the wording of condition 14 imposed upon extant planning approval 10/20/0324

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is before the Planning & Highways Committee, in accordance with the Council's adopted Scheme of Delegation, as it relates to a variation to a major planning application on an unallocated site. The proposal seeks to amend the wording of condition 14 (land contamination) of planning approval 10/20/0324. There are no changes to the approved scheme's use, design or layout.
- 2.2 Planning permission 10/20/0324 "Demolition and redevelopment of Petrol Filling Station and Head Office" was approved subject to 18 planning conditions. Subsequently, the Council has assessed condition discharge application 10/21/1436. During that assessment it was only agreed to partially discharge condition 14 as further site investigation was required. To be able to complete the testing regime, certain parts of the existing development on the site would need to be demolished/removed in order to access and test the ground. However, the existing pre-commencement wording of condition 14 prevents demolition occurring. The current application seeks to amend the condition to allow a phased approach and demolition to be undertaken to address that issue.
- 2.3 The proposed amendment is considered essential to allow for the safe re-development of the site. The proposal will continue to deliver a high quality commercial scheme consistent with the Council's planning strategy for growth. The proposal also remains satisfactory from a technical point of view, with all issues having been addressed through the assessment of the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site occupies land at the corner of Grimshaw Park and Haslingden Road and currently accommodates a petrol filling station with convenience store and first floor office use. The site also extends to the east to include an open parcel of land up to Gillies Street.



3.2 Proposed Development

3.2.1 Extant approval 10/20/0324 allows for redevelopment of the site to provide for a new petrol filling station, convenience store and self-contained office development, along with associated car parking and infrastructure.



View from Grinstead Park



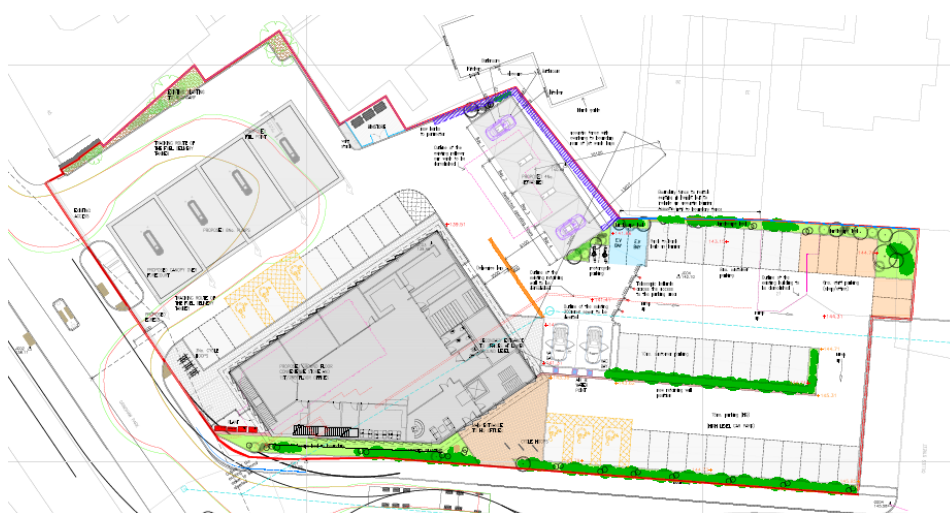
View from Foreout



View from Brandy House Brow



View from Haslingden Road



3.2.2 The current application seeks to amend condition 14 of the approval, as detailed below;

Existing wording:

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

(i) Two copies of a comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.

(ii) Two copies of the 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.

Proposed wording:

Prior to the commencement of the **phased development with the exception of demolition**, hereby approved, the developer must submit to the Local Planning Authority for written approval:

(i) Two copies of a comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.

(ii) Two copies of the 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

3.3 Development Plan

3.3.1 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:

3.3.2 Local Plan Part 2

- Policy 8 – Development and People

3.4 Assessment

3.4.1 Extant planning approval 10/20/0324 allows for redevelopment of the site and is subject to control by 18 planning conditions. Given the previously developed

nature of the site and the existing use as a petrol filling station the Council's standard land contamination conditions were imposed.

- 3.4.2 Through the assessment of condition discharge application 10/21/1436 concerns in relation to the land contamination condition were identified by the Council's Public Protection Team and led to a partial discharge of condition 14 of 10/20/0324. Specifically the concerns were in relation to the 'phase 2 investigation' with the following comments offered at that time;

"It is apparent that the phase 2 investigation was carried out to the best of the abilities of the consultants at the time who are clearly very experienced at the investigation of fuel stations. However, they were hampered at the time by the presence of the active Petrol Station and therefore the number of boreholes, eight, is a very limited number for a site of this size and type. Large areas of the centre of the site were not available due to the roof etc. The workshop area was also presumably not available for sampling and where some indications of fuel contamination were found (e.g. BH005 close to the tanks) further delineation and sampling was not carried out. POQ 012

However, as stated above the report does go on to state further intrusive investigation will be carried out at a later date when demolition and site closure has improved access. I'm in agreement that a significant amount of further investigation is required. As such, I'm not able to recommend discharge condition 14 part (ii) until this pre-agreed further investigation work is completed and remedial options (if required) agreed upon with this department".

- 3.4.3 It is therefore agreed by all parties that additional site investigation works will be necessary before condition 14 can be fully discharged. This raises an issue given the existing condition wording requires site investigation works be agreed prior to development commencing (see section 3.2.2 for precise wording).
- 3.4.4 The current application seeks to modify the wording of condition 14 to enable a phased approach and the exclusion of demolition works from the 'pre-commencement' restriction. The effect of which will be to allow for the removal of the structures within the site to facilitate borehole sampling. In all other regards the original condition
- 3.4.5 The Council's Public Protection team have offered no concerns with the proposed amendment to condition 14's wording. Indeed, they consider it essential to allow for a comprehensive site investigation to be undertaken. They advise;

"The last consultation on this site was in relation to condition discharge application 10/21/1436 and only partial discharge of condition 14 was recommended, because we were in agreement with the proposals of the phase 2 report that additional investigation work is required post-demolition of the garage buildings on site. As such, there are no objections to the proposed changes to enable commencement of the demolition before full discharge of

condition 14. In fact it is essential for the required additional site investigation in order to fully discharge 14”.

- 3.4.6 Accordingly, the proposed amendment is considered to be necessary to facilitate the implementation of the extant planning approval 10/20/0324. Furthermore, the proposal is considered to remain consistent with Policy 8 (part iii) of the Local Plan, which seeks to ensure land is remediated to a standard which provides for a safe environment for occupants and users and will not displace contamination.

4.0 RECOMMENDATION

APPROVE subject to imposing all conditions attached to 10/20/0324 (see appendix one), save for those previously discharged in writing and the amended wording of condition 14, as follows;

14. Prior to the commencement of the phased development with the exception of demolition, hereby approved, the developer must submit to the Local Planning Authority for written approval:

(i) Two copies of a comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.

(ii) Two copies of the 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

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 Local Plan Part 2

5.0 PLANNING HISTORY

10/21/1436 - Discharge Condition Nos 4 "materials", 5 "Construction Method Statement", 7 "acoustic barriers scheme", 8 "lighting scheme", 10 "scheme for electric vehicle charging points", 13 "Construction Phase Management Plan", 14 "desk study", and 17 "scheme for disposal of foul and surface water drainage" pursuant to planning application 10/20/0324 (Partial Discharge) – 10th January 2023.

10/20/0324 - Demolition and redevelopment of Petrol Filling Station and Head Office (Approved) – December 2020. Refer to Appendix One of this report for details of planning approval.

10/10/0068 – Shop Extension (Approved)

10/06/0914 – Shop Extension (Approved)

10/02/0726 – Proposed LPG Tank Compound (Approved)

10/95/0186 – Redevelopment for Service Station, Shop and Office (Approved)

6.0 CONSULTATIONS

6.1 Public Protection:

The last consultation on this site was in relation to condition discharge application 10/21/1436 and only partial discharge of condition 14 was recommended, because we were in agreement with the proposals of the phase 2 report that additional investigation work is required post-demolition of the garage buildings on site. As such, there are no objections to the proposed changes to enable commencement of the demolition before full discharge of condition 14. In fact it is essential for the required additional site investigation in order to fully discharge 14

7.0 CONTACT OFFICER: Martin Kenny, Principal Planner

8.0 DATE PREPARED: 2nd February 2023

Appendix One

Full list of conditions imposed upon extant planning approval 10/20/0324:

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

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

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

M20_03_02 REV03, received 10th December 2020

M20_03_04; M20_03_05; M20_03_06; M20_03_07; and GRI2001_PP01, received 25th March 2020

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

3. The construction of the development hereby permitted shall not take place outside the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 15:00 on Saturdays and not at all on Sundays or Bank Holidays.

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.

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4. Prior to the commencement of development hereby approved, samples of all external walling, roofing materials, and their colour to be used in the construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in 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 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document

5. Prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- I) the parking of vehicles of site operatives and visitors
- II) loading and unloading of plant and materials
- III) storage of plant and materials used in constructing the development
- IV) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- V) wheel washing facilities
- VI) measures to control the emission of dust and dirt during construction
- VII) a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual

amenities of the locality and to comply with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

6. Visibility splays, as detailed on drawing no. M20-03-02 rev 03, received 10th December 2020, 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.

7. Prior to first use of the development hereby approved, a scheme detailing the construction specification, appearance and timing for their construction of the acoustic barriers bounding the northern edge of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the agreed details.

Reason: To safeguard the amenity of adjacent residents, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

8. Prior to the commencement of development, a lighting scheme demonstrating that light from the development shall not exceed the recommended maximum parameters for the control of obtrusive light specified for an E4 environmental zone, as detailed in Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light' produced by the Institution of Lighting Professionals, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the agreed details and thereafter retained.

Reason: To safeguard the amenity of adjacent residents, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 and paragraph 180 of the National Planning Policy Framework 2019

9. Spray or mist emanating from the jet wash bays detailed drawing no. M20-03-02 rev 03, received 10th December 2020, shall be contained within the site boundary.

Reason: To safeguard the amenity of adjacent residents, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

10. Prior to commencement of the development hereby approved, a scheme for the provision of electronic vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development and retained thereafter.

Reason: To help safeguard air quality, In accordance with the requirements of Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019

11. Jet wash bays 2, 3 and 4, as detailed on drawing M20-03-02 rev 03, received 10th December 2020, shall not be operated from 11pm to 7am daily

Reason: To safeguard the amenity of adjacent residents, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

12. The telescopic bollards, as detailed on drawing no. M20-03-02 03, received 10th December 2020, shall be operational between the hours of 9pm and 8am to prevent public access to the car park

Reason: To safeguard the amenity of adjacent residents, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

13. Prior to the commencement of development, a construction phase management plan identifying measures to control noise, dust, vibration and smoke shall be submitted to and

approved in writing by the Local Planning Authority. The agreed details shall be employed throughout the demolition and construction phases of the development

Reason: To safeguard the amenity of adjacent uses, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

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

(i) Two copies of a comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.

(ii) Two copies of the 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.

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 Local Plan Part 2

15. Prior to the occupation of the development hereby approved, two copies of 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 Local Plan Part 2

16. 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 Blackburn with Darwen Borough Local Plan Part 2.

17. Prior to the commencement of development, 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. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

(i) separate systems for the disposal of foul and surface water;

(ii) Full design details of the surface water drainage scheme.

The following restrictions will be required;

- No surface water from the garage forecourt area is to be allowed to discharge into the existing culverted watercourse. The details must show how the run off from the forecourt area is to be contained within this area.

- Surface water runoff from the rest of the development must be restricted to 50% of the existing runoff into the watercourse for the peak rates for a 1 in 1, 1 in 30 and 1 in 100 year return period storm plus an allowance of 40% for climate change.

- Surface water runoff from the forecourt area must be discharged into the combined sewer via a suitably designed petrol interceptor, with United Utilities approval needed for the connection.

The approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part

18. Trees and shrubs shall be planted on the site in accordance with the details set out within drawing GRI2001_PP01: Planting Plan and Schedule, received 25th March 2020 during the first available planting season following completion of the works, and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs. The landscaping shall be maintained and retained thereafter to the satisfaction of the local planning authority.

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