

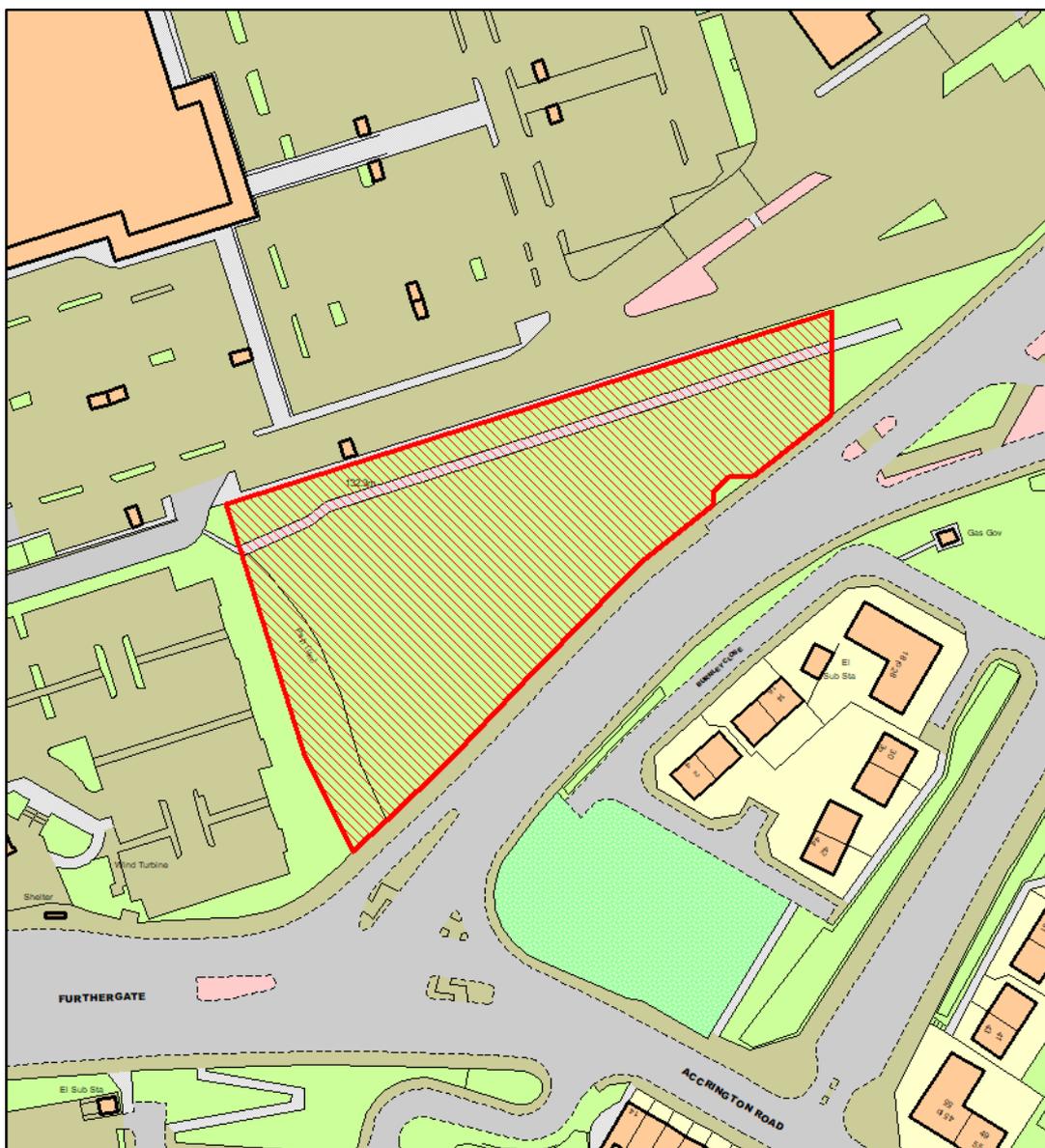
Proposed Development: Construction of a new mixed use (B8/E) building to provide showroom, warehouse and ancillary office space with formation of new access point from Carl Fogarty Way and associated car parking and landscaping works

Site Address: Land off Carl Fogarty Way, Blackburn

Applicant: Rocplas Distribution Ltd

Ward: Audley and Queens Park

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



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 below 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 Constitution, and given that the application site is within the ownership of the Council. No public comments have been received for the application so far. Should any comments be made ahead of the committee meeting they will be presented as part of an update report.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 22 adjacent properties on 21st December 2022. In addition, a site notice was displayed outside of the site on 11th January 2023.
- 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 three-storey mixed-use commercial building with a flat roof and glazed frontage. Office space (Use Class E[g]), a showroom (Use Class E[a]) and warehousing (Use Class B8) would all be provided within. A new vehicle and pedestrian access point would be formed from Carl Fogarty Way into a carpark and logistics area. Soft landscaping would also be provided around the site.
- 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 for development
 - Design and assessing visual amenity impacts
 - Assessing the potential for residential amenity impacts
 - Assessing the potential for highways impacts
 - Ensuring the site has adequate parking to service the development
 - Assessing the potential for flood risk
 - Foul and surface water drainage considerations
 - Assessing tree loss and the need for replacements
 - Ensuring ecological harm is appropriately minimised
 - Assessing the potential for land contamination
 - Recording any presence of archaeological remains
 - Minimising the proposals impacts on climate change and air quality
 - Ensuring the potential for crime is appropriately minimised

3.0 RATIONALE

3.1 Site and Surroundings

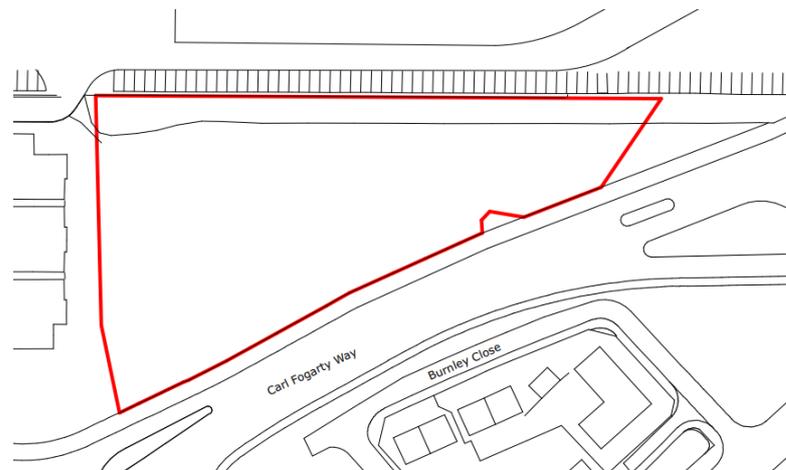
3.1.1 The application site is a plot of undeveloped land located within the defined urban boundary of Blackburn and the Furthergate Primary Employment Area. The site is currently enclosed by timber security hoardings and has recently been subject to earthworks. A number of pine trees intersperse various areas the site.

Figure One – Satellite image of the site



3.1.2 The site covers an area of circa 1.5 acres and tapers towards in northeastern edge. Footpaths run along the east and west site boundaries with Carl Fogarty Way defining the southeast site boundary. The Blackburn Enterprise Centre is positioned immediately to the west with a supermarket and large carpark positioned directly to the north.

Figure Two – Location Plan showing the extent of the site



3.2 Proposed Development

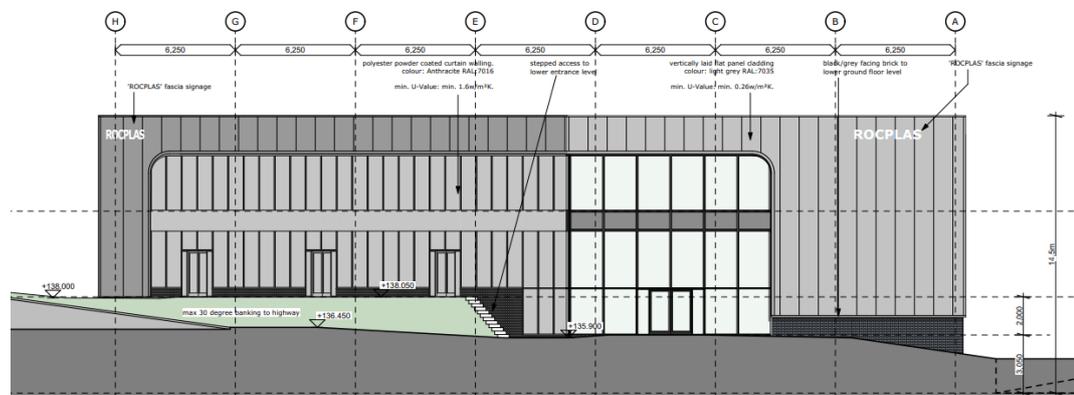
3.2.1 As detailed above, this application seeks full planning permission for the erection of a three-storey mixed-use commercial building to be operated within the parameters Use Classes B8, E(a), and E(g). The development would comprise of a single building alongside parking, logistics and landscaped areas. Warehousing space would be provided on the lower ground floor level with a showroom on the upper ground floor and office space on the first floor level. Supporting uses would also be provided on each of those levels.

Figure Three – Proposed Site Plan



3.2.2 4000 square metres of floorspace would be provided within the building and it would have a flat roof up to 14m in height. Dark bricks and grey metal cladding would be used to externally finish the elevations with open glazed panels serving the showroom and office areas. Four roller shutter doors would be installed to the rear elevation serving the warehouse. A number of brick faced retaining structures would also be formed around the building to facilitate construction of the access ramp and parking and logistics areas.

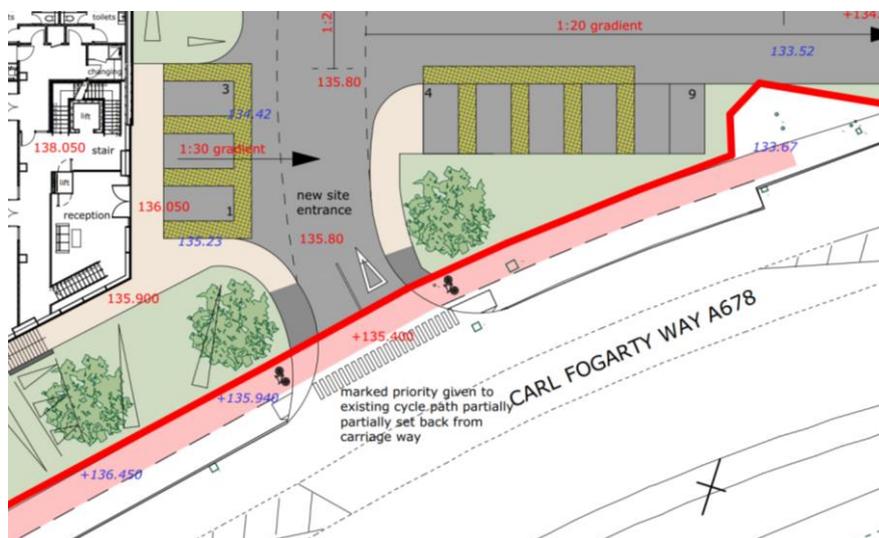
Figure Four – Proposed East Elevation Plan



3.2.3 A single vehicle access point would be formed from Carl Fogarty Way accessing the parking and logistics areas. A 70-space carpark would be

constructed to the north and east of the building inclusive of 7 spaces for mobility impaired drivers for 4 oversized spaces for wider commercial vehicles.

Figure Five – Close-up of access detail



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan Part 2 (adopted December 2015):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 14: Primary Employment Areas
- Policy 36: Climate Change

- Policy 39: Heritage

3.4.2 BwD Parking Standards

- Non-food Retail – 1 space per 22 square meters of floorspace
- Offices: Business Parks – 1 space per 40 square meters of floorspace
- Storage and Distribution – 1 space per 100 square meters of floorspace

4.0 **ASSESSMENT**

4.1 Principle of Development

4.1.1 Policy 1 identifies the preferred location for all new development to be within the defined Urban Boundary, which the site is situated within. In relation to developments within Primary Employment Areas, Policy 14 details that planning permission will be granted for development in Use Classes B1 (now E[g]) and B8 uses, provided there is no conflict with the overall function or developability of the employment area. The policy also supports supporting uses provided their scale is appropriate in the context of the employment area.

4.1.2 The predominant uses of this proposal are consistent with that policy direction. A secondary retail use is proposed yet the scale of that aspect would be appropriate in the context of the wider development and commercial function of the employment area. Moreover, the nature of the proposals would not conflict with the overall function or developability of the employment area as it would be confined to a single site, which is currently inaccessible and enclosed by security hoardings.

4.1.3 A condition is recommended to ensure the retail floorspace of the site is not increased under the provisions of Class E. Such a condition is necessary in order to prevent the creation of additional retail floorspace within an allocated employment area. Subject to compliance with that condition, the proposed development would be acceptable in principle and no harm would arise for the commercial function of the employment area, in accordance with Policies 1 and 14. It should also be noted that the principle of development for a similar proposal, albeit the proposed building was to be four storeys has already been established under application 10/21/0826, which was approved by the Committee at their meeting in February 2022.

4.1.4 In accordance with the presumption in favour of sustainable development detailed in 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 site is positioned within an area that has a varied streetscene. In general terms, 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. The site occupies a prominent position in its immediate setting being positioned on sloping open land and adjacent to a main thoroughfare. The site also forms part of one of the main gateways into the town centre as it is positioned on the junction of two arterial routes. That said, the surrounding buildings differ greatly in their form and scale and the immediate streetscene appears highly varied as result.

- 4.2.2 As detailed above, the proposed building would be constructed with a flat roof and modern construction materials, which would provide a distinctly contemporary design. At up to three-stories in height, it would appear as an overtly prominent building within its immediate streetscene. That said, levels differences on site enable much of the lower level to be constructed below road level, which would reduce its height when viewed from the south. The rear elevation would appear more functional in comparison to the other open glazed elevations. However, any views of the building taken from the north would be from private land and the impacts caused to public visual amenity would be appropriately minimised.
- 4.2.3 The construction of a large building on this site was established under application 10/21/0826. This modified application would involve the removal of a level and a roof height reduction of around 1.5m. Such amendments would ensure the proposed building better assimilates with the streetscene when compared with the previous application. When those factors are considered collectively, the proposals are acceptable with reference to aspect, form and scale.
- 4.2.4 In relation to the proposed external construction materials, dark facing materials would be used throughout with a glazed curtain walling system installed within three elevations. Any windows and service doors to the rear would be dark grey in colour. Whilst the proposed fenestration of the building would be acceptable in the context of this site, the proposed facing materials would appear at odds with the predominantly red brick streetscene. The use of a paler brick and lighter grey cladding system would therefore be the preferred option.
- 4.2.5 On that basis, a condition is recommended to agree those details together with the colours and finishes of any doors and windows to be installed. A further condition is recommended to agree a hard and soft landscaping scheme in order to ensure visual enhancements are provided. Subject to compliance with those conditions, the proposed development would be acceptable with reference to design and visual amenity, in accordance with Policy 11.

4.3 Residential Amenity

- 4.3.1 Dwellings are positioned to the southeast and safeguarding the amenities of those neighbours is an important material planning consideration. Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the general relationship between buildings.

- 4.3.2 Owing to ample separation, the massing of the proposed building would not appear overbearing or cause any unacceptable losses of light for the immediate neighbours. In addition, no adverse privacy impacts would be caused for the immediate neighbours given the levels of separation involved.
- 4.3.3 Conditions have been advised by BwD Public Protection in order to control opening hours, delivery times, sources of external lighting, the logistics of the construction phase, and pile-driving operations (where relevant). It is recommended that all of those conditions are added in order to safeguard the amenities of the immediate neighbours during both the construction and operational phases of the development.
- 4.3.4 A Construction Method Statement has been submitted with the application yet a number of shortcomings have been identified in the document by BwD Public Protection and a more comprehensive version is required via planning condition. A further condition is therefore recommended to control those matters. Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy 8.

4.4 Highways, Servicing and Parking

- 4.4.1 As detailed above, the proposals involve the formation of a new access point from Carl Fogarty Way alongside parking, manoeuvring and logistics areas. Policy 10 requires all development proposals to not prejudice road safety, or the safe, efficient and convenient movement of all highway users. Off-street vehicle parking should also be provided in accordance with the adopted Parking Standards, where achievable.
- 4.4.2 A Transport Statement has been submitted in support of the application that appraises the highways and parking merits of the development. A review of the proposals has been undertaken by BwD Highways. No objections have been raised as the development was refined as part of application 10/21/0826 from a highways and parking perspective. The same layout is proposed here and the access and parking arrangements detailed on the submitted proposed site plan are identical to those approved under that application. Moreover, an almost 30% reduction in floorspace is applicable when compared with the extant permission, which would reduce the parking requirements of the development by a similar proportion.
- 4.4.3 Conditions are recommended from the previous consent to control the logistics of the construction phase, construction of the site access, off-street vehicle parking/cycle storage provisions, and the positions of any gates to be installed as part of the access point. Subject to compliance with those conditions, the proposed development would be acceptable with reference to highways, servicing and parking, in accordance with Policy 10.

4.5 Flooding and Drainage

- 4.5.1 The site is at a low risk from sources of fluvial flooding yet parts of the site are at high risk from sources of pluvial flooding. Policy 9 requires all development proposals to avoid unacceptable impacts on environmental assets or interests, including flood risk. The policy also requires appropriate drainage systems to be installed. A Drainage Strategy has been submitted in support of the application, which includes an assessment in the way of flood risk.
- 4.5.2 BwD Drainage have reviewed the submitted strategy and the merits of the proposals as a whole. No objections have been raised. That said, United Utilities have also reviewed the application and an objection has been raised. Such an outcome comes as a surprise however as the comments provided are very different and much more comprehensive when compared with those provided for application 10/21/0826. A query has been raised with United Utilities regarding the additional requirements within their comments and any further comments provided by them will be presented as part of an update report.
- 4.5.3 In any event, the objection received is caveated and two conditions have been advised regarding drainage provisions. The conditions advised are similar to those imposed on application 10/21/0826 and it is recommended that they both be added in order to control flood risk and drainage provisions. Subject to compliance with those conditions, the proposed development would be acceptable with reference to flooding and drainage, in accordance with the relevant requirements of Policy 9.

4.6 Arboricultural Assessments

- 4.6.1 The site has been recently subject to earthworks and tree cover is minimal. Further requirements within Policy 9 require all development proposals to avoid unacceptable impacts on environmental assets or interests, including trees. A Tree Survey has been submitted with the application yet the survey does not accurately reflect the trees that remain on site. The BwD Arboricultural Advisor has reviewed the submitted survey and the merits of the proposals as a whole. No objections have been raised.
- 4.6.2 A request has been made to retain and move the pine trees that remain on site. There is no reason why such measures cannot be undertaken and those bespoke measures have been included as part of the recommended landscaping condition. Subject to compliance with that condition, the proposed development would be acceptable with reference to arboricultural assessments, in accordance with the relevant requirements of Policy 9.

4.7 Ecological Assessments

- 4.7.1 The site is predominantly exposed earth and it therefore has a low baseline ecological value. Further requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or

interests, including habitats and species. In response to those requirements, an Ecological Appraisal has been submitted.

4.7.2 A number of measures of ecological mitigation are detailed within the submitted appraisal in order to minimise harm to species during the construction and operational phases of the development. A condition is therefore recommended to ensure all of the measures advised are followed. The recommended landscaping condition will also ensure a certain level of new habitat is provided in the form of planting. Subject to compliance with those conditions, the proposed development would be acceptable with reference to ecological considerations, in accordance with the relevant requirements of Policy 9.

4.8 Land Contamination

4.8.1 The proposals involve significant excavations and land contamination must be assessed accordingly given the proposed end use. Policy 8 contains further requirements to ensure development proposals on previously developed land can be remediated to a standard that provides a safe environment for users of the development whilst also ensuring contamination is not displaced. A Ground Investigation Report has been submitted with the application.

4.8.2 However, its findings and recommended mitigation measures do not specifically relate to these proposals. It is therefore recommended that all three standard land contamination conditions be imposed, which were added to application 10/21/0826 upon receipt of the same information. Subject to compliance with those conditions, the proposed development would be acceptable in relation to contamination, in accordance with the relevant requirements of Policy 8.

4.9 Archaeology

4.9.1 The town of Blackburn is steeped in history from the Industrial Revolution and the site is likely to contain remains from that period. In relation development proposals that could potentially affect nationally or locally important archaeological remains, Policy 39 contains an expectation to better reveal and increase understanding of those remains and their settings, unless it is demonstrated that this is not possible or desirable. Development affecting locally important archaeological remains and their settings will only be permitted where the public benefits of the development outweighs the local value of the remains.

4.9.2 LCC Archaeology have reviewed the merits of the proposals and historic maps of the site indicate that remains from the Industrial Revolution are likely to be present. The archaeological study of industrial workers housing, and small industrial premises, can reveal significant detail about the living and working conditions of the people who lived and worked in our industrial towns. As per the request by LCC Archaeology, it is therefore recommended that a condition be imposed to excavate the site and record any archaeological remains found. Subject to compliance with that condition, the proposed development would be acceptable in relation to archaeology, in accordance with Policy 39.

4.10 Climate Change and Air Quality

4.10.1 The development would involve additional traffic movements when compared with the existing use. Policy 36 requires all development proposals to minimise contributions to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the site. BwD Public Protection are yet to review the submitted Air Quality Impact Assessment. Any comments provided in that respect will be presented as part of an update report.

4.10.2 In order to prevent delays with the application, a condition is recommended regarding the submission of a scheme to reduce impacts on air quality, which was imposed on 10/21/0826. Subject to compliance with that condition, the proposed development would be acceptable in relation to climate change and air quality, in accordance with Policy 36.

4.11 Crime Management

4.11.1 In order to prevent crime and disorder and to keep people safe and feeling safe, crime prevention strategies should be integrated into the design of developments as early as possible. Further requirements within Policy 8 state that all development proposals must incorporate positive measures aimed at reducing crime and improving community safety, including appropriately detailed design. In response to those requirements, a Crime Impact Statement has been prepared by Lancashire Constabulary and submitted with the application.

4.11.2 As part of that statement, Lancashire Constabulary have advised that the development should be designed and constructed using the security principles and security rated products as stated in the Commercial Developments Secured by Design Guide (2015). An Informative Note should be added to any approvals issued raising awareness to those requirements. Subject to those obligations being followed, the proposed development would be acceptable with reference to crime management, in accordance with the relevant requirements of Policy 8.

4.12 Summary

4.12.1 This application involves the erection of a three-storey commercial building alongside the implementation of associated works. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.12.2 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 in terms of design and visual amenity, residential amenity, highways, servicing and parking, flooding and drainage, arboricultural assessments, ecological assessments, land

contamination, archaeology, climate change and air quality, and crime management.

4.12.3 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 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.

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 (007 A), 001 L, 002 G, 003 L, 004 L, 005 H and 006 H.

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

5.3 The amount of floorspace operated within the retail use (Use Class E[a]) as part of the development hereby approved shall be restricted solely to the amount detailed on the approved plans '003 L and 004 L'.

REASON: In order to prevent the formation of additional retail floorspace within an allocated employment area, in the interests of maintaining the commercial function of the employment area, and to comply with the requirements of Policy 14 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.4 Notwithstanding the information shown on the submitted application form and approved plans, prior to the commencement of any above ground works on site, details confirming the colours and finishes of all the external materials to be used in the construction of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved materials and details.

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

5.5 No above ground works shall 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;
- b) Details confirming the types and extents of any areas of hardstanding to be applied;
- c) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates;
- d) Details confirming that any trees lost will be replaced at a ratio of at least 2:1;
- e) Details of measures to retain and relocate any existing trees on site, where achievable;
- f) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting; and,
- g) Details indicating the location and arrangement of any required tree protection measures for the trees to be retained within the site and on the site boundaries.

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 Policy 9 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.6 The development hereby approved shall only be open between the hours of 8:00 – 17:00 Monday – Friday, 8:00 – 16:00 on Saturdays, and 9:00 – 16:00 on Sundays and Bank Holidays. Furthermore, any deliveries associated with the development shall only be conducted between those hours.

REASON: In order to minimise disruptions for 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 Prior to their installation, details overviewing the types, positions and heights of any 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 proceed in strict

accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise light pollution from the development, 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 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. The approved statement shall be strictly adhered to throughout the construction phase and it shall provide for but not be exclusively limited to the following;

- a) The parking of vehicles of site operatives and visitors;
- b) The loading and unloading of plant and materials;
- c) The storage of plant and materials used in constructing the development;
- d) Wheel washing facilities;
- e) Measures to control the emission of dust and dirt from construction works, where relevant;
- f) Measures to control noise and vibrations from construction works, where relevant;
- g) A scheme for recycling/disposing of waste resulting from construction works, and;
- h) Details of the type, position and height of any required external lighting.

REASON: In order to control the logistics of the construction phase, in the interests of residential amenity and highway safety, 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).

- 5.9 Any construction works associated with the development hereby approved shall only take place between the hours of 8:00 – 18:00 Monday – Friday and 9:00 – 13:00 on Saturdays. No such works shall take place on Sundays or Bank Holidays whatsoever.

REASON: In order to minimise noise disturbances for neighbours from construction works, 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).

- 5.10 Should any pile-driving and/or vibration compaction works be required to construct the development hereby approved, no development shall commence on site unless and until, a programme for the monitoring of noise and vibration generated from those works has first been 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.

At each location, noise and vibration levels shall not exceed the specified levels in the approved programme during construction works.

REASON: In order to minimise disruptions for 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 No development shall commence on site unless and until, a scheme for the construction of the site access, together with any required off-site works of highways improvement, has first been submitted to and approved in writing by the Local Planning Authority. No development shall commence on site until the approved scheme has been implemented in its entirety, unless otherwise agreed in writing.

REASON: In order to ensure an appropriate access point is constructed, 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 vehicle parking and cycle storage provisions as detailed on the approved plan '001 L' have been provided in their entirety. The provisions installed shall thereafter remain in perpetuity with the development and be permanently available for users of the development.

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

- 5.13 Prior to their installation, details confirming the exact position of any gates required around the new access point 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 approved details.

REASON: In order to ensure any gates installed are adequately set back from the public highway, 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).

- 5.14 No development shall commence on site unless and until, a surface and foul water drainage 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) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- b) 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);
- c) Levels of the proposed drainage systems including proposed ground, finished floor, cover and invert levels in AOD;
- d) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- e) Foul and surface water shall drain on separate systems.

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

Prior to the development hereby approved being brought into use, the drainage scheme shall be completed in accordance with the approved details and thereafter retained in perpetuity with the development.

REASON: In order to promote sustainable development, to manage the risk of flooding and pollution, 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 The development hereby approved shall not be brought into use unless and until, a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development has first been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include, but not be exclusively limited to the following;

- 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: In order to ensure that adequate management arrangements are in place for the sustainable drainage system, in the interests of preventing flooding on and off site, 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 The development hereby approved shall be implemented in strict accordance with all of the measures of ecological mitigation detailed within the submitted Ecological Appraisal, prepared by Bowland Ecology and dated May 2019.

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

- 5.17 No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination, which may be present on site, has first been submitted to and approved in writing by the Local Planning Authority. The submitted Statement shall detail the following;
- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority, and;
 - b) A comprehensive remediation scheme including an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination).

All the agreed remediation measures shall thereafter be carried out in strict accordance with the approved implementation timetable under the supervision of a geotechnical professional and they shall be completed fully in accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

REASON: 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).

- 5.18 Prior to first use 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 any necessary supplementary information. 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 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).

- 5.19 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: 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).

- 5.20 No development shall commence on site unless and until, the applicant or their agent or successors in title has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the Local Planning Authority. The programme of works should comprise and archaeological desk based assessment of the site and further phases dependent on the findings of the desk based assessment and each successive phase of the programme.

These works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists. The development shall be carried out in accordance with the agreed details. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: In order to safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in the interests of adequately recording archaeological remains, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.21 No development shall commence on site unless and until, a scheme to reduce impacts on air quality has first been submitted to and approved in writing by the Local Planning Authority, which accords with the Blackburn with Darwen Planning Advisory Note on air quality. The development hereby approved shall thereafter be implemented in strict accordance with the approved scheme and shall not be brought into use unless and until the agreed measures have been provided in their entirety.

REASON: In order to minimise negative impacts on air quality, in the interests of combatting climate change, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

Case Specific Informative Note

- 5.22 We would advocate that the installation be designed and constructed using the security principles and security rated products as stated in the attached SBD 'Commercial Developments 2015'. Further details about Secured by Design, including application forms and security specifications can be found at www.securedbydesign.com.

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/21/0826 – Erection of four-storey building incorporating Use Classes B8 and E uses with formation of new access point from Carl Fogarty Way and associated works – Approved, with conditions (committee decision) – February 2022.

7.0 CONSULTATIONS

- 7.1 BwD Public Protection – No objections. Contaminated land and air quality reports have been submitted with this application and will be peer reviewed by the Environmental Protection Service - recommendations will be provided as soon as possible.

Should this application be approved, conditions should be imposed to control opening hours, delivery times, sources of external lighting, the logistics of the construction phase, and pile-driving operations.

- 7.2 BwD Highways – The site has been subject to a full planning application which was granted consent on the 17th Feb 2022 (10/21/0826). Like for like comments apply.

The only change would be the parking which previously set out an under provision. There is no breakdown offered with this application according to uses on the differing floors. However with the loss of one floor, this would provide a betterment to the site for parking

- 7.3 BwD Drainage – We have no objections to the proposals, provided that confirmation of the surface water discharge into the combined sewer is acceptable to United Utilities.

- 7.4 BwD Arboricultural Advisor – No objections. Much of the existing tree cover has been removed, as identified as G1 and G2 on the Sight map with RPA Furthergate Plot 1.

A row of standard, established Pine trees were present. And are number T1 to T11 Pines in the submitted survey. It appears the positions of some of the Pines corresponds with positions for the trees shown on the proposed layout plan.

Where practicable, it would be desirable to retain some of the existing Pine trees and incorporate into the proposed layout. It may also be possible to transplant the Pines to suitable positions on the site. The green open area to the east end of the site has potential to incorporate some tree planting.

A condition for full landscape details would be appropriate with any approval of the application.

- 7.5 LCC Archaeology – No objections. Should this application be approved, a conditions should be imposed regarding the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation. Such a condition is necessary in order to ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.
- 7.6 BwD Cleansing – No objections.
- 7.7 United Utilities – Following our review of the proposed site layout (Site Plan Ref: 19.152-001 Rev L) we can confirm that the proposal is not acceptable to United Utilities. Existing public sewers pass through this site which modelling data identifies as being at risk of sewer flooding. Our current network model for the site predicts a significant flood volume which affects the proposed site. We request that the applicant liaises with United Utilities to understand the nature of this flood risk and the impact upon the proposed site layout. The risk of sewer flooding needs to be assessed further as this could affect the developable area of the site and the detail of the design, including the proposed changes to levels. The sequential approach should be applied in accordance with national planning policy. New development should be located so that it is safe and will not increase flood risk elsewhere.

The applicant should consider site topography and any exceedance flow paths from existing and proposed drainage systems. The proposed site layout and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Careful consideration will need to be given to the incorporation of mitigation measures, subject to the detail of the development proposal. This should include the approach to drainage including the management of surface water; the point of connection; whether the proposal will be gravity or pumped; the proposed finished floor and ground levels; and any appropriate measures to manage any risk of sewer surcharge.

We note that changes in levels are proposed. Given the existence of sewer flood risk the proposed changes in levels will need to be modelled to determine the impact of flood risk both on and off site. This will need to be undertaken prior to the determination of this application. The applicant should not assume that changes in levels or any proposed diversion of the public sewerage system will be acceptable as such proposals could increase and/or displace flood risk.

Furthermore, changes in levels on top of the sewer could impact the structural integrity of this asset.

In accordance with the drainage hierarchy, we request that the applicant investigates the potential to discharge surface water into the nearby surface water sewer which is located to the east of the site. The current drainage proposals include discharging surface water to the combined sewer and have not explored the potential for discharging into the nearby surface water sewer. The current drainage proposals are not acceptable and a different connection point for surface water should be considered.

Until such time as the applicant has fully addressed matters regarding the proximity of the proposed development to our asset, the on-site modelled sewer flood risk, our concerns regarding the proposed changes to site levels and the current drainage proposals for this site, our position is that we must OBJECT to the proposal. The applicant should contact our Developer services team at their earliest convenience to discuss these matters further. See 'Contacts' section below.

As this is an application for full planning permission, whereby approval is being sought for the site levels, layout and drainage proposals, we request that the matters set out above are resolved prior to determination of this application.

As the site layout, levels and drainage proposals are intrinsically linked, and to avoid any future revisions to approved plans/documents, or requirements for additional planning applications, we request that this application is not determined until the matters set out above are resolved. In the event that the Local Authority deem it appropriate to determine this application, which is not our recommended approach at this time, should planning permission be granted we request conditions are attached to any subsequent decision notice concerning the provision of a drainage strategy and a sustainable drainage management and maintenance plan.

7.8 Lancashire Constabulary – We would advocate that the installation be designed and constructed using the security principles and security rated products as stated in the attached SBD 'Commercial developments 2015' Design Guide.

7.9 Canal and River Trust – No objections.

7.10 Ward Cllrs

7.11 No public responses received

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 6th March 2023