

Proposed development: Full Planning Application for Erection of 1no unit for vehicle showroom (sui generis) and associated landscaping

Site Address:

Plot 4

Land off Millbank Road/Greenbank Terrace

Lower Darwen

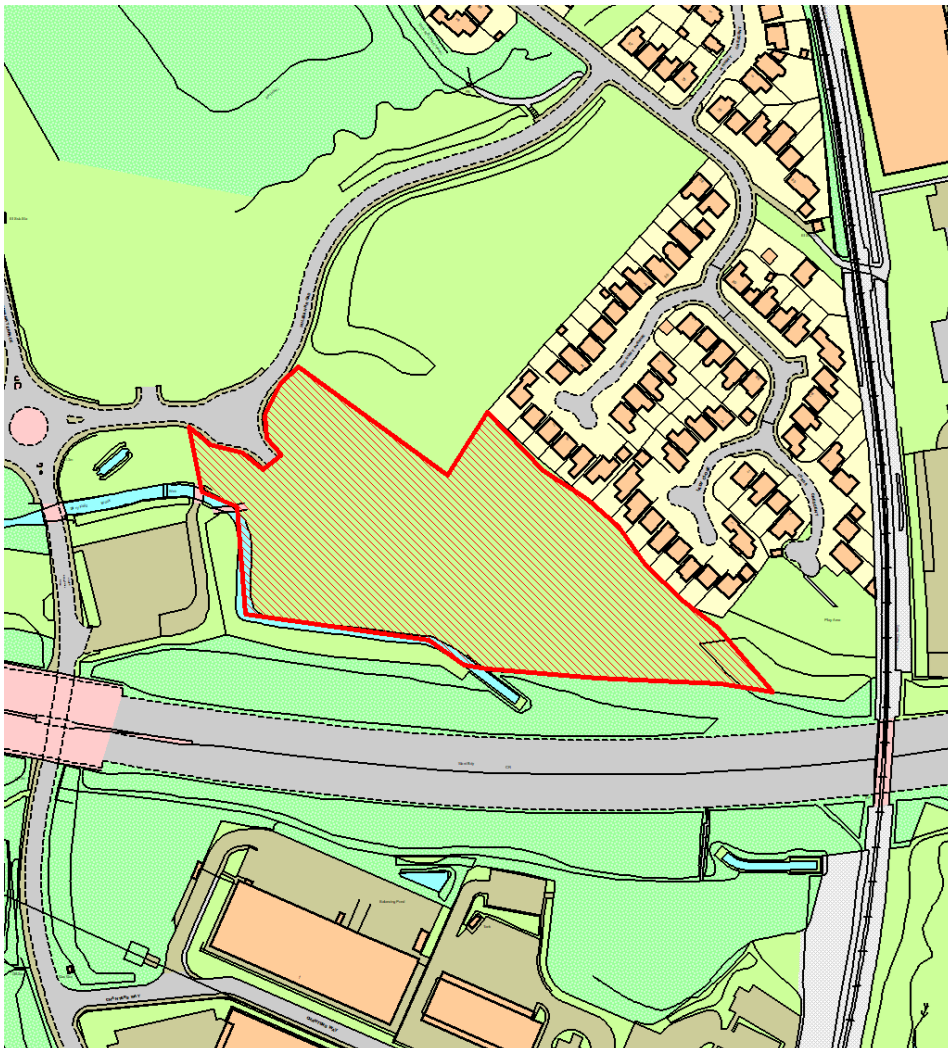
Applicant: Hippo Motor Group Ltd

Ward: Blackburn South & Lower Darwen

Councillor John Slater

Councillor Jacqueline Slater

Councillor Denise Gee



1 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions; as set out in paragraph 4.1.

2. KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 There is a long and complicated planning history for this application site. The 10/18/1149 hybrid approval established full planning permission for a new link road and access points; and outline approval with all matters reserved (except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m² of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works.
- 2.2 Various Reserved Matters (RM) applications were subsequently submitted and approved, including RM approval for the provision of 35,000 sqft (3,251m²) internal floorspace of the approved employment use; in 4 separate Units known as Plots 1 - 4.
- 2.3 RM approval for Plot 4 was approved under RM application 10/21/1328.
- 2.4. This current application, which is submitted as a new, full planning application rather than an amended RM submission, is essentially a revised scheme to the RM previously approved for Plot 4 under ref 10/21/1328. However, as a full application, all matters need to be considered.
- 2.5 Notwithstanding this, many of the fundamental matters have already been covered by the hybrid approval for the site, and the outline approval and subsequent RM approval are material considerations. Conditions in relation to the various outline and RM permissions for the wider site remain in place, and have either been discharged, or are awaiting discharge.
- 2.6 Given the complexity of the site, for its wider context, the flowchart below shows the present situation of how all the applications link together.

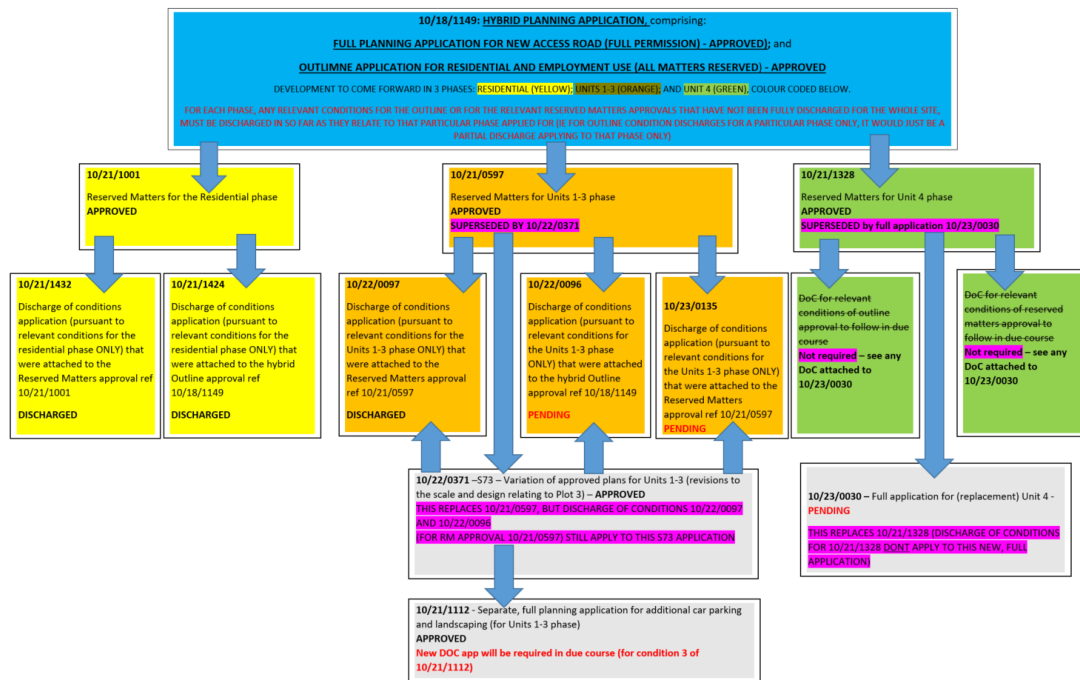


Figure 1: Flowchart

- 2.7 The main difference between this new full application for Plot 4 and the previous RM approval for the Class B2 / B8 use of Plot 4 is the proposed vehicle showroom use, which is a Sui Generis use, and therefore requires planning permission in its own right. Had that not been the case, the physical changes proposed could have been assessed under a S73 variation of the previously approved RM plans. However, the previous outline and RM approvals remain material considerations.
- 2.8 Aside from the difference in use, other differences to the previously approved scheme include a change to the large open internal layout to accommodate a showroom and customer sales area etc, and a considerable reduction in the overall internal floorspace from 3,251 sqm to 660sqm (ground floor), with an additional mezzanine floor space (staff facilities) of 325sqm (985sqm in total). There would also be a flat roof canopy on stilts, and a total of 321 fenced vehicle display spaces. The footprint of the proposed building and the canopy combined would be circa 67m x 35m, but the footprint of the building itself would only measure 31m x 21.5m. The height of the building would be similar to the previously approved building, at circa 8m, and would use similar materials.
- 2.9 Essentially the proposal reflects the size, scale, design and appearance of other buildings in the area, and would meet the functional needs of a vehicle showroom. Assessment of this planning application finds that the proposal will deliver a high quality scheme that will assist in meeting the Council's strategic aims and objectives, including economic growth, and regeneration benefits.
- 2.10 All relevant issues have been addressed or can be controlled or mitigated through planning conditions.

3 RATIONALE

3.1 Site and Surroundings

- 3.1.1 Plot 4, with its extant permission (Outline and RM) for an industrial building, lies within the red edge of the wider development site, comprising 9.45 hectares, which was approved by hybrid application 10/18/1149 (shown below).

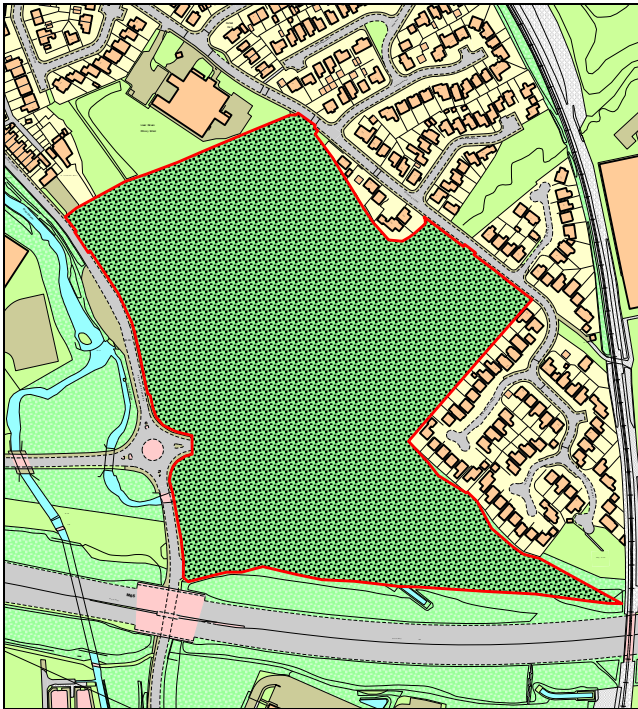


Figure 2: Red edge of the hybrid approval 10/18/1149

- 3.1.2 The site is a former paper mill and landfill site, which lies to the immediate south west of Milking Lane and to the north east of Greenbank Terrace, Lower Darwen. A stream runs east-west through the wider site, leading to the River Darwen via a culvert which runs under Greenbank Terrace to the west of the site. To the immediate north of the site is Lower Darwen Primary School and to the north and east are modern residential developments. However, immediately adjacent the site are the recently approved Units 1-3, which are at an advanced stage of construction.
- 3.1.3 The site is linked to junction 4 of the M65 motorway via the Eccleshill Link Road to the west via Greenbank Terrace.

Extant RM approval for Industrial use at Plot 4 (10/21/1328)

- 3.1.4 The RM approval 10/21/1328 for Unit 4 comprised of 35,000 sqft (3,251m²) of internal floor space, and that unit would have been located along the southern part of the hybrid site, as shown below:

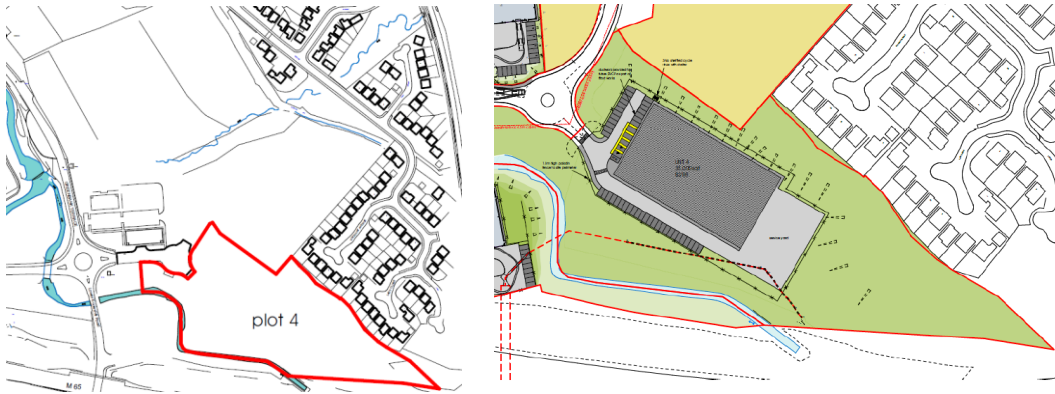


Figure 3: Red edge of Plot 4 (left) and the approved site plan under RM 10/21/1328 (right)

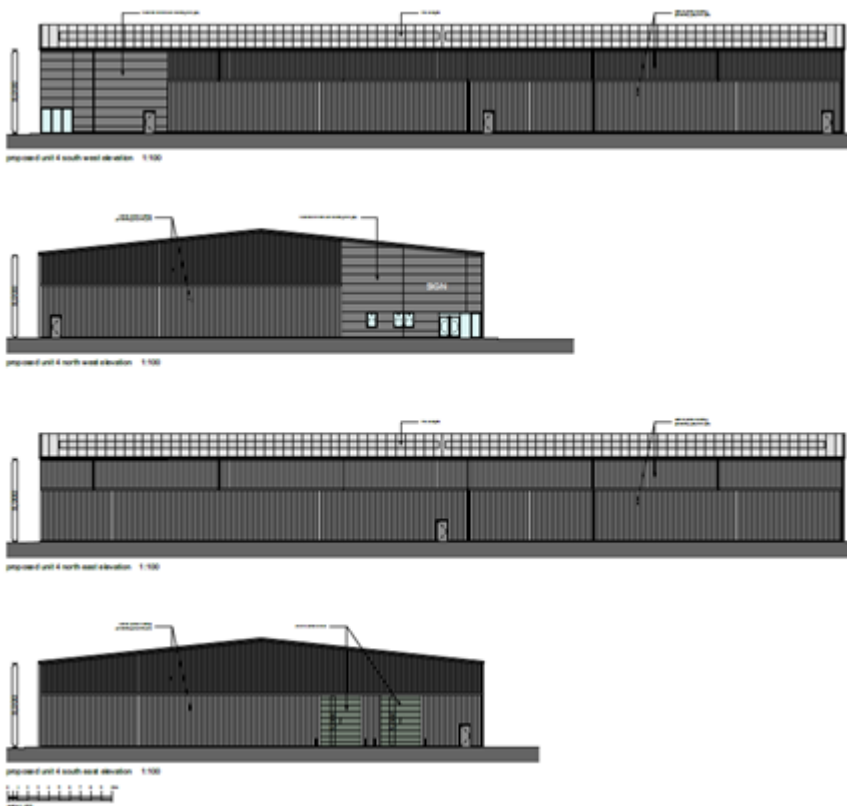


Figure 4: Previously approved elevations for Unit 4 (Reserved matters approval 10/21/1328)

- 3.1.4 All the employment units are sited along the western / southern part of the site, which are on significantly lower land and therefore distinctly separated from the residential parcels above them to the north / east by the steep topography of the site. Unit 4 is accessed from an existing roundabout on the new link road.
- 3.1.5 This southern area of the site where Plot 4 is located, is allocated as being suitable for high quality development in the Adopted Policies Map of the Blackburn With Darwen Borough Local Plan Part 2.

3.1.6 Site photos



Photos taken from the site access, looking East

3.1.7 Supporting documents

3.1.8 Supporting documents submitted with the application include:

- Interpretive ground investigation letter report
- Ecological report
- Arboricultural assessment
- Tree protection scheme
- Transport statement
- Hydraulic assessment of proposed flood mitigation
- Crime impact statement
- Planning statement
- Design and access statement
- Flood Risk Assessment

3.2 **Proposed Development**

3.2.1 The employment unit applied for in this RM application is assessed in the context of the aforementioned outline and RM approvals, as well as the surrounding industrial and residential uses within the wider development site.

3.2.2 The proposed site plan for the new Unit 4 is shown below (Rev H, received 21/3/23):



Figure 5: Proposed site plan – Rev H, received 21/3/23

3.2.3 The proposed floor plans are shown below:



Figure 6: Proposed Ground floor plan

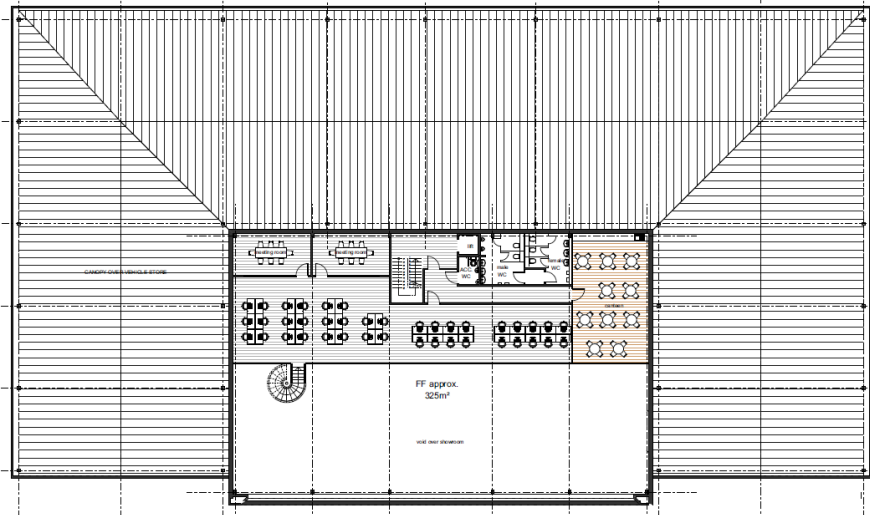


Figure 7: First floor plan

3.2.4 The scale of Unit 4 would be relative to its proposed use and reflects the functional design requirements of a car showroom.

3.2.5 The building would have a modern appearance, with materials comprising Walls of kingspan benchmark evolution cladding - black RAL 9005, and kingspan ks1000 trapezoidal cladding - spectrum metallic silver RAL 9006, with trapezoidal composite roof panels.

3.2.6 The proposed elevations are shown below.



Figure 8: Proposed elevations

3.3 Planning history

3.3.1 Members will be aware of the long and complex history of this site. Relevant planning applications are shown below, in particular the hybrid application **10/18/1149**, and the RM approval for Plot 4, **10/21/1328** (in bold):

- 10/23/0135 - Discharge Conditions 9 "car parking layout" & 10 "access gates scheme" pursuant to planning application 10/21/0597 – Pending discharge.
- 10/22/0371 - Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.1 pursuant to planning application 10/21/0597 - "Approval of reserved matters for the appearance, layout, scale and landscaping of the employment units 1, 2 and 3, pursuant to permission 10/18/1149" - revisions to the scale and design relating to Plot 3 – Approved.
- 10/22/0097 - Discharge Condition No 3 "revised flood risk assessment" pursuant to planning application 10/21/0597 – Discharged.
- 10/22/0096 - Discharge Condition Nos 22 "Construction Method Statement", 23 "ecological surveys and mitigation", 24 "Biodiversity and Habitat Management Plan", 27 "foul and surface water drainage scheme", 28 "surface water construction phase management plan", 29 management and maintenance plan for sustainable drainage system", 33 "design and construction details of highway improvements to M65 Junction 4 circulatory and signals", 38 "scheme for de-culverting of Davyfield Drain", 39 "hydraulic model and flood risk report", 40 "existing and proposed ground levels", 41 "flood resilient scheme", 42 "remediation strategy", and 45 "arboricultural method statement" pursuant to planning application 10/18/1149 – Pending discharge.
- 10/21/1432 - Discharge Condition Nos 2 "written agreement relating to the off-site highway works", 5 "Construction & Environmental Management Plan", 6 "scheme for the management and maintenance of the proposed streets", 7 "full engineering, drainage, street lighting and constructional details of the streets", 9 "landscaping scheme", 10 "lighting scheme", 11 "scheme for the site entrance" pursuant to reserved matters planning application 10/21/1001 - Discharged.
- 10/21/1424 - Discharge of Condition Nos 19(part) "S106 Agreement", 20(part) "swept path analysis", 21(part) "movement strategy", 22(part) "Construction Method Statement", 23(part) "Ecological surveys and mitigation plans", 24(part) "Landscape and Habitat Creation and Management Plan", 25(part) "Landscaping Scheme", 26 (part) "Noise impact assessment of both employment uses and existing ambient traffic noise", 27 (part) "Foul and surface water drainage scheme", 28(part) "Surface Waters construction phase management plan", 29(part) "Management and maintenance plan for the sustainable drainage system", 37 (part) "Travel Plan", 38 "Scheme for the de-culverting of Davyfield Drain", 39 "Hydraulic model and flood risk report", 40 (part) "existing and proposed ground levels", 41 "Flood resilient scheme",

42(part) "Remediation strategy", 44(part) "Future management and maintenance of the proposed streets", 45(part) "Tree survey" and 46(part) "Future management and maintenance of the proposed streets" pursuant to hybrid planning application 10/18/1149 - Discharged.

- **10/21/1328 - Reserved Matters Application for Approval of the RM for the appearance, layout, scale and landscaping of employment unit on Plot 4 pursuant to permission 10/18/1149 – Approved.**
- 10/21/1112 – Full planning application for formation of additional car parking and landscaping to plot 1 pursuant to reserved matters application 10/21/0597 – Approved.
- 10/21/1001 – Application for Approval of reserved matters for the appearance, layout, scale and landscaping of 76 dwellings, pursuant to permission 10/18/1149 – Approved.
- 10/20/0627 - DOC application for conditions 1-15 of the full application part (access road) of the hybrid approval 10/18/1149 - All complied with / discharged.
- **10/18/1149 - Hybrid Planning Application - Full planning permission - new link road and access points; Outline planning permission with all matters reserved (with all matters reserved except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m2 of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works. (Approved 20/02/20, subject to various conditions).**
- 10/18/0911 – Demolition of 2 vacant office buildings (Prior Approval not required - 02/10/2018).
- 10/15/1119 - The erection of up to 180 dwellings, open space and associated works including the construction of a link road together with the demolition of the existing redundant office buildings (Refused 17/11/2016 – S106 Agreement not completed).
- 10/10/0551 - Residential development and link road at land between Milking Lane and Greenbank Terrace (Approved with conditions 19/11/2012).
- 10/05/0317 - Redevelopment of the former Lower Darwen Paper Mill site to create high quality Business Park (Approved with conditions 28/06/2006).

3.4 Development Plan

- 3.4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.4.2 The Development Plan comprises the Blackburn With Darwen 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:

3.4.3 Blackburn With Darwen Core Strategy

Policy CS1: A Targeted Growth Strategy
Policy CS2: Typology of Employment Lane
Policy CS3: Land for Employment Development
Policy CS4: Protection and reuse of employment sites
Policy CS13: Environmental Strategy
Policy CS15: Protection and Enhancement of Ecological Assets
Policy CS16: Form and Design of New Development
Policy CS18: The Borough's Landscapes

3.4.4 Blackburn With Darwen Local Plan Part 2 (LPP2) (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 28: Development Opportunities
Policy 41: Landscape

3.4.5 **Other Material Planning Considerations**

3.4.6 National Planning Policy Framework (The Framework) (2021)

3.4.7 Blackburn with Darwen adopted Parking Standards

4 Assessment

4.1 The main issues to be considered in assessing this application are:

- Principle of development
- Design / Appearance
- Trees / Landscaping
- Ecology / BNG
- Drainage / Flood Risk
- Contamination
- Access / Layout / Highways / Parking / Developer contributions
- Residential amenity

4.2 Principle of development

4.2.1. The site is allocated as being suitable for high quality development in the Adopted Policies Map of the Blackburn With Darwen Borough Local Plan.

Furthermore, the 10/18/1149 Hybrid planning permission established the principle for a mixed use development.

- 4.2.2 The principle of development, to provide a different end use (car showroom) and revised design, to the previous Class B2 / B8 RM approval for employment use on Plot 4, is considered acceptable, and does not conflict with development plan policy, provided there are no specific impacts that would outweigh the recognised benefits. These issues are assessed further, below.
- 4.2.3 The Framework advises that there should be a presumption in favour of sustainable development, and given the benefits of the proposal, including visual and economic benefits, the proposal is considered to be sustainable development. Accordingly, the proposal is found to be acceptable.

4.3 Design / Appearance

- 4.3.1 Appearance is considered against CS Policy 16, and Policy 11 of LPP2, which requires a good standard of design. Development is expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context, making a positive contribution to the local area. This includes enhancing and reinforcing the established character of a locality.
- 4.3.2 The proposed unit has been designed to reflect the proposed car showroom use. The size, scale and design of the proposed unit would be appropriate for its intended use, the size of the plot, and its relationship with adjoining uses, and would sit within the natural topography of the site and the local area.
- 4.3.3 The appearance of Unit 4 would be broadly similar to the 3 other units that have recently approved, noting it has been designed to be functional for its use as a car showroom. The building would have a modern appearance, using high quality contemporary metal faced cladding materials in black and silver in varying arrangements, which would help break up the massing of the building.
- 4.3.4 The proposal would therefore respect the character and history of the site and wider area, and would integrate appropriately into the street scene. Accordingly, the proposed appearance of the development is found to be acceptable, in accordance with CS Policy 16 and Policy 11 of the Local Plan.

4.4 Trees / Landscaping

- 4.4.1 Policy 9 of the Local Plan seeks to protect the environment. Landscaping is also assessed against Policy 11. It is expected that development will incorporate existing trees into the design and layout of the scheme.
- 4.4.2 The proposal would involve regrading the land to suit the proposed unit and parking with new planting along the edge of Millbank Road, in front of the unit and to the land bordering Davyfield Brook. The tree removals required to

accommodate the proposals would not have significant impact on amenity values and there is potential adequately compensated for with new planting.

4.4.3 A comprehensive Arboricultural report was submitted with the application which was subject to review by the Council's Tree Officer, who raised no objections, subject to conditions to secure the mitigation measures set out in the AIA, and a detailed landscaping scheme for appropriate mitigation planting. With these conditions attached, the proposal is considered acceptable, and complies with Policy 9 of the Local Plan and the Framework.

4.5 Ecology / BNG

4.5.1 Policy 9 of the Local Plan requires development proposals to not lead to unacceptable impacts on environmental assets, including protected species.

4.5.2 Section 174 of the NPPF 2021 states that planning policies and decisions should contribute to and enhance the natural and local environment.

4.5.3 An Ecology report was submitted with the application, which was subject to review by GMEU Ecology unit, who raised no objections, subject to appropriate mitigation conditions to ensure priority habitats and species are not unduly affected by the proposal. Conditions to be attached include an updated Biodiversity and Habitat Management Plan, and a detailed Landscaping scheme. The previous hybrid and RM approvals included conditions to enhance biodiversity throughout the wider site, and a condition requiring detailed landscaping will be attached to this application to secure full details of mitigation planting and biodiversity enhancement.

4.5.5 With the aforementioned conditions, the proposed development is considered acceptable, in alignment with Policy 9 of the Local Plan and the NPPF.

4.6 Drainage / Flood Risk

4.6.1 Policy 9 of the Local Plan states that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including but not limited to climate change (including flood risk), water quality and resources. Development will be required to demonstrate that it will not be at an unacceptable risk of flooding.

4.6.2 The application site contains land which lies within Flood Zone 3 & 2, which is land defined by the planning practice guidance as having a high to medium probability of flooding. The site is also located upon a Secondary A aquifer. A FRA was therefore requested, and subsequently submitted. This was subject to review by the EA.

4.6.3 The site has been subject to detailed assessment of flood risk, which has been covered extensively in the previous hybrid and RM approvals, including the information submitted for the discharge of the relevant conditions attached to those permissions.

4.6.4 United Utilities, the EA, and the Council's Drainage consultee have all raised no objections to the proposal, subject to conditions. The EA are satisfied that the development would be safe without exacerbating flood risk elsewhere subject to conditions being attached for the proposed flood risk mitigation measures to be implemented in accordance with the submitted details, and an appropriate remediation strategy for the site.

4.6.5 The proposal is therefore considered acceptable in terms of flood risk, and complies with Policy 9 of the Local Plan and the NPPF.

4.7 Contamination

4.7.1 Policy 9 of the Local Plan seeks to protect the environment.

4.7.2 Substantial work has already been carried out to establish contamination at the site, and that the works would not result in unacceptable impacts. Any necessary remedial works and further investigations can be secured by appropriately worded conditions, as recommended by the Council's Public Protection team, and EA. Compliance with Policy 9 is therefore achieved.

4.8 Access / Layout / Highways / Parking / Waste

4.8.1 Policy 10 of the Local Plan seeks to ensure that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced, and that appropriate provision is made for vehicular access, off-street servicing and parking in accordance with the Council's adopted standards.

4.8.2 The proposal is considered acceptable from a highway safety and efficiency perspective, subject to conditions, following review of the submitted layout by the Council's Highways consultee.

4.8.3 Access into the site from the highway network is already in situ; this was approved under the original hybrid approval. The internal site layout has been designed using the approved access point from the roundabout on the new link road, and the siting has been influenced by existing site constraints, topography / levels, and watercourses. Pedestrian access is catered for and is acceptable.

4.8.4 The proposal shows appropriate provision for servicing vehicles, which has been demonstrated through a swept path analysis. However, further information is required to clarify the frequency of movements, confirmation of largest vehicle to visit the site, a service vehicle parking area associated with vehicles waiting to load whilst one is unloading. This can be conditioned accordingly.

4.8.5 The proposal, with 40 spaces comfortably meets the requirements of the adopted BwD parking standards, including adequate provision for disabled parking, cycle parking and motorcycle. The finer detail of these facilities can be requested by condition.

- 4.8.6 In terms of trip generation, a comparison has been made between the proposed trip generation and the previously approved B2/B8 application. While the proposed development is expected to generate more trips than the previously approved development this would not be excessive and is not considered likely to have a severe impact on the safe or efficient operation of the local highway network.
- 4.8.7 Whilst raising no objection, the Council's Highways Officer did recommend a number of other, standard conditions to be attached, most of which relate to the existing access, which was previously addressed by conditions attached to the 10/18/1149 hybrid approval, including S278 works. Appropriate conditions have therefore only been attached where directly relevant to this RM application, namely those relating to the internal layout of the site.
- 4.8.8 The impact on highway safety and the highway network is therefore considered acceptable, and the proposal complies with Policy 10 of the Local Plan, the adopted parking standards; and the NPPF.

Developer contributions

- 4.8.9 In their consultation response, the Highways consultee also referenced the limited accessibility by public transport and active travel modes. A S106 contribution of £45K to improve accessibility, including bus stops / improvements, and improvements to the PROW, was requested.
- 4.8.10 However, this is not considered reasonable or proportionate given the context of this application. A material consideration in reaching this conclusion is that the principle of development has already been established by the hybrid approval and the subsequent RM approvals (albeit the Hybrid approval was for employment use, rather than the Sui Generis car showroom use now proposed).
- 4.8.11 Plot 4 benefits from an extant permission for an employment (Class B2/B8) building, and it is not considered appropriate to seek financial contributions to improve accessibility. The proposal, if implemented, will bring substantial economic and regeneration benefits, and the scheme needs to be viable to ensure implementation, with all the wider benefits that would bring.

4.9 Residential amenity

- 4.9.1 Policy 8 of the Local Plan states that all development proposals should secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings. Those requirements are reinforced by the Design SPD. Also that it will, in isolation and in conjunction with other planned or committed development, contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited.

- 4.9.2 The proposed car showroom has been designed as a self-contained development with its own service yard and car parking and landscaping. The position of the unit achieves an acceptable relationship with nearby residential properties, including the dwellings closest to the proposed unit, to the north-east (as well as the residential development parcels approved under RM application 10/21/1001).
- 4.9.3 The separation distances from the proposed development to the nearest properties on Lady Close and Viscount Ave to the north are considered acceptable. There is a gap of circa 43.5m from the corner of the proposed canopy (circa 65m from the corner of the proposed building) to the closest existing corner house, whilst the associated yard would still be circa 26.5m from the nearest dwelling on Lady Close. Notwithstanding this, any impacts arising from the height and massing of the building would be significantly mitigated against by the substantial drop in land levels from the existing housing down to the development site at Plot 4, in any case.
- 4.9.4 Although some concerns were raised in one letter of objection from a local resident, the principle of development has already been established and the proposed car showroom would not be likely to have any materially greater impact than the employment building approved at RM stage.
- 4.9.5 The Council's Public Protection Officer raised no objections, subject to conditions to mitigate the impacts. With these safeguards, the impact on residential amenity as a result of this RM application is considered acceptable.
- 4.9.6 The proposal is therefore acceptable in terms of residential amenity, and complies with Policy 8 of the Local Plan and the guidance of the Design SPD.

4.10 Summary

- 4.10.1 This report assesses the planning application for a car showroom at Plot 4, instead of the employment building previously approved under the hybrid and RM approvals.
- 4.10.2 In considering this proposal, the relevant range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and The Framework.

5 **RECOMMENDATION**

That Delegated authority is given to the Strategic Director of Growth & Development to approve planning permission, subject to the following conditions:

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

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

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

Job no. 18.107: Dwg no. 001 Rev D: Location Plan

Job no. 18.107: Dwg no. 021 Rev H: Site Plan

Job no. 18.107.06: Dwg no. 001 Rev B: Proposed ground floor plan

Job no. 18.107.06: Dwg no. 002 Rev B: Proposed first floor plan

Job no. 18.107.06: Dwg no. 003 Rev B: Proposed elevations

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

3. The external walling and roofing materials to be used in the construction of the development hereby permitted shall be as specified in the approved details referred to in Condition No.2.

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

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.The CEMP should also include measures to prevent harm to species such as nesting birds, otters, amphibians and badgers, as recommended in the Ecological Report.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: In order to minimise harm to local ecological populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, and the Framework.

5. No development shall take place (including demolition, ground works, vegetation clearance) until an updated Biodiversity and Habitat management plan has been submitted to and approved in writing by the local planning authority. The Biodiversity and Habitat Management Plan shall be updated to reflect the change in design for Plot 4, including the location of bat and bird boxes.

REASON: In order to minimise harm to local ecological populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, and the Framework.

6. Prior to the commencement of development (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

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

7. No construction shall commence until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

REASON: In the interest of public health and to ensure protection of the public water supply.

8. No development shall take place until:
 - (a) A plan showing the alignment and elevational treatment of a close-boarded fence of not less than two metres in height to be erected along the eastern boundary of the development site (or at least one metre from any part of the existing motorway fence where the boundary lies within one metre of

this) has been submitted to and agreed in writing by the local planning authority in consultation with National Highways; and
(b) The fence approved by part (a) of this condition has been erected in accordance with the agreed details.

Thereafter, the fence shall remain in situ and only be repaired or replaced in accordance with the requirements of this condition.

REASON: To protect highway land from construction activities and to prevent any access between the site and strategic road network for safety reasons associated with both the construction phase and use of the development, in accordance with Policy 10 of the BwD Local Plan and the NPPF.

9. No development shall take place unless and until Road Restraint Risk Assessment in accordance with standard CD377 of the Design Manual for Roads and Bridges (DMRB) has been completed by the applicants and findings agreed with National Highways in connection with the local planning authority. Any requirement arising from this assessment to upgrade the motorway safety barrier shall be in accordance with DMRB and undertaken at the applicant's expense and under agreement with National Highways.

REASON: To ensure that the safety of users of the M65 motorway is maintained, in accordance with Policy 10 of the BwD Local Plan and the NPPF.

10. No development pursuant to this application shall commence until a detailed construction plan working method statement relating to site development earthworks and drainage alongside the M65 motorway in accordance with the relevant design standards has been submitted to and accepted by National Highways and the Local Planning Authority.

REASON: To protect highway land from construction activities and to prevent any access between the site and strategic road network for safety reasons, in accordance with Policy 10 of the BwD Local Plan and the NPPF.

11. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

12. Prior to the commencement of any development on site, the Tree protection measures as set out in the Arboricultural Impact Assessment (Bowland Tree Consultancy, Project ref: BTC1958, Version 1, dated July 2020) and Tree Protection Scheme (Bowland Tree Consultancy, Project ref: BTC1958, Version 1, dated June 2020), shall be fully in place prior to commencement of the development hereby approved, and shall remain fully in place throughout the duration of construction works. The protective fencing shall be in accordance with BS5837:1991 'Trees In Relation To Construction'. No excavation, materials storage, waste disposal or other activities shall take place within protected areas.

REASON: To secure the protection, throughout the time that the development is being carried out, of trees within or adjacent to the site which are of amenity value to the area, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Notwithstanding the submitted details, prior to the commencement of development hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall demonstrate mitigation planting and biodiversity enhancement. Trees and shrubs shall be planted on the site in accordance

with the approved landscaping scheme during the first available planting season following completion of the works, and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs. The landscaping shall be maintained and retained thereafter.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs to mitigate against tree loss, in the interests of amenity and biodiversity, in accordance with Policy 9/40 of the Blackburn with Darwen Borough Local Plan Part 2.

14. Prior to the installation of any external lighting a scheme detailing the location and specification of any luminaires shall be submitted to, and agreed in writing by, the Local Planning Authority. Prior to the commencement of the approved use the agreed scheme shall be implemented and thereafter retained. Any changes to the agreed scheme must be approved in writing with the local planning authority. The scheme must accord with the guidelines set out in the Institute of Lighting Engineers publication "Guidance Notes for the Reduction of Obtrusive Light".

REASON: To ensure adequate levels of residential amenity, in accordance with Policy 8 of the BwD Local Plan and NPPF.

15. Full details of the cycle storage facilities shall be submitted to and approved by the Local Planning Authority. The approved facilities shall be implemented prior to first occupation of the development hereby approved, and thereafter retained.

REASON: To provide for safe sustainable travel options, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

16. The proposed development shall proceed in strict accordance with the Flood Risk Assessment (FRA by Paul Waite Associates, Report Ref: 22257-PWA-00-XX-RP-C-1000, dated February 2023) and the mitigation measures contained within. Any proposed changes to the approved FRA and / or the mitigation measures identified will require a revised FRA to be submitted to and approved by 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 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

17. Full details of all boundary treatment shall be submitted to and approved in writing by the Local Planning Authority, and the approved boundary treatment shall be installed in accordance with the approved detail prior to first occupation of the development hereby approved.

REASON: In the interests of visual 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).

18. Notwithstanding the detail shown on the approved plans, prior to the development hereby approved being first brought into use, appropriate provision for Electric vehicle charging spaces shall be shown on a revised parking plan, which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the proposed spaces shall be implemented and retained in accordance with the approved details.

REASON: To provide an appropriate level of provision for electric vehicles, and to promote the use of sustainable modes of travel, and to reduce emissions and improve air quality.

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

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

20. Notwithstanding the detail shown on the approved plans, prior to the development hereby approved being first brought into use, further detail shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that all service vehicle movements and associated parking can be accommodated within the site. The additional detail shall include, at a minimum, details of the expected frequency of movements; the largest vehicle; and a service vehicle parking area associated with vehicles waiting to load whilst others are unloading. The servicing provision shall be implemented fully in accordance with the approved details and retained thereafter.

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

21. 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:
 - l) 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 Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2.

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

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

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

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

6 CONSULTATIONS

6.1 Ecology – GMEU

6.1.1 No objections, subject to conditions

As you are aware the information submitted with the application includes an Ecological Report. This report covers a wider area than the current application but shows that the majority of the site has already been cleared although small areas of woodland associated with the Brook remain. The ecology report also used a different site plan to assess the impacts for the proposals than that submitted. It appears that the woodland and Brook will be unaffected by the proposals but these habitats will need protecting during construction works. We would therefore advise the at Construction Environmental Management Plan for Biodiversity be required and the following condition attached to any permission, should it be granted.

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The CEMP should also include measures to prevent harm to species such as nesting birds, otters, amphibians and badgers, as recommended in the Ecological Report.

The invasive Japanese knotweed was found on the site. We would therefore recommend that the following condition be attached to any permission

Prior to the commencement of development (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

No landscaping proposal appear to have been submitted with the application but we would expect any such scheme to provide compensation for habitat previously lost from the site. The ecology report refers to a "A Biodiversity and Habitat Management Plan (Bowland 2022)" but this does not appear to have submitted as part of the current application. This matter therefore requires clarification.

Further comments from GMEU Ecology:

While the Biodiversity and Habitat Management Plan has now been submitted, it needs to be updated to reflect the change in design for Plot 4. For example much more of Plot 4 is being taken by development than is shown in the Management Plan and the design of the building is different, so the location of bat and bird boxes will also need to be changed. A clear landscaping plan for the site should be required as well as an updated Management Plan, which could be by condition.

6.2 Electricity North West (ENW)

6.2.1 No comments offered.

6.3 National Highways

6.3.1 No objections, subject to conditions in order to maintain the safety and integrity of the M65 motorway.

Referring to the consultation on a planning application dated 27th January 2023 referenced above, in the vicinity of the M65 motorway that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

~~a) offer no objection;~~

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions);

~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~

~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B is / is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

There have been no pre-application discussions with National Highways prior to this application being submitted.

Recommendation: Conditions

1. No development shall take place until:

(a) A plan showing the alignment and elevational treatment of a close-boarded fence of not less than two metres in height to be erected along the eastern boundary of the development site (or at least one metre from any part of the existing motorway fence where the boundary lies within one metre of this) has been submitted to and agreed in writing by the local planning authority in consultation with National Highways; and

(b) The fence approved by part (a) of this condition has been erected in accordance with the agreed details.

Thereafter, the fence shall remain in situ and only be repaired or replaced in accordance with the requirements of this condition.

Reason: To protect highway land from construction activities and to prevent any access between the site and strategic road network for safety reasons. This needs to be a pre-commencement condition as it deals with safeguards associated with both the construction phase and use of the development.

Informative: The applicant should contact National Highways (NH) to arrange a pre-start site inspection to agree the state of NH's assets and alignment of the new fence as specified in the list of conditions.

2. No development shall take place unless and until Road Restraint Risk Assessment in accordance with standard CD377 of the Design Manual for Roads and Bridges (DMRB) has been completed by the applicants and findings agreed with National Highways in connection with the local planning authority. Any requirement arising from this assessment to upgrade the motorway safety barrier shall be in accordance with DMRB and undertaken at the applicant's expense and under agreement with National Highways.

Reason: To ensure that the safety of users of the M65 motorway is maintained.

3. No development pursuant to this application shall commence until a detailed construction plan working method statement relating to site development earthworks and drainage alongside the M65 motorway in accordance with the relevant design standards has been submitted to and accepted by National Highways and the Local Planning Authority.

National Highways Planning Response (NHPR 21-09) September 2021

Reason: To protect highway land from construction activities and to prevent any access between the site and strategic road network for safety reasons. This needs to be a pre-commencement condition as it deals with safeguards associated with both the construction phase and use of the development.

We also advise that there must be no drainage connection into the motorway drainage system.

National Highways Comments on Proposals:

In terms of traffic impacts from the development, we are satisfied that those the main weekday AM / PM peak hours would be slightly less than the previously approved 3,252sqm B2 / B8 unit (Ref: 10/21/1328). In addition, a mitigation scheme at the M65 Junction 4 roundabout that was conditioned on this site previously (and the wider Greenbank Terrace / Milking Lane residential and mixed-use employment development) has recently been completed by Blackburn with Darwen Council Highways.

Consequently, in traffic impact terms we have no objection to this application and our overall position is that of no objection subject to conditions in order to maintain the safety and integrity of the M65 motorway.

Please note that paragraph 57 of the governing DfT Policy Circular 01/2022 'The Strategic Road Network and the Delivery of Sustainable Development' requires that a Road Restraint Risk Assessment Process (RRRAP) is carried out where development is proposed adjacent to the SRN such as this. This requirement is to ensure that the development of what was previously vacant land does not pose a hazard to road users should an errant vehicle breach the motorway boundary.

Whilst the applicant may wish to do complete the RRRAP prior to determination of the application (and we are happy to engage with them on this), completion of the RRRAP must be a condition of any approval of this application.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Additional comments from National Highways

In terms of traffic impacts from the development, we are satisfied that those the main weekday AM / PM peak hours would be slightly less than the previously approved 3,252sqm B2 / B8 unit (Ref: 10/21/1328). In addition, a mitigation scheme at the M65 Junction 4 roundabout that was conditioned on this site previously (and the wider Greenbank Terrace / Milking Lane residential and mixed-use employment development) has recently been completed by Blackburn with Darwen Council Highways. Consequently, in traffic impact terms we have no objection to this application and our overall position is that of no objection subject to conditions in order to maintain the safety and integrity of the M65 motorway.

6.4 Lancashire Constabulary

6.4.1 No objections. A Crime Impact Statement was submitted prior to submission of the a planning application. The development should meet Secured by Design Standards.

A Crime Impact Statement was provided directly to the architect in November and should ideally have been included in their application to you.

In order to prevent crime and disorder and to keep people safe and feeling safe, crime prevention strategies should be integrated into the design as early as possible to allow crime prevention strategies and a layered approach to security to be effectively integrated into the final scheme. Making minor changes to the design or layout of the development now means it is less attractive to potential intruders and can reduce harm and the fear of crime for users of the buildings, visitors, and the overall community.

We would strongly advocate that this development be designed and constructed to Secured By Design security standards, using the SBD 'Commercial 2015' Design Guide specifications for the proposed development. Further details about Secured By Design, including application forms and security specifications can be found at www.securedbydesign.com.

Independent academic research shows that SBD certified schemes experience less burglary, criminal damage, and vehicle crime.

6.5 Network Rail

6.5.1 No objections, subject to informatives.

The railway is 65m+ to the east of the boundary – so if there are any vibro impact works then NR should be informed. No other comments.

6.6 United Utilities

6.6.1 No objections, subject to a condition (initial holding objection removed).

UU would like more information on the proposed development, with regards to:

- *the location of the proposed canopy and (if any) the position of any future ground supports/pillars for it.*

- *The attached plan provided is not clear as to the extent of the canopy and if there is any encroachment into the easement for the water main. The easement should be shown as 10m (5m either side) rather than 3m each side as set out on the plan.*
- *If ground supports are required and fall within the easement width, we would need to understand whether the supports are ground penetrating and their proposed depths.*

I appreciate your deadline for your committee report is soon, therefore UU would be happy to remove our objection on the basis that the following pre-commencement condition is included on any Decision Notice granted:

CONDITION:

No construction shall commence until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply.

The applicant can then submit the required information at their earliest convenience for assessment and confirmation of acceptability by our water engineers without any delays.

6.7 Environment Agency

6.7.1 Initial holding objection lifted, upon receipt of a FRA.

The application site contains land which lies within Flood Zone 3 & 2, which is land defined by the planning practice guidance as having a high to medium probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations.

Updated EA comments (following receipt of FRA):

In our letter referenced NO/2023/115056/01-L01, dated 14 February 2023, we objected to the development as proposed pending the submission of a site-specific Flood Risk Assessment (FRA).

The planning application is now accompanied by a new FRA prepared by Paul Waite Associates Ltd., referenced; 22257-PWA-00-XX-RP-C-1000 and dated February 2023. We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

As a result, we now remove our objection to the development as proposed, subject to the inclusion of a planning condition requiring a remediation strategy for the site.

Contaminated Land

We have previously responded to Outline (10/18/1149) and Reserved Matters (10/21/1328) applications for this development site, as plot 4 of the wider Greenbank Terrace/ Milking Lane development site.

In our response to planning application 10/21/1328, dated 23rd March 2022, we indicated that there was outstanding work in relation to the prior contamination of plot 4 due to the area of historic landfill. We were unable to recommend discharge of condition 42 of application 10/21/1328.

As part of our responses to previous phases of development on this site we have reviewed the following documents:

REMEDIATION STATEMENT for Milking Lane, Darwen, dated July 2021 REPORT Ref No: 21ELA052/RS by Betts Geo

Desk Study & Ground Investigation Report for Milking Lane, Lower Darwen, Blackburn, dated August 2015, REPORT Ref No:15RSA011/DSGI

We therefore reiterate our comments from our response dated 23rd March 2022, our reference NO/2021/114091/01-L03.

No groundwater sampling has been undertaken, and the report also indicates that leachability testing to assess the contaminants within the landfill has also not been undertaken. Consideration should be given to assessing the actual hard standing over the landfill and the decrease in infiltration that this may result in, to decrease influx. There is currently inadequate information about this phase of the development in the documentation to make a contaminated land assessment.

The previous use of the proposed development site as a landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is

- located upon a Secondary A aquifer

The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. *A preliminary risk assessment which has identified:*
 - *all previous uses*
 - *potential contaminants associated with those uses*
 - *a conceptual model of the site indicating sources, pathways and receptors*
 - *potentially unacceptable risks arising from contamination at the site*
2. *A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.*
3. *The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
4. *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

6.8 BwD Drainage/ Lead Local Flood Authority

6.8.1 No objections, subject to conditions.

LLFA Position:

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

Condition 1:

Prior to commencement, the applicant is required to submit details of the surface water drainage design showing the calculations used to determine the restricted discharge rate.

Condition 2:

No above ground works shall take place until a scheme for the protection of any watercourse which runs along the boundary of the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- (i) Details of how surface water will be managed during the construction phase in order to prevent pollution of any watercourse;
- (ii) Details of the height, position and design of any protective fencing to be erected alongside the river corridor in order to prevent debris entering the watercourse; and
- (iii) A timetable for the implementation of the measures in (i) and (ii).

Reason: To ensure that satisfactory measures are put in place to prevent the pollution of the watercourse which runs adjacent to the site and to ensure that the watercourse does not become blocked by construction materials in the interests of maintaining water quality and to reduce the risk of flooding in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

6.9 Public Protection

6.9.1 No objections, subject to conditions.

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

Contaminated Land

The development is part of a wider site that has already been assessed for contamination. However, the proposed use is different to that already approved with different building locations and structures.

The risk from contamination has already been deemed low and some remediation proposed. However, the submitted report recommends that there be further gas monitoring done on the site.

With this in mind it would be appropriate to include the standard contamination condition 10/22/0096 that covers all four of the plots.

Light

It is not clear how much lighting will be present on the site and no assessment has been submitted with the application.

However, given the nature of the approved use then lighting will be necessary for security purposes as with the other sites that Hippo operate.

The potential impact of this light on receptors in the area needs to be assessed.

We would require that the developer complies with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light.

This can of course be conditioned to agree a scheme prior to installation.

Condition – External Lighting

Prior to the installation of any external lighting a scheme detailing the location and specification of any luminaires shall be submitted to, and agreed in writing by, the Local Planning Authority. Prior to the commencement of the approved use the agreed scheme shall be implemented and thereafter retained. Any changes to the agreed scheme must be approved in writing with the local planning authority.

The scheme must accord with the guidelines set out in the Institute of Lighting Engineers publication "Guidance Notes for the Reduction of Obtrusive Light".

Reason: to ensure adequate levels of residential amenity

Air Quality

We would apply the AQ PAN. Car sales are not specifically categorised.

However, given the circumstances I am happy to conclude that the site would be a type 1 site and subject to standard mitigation.

There is a requirement therefore to include electric vehicle charging points.

The guidance directs us to requires charging points based on the number of parking spaces. This use is however unusual as a lot of the parking spaces are to store cars as stock and not cars that will be regularly coming to and from the site.

Air-Quality-advisory note.pdf (blackburn.gov.uk)

The guidance for non residential development with over 40 parking spaces is for 2 bays plus additional provision for 4 % of the total.

With a total of 276 spaces this would be 13 charging points.

I am aware that hippo provide charging points at its over locations and given the future of vehicles I would anticipate that they are planning on a fair provision of charging points anyway.

If they are planning on installing 13 or more charging points then I am happy for that to proceed. However, if they wish to negotiate a lower number then there is some room to reduce. The number of spaces is, to a large degree for car storage and not to facilitate regular trip movements.

6.10 Cleansing

6.10.1 No objections.

6.11 Highways

6.11.1 No objection, subject to receipt of further information and appropriate conditions.

PROW – no implications

The submission details have been reviewed, and a site investigation has been undertaken.

Parking/Access

In accordance with the adopted parking standards, and based on the total floor area, the proposal would generate an allowance of 19 parking spaces.

The development proposals include 40 on-site car parking spaces for staff and visitors and 321 display / sales bays. The proposed parking provision is above the BwD benchmark parking standards which is based on internal showroom area. Given the large outdoor area provision above the benchmark standard is considered to be acceptable.

I would add that there should be a provision made for electric vehicles, please could we seek consideration of this.

Adequate provision for disabled parking, cycle parking and motorcycle parking is included within the overall provision. Details of security and coverage of the cycle and PTW is to be received for approval and

Access & Layout

Access is to be gained from Millbank Road previously approved to accommodate B1/B2/B8 development.

A pedestrian access is shown off the highway up to the entrance of the building.

Sightlines details are not offered. We suspect these will be acceptable, however we would request that the splays on either side of the access are kept free from vegetation and obstructions, when setting out boundary treatment.

Servicing

Swept path analysis for a 20m drawbar car transporter and 16.5m articulated HGV has been provided, both can be accommodated within the proposed access arrangements.

Frequency of movements, confirmation of largest vehicle to visit the site, a service vehicle parking area associated with vehicles waiting to load whilst one is unloading is to be offered for assessment. Please seek further details, or condition accordingly.

Transport Statement

The report has been reviewed and the following thoughts are offered:

Trip Generation/Traffic Impact

A comparison has been made between the proposed trip generation and the previously approved B2/B8 application. While the proposed development is expected to generate more trips than the previously approved development on the site the total trips expected to be generated are 12 two-way trips during the AM peak period and 10 two-way trips during the PM peak period which is not considered likely to have a severe impact on the safe or efficient operation of the local highway network.

Site Accessibility

The sites accessibility by public transport and active travel modes is limited. The development of other plots within the Milking Lane development is currently impacting on Greenbank Terrace. It would be beneficial if the northbound bus stops is reinstated on completion of these works and where possible improved to include provision of shelters, timetables and access kerbs. A new southbound bus stop on Greenbank Terrace close to Millbank Road would also help to improve the sites accessibility.

The TS does not identify the availability of further bus services available from Bus Stops on Roman Road within 1km which would be accessible from the proposed development via the PROW which crosses the railway to the East of the proposed development. This pedestrian route would benefit from improvements to make it more accessible and attractive such as signage, lighting and clearance of foliage.

The cycle routes identified in the TS are on footway shared routes connecting to the A666. While the route provides a useful connection there are no controlled crossings at the M65 Junction 4 making the connection difficult for all but the most confident cyclists? It is likely that through the cycle network development through the LCWIP process that an alternative route connecting the site with Darwen along Lower Eccleshill Road shall be promoted although this is subject to further feasibility work at this stage.

To support these measures, we would request a S106 contribution of £45K to aid the above, the measures are as follows:

New southbound bus stop on Greenbank Terrace - £10-£15k

Bus stop improvements on Roman Road - £10k (Access kerbs northbound and southbound)

Improvements to the PROW - £20k (Signage, lighting, etc.)

Other

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

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

To conclude, in principle we support the application, subject to the matters as outlined being addressed satisfactorily, or conditioned accordingly.

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

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

6.12 Tree Officer

6.12.1 No objections, subject to tree protection implementation as specified in the AIA, and a landscaping condition.

It is noted the AIA includes an adjacent site the east for residential development which is not part of this application. The AIA identifies the following tree removals for development purposes.

Projected Arboricultural Losses Relating to the Development Proposals 5.2

From the information provided to date it is projected that, as detailed in Table B, below, construction of the commercial development, as proposed, will require the removal of eight low quality (i.e. 'C' category) trees, six low quality groups and part of two further low quality groups. Two trees are considered unsuitable for long term retention regardless of the development proposals.

T8 to T18, G10, G11 G12, G15, G16 and G17 as indicated in the survey data would be removed to accommodate the development.

The AIA tree data includes those trees, identified for retention and development protection. The proposed site plan includes indicative landscaping including two groups of standard trees. It appears it may not be possible to plant trees shown adjacent to the roundabout due to the proposed foul water route and the cellular water tank.

The tree removals required to accommodate the proposals would not have significant impact on amenity values and there is potential adequately compensated for with new planting. Open ground to the north and west parts of the site should be predominately landscaped with mix of native trees and shrubs. The planning up of these areas would make a strong contribution to the biodiversity of the area and provide valuable screening to the adjacent housing area.

It appears a substantial area natural regeneration of trees, G14 would be retained between Davey Field Brook and the proposed swale.

G14 is likely to make important contribution to the ecological, biodiversity values associated with the brook and has potential to ameliorate flooding associated with the Brook and river Darwen.

The tree protection scheme document is suitable to condition as part of any approval.

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

6.13 Fire Service

6.13.1 Generic comments – to be attached as an informative.

7 Publicity

7.2.1 64 Neighbouring properties were consulted during the consultation process, and site notices were posted on 14th February 2023. A press notice was also issued on 7th February 2023. One representation was received from a local resident.

7.2.2 A summary of the issues referred to in the representation from a local resident is set out at Paragraph 10, below:

8.0 CONTACT OFFICER: Tom Wiggans – Planning Officer

9.0 DATE PREPARED: 12th May 2023

10.0 SUMMARY OF REPRESENTATIONS

Comment – Kevin Lloyd, 14 Lady Close, Darwen. Received: 06/02/2023.

With reference to the above please find my comments below.

1) I can see no reason why there should be any changes to the planning conditions which apertained to the previous planning application for this site or to the overall dimensions. Why is the site being made larger than the previous permission granted?

With specific reference to this particular application

2) There is no provision for landscaping.

3) The use of semi permeable material will only result in a considerable 'eyesore'. This can be seen by looking at the land in front of the ARGO building at Junction 4 of the M65 which as I understand it uses semi permeable material.

4) It is also clear that such material will not prevent flooding given the fact that the land is a designated flood plain.

5) I am concerned that similar sites eg Motor Point in Burnley use both a tannoy system and music on the site. Given the fact that this new application is creeping both further up the land and the steep banking than the previous application. This is now directly to the rear of my property. This is totally unacceptable.

6) The provision of security lighting/floodlighting will cause light pollution especially given the fact that the new submitted application is creeping both further up the land and the steep banking than the previous application and now directly

to the rear of my property.

7) The new planning application will require further ground clearance, levelling and a further loss of habitat in contravention of both existing planning conditions and the Ecological Report. This as I have stated previously will result in land subsidence to the rear of my property due to the steepness of the banking. A cursory look at the existing fence panels at the top of this banking shows subsidence.

8) Given the fact that the future is electrification of cars how could this be provided for on a flood plain?

9) There is an increased risk of fire and litter in the area due to discarded cigarettes butts from the public visiting the site and members of staff working on the site. This is a significant point given climate change and long periods of both dry weather and the increased severity of heavy rain and flooding. This site is a designated flood plain.

10) As was pointed out to me previously by a council official the roundabout is unsuitable for access for vehicles such as car transporters which will undoubtedly be required. This same council official also said that restrictions would be placed on the access road (Millbank Road) on heavy goods vehicles.

11) This planning application will not result in employment in the area as this is merely a transfer of an existing site at Whitebirk.

In conclusion there should be no changes to the existing planning conditions and additional ones added to accommodate the specifics of this application.