

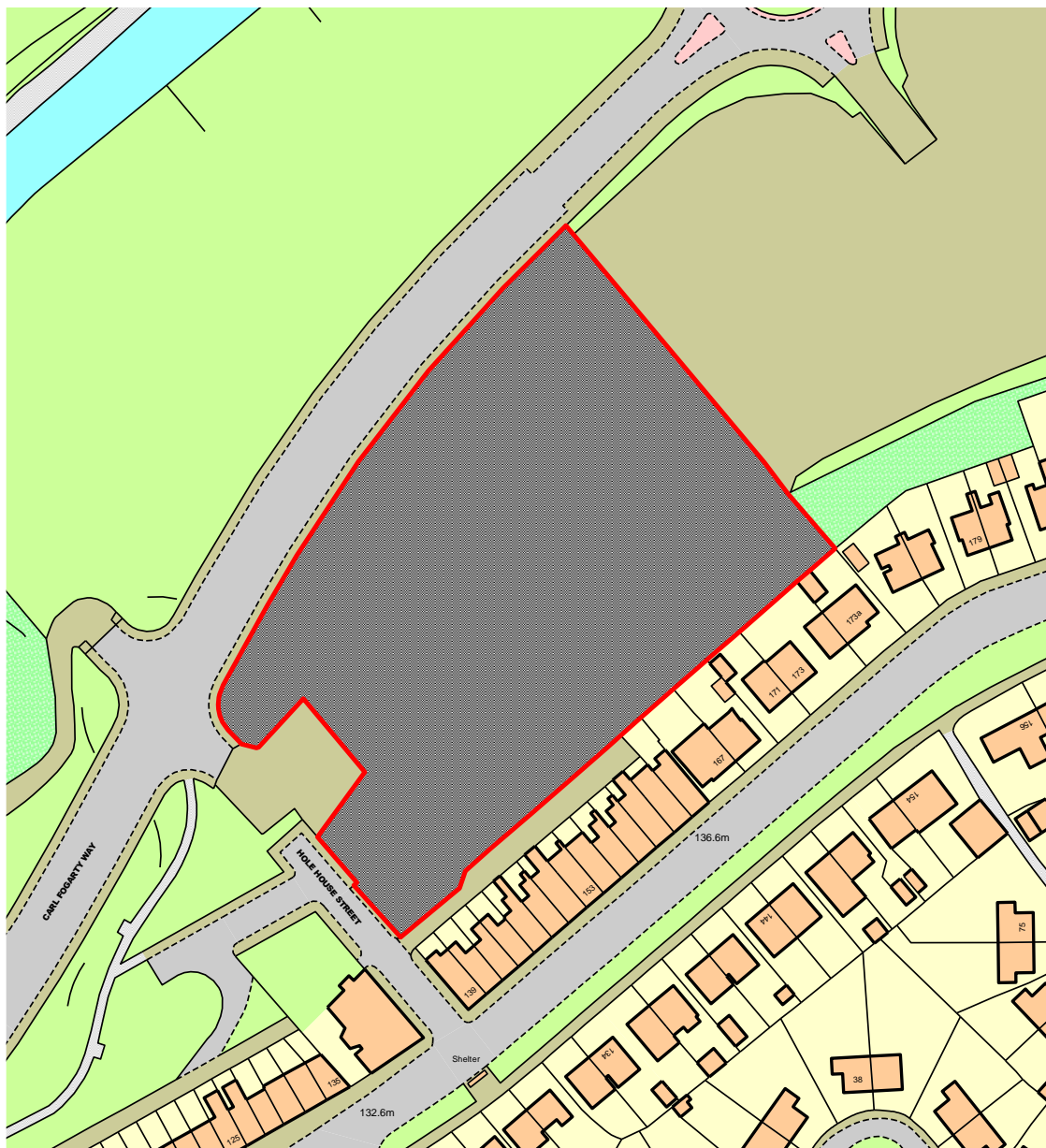
**Proposed Development: Construction of a new car showroom (Sui Generis) with ancillary offices including the formation of a new site access, construction of valet garage, associated landscaping and car parking for staff/visitors and vehicle display**

**Site Address: Land at Carl Fogarty Way (Plot 3), Blackburn**

**Applicant: Autolab UK**

**Ward: Little Harwood and Whitebirk**

**Councillor Sonia Khan  
Councillor Abdul Patel  
Councillor Mustafa Desai**



## **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 currently within the ownership of the Council.

2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 51 adjacent properties on 29<sup>th</sup> March 2023. A site notice was displayed outside of the site on 11<sup>th</sup> April 2023. In addition, all residents and occupants were reconsulted on 24<sup>th</sup> May 2023 given the receipt of amended information. 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 a committee update report.

2.3 The Council's development plan supports new commercial/employment 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 two-storey car showroom (Sui Generis) with ancillary offices on the ground and first floor. The formation of a new site access, valeting garage, carpark, and associated landscaping is also proposed. The majority of the external parking area would be used for the retail display of vehicles.

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
- Finalising the required level of financial contributions
- Design and assessing visual amenity impacts
- Assessing impacts on nearby heritage assets
- Safeguarding the amenities of residential neighbours
- Assessing highways and parking provisions
- Assessing the potential for flood risk
- Foul and surface water drainage considerations
- Safeguarding nearby utilities infrastructure
- Ensuring ecological harm is appropriately minimised
- Assessing the potential for land contamination

- 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

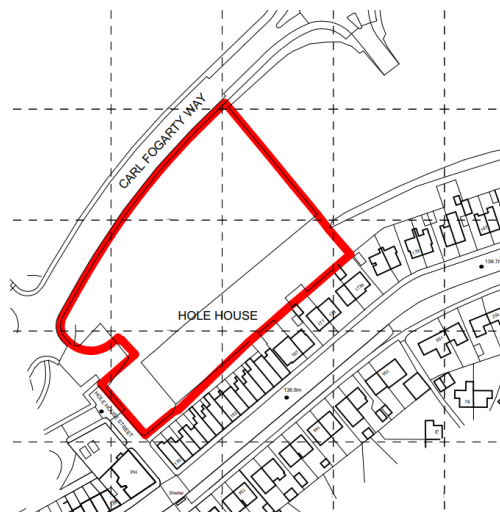
3.1.1 The application site is a plot of undeveloped land located within the defined inner urban area of Blackburn, the Burnley Road Primary Employment Area and the Gorse Street Employment Land Allocation. The site previously housed a mill and workshops. The site is currently enclosed by low-level timber fencing. A number of trees and shrubs intersperse various areas the site. Access is gained to the west from Carl Fogarty Way (A678), via a recently formed bellmouth access point.

Figure One – Satellite image of the site



3.1.2 The site covers an area of circa 2.3 acres. Dwellings along Burnley Road are positioned to the southeast with commercial land uses positioned to the northeast. Open land is positioned to the northwest and southwest. The Grade II listed Imperial Mill and canal are positioned further afield to the northwest.

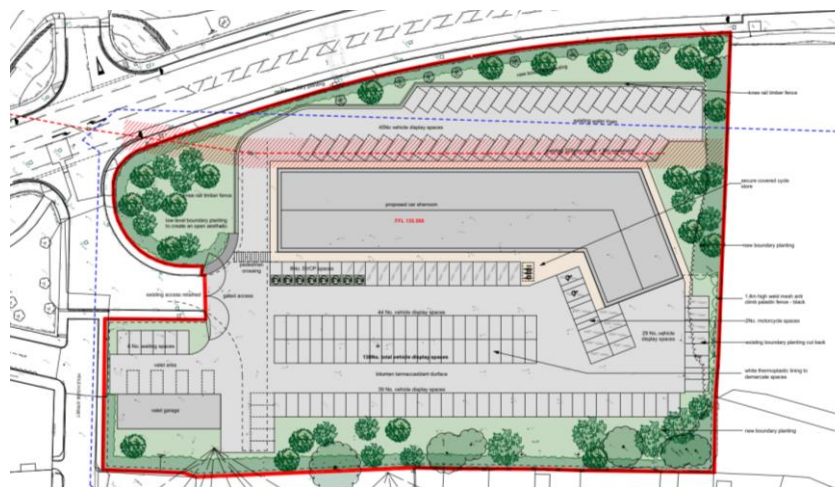
Figure Two – Location Plan showing the extent of the site



### 3.2 Proposed Development

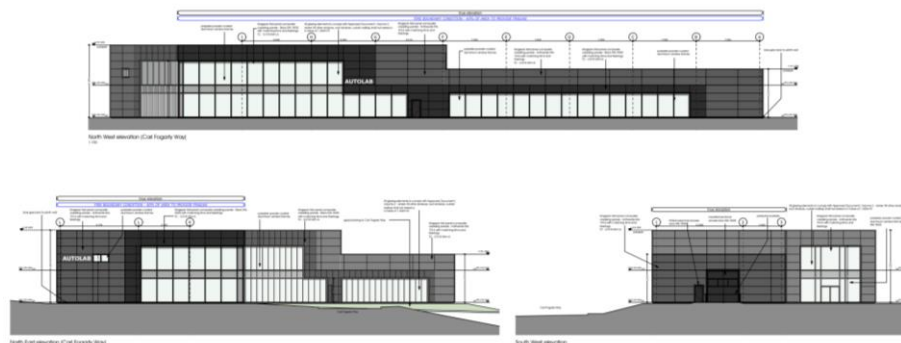
3.2.1 As detailed above, this application seeks full planning permission for the erection of a two-storey car showroom (sui generis). The site is currently owned by the Council and the developer was the 'Preferred Bidder' as part of the land disposal agreement. The development would comprise of a single building built in a contemporary style. A relatively large carpark area would be formed around the building, which would be accessed via a modified and gated vehicle entrance point. 138 car sales plots would be provided within that area alongside a further 29 spaces for staff and visitors. A valet garage would also be provided to the south corner of the site complete with 6 waiting spaces. Supplementary planting would be provided around the site peripheries.

Figure Three – Proposed Site Plan (amended)



3.2.2 2060 square metres of floorspace would be provided within the proposed showroom building and it would have a sequence of flat roofs at 6m and 9m in height. Black and grey insulated cladding would be used to externally finish the elevations with open glazed curtain wall panels serving the showroom and office areas. Four roller shutter doors would be installed to the rear elevation serving the showroom. The proposed valet garage would have a footprint of circa 19.6 square metres and a flat roof 4m in height. Black and grey insulated cladding would be used to externally finish the elevations and four sectional doors would be installed to the northwest elevation.

Figure Four – Proposed front and side elevation plans (amended)



### 3.3 Case Officer Site Photos



### 3.4 Development Plan

#### 3.4.1 Core Strategy Part 1 (2011):

- Policy CS21: Mitigation of Impacts/Planning Gain

#### 3.4.2 Local Plan Part 2 (adopted December 2015):

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 12: Developer Contributions
- Policy 13: Employment Land Allocations
- Policy 14: Primary Employment Areas
- Policy 36: Climate Change
- Policy 39: Heritage

#### 3.4.3 BwD Parking Standards

- Wholesale Car Sales: 1 car space per 50 sqm internal showroom area

## 4.0 **ASSESSMENT**

### 4.1 Principle of Development

- #### 4.1.1
- The site is located within the defined inner urban boundary of Blackburn, the Furthergate Phase 1 Employment Land Allocation and the Burnley Road Primary Employment Area, as detailed above. The defined urban boundaries

are the preferred locations in the Borough for all new employment and commercial development.

- 4.1.2 Regarding the requirements of Policy 13, the development would have a good relationship with the adjacent transport network as it would form part of a wider strategic initiative to develop a number of plots along a newly formed link-road. Those requirements are covered in a greater level of detail below in Section 4.6. Furthermore, the design of the scheme, potential impacts on residential properties, land contamination, and impacts on Imperial Mill are all covered below.
- 4.1.3 Regarding the requirements of Policy 14, the proposals involve the provision of a car showroom, which has a sui generis use. Such a use is not prioritised within Primary Employment Areas. That said, wider support is given for uses that do not fall within a prioritised use provided it is demonstrated that the development, in isolation or in combination with other completed or committed development, will not prejudice the maintenance and overall balance of uses within the Primary Employment Area, having regard to the overall objectives of Policy 14 to provide land for B1 (now E[g]), B2 and B8 uses.
- 4.1.4 The Burnley Road Primary Employment Area covers a relatively large piece of land between the Leeds and Liverpool Canal and Burnley Road, at circa 27 acres. With the exception of some relatively small scale retail and motor servicing premises adjacent to Burnley Road, the majority of completed development within the allocation falls within the prioritised uses. In addition, any committed development adjacent to Thornley Avenue would align with those uses.
- 4.1.5 For those reasons, and when the undeveloped nature of much of the land within the Burnley Road Primary Employment Area is taken into account, the construction of car showroom at this site would not adversely prejudice the maintenance or overall balance of uses within the allocation. It should also be noted that offices are to be provided within much of the building and such a use accords with the priorities detailed within Policy 14. The proposed development is therefore acceptable in principle, in accordance with the relevant requirements of Policies 1, 2, 13 and 14.
- 4.1.6 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 Developer Contributions

- 4.2.1 All relevant new development is expected to contribute to mitigating its impact on infrastructure and services, through s106 contributions, as per the requirements of Policy CS21. Policy 12 requires the Council to seek a financial contribution from a developers where required by policy. Those requirements are also reinforced by Policy 10 in relation to the provision of enhancements for



the transport network. In response to those requirements an amount of £60,000 (+ 1% monitoring fee) has been agreed with the developer through an s106 agreement. For clarity, the monies will be used for;

1. Improvement to the sites accessibility by active modes and public transport including the proposals to improve pedestrian and cycle crossing facilities at the Carl Fogarty Way /A6119 Whitebirk Road (Red Lion) Roundabout. – £29,000
2. Local Cycling and Walking Infrastructure Plan (LCWIP) contribution – £31,000

4.2.2 Subject to that agreement being finalised, the proposed development would be acceptable in relation to developer contributions, in accordance with Policies CS21 and 12 together with the relevant requirements of Policy 10.

### 4.3 Design and Visual Amenity

4.3.1 The site is positioned within an area that has a relatively 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 open land and adjacent to a main thoroughfare. The site also forms part of one of the main gateways into the town centre. Any development proposals at this site must therefore be appropriately designed and landscaped.

4.3.2 The proposed building would form a statement piece of architecture within its immediate setting through the use of an open glazing arrangement to three elevations, a flat roof and modern construction materials, which would all provide a distinctly contemporary design. At up to 9m in height, it would appear as an overtly prominent building within the streetscene. That said, large commercial buildings form part of the prevailing character of the area and a similar building has been recently approved at Plot 1. On that basis, the proposed building would be acceptable in the context of this site. A condition is recommended to control the quality and finish of the external construction materials to be used in order to ensure a satisfactory form of development is achieved.

4.3.3 As detailed above, soft landscaping would be introduced along the site peripheries. Such measures would provide visual enhancements around the site. In addition, they would soften the massing of the building from key vantage points along Carl Fogarty Way. An acceptable Landscaping Strategy has been submitted during the course of the application. The strategy includes the retention of the majority of the existing trees, as requested by the BwD Arboricultural Advisor. A further condition is recommended to ensure the development is implemented in accordance with that strategy. In addition, a condition is recommended to agree the scope and design of any required boundary treatments and gates. Subject to compliance with those conditions, the proposed development would be acceptable with reference to design and

visual amenity, in accordance with the relevant requirements of Policies 11 and 13.

#### 4.4 Heritage Assets

4.4.1 The Grade II listed Imperial Mill is positioned in excess of 100m to the northwest of the site, which is a designated heritage asset. Policy 39 states that development with the potential to affect any designated heritage asset, either directly or indirectly including by reference to their setting, will be required to sustain or enhance the significance of the asset.

4.4.2 A review of the proposals has been undertaken by the BwD Heritage Advisor. It is undeniable that the proposals would form a modern and noticeable addition within the streetscene. Nevertheless, as noted in the Design and Access and Planning Statement, there is some distance between the application site and the listed building, which also has some visual separation due to the intervening Carl Fogarty Way and Leeds and Liverpool Canal.

4.4.3 The proposals will cause some harm to the contribution made by the setting to the significance of the listed building. However, as the historic setting has already been significantly compromised and eroded by the surrounding modern changes, the level of harm caused as a result of the proposed scheme would be slight (less than substantial test). In this situation, Policy 39 states that development that will negatively impact on the significance of an asset will only be permitted where the impact is outweighed by the public benefit arising from the development.

4.4.4 As detailed above, the proposals form part of a wider strategic initiative to develop a number of plots along a newly formed link-road. They would provide a valuable contribution to the local economy alongside the employment of 10 fulltime members of staff, as per the submitted application form. Such outcomes provide public benefits and when they are considered alongside the levels of separation involved, the proposals would not compromise the setting of the listed building to a level where a refusal would be justified. For those reasons, the proposed development is acceptable in relation to heritage assets, in accordance with the relevant requirements of Policies 13 and 39.

#### 4.5 Residential Amenity

4.5.1 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.

4.5.2 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 when the levels of separation are considered alongside the nature of the proposed building.

- 4.5.3 In relation to noise, a Noise Impact Assessment has been submitted in support of the application. BwD Public Protection has reviewed the merits of the assessment and no objections have been raised. A condition is recommended to limit the opening hours of the showroom to 8:00 – 18:00 in order to minimise the potential for disruptions to occur for neighbours. A further condition is recommended to ensure the valeting garage only operates between those hours Monday – Saturday, as requested by BwD Public Protection.
- 4.5.4 Further conditions have been advised to control sources of external lighting, construction working hours, impacts associated with any required pile-driving operations (or similar), any various impacts associated with the construction phase. It is recommended that all of those conditions are added in order to safeguard the amenities of the immediate neighbours during the construction and operational phases of the development. Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policies 8 and 13.

#### 4.6 Highways, Servicing and Parking

- 4.6.1 As detailed above, the proposals involve the use of a modified access point from Carl Fogarty Way alongside the formation of parking, manouvering and vehicle valeting 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.
- 4.6.2 An updated Transport Statement has been submitted in support of the application that appraises the highways and parking merits of the amended layout. A review of the proposals has been undertaken by BwD Highways and no objections have been raised regarding the potential for the development to compromise the safety and capacity of the local highways network.
- 4.6.3 A request for visibility splays to be provided has been made. However, the site access point is set back from the bellmouth junction and vehicles will only be travelling at slow speeds when accessing/egressing the site. A condition is recommended to ensure the visibility splays around the access point remain free obstructions. Subject to compliance with that condition, the proposed access arrangements would be acceptable.
- 4.6.4 Regarding off-street vehicle parking, an acceptable level is proposed for staff and visitors. In addition, three mobility impaired spaces and three cycle racks are proposed, which is acceptable in the context of this development. A condition is recommended to ensure those facilities are provided prior to the development becoming operational.

4.6.5 A detailed above, a condition is recommended to control the logistics of the construction phase. The condition is also necessary on highways grounds in order to minimise the potential for disruptions to be caused from the construction phase of the development. Subject to compliance with those conditions, the proposed development would be acceptable with reference to highways, servicing and parking, in accordance with the relevant requirements of Policies 10 and 13 together with the adopted Parking Standards.

#### 4.7 Flooding, Drainage and Utilities Infrastructure

4.7.1 The site is at a low risk from sources of fluvial flooding yet parts of the site are at high risk from sources of surface water flooding. Policy 9 requires all development proposals to avoid unacceptable impacts on environmental assets or interests, including flood risk. Development with the potential to create significant amounts of new surface water run-off will be expected to consider and implement where required, sustainable drainage systems (SuDS) or other options for the management of the surface water at source. A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted in support of the application.

4.7.2 BwD Drainage have reviewed the submitted FRA and no objections have been raised. Regarding the submitted Drainage Strategy, they have raised a number of queries, which are reflected in the comments provided by United Utilities. Conditions are therefore recommended regarding the submission of an updated Drainage Strategy alongside a maintenance plan for the system to be installed. The Agent has initially advised that they are happy with that approach.

4.7.3 An amended layout has been submitted during the course of the application and the showroom building has been positioned further to the southeast. Such measures are sufficient to ensure the easement zones for an adjacent sewer and water main are avoided. No objections have been raised in that respect by United Utilities and any special construction techniques required can be resolved at the Building Regulations stage. Subject to compliance with the recommended drainage conditions, the proposed development would be acceptable with reference to flooding, drainage and utilities infrastructure, in accordance with the relevant requirements of Policy 9.

#### 4.8 Ecological Assessments

4.8.1 The site has been vacant for some time and it has a moderate 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. The BwD Ecological Advisor has reviewed the submitted appraisal and no objections have been raised.

4.8.2 Conditions have been advised to prevent vegetation clearance during the bird breeding season, ensure a management plan is put in place to prevent the spread of Himalayan Balsam, ensure a management plan is put in place for the landscaping strategy and ensure bird/bat boxes are installed in support of the

development. It is recommended that all of those conditions are added in the interests of biodiversity. 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.

#### 4.9 Land Contamination

4.9.1 The site previously housed commercial buildings and the development involves significant excavations. Land contamination must be assessed on that basis. 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.

4.9.2 Land contamination reports accompany the application yet they are yet to be reviewed by BwD Public Protection given resourcing constraints. Any comments provided in that respect will be presented as part of a committee update report. It is therefore recommended that all three standard land contamination conditions be imposed at this stage as a precautionary measure. Such an approach is also consistent with the request made by the Environment Agency. Subject to compliance with those conditions, the proposed development would be acceptable in relation to contamination, in accordance with the relevant requirements of Policies 8 and 13.

#### 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 Screening Assessment. Any comments provided in that respect will be presented as part of a committee 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. The provision of cycle storage facilities would also contribute towards those aspirations. Subject to compliance with that condition, the proposed development would be acceptable in relation to climate change and air quality, in accordance with the relevant requirements of 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.

4.11.2 In response to those requirements, Lancashire Constabulary have advised that the development should be designed and constructed using the security principles and security rated products detailed within 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 construction of a new car showroom (Sui Generis) with ancillary offices including the formation of a new site access, construction of valet garage, associated landscaping and car parking for staff/visitors and vehicle display . 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 developer contributions, design and visual amenity, heritage assets, residential amenity, highways, servicing and parking, flooding, drainage and utilities infrastructure, ecological assessments, land contamination, 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, subject to an agreement under Section 106 of the Town and Country Planning Act (1990) relating to the payment of £60,000 together with 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 (006A), 001A, 002F, 003C, 004C, 007A, and 5170 – 01,

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

- 5.3 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, together with details confirming the types of doors and windows to be installed, 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 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).

- 5.4 The development hereby approved shall not be brought into use unless and until the landscaping scheme as detailed on the approved plan '5170 – 01' has been implemented in its entirety. 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 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).

- 5.5 Prior to their installation, details confirming the location and designs of any boundary treatments and gates to be installed as part of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details.

REASON: In order to clarify the terms of this consent, 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).

- 5.6 The car showroom hereby approved shall only be open to members of the public between the hours of 8:00 – 18:00.

REASON: In order to minimise the potential for disruptions to be caused for neighbours from comings and goings, 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 The valeting garage hereby approved shall only operate between the hours of 8:00 – 18:00 Monday – Saturday. The valeting garage shall not operate whatsoever on Sundays and Bank Holidays.

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

- 5.8 Prior to their installation, details overviewing the types, positions and heights of any new external lighting 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.

REASON: In order to minimise the potential for light pollution to be caused 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).

- 5.9 No development shall commence on site unless and until, a Construction Method Statement has first been submitted to and approved in writing by the Local Planning Authority. 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;
- h) Details of the type, position and height of any required external lighting, and;
- i) A plan showing the location of those provisions.

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).

- 5.10 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).

- 5.11 Should any pile-driving and/or ground compaction techniques 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).

- 5.12 Visibility splays around the site access point 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: In order to optimise visibility for motorists egressing the site, 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 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 '002 F' 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 and cycle storage facilities are provided in support of the development, to encourage the use of sustainable modes of transport, in the interests of highway safety, and to comply with the requirements of Policies 10 and 36 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 No works in support of the development hereby approved to clear trees and/or shrubs shall occur between the 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless a detailed bird nest survey produced by a suitably experienced ecologist has first been carried out immediately prior to clearance works. In such situations, written confirmation that no active bird nests are present shall have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such works.

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

- 5.17 No above ground works shall commence on site unless and until, a landscaping management and maintenance scheme has first been submitted to and approved in writing by the Local Planning Authority. The landscaping applied shall thereafter be managed and maintained in strict accordance with the approved details for a period of not less than 10 years following the development hereby approved being brought into use.

REASON: In order to ensure landscaping within the site is adequately managed and maintained, in the interests of biodiversity, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.18 No development shall commence on site unless and until, a method statement for the appropriate removal of the invasive plant species Himalayan Balsam has first been submitted to and been approved in writing by the Local Planning Authority. The approved details shall be strictly adhered to throughout the construction and post construction period and the development shall not be brought into use until the approved measures have been implemented in their entirety.

REASON: In order to prevent the spread of invasive plant species, in the interests of biodiversity, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.19 No above ground works shall commence on site unless and until, a scheme for the provision of bird and bat boxes within the site has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details and any measures installed shall remain in perpetuity with the development.

REASON: In order to ensure landscaping within the site is adequately managed and maintained, in the interests of biodiversity, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local

Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.20 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).

- 5.21 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).

- 5.22 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).

- 5.23 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

- 5.24 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](http://www.securedbydesign.com).

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 10/14/1138 – Demolition of former mill and workshops – Prior approval is given – February 2015.

## **7.0 CONSULTATIONS**

- 7.1 BwD Arboricultural Advisor – I have inspected the site and reviewed the proposal and the related supporting documents, the proposed layout plan and the Tree Inspection Survey. The Tree Inspection Survey includes trees which have since been removed from the site apart from G3 which is situated in the corner of the site.

G3 consists of a semi-mature Sycamore with Ash, Elder, and Cherry Willow. On a nearby site the council have recently planted Birch and Cherry trees. There is sufficient space in the proposed layout to retain those trees in G3.

(Conclusions) G3 are recorded in the survey as lower value trees. However they are suitable to be retained and incorporated into the site layout along with the indicative landscape proposals and appropriate management works. A condition would be appropriate with any approval for full landscape details, including tree management and tree fencing protection details.

- 7.2 BwD Heritage Advisor – As I am required to do so, I have given the duty's imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments. I consider the proposal would fail to meet the statutory test 'to preserve', causing slight harm to the contribution made by the setting to the significance of the Listed Building (Imperial Mill).

As indicated above, under NPPF P.202 it is down to the LPA to consider the public benefits of the scheme in its planning balance. If a positive balance can be achieved, then the proposal would be deemed to have met the requirements of Chapter 16 of the NPPF and accord with the policies of the Local Plan.

- 7.3 BwD Public Protection – I have no objection to the proposal but there are a number of environmental protection considerations with this development. I have arranged my comments under separate headings and where appropriate suggested conditions / more information.

(Ground Contamination) Reports have been submitted with the application and are currently awaiting review. In the meantime if a decision is due this can be dealt with by applying the standard contaminated land condition used by this authority.

(Air Quality) An assessment has been done in respect of air quality and this is also awaiting review, we will send our comments in due course.

(Noise) A noise assessment has been completed and submitted with the application. The report by Wardell Armstrong is comprehensive and predicts a low noise impact. My only concern with the potential noise impact is the location of the valet area which is in the locality of residential premises on Burnley Road. This will include the use of a jet wash and vacuum cleaner on a regular basis. It is worth noting that since this report was completed the valet area has been turned 90 degrees to face into the main site which should also lessen the impact.

However, the conclusion is based on a BS4142 assessment which compares the noise from the operation of the end use with background noise levels in the area. The background noise assessment was done on a Friday daytime. Whilst representative of noise levels on a weekday it does not take account of what might be a different noise climate on a Saturday and Sunday, in particular in the morning. This matter could be dealt with in a number of ways;

Restrict the hours of use of the site. The proposal makes ref to the opening hours of 8:00 – 18:00 Mon – Fri and 9:00 – 16:00 on a Saturday. No hours are given on a Sunday. The noise assessment was based around these hours

which will explain why the background noise was not measured at the weekend. If these hours were conditioned then weekend impact will be lessened. However, I see it as unlikely that a car showroom would not trade on Sundays and Bank Holidays. The current hours for Autolab show it trades on a Sunday.

If they do want to trade on a Sunday and bank holiday then there are other options. (1) Restrict the hours of use of the valet use. I.e. Monday to Friday / Saturday only. This would mean that the impact of the operation of the valet centre would not be an issue early on a Sunday when traffic noise levels are lower. (2) Provide additional noise data. It might be that re-modelling the noise with the valet centre facing a different direction means that any impact from operating Sunday morning is offset by the new layout. Alternatively, if the BS4142 assessment was repeated with background noise data for a Saturday and Sunday then we would be clearer on the weekend impact. There might not be a significant impact but we do not have the data to draw this conclusion.

(Light) There is not a lot of detail in the application and supporting info in terms of external lighting. In my experience, a considerable amount of lighting may be needed for security purposes and this has the potential to cause light intrusion into overlooking properties. Given there are no lighting columns shown on the plans I assume that they would require separate permission. Much will depend on the design of the lighting and how it is installed. We require that any lighting accords with the Institute of Lighting Professionals Guidance notes for the Reduction of Obtrusive Light. A condition should be imposed to control sources of external lighting.

(Redevelopment Controls) The construction phase will cause an impact to existing sensitive uses. Conditions should be imposed to control construction working hours, noises associated with pile-driving operations (or similar), and noise, vibration and dust from construction works.

7.4 BwD Highways – In summary, we have no objections to the proposals in principle, subject to the below matters being satisfactorily addressed.

(Parking) The proposal received has been assessed against our adopted parking standard standards. The allowance is measured using the floorarea against a provision of 1 car per space per 50sqm of internal showroom area. This amounts to an internal are of 1350/50 would equate to 27 spaces. The proposals have provided 29 spaces, this can further support the office staff located with the building as ancillary use. We would accept this number proposed. This is inclusive of 3 disabled spaces and 2 EVCP spaces. A further 151 external vehicle display spaces are to be provided inclusive of 6 EVCP spaces.

All bays should conform to council's sizes of 4.8m x 2.4m with 6m manoeuvrability into and out of the spaces. The TS indicates at Table 3.2 that 3 cycle spaces 2 motorcycle spaces are to be provided while the site layout plan indicates 3 Sheffield type stands (up to 6 cycle spaces) and 3 motorcycle spaces are to be provided. Please confirm the number of bicycle and motorcycle spaces to be provided.

(Access) Vehicular access to the site is to be taken from the new bellmouth provided by the Council. A connective route from the highway up to the entrance of the building for pedestrians has also been provided. No sightlines have been depicted on any of the details received, these along with boundary treatment to ensure visibility is clear when joining Carl Fogarty Way is required.

(Transport Statement) Overall, no major issues with most aspects of the TS agreeable, good access arrangement, agreeable vehicle swept paths and no issues regarding traffic impact. The only minor point is around clarification of parking provision for cycles and motorcycles where I have assumed the site plans to be accurate but confirmation would be appreciated. I have also commented on the recommended s106 which has previously been discussed with the consultant – so should come as no surprise.

(Site Accessibility) The site is in a reasonably accessible location with walking, cycling and public transport networks already established around the site. As pointed out in paragraphs 4.2.3 and 4.3.1 appropriate walking and cycling distances are also dependent upon the standard of existing infrastructure provision.

There are a number of opportunities to improve the sites accessibility by active modes and public transport including the proposals to improve pedestrian and cycle crossing facilities at the Carl Fogarty Way / A6119 Whitebirk Road (Red Lion) Roundabout. The junction has been identified for improvement through work undertaken by WSP on the M65 Junctions 6 and 7 (for National Highways) and the Blackburn with Darwen Local Plan Transport Study and also as part of ongoing work being undertaken by the Council on the Local Cycling and Walking Infrastructure Plan (LCWIP).

A concept scheme has been proposed to improve capacity through changes to circulatory markings and to improve provision for pedestrians and cyclists by introducing a controlled crossing facility on the A6119 link between the roundabout and M65 Junction 6 and dropped kerbs and tactile paving across the other arms of the roundabout. As such the total S106 contribution from the site would be; Red Lion - £29,000 and LCWIP - £31,000. TOTAL - £60,000.

(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.



- 7.5 BwD Drainage – No objections. Should this application be approved, conditions should be imposed relating to the submission of a revised drainage scheme and associated storage calculations that more accurately reflects the proposed impermeable area on the site, as we do not consider 0.63ha to be an accurate figure. The applicant must also provide evidence of United Utilities approval of the discharge to the existing combined sewer.
- 7.6 BwD Ecological Advisor – The developer’s ecological consultant identified no significant ecological issues. Issues relating to nesting birds, Himalayan balsam and biodiversity enhancement measures can be resolved via condition.
- 7.7 (Protected Species) No evidence of any protected species was identified or suspected as likely on the site. Given its previous use (industrial), recent clearance and isolation from high ecological value habitats, this is to be expected. No further information or measures are required.

(Nesting Birds) Dense scrub was recorded as still present along the eastern boundary, which may spread if development is delayed. The scrub will provide potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission – No works to trees or shrubs shall occur between the 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

(Himalayan Balsam) This species is listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to cause this species to be spread in to the wild. Apparently the cover is significantly reduced from previous surveys, therefore treatment may already be underway. I recommend however a condition along the following lines is applied to any permission – Prior to any further earthworks a method statement detailing eradication and biosecurity measures for Himalayan balsam should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

(Contributing to and Enhancing the Natural Environment) Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. Determining the baseline for this site is not straightforward as it has clearly undergone several periods of clearance, and natural regeneration. Prior to the initial clearance the site appears to have been approximately 50% hard standing about 40% low ecological value grassland with the remainder boundary trees, currently the site is around 50% low ecological grassland and 50% bare ground. Therefore whilst the site may have briefly become higher value, I am satisfied that the main mitigation should be the provision of landscape trees to mitigate for the main features of ecological value that were present. I also recommend mitigation for loss of bird nesting habitat.

The amended landscape plan does in my opinion include adequate biodiverse planting to fully mitigate, though the number of trees proposed is possible more than the site could maintain in the long term i.e. quite close together. I am however happy for the landscape plan to be conditioned. I would however also recommend a standard landscape and environmental management plan condition is applied to ensure the planting is adequately managed and maintained and the provision of bird boxes on the new build.

- 7.8 BwD Forward Planning – A proportionate contribution of £60,000 to improve pedestrian and cycle crossing facilities at the Carl Fogarty Way / A6119 Whitebirk Road (Red Lion) Roundabout (£29,000) and Local Cycling and Walking Infrastructure Plan (LCWIP) works (£31,000).
- 7.9 BwD Cleansing – No objections.
- 7.10 United Utilities – Following our review of the submitted drainage documents; Drainage Strategy Ref: 3642-05, Dated 09/03/2023, prepared by Phil Heaton Associates Ltd, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

We would firstly request infiltration to ground be fully investigated and in line with BRE365. The above methods of surface water drainage are required to be evidenced and agreed to be unfeasible before surface water draining to the combined sewer can be considered. If evidence is provided to discard infiltration, then we will accept discharge of surface water to the public sewer at 5l/s.

The applicant must show the location of hydro brake and include the rate of discharge. Furthermore, if the applicant wish to discharge more than 5l/s, calculations and modelling data will be required. Should planning permission be granted we request that conditions be imposed regarding the submission of a sustainable surface water drainage scheme and a foul water drainage scheme and a sustainable drainage management and maintenance plan for the lifetime of the development.

Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. United Utilities will not allow building over or in close proximity to a water main. A water main crosses the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines'. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period. United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

- 7.11 Environment Agency – The previous use of the proposed development site as a textile mill 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 aquifer.

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. The condition is necessary 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 and to prevent deterioration of a water quality element to a lower status class in the underlying aquifer.

- 7.12 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.

- 7.13 Canal and River Trust – No objections.

- 7.14 Ward Cllrs

- 7.15 No public responses received

**8.0 CONTACT OFFICER:** Christian Barton – Planning Officer

**9.0 DATE PREPARED:** 02<sup>nd</sup> June 2023