

**Proposed development: Full Planning Application for Erection of 11 No. industrial units (Use Classes B2/B8/E(g)) with car parking and landscaping**

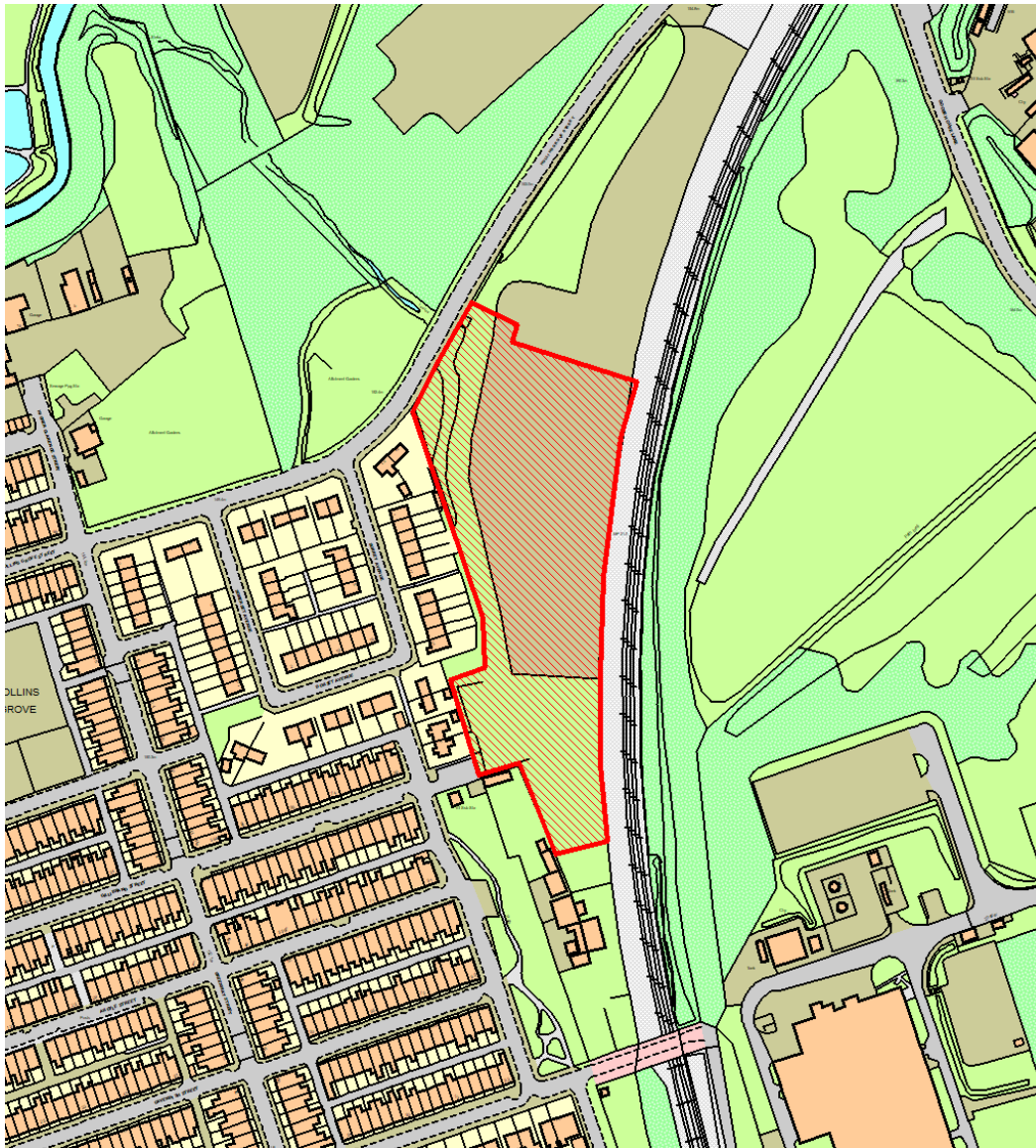
**Site Address:**

**Hollins Business Park  
Hollins Grove Street  
Darwen  
BB3 1HG**

**Applicant: Hollins Park Limited**

**Ward: Darwen East**

**Councillor Katrina Fielding  
Councillor Matt Gibson  
Councillor Martin McCaughran**



## **1. SUMMARY OF RECOMMENDATION**

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

## **2. KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1.1 This application is presented to the Committee on account of the application being a significant major planning application, in accordance with the Scheme of Delegation in the Council's Constitution.

2.1.2 The application site comprises two parts; north and south. The whole site has been cleared, having been vacant for a considerable amount of time. However, the northern part is presently being developed for industrial use, approved under Reserved Matters application 10/21/1311. This includes the access into the site.

2.1.3 This proposal seeks to utilise the existing access at the northern end of the site, and extend the industrial use into the southern part of the site, which presently benefits from full permission for residential use (Full permission for 37 dwellings including creation of a new vehicular access to the Southern end of the site was approved under hybrid application 10/20/0107).

2.1.4 However, the residential use has not come forward and the residential use has recently been demonstrated as unviable. Indeed the Planning and Highways committee at their meeting in June 2023, under planning ref 10/23/0243, recently approved a deed of variation to remove a financial contribution in the s106 agreement attached to the original Hybrid approval 10/20/0107. With prospective tenants already lined up for the proposed new industrial units in the southern half of the site, this is an opportunity to bring forward a viable development and regenerate the site.

2.1.5 The proposal would see a notable employment development which would be a natural extension to the industrial units presently being constructed in the northern half of the site, which lies within a Primary Employment Area. The proposal, directly adjacent to it, and utilising the same access, would be supportive of Policy 13: 'Employment Land Allocations', Policy 14: "Primary Employment Areas" and Policy CS3: "Land for Employment Development".

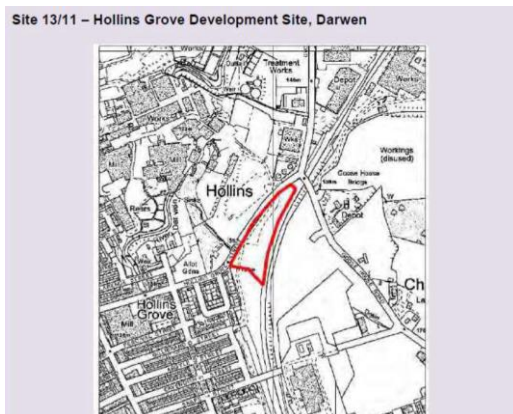
2.1.6 Assessment of the application finds that the proposal will deliver a high quality scheme that will assist in meeting the Council's strategic aims and objectives, including economic growth, as well as regeneration benefits from bringing this prominent and strategically located site into active use with a viable development. All relevant issues have been addressed through the application or can be controlled or mitigated through additional planning conditions. The proposal is therefore considered acceptable, subject to conditions.

### 3. RATIONALE

#### 3.1.1 Site and Surroundings

3.1.2 The application site is located on the east side of Hollins Grove Street opposite the rear boundary and access of Crown Paints Ltd to the west of the site. The Blackburn-Bolton railway line is to the east of the site.

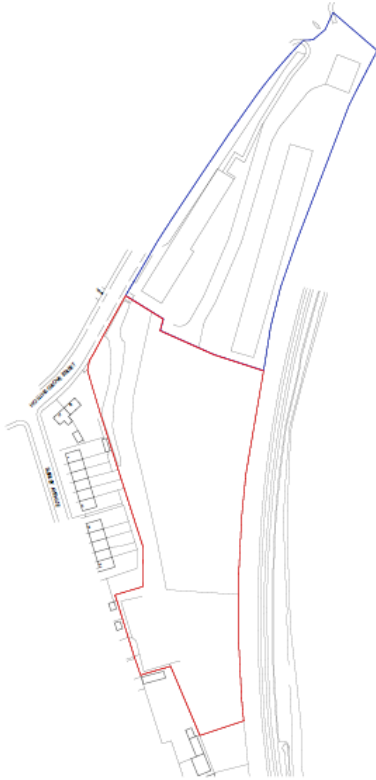
3.1.3 The southern part of the site, to which this application relates, is unallocated in the Local Plan. The northern part of the site is allocated as Primary Employment Area and an Employment site within the Local Plan. The site allocation in the location plan is shown below.



3.1.4 The site lies within a High Risk Coal Mining Area, a high risk contamination area, and is constrained on the west side by Hollins Grove Street and the East side by the railway line. The site is irregular in shape, being long and narrow and tapering to the northern and southern ends.

3.1.5 The site is bounded with a metal fence on all sides. It is relatively flat and is raised up from Hollins Grove Street, which runs along the north-west boundary of the site and is set below the site. This boundary is mostly bounded by deciduous trees and the metal industrial fencing. Along the south-western boundary, there are residential properties on Surrey Avenue, Gillibrand Street and Hollins Grove Street. The existing vehicular access point lies towards the northern point of the northern part of the site, which would be utilised for this proposal.

3.1.6 The location plan, and aerial view of the site, is shown below:



#### 4. Proposed Development

4.1.1 The proposal seeks full planning permission for the erection of 11 No. industrial units (Use Classes B2/B8/E(g)) on the southern part of the site, with associated car parking and landscaping, utilising the existing access through the northern (employment) part of the site. This proposal is in addition to the 13 industrial units previously approved on the northern half of the site.

4.1.2 The whole site benefits from an extant planning approval. The Hybrid approval gave full planning permission for 37 dwellings on the southern half of the site, and outline approval for industrial units on the northern half of the site. However, whilst the industrial units have secured Reserved Matters approval and are under construction, the residential / southern half of the site has proved unviable to build out as residential. A deed of variation to the s106 agreement attached to the Hybrid approval has recently removed the requirement for any financial contribution to be made in respect of the hybrid approval. The hybrid approval is an extant permission.

4.1.3 For full context, the full site plan approved under the hybrid approval is shown on the left, below. The Reserved Matters approval for the industrial units on the northern half of the site, including the site access, is shown on the right, below:



Hybrid approval Site plan

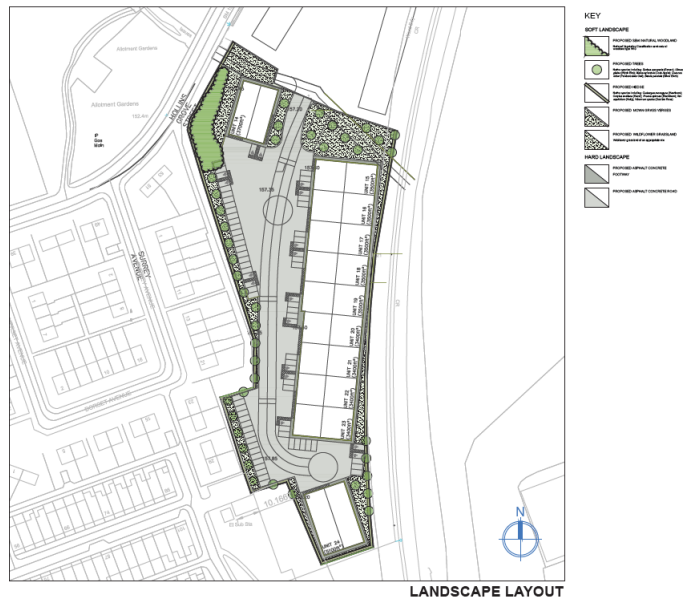


RM approval for industrial units on northern part

4.1.4 The proposed site and landscaping plans now submitted for the proposed industrial units on the southern half of the site are shown below. This includes a continuation of the access road from the northern half of the site.



Proposed Site plan



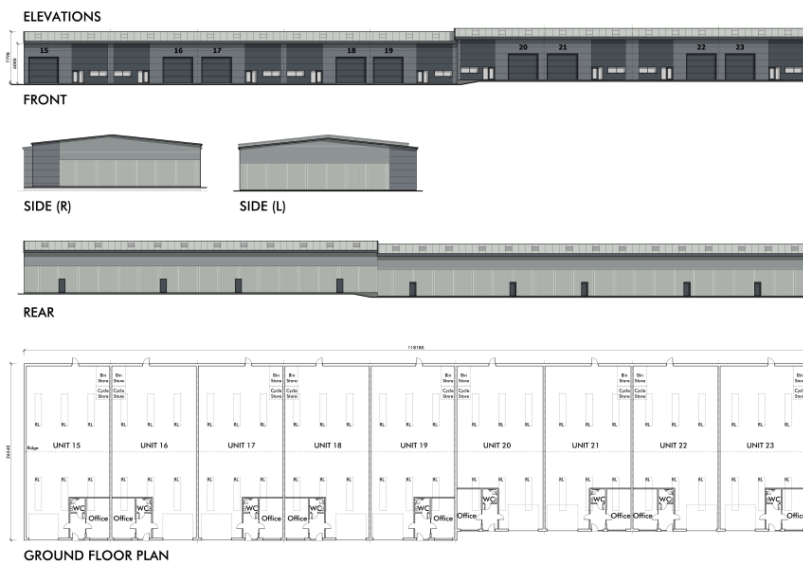
Proposed Landscaping plan

4.1.5 The proposed floor plans and elevations for all the proposed units are shown below:

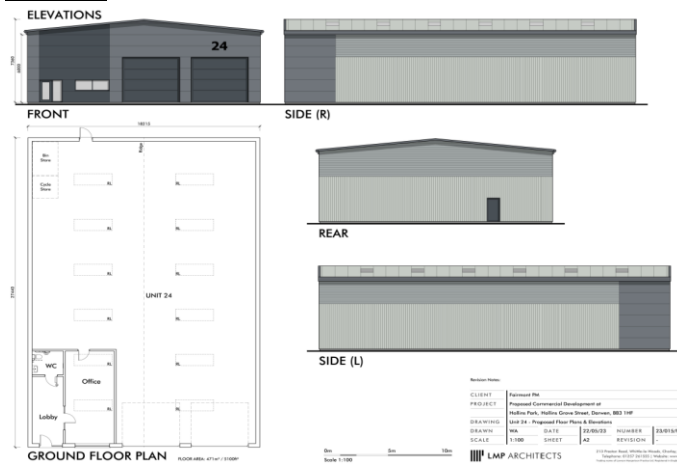
## Unit 14:



## Units 15-23



## Unit 24

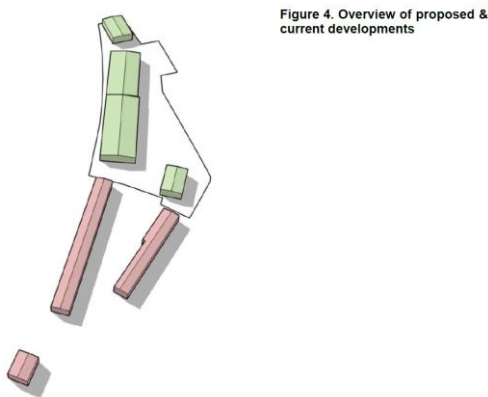


4.1.6 The applicant asserts that the industrial use of the buildings will likely be light industrial storage, but the applicant would like to retain as much flexibility as possible in terms of keeping options open.

4.1.7 Although no hours of use were specified in the application submission, the use will be restricted to 07:00 – 18:00 hours (Monday to Saturday) and 10:00 – 16:00 hours (Sundays/Bank Holidays), as recommended by Public Protection.

4.1.8 The units would be situated within the site set in a linear fashion, continuing the style of layout in the northern part of the site. 1 unit would be on the western section of the site, and 9 units on the eastern section, allowing for 1 larger unit to be placed on the southern end of the site. In total, 3727sqm of commercial floorspace is proposed.

4.1.9 The proposed units are shown in context below.



Context plan: The proposed units are shown in red (above), with the already approved industrial units shown above them in green.

4.1.10 The scheme makes provision for 79 off-road parking spaces (including 17 disabled bays) and includes a shared service yard. Landscaping proposed along the boundary and surroundings. The development would also be enclosed by fencing.

4.1.10 The units would feature a mix of aluminium, cladding and grey block effect masonry, which breaks up the perceived mass and provides a modern finish, and would be in keeping with the buildings already approved in the northern part of the site.

4.1.11 Various reports were submitted with the application, including:

- Outdoor lighting report
- Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy
- Air Quality Assessment
- Drainage Layout
- Transport Statement
- Noise Assessment
- Coal Mining Report

- Planning Statement
- Design and Access Statement
- Landscaping Plan

## **5. Development Plan**

5.1 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2: Site Allocations and Development Management Policies. In determining the current proposal, the following are considered to be the most relevant policies:

### 5.2 Core Strategy (2011)

- Policy CS1 – A Targeted Growth Strategy
- Policy CS3 - Policy CS3: Land for Employment Development
- Policy CS4 – Protection and Re-Use of Employment Sites
- Policy CS13 – Environmental Strategy
- Policy CS15 – Protection and Enhancement of Ecological Assets
- Policy CS16 – Form and Design of New Development
- Policy CS21 – Mitigation of Impacts / Planning Gain

### 5.3 Local Plan Part 2 (2015):

- Policy 1: The Urban Boundary
- Policy 2: Inner Urban Boundary
- Policy 8: Development & People
- Policy 10: Accessibility & Transport
- Policy 11: Design
- Policy 12: Planning Contributions
- Policy 12: Employment Land Allocations
- Policy 14: Primary Employment Areas
- Policy 26: Climate Change
- Policy 40: Integrating Green Infrastructure & Ecological Networks with New Development

### **Other material considerations:**

#### 5.4 Design Guide Supplementary Planning Document

#### 5.5 National Planning Policy Framework (NPPF):

5.6.1 The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development.

## **6. Assessment**

In assessing this application there are a number of important material considerations that need to be taken in to account. These are;

- Principle of Development



- Highway Safety
- Design and visual amenity
- Residential Amenity
- Contamination
- Biodiversity / BNG
- Flood Risk and Drainage
- Planning balance, Viability and Planning Contributions

## **6.1 Principle of Development**

6.1.1 The site lies within the inner urban boundary of Blackburn, where Policies 1 and 2 of the Local Plan support new development in principle.

6.1.2 The site also lies directly adjacent to an allocated Employment / Primary Employment Area site in the Local Plan, and whilst the southern part of this site is unallocated, it would be a natural extension of the site.

6.1.3 The previously approved residential use in the extant Hybrid approval for the site has now been demonstrated as unviable. With prospective tenants already lined up for the proposed new industrial units, this is an opportunity to bring forward a viable development. The proposal is considered sustainable development and would bring with it social, environmental and economic benefits to what would otherwise remain vacant land in a prominent location within the inner urban area of Darwen.

6.1.4 The proposed development would be supportive of Policy 13: 'Employment Land Allocations', Policy 14: "Primary Employment Areas" and Policy CS3: "Land for Employment Development". Assessment of the 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 the regeneration benefits from bringing this prominent and strategically located site into active use with a viable development.

6.1.5 The proposal is therefore supported in principle, subject to a balanced assessment of the specific impacts.

## **6.2 Highway Safety**

6.2.1 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.

6.2.2 The site lies within a sustainable location within the urban area of Darwen. The proposed site layout plan utilises the existing access into the site, which is acceptable for this application, and has appropriate parking and manouvering within the site. Car parking will be in accordance with the parking standards, including 17 dedicated disabled bays. Moreover, the scheme makes provision for some additional parking (15 spaces) which will allow for the northern part of the site to also access and use, as an overflow area, if required. To enhance sustainability of the proposed

development, electric vehicle charging points will also be provided. All areas of the proposed development can be easily accessed by the emergency services.

6.2.3 The Council's Highways consultee has reviewed the proposals and raises no objections in principle. However, some minor amendments were suggested, which are presently being addressed and/or countered by the applicant. Any additional or amended conditions will be included in the Update Report.

6.2.4 Included amongst the revisions suggested by Highways are:

- a) An additional pedestrian and cycle access point (gated if required) from Hollins Grove Street close to Unit 14;
- b) The layout of disabled parking spaces to be revised to include 1.2m on each side of all disabled spaces; and
- c) Cycle parking should be provided in line with recommendations within BwD Parking Standards.

6.2.5 With regard to point a) above, the suggested additional pedestrian and cycle access point, the applicant has commented that they do not agree with this, as the levels are very steep at this point. Furthermore there are mature trees around that area which it is highly desirable to retain. In addition, if there was pedestrian access here, this would be prone to unwanted pedestrians and could encourage criminal activity as an easy escape route. The applicant asserts that they already have issues with criminal damage and theft at the site, and by placing a gate at the bottom of a steep incline, that would only encourage this. For these reasons it is considered that the proposal is acceptable as submitted.

6.2.6 With regard to point b) above, a revised plan with improved disabled parking spaces can be provided. A condition can be attached requiring a revised plan to be submitted.

6.2.7 With regard to point c) above, secure cycling storage will be accommodated within the buildings, rather than an external storage area.

6.2.8 It is considered that the proposed access, parking, and manoeuvring are all considered acceptable, and accord with the requirements of Local Plan Policy 10.

6.2.9 The Highways consultee also requested financial contributions towards sustainable transport improvements, and to the overall increase in traffic at the Hollins Grove Street / Goose House Lane junction. However, the developer is unable to make any contributions without making the development unviable. This is discussed further in Section 6.8 of this report.

### **6.3 Design and Visual Amenity**

6.3.1 The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve.

6.3.2 Local Plan Part 2 (LPP2), Policies 8 and 11 and CS16 require proposals to contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited, demonstrate an understanding of the wider context and make a positive contribution to the local area.

6.3.3 The existing built form of the adjacent commercial development has been the key influence upon the scale and massing of the proposed site. The scale of the proposed commercial units ensures their appropriateness and flexibility for various uses to enhance their long term viability. The density of the proposals equates to 9.24 units per hectare which is similar to that of the adjacent development of 13.40 units per hectare.

6.3.4 The proposed buildings have been designed to ensure that their façades are maximised whilst the roof pitch is reduced to provide efficient height for access and internal space whilst minimising the visual impact.

6.3.5 The proposed elevations will feature variations of grey horizontally laid flat and trapezoidal cladding with composite roof cladding. Aluminium framed windows and doors along with rooflights provide occupants with sources of natural light throughout each unit. This is wholly in keeping with the industrial units approved on the northern part of the site.

6.3.6 The size, scale, height, massing, and design / appearance (including materials) are considered suitable for the development's location and environment. Compliance with Local Plan Part 2 (LPP2), Policies 8 and 11 and CS16, is therefore achieved.

#### **6.4 Residential amenity**

6.4.1 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.

6.4.2 Policy 8 also requires that the proposal 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.

6.4.3 There are residential properties along the western boundary of the south of the site. A Noise assessment was submitted with the application. In terms of potential noise and disturbance arising from the proposed industrial units, the Council's Public Protection team has raised no objections and any potential amenity impacts can be mitigated by conditions, to include hours and maximum noise levels restrictions. No hours of operation were specified in the submission, with the applicant hoping to retain as much flexibility as possible. However, as recommended by Public Protection, the use will be restricted to 07:00 – 18:00 hours (Monday to Saturday) and 10:00 – 16:00 hours (Sundays/Bank Holidays), which the applicant has agreed to.

6.4.4 In terms of the visual impact, including the siting / separation distances, and any impacts on neighbouring properties in terms of outlook, light and privacy, the applicant has positioned the majority of the buildings along the eastern boundary, furthest away from the nearest residential dwellings to the west, and closer to the railway line to the east. Parking spaces are positioned closest to the residential dwellings to the west, with fencing and a natural landscaping buffer further reducing any impacts.

6.4.5 The inwardly facing orientation of the buildings also enhances the security and surveillance for the proposed development. Lancashire Constabulary were involved with the scheme prior to submission of the application, and have raised no objections to the proposal as submitted.

6.4.6 Subject to the imposition of the conditions recommended by the Council's Public Protection team, all existing and future residents should not be adversely affected by the proposals. With these safeguards, the proposal is considered acceptable in terms of amenity impacts, and compliance with the requirements of Policy 8 of the LPP2 is achieved.

6.4.7 Network Rail has also asked for conditions to be attached to ensure there are no unacceptable impacts on Network Rail's infrastructure.

## **6.5. Contamination**

6.5.1 Policy 8 of the Local Plan states that where appropriate, land should be remediated to a standard which provides a safe environment for occupants and users and does not displace contamination. Policy 13/11 also requires the site to be remediated to a safe standard.

6.5.2 The site is a former railway sidings and is classed as being previously developed. It is also within 250m of other contaminated land areas. The site is also within a High Risk Coal Mining Area.

6.5.3 All the necessary professional reports were submitted with this application, including a Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy. The Council's Public Protection team raised no objections, and are satisfied that conditions can adequately secure the safety of future users of the site. The Coal Authority has also raised no objections to the proposal.

## **6.6 Landscaping / Biodiversity / BNG**

6.6.1 Policy 9 of the Local Plan seeks to protect the environment, and landscaping is also assessed against Policy 9. Development is expected to incorporate existing trees into the design and layout of a scheme, and development proposals should not lead to unacceptable impacts on environmental assets, including protected species such as bats, and their habitats.

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

6.6.3 The site is a cleared site. The density of development allows for a biodiversity enhancement of the site where 24.45% of the site has been designated as green spaces. GMEU Ecology unit has raised no objections to the proposal, subject to conditions.

6.6.4 In terms of the proposed landscaping, it will serve multiple purposes. The landscaping to the west of the site will act as a buffer to help screen the development from the nearest residential properties. The landscaping will also visually enhance the site and the local area, and create a new green space to the north east of the site with a welcoming entrance and associated biodiversity enhancement.

6.6.5 Subject to securing final details of the landscaping and BNG by condition, the proposals are considered acceptable, in accordance with the requirements of Policy 9 of the Local Plan and the NPPF.

## **6.7 Flood Risk and Drainage**

6.7.1 Policy 9 of the Local Plan permits development 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.

6.7.2 No objections have been raised by or the Council's Drainage Team, the Environment Agency, or United Utilities, subject to conditions to ensure appropriate foul and surface water drainage, and the protection of UU's assets.

6.7.3 Subject to these safeguards, the impact on drainage is considered acceptable, and is in compliance with Policy 9 of the Local plan and the NPPF.

## **6.8 Planning balance, Viability and Planning Contributions**

6.8.1 Local Plan Policy 12 concerns itself with securing planning contributions where they make proposals acceptable. However, there needs to be evidence of why a specific development creates the need, what it will provide, and how a requested figure has been calculated.

6.8.2 As discussed at Section 6.2 of this report, the Council's Highways consultee raised no objections in principle, but financial contributions were requested towards sustainable transport improvements and to the overall increase in traffic at the Hollins Grove Street / Goose House Lane junction. The figures requested, and their justification, was set out as follows:

### Site Accessibility:

A spur route of the Weavers Wheel runs along Goose House Lane and Lower Eccleshill Road nearby but does not provide any formal provision for cyclists. There are also a number of planned Cycle Network routes identified within the emerging LCWIP nearby. The nearest bus stops on Lower Eccleshill Road do not have timetables, shelters, access kerbs or bus cage markings on the carriageway. **A contribution towards sustainable transport improvements to improve the sites**

accessibility by sustainable modes (£10k bus stop improvements to provide access kerbs and £15k LCWIP cycle network improvements) of £25k is recommended.

Traffic Impact:

In comparison with the previously approved residential use the proposed development will increase vehicle trips on the local highway network by 25 two-way movements in the AM peak and 16 two-way movements in the PM peak. The TS states that “once this has been distributed to the north and south on Hollins Grove Street, the effect of this additional traffic on the local highway network will not be material. The total traffic impact associated with the development proposals is 43 in the AM peak and 35 in the PM peak. The trip generation is more than double that of the previously approved residential development. **Reworking the assessment of impact from nearby development on the Hollins Grove Street / Goose House Lane junction indicates that the proposed development on the site would contribute 9% (assuming a 50/50 distribution on Hollins Grove Street) to the overall increase in traffic at the junction and should therefore make a 9% contribution towards the scheme costs of £60.5k.**

6.8.3 Notwithstanding the above request for financial contributions, in this case, prior to submission of this current application, a viability appraisal was submitted (under Deed of Variation planning application ref: 10/23/0243), which demonstrated that the development cannot provide any commuted sum contributions due to viability. The appraisal included costings for both residential, and the commercial development now proposed. The viability appraisal was the subject of a third party assessment commissioned by the Council.

6.8.4 The Deed of Variation application 10/23/0243 amended the Transport provision commuted sum (in the s106 for 10/20/0107) to zero. The financial contribution of £35,000 previously contained within the Section 106 Agreement was therefore removed. This is an extant permission, and is a material consideration.

6.8.5 The reason for this application coming forward as commercial units instead of residential is that the developer was unable to proceed with residential due to the substantial increase in finance cost, material costs, and interest rate increase. Although changing to commercial units would still be at a loss, upon completion of these units some of the monies lost could be recuperated through rental income over a number of years.

6.8.6 The Local Plan clearly states that the Council is committed to ensuring that an appropriate balance is struck between securing necessary infrastructure investment from new development, and maintaining the financial viability of high quality development that will lead to growth. Therefore, in this particular case the benefits of allowing the proposal to proceed in terms of regenerating a brownfield site in the inner urban area to provide growth of new employment and generating jobs, is considered to outweigh the requested developer contributions, which would otherwise be a barrier to any development coming forward on this site, resulting in long term vacancy.

6.8.7 For the above reasons, the proposals accord with Policy 12 of the LPP2.

6.8.8 In terms of site specific highways impacts (i.e. without the financial contributions requested by the Highways consultee) the NPPF states, at paragraphs 110-111, that:

*“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

6.8.9 It is considered that the benefits of the proposal in terms of job creation and redevelopment of this vacant site outweighs the predicted 9% increase in traffic at the affected junction. The highway safety impact of the proposal is not considered to be unacceptable and the residual cumulative impacts on the road network would not be severe. In the planning balance, it is therefore considered that the impacts would not be at a level to warrant refusal.

6.8.10 For all the above reasons, subject to all of the recommended conditions, a viable, sustainable development would be achieved. On this basis it is recommended that planning permission be granted.

## **7. RECOMMENDATION**

**7.1 Delegated authority is given to the Strategic Director of Growth and 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:

Location Plan and Existing Site Plan: 23/015/L01, Sheet A2.

Proposed Site Layout: 23/015/P01, Rev A.

Proposed Floor Plans and Elevations: Unit 14: 23/015/P02, Sheet A2.

Proposed Floor Plans and Elevations: Units 15-23: 23/015/P03, Sheet A1.

Proposed Floor Plans and Elevations: Unit 24: 23/015/P04, Sheet A2.

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

3. The development hereby permitted shall be restricted to the following times:

Monday to Saturday: 07:00 - 18:00 hours

Sundays/Bank Holidays: 10:00 - 16:00 hours

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

4. Prior to the commencement of construction works on site, the developer must submit to the Local Planning Authority (LPA) for written approval:

i. A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Detailed proposals for subsequent site investigation based on the CSM shall be included as appropriate; the developer will be advised whether any further site assessment is required.

ii. If required by the LPA, the findings of the approved site investigation work, including an appropriate assessment of risks to both human health and the wider environment, arising from contaminants in, on or under the land (including ground gas) will be submitted. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

5. Prior to the commencement of the permitted use, the developer must submit a comprehensive validation report to the LPA for written approval. The report shall demonstrate effective remediation in accordance with the agreed remediation scheme. All the installed remediation must be retained for the duration of the approved use and the LPA periodically informed in writing of any ongoing monitoring and decisions based thereon as appropriate.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

6. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.



REASON: To protect the health of future occupiers of the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

7. Outdoor floodlighting shall not exceed 2 lux and, where luminaires are visible, 1000 candelas at the boundary of any residential premises for the duration of the approved use. Assessment of light intrusion shall be made in accordance with the Institute of Lighting Professionals guidance document: 'Guidance Notes for the Reduction of Obtrusive Light'.

REASON: To minimise potential loss of amenity at residential premises caused by intrusive light pollution, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

8. The noise rating level arising from the application site shall not exceed 45dB(A) at the boundary of any residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142 'Methods for rating and assessing industrial and commercial sound'.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. During the construction phase of the development, 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: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction. The approved measures in the scheme shall be employed throughout this period of development unless any variation has been approved in writing by the Planning Authority.

REASON: To ensure that satisfactory measures are in place to alleviate any dust & dirt impact at adjacent residential premises, to safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Should pile driving &/or vibro compaction be required on site, the commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the

monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

REASON: To minimise noise/vibration disturbance at adjacent residential premises, to safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

12. Should floodlighting be required on site a scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the works.

REASON: To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity, to safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) 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;
- (ii) 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);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local

planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- 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: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

15. Prior to the commencement of development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include tree species, number, sizes, ground preparation, planting specifications, management and aftercare provision, as well as any tree management works to existing trees to be retained.

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 to the satisfaction of the local planning authority.

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

16. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site 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;and
  - 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, or 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.

17. A scheme for Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

REASON: To ensure the development includes measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework.

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

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

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and to comply with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2.

19. Notwithstanding the detail shown on the approved plans, prior to the units hereby approved being first brought into use, a revised parking scheme to show 1.2m on each side of all disabled spaces, and details of electric charging points / spaces, shall be submitted to and approved in writing by the Local Planning Authority, and

thereafter made fully available for use in accordance with the approved details, and permanently retained for that purpose.

REASON: To provide sufficient disability parking bays and electric charging points for low emissions vehicles, in accordance with Policy 10 of the Blackburn with Darwen Local Plan Part 2 (2015), and the adopted Parking Standards.

20. The external walling and roofing materials to be used in the construction of the development hereby approved shall be as specified in the approved details referred to in Condition 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 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

21. Prior to first occupancy of the units hereby approved, a scheme showing secure cycling provision for each unit shall be submitted to and approved in writing by the Local Planning Authority, implemented in accordance with the approved details, and thereafter retained.

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

22. Prior to works commencing on site, a method statement and risk assessment must be submitted and approved in writing by the Local Planning Authority, in consultation with Network Rail, and thereafter implemented and retained in accordance with the approved details. The scheme shall include:

- Full details of ground levels, earthworks and excavations to be carried out near to the railway boundary,
- Any vibro-impact works on site,
- Lighting design, to ensure no overspill of light onto Network Rail land,
- Details of any scaffolding works within 10m of the railway boundary,
- Details of the disposal of both surface water and foul water drainage directed away from the railway,
- Details of appropriate vehicle safety protection measures along the boundary with the railway, and
- A suitable trespass proof fence adjacent to the boundary with the railway.

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

## **8. PLANNING HISTORY**

8.01 The following details the planning history of the site:

- **10/23/0312** – Variation of Conditions No. 2 (approved drawings) and No.4 (use class restriction) pursuant to planning application 10/22/0988 - "Erection

of 1 No. Industrial Unit (Amendment to approved unit on application 10/21/1311) " - to allow Use Class E to Unit 1, insertion of new mezzanine floor and alterations to elevations – PENDING\*.

*[\*The above application is relying on the approval of this current application for the provision of a small amount of additional parking required for the amended size/use of Unit 1].*

- **10/23/0243** - Variation to S106 Agreement pursuant to planning application 10/20/0107 "Hybrid planning application for Full permission for 37 dwellings including creation of a new vehicular access to the Southern end of the site and Outline permission with 'Access' (with all other matters reserved) for B1, B2, and B8 uses including alterations to the existing access to the Northern end of the site" - proposed residential units replaced by commercial unit – Approved.
- 10/22/0988 – Erection of 1 No. Industrial Unit (Amendment to approved unit on application 10/21/1311) - Approved.
- **10/21/1311** - Reserved Matters Application for Approval of the matters reserved by the Outline (Hybrid) planning permission ref: 10/20/0107 (Appearance, Landscaping, Scale and Layout) for the erection of 13no. Industrial units with associated landscaping and access to the land off Hollins Grove Street – Approved.
- **10/20/0107** – Hybrid application for full planning permission for 37 dwellings including creation of a new vehicular access to the Southern end of the site, and Outline permission with “Access” (with all other matters reserved) for B1, B2, and B8 uses including alterations to the existing access to the Northern end of the site – Approved.
- **10/20/0827** – Discharge of conditions application pursuant to Hybrid application 10/20/0107.
- **10/17/1357**- Erection of 84no. new dwellings with associated external works and car parking – Withdrawn.
- **10/11/1128** - Extension of time on application 10/08/0568 - Outline application for residential development, 48 Units, together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking – Approved.
- **10/08/0568** - Outline application for residential development, 48 Units, together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking – Approved.
- **10/07/1385** - Outline application for residential development (82 units) together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking – Refused.

- **10/04/1158** - Removal of condition 5 on consent 10/03/1233 relating to painting of boundary fence. Removal of condition 3 on permission 10/03/1233 relating to submission of landscaping scheme. Modification of condition 5 on consent 10/03/0189 and condition 6 on consent 10/03/1233 to extend hours of use from 8.00-17.00 Mon-Fri, 8.00-12.00 Saturday to permit use from 7.30 -18.00 Monday to Saturday – Withdrawn.
- **10/04/0860** Additional lighting columns; two lengths of 2.2m palisade fence to close gap between existing fences; alterations to existing palisade fence; additional CCTV column; and alterations to existing lighting – Withdrawn.
- **10/03/1233** - Installation of temporary offices, hard surfaced area, lighting columns and CCTV cameras, perimeter fencing and storage containers and alterations to site access – Approved.
- **10.90/1994** - Outline application for Commercial and residential development – Approved.
- **10.90/1993** - Commercial development (Classes B1, B2 & B8) - Offices, Industry, Storage – Withdrawn.

## **9. CONSULTATIONS**

9.1 75 individual letters were sent to the local residents. In addition, site notices were posted, and a press notice advertised in the local newspaper.

9.2 One objection was received from a local resident, but this was retracted following the submission of a revised site / landscaping plan, which showed screening between the site and the rear elevations of residential properties at the southern end of the site.

### **9.3 Statutory and Non-statutory Consultee Responses**

#### Coal Authority

9.4 No objections.

#### Drainage

9.5 No objections, subject to conditions.

#### Police

9.6 No objections.

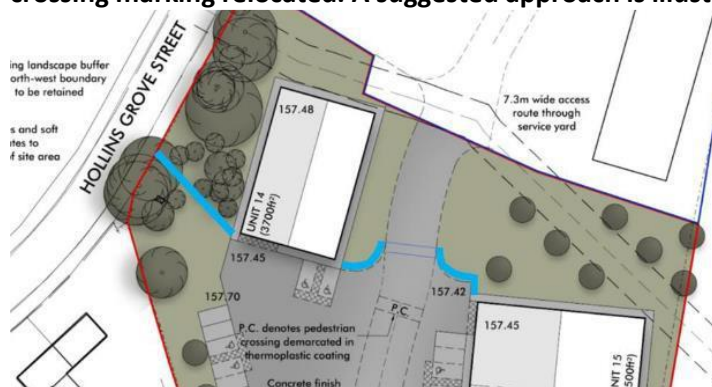
#### Highways

9.7 No objections in principle. However, various amendments are suggested, and contributions are requested towards sustainable transport improvements and to the overall increase in traffic at the Hollins Grove Street / Goose House Lane junction.

## Access

Vehicular access to the application site will be provided via an extension to the access road serving the adjoining northern commercial site and will include a standard industrial specification road, with a 7.3m wide carriageway. Access serving the northern part of the site is taken from Hollins Grove Street, via a simple priority-controlled junction designed to accommodate heavy goods vehicles (HGVs), approved as part of the 10/20/0107 planning application. The Transport Statement indicates that pedestrian and cycle access will be provided at the same location as the vehicular access.

**In line with Policy 10, Part 3 of the current local plan to demonstrate that measures are included to encourage access on foot and by bicycle, it is requested that an addition pedestrian and cycle access point (gated if required) be provided from Hollins Grove Street close to Unit 14. This should be further supported by extending the internal footway from Hollins Grove Street to the front of unit 14, across the access road to adjoin the footway to the side of Unit 15 with pedestrian crossing marking relocated. A suggested approach is illustrated below.**



## Site Layout / Swept Paths

Swept path analysis for the site access and service areas is presented in the TS appendices. The analysis is presented for an articulated vehicle and demonstrates that such vehicles can enter and leave the site in a forward gear. It is anticipated that smaller goods vehicles will typically visit the site.

## Site Accessibility

A spur route of the Weavers Wheel runs along Goose House Lane and Lower Eccleshill Road nearby but does not provide any formal provision for cyclists. There are also a number of planned Cycle Network routes identified within the emerging LCWIP nearby. The nearest bus stops on Lower Eccleshill Road do not have timetables, shelters, access kerbs or bus cage markings on the carriageway.

**A contribution towards sustainable transport improvements to improve the sites accessibility by sustainable modes (£10k bus stop improvements to provide access kerbs and £15k LCWIP cycle network improvements) of £25k is recommended.**

## Traffic Impact

In comparison with the previously approved residential use the proposed development will increase vehicle trips on the local highway network by 25 two-way movements in the AM peak and 16 two-way movements in the PM peak. The TS states that "once this has been distributed to the north and south on Hollins Grove Street, the effect of this additional traffic on the local highway network will not be material. The total traffic impact associated with the development proposals is 43 in the AM peak and 35 in the PM peak. The trip generation is more than double that of the previously approved residential development.

**Reworking the assessment of impact from nearby development on the Hollins Grove Street / Goose House Lane junction indicates that the proposed development on the site would contribute**



**9% (assuming a 50/50 distribution on Hollins Grove Street) to the overall increase in traffic at the junction and should therefore make a 9% contribution towards the scheme costs of £60.5k.**

#### Car Parking

Sufficient levels of car parking and disabled parking (in line with BwD parking standards) are to be provided. Consideration has been given to the inclusion of 15 parking spaces within this application to serve the need of planning application 11/23/0312 on the northern part of the site. However, the disabled parking bays shown only tend to have a 1.2m buffer on one side.

**Please can the layout of disabled parking spaces be revised to include 1.2m on each side of all disabled spaces.**

#### Cycle Parking

The TS indicates that the site is accessible by bicycle but does not provide any detail of cycle parking and there is no sign of any cycle parking being provided on the proposed site plan.

**Cycle parking should be provided in line with recommendations within BwD Parking Standards.**

#### Network Rail

9.8 No objections, subject to conditions and informatives.

#### Public Protection

9.9 No objections, subject to conditions and informatives.

#### Electricity North West

9.10 No comments offered. No response received, despite reminders. Should any response subsequently received, these will be included in the Update Report.

#### Cleansing

9.11 No objections.

#### Ecology

9.12 No objections, subject to conditions.

#### Environment Agency

9.13 No objections, subject to conditions.

#### United Utilities

9.14 No objections, subject to conditions.

#### Tree Officer

9.15 No objections, subject to conditions.

**10.0 CONTACT OFFICER: Tom Wiggans, Planner**

**11.0 DATE PREPARED: 3<sup>rd</sup> July 2023**

## 12.0 SUMMARY OF REPRESENTATIONS

**Ian Thomson, 5 Surrey Avenue, Darwen – received 13<sup>th</sup> June 2023**

Ian Thomson

5 Surrey Avenue

Darwen

BB3 1HF

Sunday, 11 June 2023

Gavin Prescott,  
Strategic Director of Growth & Development,  
Town Hall,  
Blackburn,  
BB1 7DY

**REF:10/23/0414**

Dear Mr Prescott

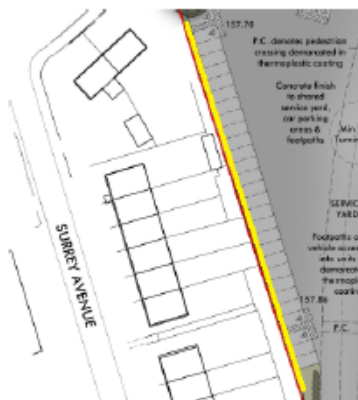
Thank you for your letter dated 6<sup>th</sup> June 2023 regarding the erection of 11 light industrial units with car parking and landscaping.

I would like to raise an issue I have with the plans as shown on the application. They show car parking right up to the edge of the planner's property overlooking my home and garden. The plans do not show any planting of trees as we were previously promised. The company have previously ripped out a lovely line of trees in what was seen by the local residents as an aggressive show of strength, claiming they needed to quickly clear the area for development. They also removed a strong fence that secured the site and added to the security of our property, denying access from the land to our property. This part of the land remains an eyesore nearly two years later, untouched by anyone since the days they removed the trees and fencing. As a result, I have little faith in the company doing anything to replace the trees. I am asking that our privacy is protected by planting trees to screen the car park from our properties.

Yours sincerely

Ian Thomson

Local resident



Trees or a tall hedge should be planted along the yellow line I have marked on the plan.

**Ian Thomson, 5 Surrey Avenue, Darwen – retracting objection – received 20<sup>th</sup> June 2023:**

Hi

Thank you for your quick response.

Assuming the company actually put the changes in place and the council will act to ensure that they do then I am happy with the changes and no longer have any objections.

Ian Thomson