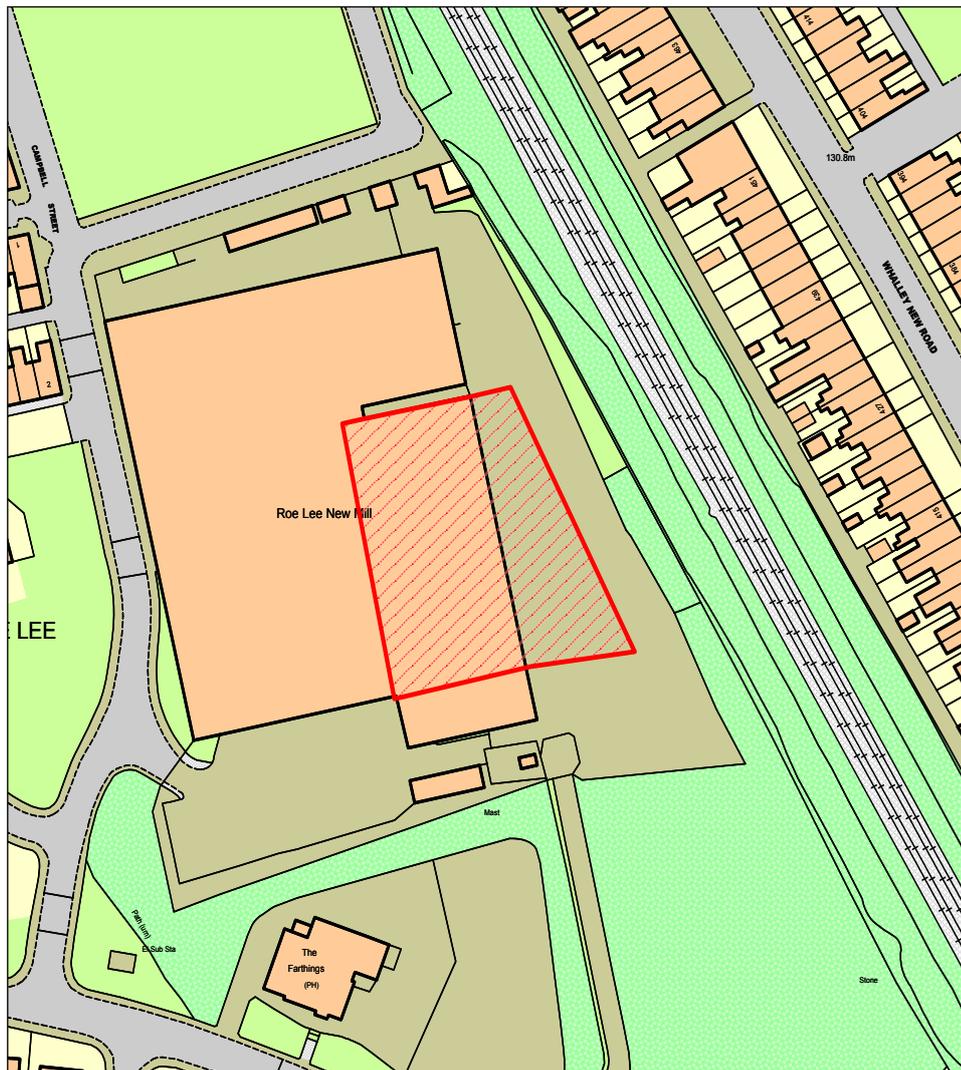


**Proposed development: Full Planning Application (Regulation 4) for Retrospective Application to retain 11 units (Units 2 - 12) on Former Roe Lee Mill site (Use Classes B1 and B8) with Unit 8 operating as a gym (Use Class D2)**

**Site address:  
Roe Lee Business Park  
Off Whalley New Road  
Blackburn  
BB1 9SU**

**Applicant: Mr E Yaseen**

**Ward: Roe Lee  
Councillor Phil Riley  
Councillor Sylvia Liddle  
Councillor Ron Whittle**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 APPROVE – subject to the recommended conditions set out in section 4.0 of this report.**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 The application is a retrospective application for 11 portal frame units on the East side of Roe Lee New Mill. The units came to the Council's attention in July 2018 following reports that new buildings were being erected. An application was received stating that only a new roof was being implemented, as historically approved by application 10/01/0245. After much discussion with the agent, the application now being considered seeks retrospective permission for the units in their entirety.
- 2.2 The site is presented to Planning and Highways Committee as a result of the application site being within the Roe Lee Master Plan area in an area allocated for housing development. The proposals are therefore considered to be a Departure from the Development Plan.
- 2.3 Since the adoption of the Local Plan Part 2, the Council's Growth Team have advised that since the plan preparation time, the owners of the site have put significant investment in to the mill and no longer wish to sell the site. The site is therefore no longer available.
- 2.4 The area is considered to have an industrial nature with the site being suitably located next to similar uses within the mill site. Therefore subject to all of the recommended conditions, the proposals are considered to have an acceptable impact on nearby residents and businesses, highway safety, flood risk and the adjoining railway line and are also considered to be visually acceptable.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site forms part of the Roe Lee New Mill site located off Rosewood Avenue/ Campbell Street.
- 3.1.2 Open land exists to the north of the mill site where the original Roe Lee Mill was located prior to its demolition in 2016. To the east of the site the Railway line and the rear of properties on Whalley New Road are present. The Farthings Public House borders the southern boundary of the site with Campbell Street, its terraced properties and an area of open space forming the western boundary.
- 3.1.3 The Roe Lee New Mill site has two entrances, one to the north of the overall site adjacent to the historic gatehouse to the mill and one at the south-west corner of the site off Campbell Street. At the northern entrance is a historic

gatehouse, known as 'Pemberton House' which is occupied by people who are not associated with the mill.

3.1.4 The units erected about the eastern elevation of the mill building.

### **3.2 Proposed Development**

3.2.1 The application seeks retrospective permission for 11 portal frame units on the East side of Roe Lee Mill operating in B1 (Business) and B8 (Storage and Distribution) uses. One of the units is also operating as a Gym. A gym use falls within the D2 Use Class.

3.2.2 The units erected are steel portal frame buildings clad and roofed in steel-profile sheets; colour dark grey. The units are all attached and measure approximately 67 metres overall by approximately 26 metres deep. The eaves height of the units measure approximately 7 metres with the ridge measuring approximately 10 metres.

3.2.3 Access to the units is from the entrance with the historic gatehouse closest to Whalley New Road and the railway line.

3.2.4 Parking is to be to the front of each unit and along the east facing wall of the traditional mill.

### **3.3 Development Plan**

3.3.1 Section 38(6) of the Planning and Compulsory Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 Blackburn with Darwen Borough Core Strategy

Policy CS1: A Targeted Growth Strategy  
Policy CS2: Typology of Employment Land  
Policy SC3: Land for Employment Development  
Policy CS5: Locations for New Housing  
Policy CS16: Form and Design of New Development  
Policy CS17: Built and Cultural Heritage

3.3.3 Blackburn with Darwen Borough Local Plan Part 2: Site Allocations Development Management Policies (December 2015)

Policy 1: Urban Boundary Policy 8: Development and People  
Policy 9: Development and the Environment  
Policy 10: Accessibility and Transport.  
Policy 11: Design  
Policy 16: Housing Land Allocations

3.3.4 Master Plan for Roe Lee Development Site (2016)

3.3.4.1 This masterplan document has been prepared in response to local plan Policy 16/3 – Roe Lee Development Site. A key consideration of this policy is that:

*“The site is to be brought forward in line with a masterplan to be produced covering the whole of the allocation. The masterplan must be agreed by the Council prior to the granting of planning permission for any part of the site.”*

3.3.4.2 The masterplan was adopted by the Council on 09 December 2016 and sets out the housing and other allocations for the Roe Lee Development Site which encompasses approximately 13 hectares.

### **3.4 Other Material Planning Considerations**

3.4.1 The most relevant national policy and guidance is contained within:

- National Planning Policy Framework, updated February 2019
- Planning Practice Guidance, updated March 2019

3.4.2 The Legislation relevant to the proposals is as follows:

- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004
- The Crime and Disorder Act 1998
- Conservation of Habitats and Species Regulations 2017

### **3.5 Assessment**

#### Principle of Development

3.5.1 The application site is located within the former Roe Lee New Mill complex off Campbell Street and Whalley New Road. The site is located within the defined Urban Boundary, as identified on the Proposals Map associated with the adopted Local Plan Part 2.

3.5.2 The Proposals Map and Policy 16 of the Local Plan Part 2 identifies the application site and the wider Roe Lee area as a strategic housing site in northern Blackburn and promotes its development as a key component in the delivery of the Council’s strategy for housing and economic growth. The application site is thus identified and allocated within the Roe Lee Master Plan for housing under Policy 16/3.

3.5.3 At the time of the Local Plan adoption, the intention was for the whole allocation to be released for housing at some point over the Plan period as the then owners of the Mill had held discussions with the Council about allocating the site for housing. The Roe Lee Masterplan reflected this position. However, as can be the case with sites, the position on this this particular area of the allocation has since changed and the Roe Lee New Mill site, to which this site forms part, is functioning as a thriving commercial hub. The owners of the mill

now wish to expand their business and as such it is no longer available for housing and the Council's Growth and Strategic Planning teams have advised that the proposals are acceptable from their perspective as it is considered that the proposals align with national policies which support the expansion of existing businesses and will jeopardise the wider housing allocation.

3.5.4 Paragraph 80 of the National Planning Policy Framework (2019) states:

*“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. ...”*

3.5.5 Paragraph 82 of the Framework advises;

*“Planning policies and decisions should recognise and address the specific locational requirements of different sectors.”*

3.5.6 This includes, amongst other things, for storage and distribution operations (B8 use) at a variety of scales and in suitably accessible locations.

3.5.7 The proposals seek retrospective permission for a mixture of uses falling within the B1, B8 and D2 use classes. The B1 (Business) and B8 (Storage and Distribution) uses complement the existing commercial use of the mill complex. These uses are considered to be acceptable given the existing commercial use of the mill site.

3.5.8 The Unit (Unit 8) in which a Gym is operating is an exception. Gym uses fall within a D2 use class and are usually located within Town and District Centres by virtue of their nature. Whilst the existing business within Unit 8 (The FitMill) is operating without issue this should not be allowed in the long-term as other uses falling within a D2 use class would undermine the vibrancy of this commercial/ industrial area the industrial nature of the locality. Thus once the current gym (The Fit Mill) ceases using Unit 8 it is recommended a condition be imposed requiring the unit to be used for either a B1 or B8 uses purposes. Provided such a condition is imposed, the proposals are acceptable in principle and are supported by national and local employment policies.

#### Design and Visual Amenity

3.5.9 Local Plan Part 2 Policy 11 requires all new development to *“present a good standard of design and will be expected to:*

*i) Demonstrate an understanding of the wider context; and,*

*ii) Make a positive contribution to the local area.*

3.5.10 The National Planning Policy Framework and National Planning Practice Guidance also require good design.

3.5.11 The units about the western elevation of Roe Lee New Mill and sit below the traditional mill building. In views from the Railway Line and from the main

road to the north of the site, the units are thus seen against the existing building form. There is thus minimal impact on visual amenity and accordingly the proposals are considered to accord with both Policy 8(i) and 11 of the Blackburn with Darwen Local Plan Part 2.

#### Impact on nearby businesses and residents

3.5.12 Local Plan Part 2, Policy 8ii) requires new development to;

*“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.”*

3.5.13 Paragraph 182 of the Framework states:

*“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*

3.5.14 In terms of nearby businesses, the Farthings Public House is located to the south of the wider mill site. The units under consideration are positioned towards the northern end of the site and are separated from The Farthings Public House by the southern end of Roe Lee New Mill which contains a number of small units. Given the industrial nature of the wider Roe Lee New Mill site, and that the units have been occupied for at least 12 months without complaint from this business, the retrospective proposals are considered to have an acceptable impact on this business.

3.5.15 Moving on to the impact of the retrospective proposals on nearby residents; the site is close to the occupiers of the historic Gatehouse, known as Pemberton House, the terrace properties on Cambell Street and the residential dwellings located on Whalley New Road, separated from the units by the railway line.

3.5.16 The units under consideration were completed in July 2018. The Council’s Business Rates section advises the units have been occupied since June-December 2018. It is noted that at the time of writing this report, neither the Council’s Development Management team or the Public Protection team have not received any complaints from local residents relating to the units since the buildings were erected.

3.5.17 The units are currently operating as follows:

Unit No.	Use	Date 1st Occupied
2	Storage (B8 Use)	15th October 2018
3	Storage (B8 Use)	17th June 2018
4	Storage (B8 Use)	1st December 2018
5	Storage (B8 Use)	1st November 2018
6	Workshop (B1 Use)	1st November 2018
7	Storage (B8 Use)	9th July 2018
8	Gym (D2 Use)	1st June 2019
9	Storage (B8 Use)	9th July 2018
10	Storage (B8 Use)	1st September 2018
11	Storage (B8 Use)	26 June 2018
12	Workshop (B1 Use)	1st October 2018

3.5.18 It is important to ensure the amenity of both existing and future residents are not compromised by development. This is particularly important given the occupiers of Pemberton House (the historic Gate House) are not associated with the Mill.

3.5.19 Given the proximity of nearby residents, at the request of Officers, the applicant has provided the Council with a residential amenity noise assessment. The Public Protection team have assessed this and are satisfied that subject to the recommended conditions requiring all work to be undertaken within the units; no storage externally; that roller shutter doors be mechanically operated; along with restricting post-11pm deliveries and operations, the buildings are used for B1 and B8 use class purposes, the amenity of nearby residents will not be significantly harmed.

3.5.20 In respect of the impact on Pemberton House, whilst the occupants are not associated with the Mill, the property does form the historic gate house for the site. Occupants of this dwelling have therefore always lived in close proximity to the workings of the mill and will continue to do so. Subject to conditions ensuring no deliveries are made post 11pm and no operations are undertaken within the units after this time, along with the other recommended conditions, the proposals are considered to accord with the requirements of Local Plan Part 2, Policy 8.

#### Parking and Highway Safety

3.5.21 Local Plan Part 2 Policy 10 concerns itself with highway safety.

- 3.5.22 In accordance with the adopted parking standards, based on a B2 Business and B8 Warehousing and storage use. The local parking requirements based on floor area is 23 spaces, 24 spaces have been provided. Although recorded in the Transport Statement there is no provision for disabled space or cycle parking. No consideration has been given to PTW spaces.
- 3.5.23 The layout and orientation of the bays presented is acceptable, conforms to the council size, and dimensions.
- 3.5.24 The Highway Authority on the whole is satisfied with the parking and layout of the proposed development, and the manoeuvrability of vehicles within the site. Of concern to them however is the following matters:
- 3.5.25 An area has been set out on the plan received for the parking of Powered Two Wheel vehicles (PTW's) and cycles. The location is not acceptable to the Highway Authority as they are located to the rear of the new proposed units forming part of application 10/19/0768, currently under consideration. The Highway Authority consider that these spaces should be sited near the entrances to the units and have requested that these are secured by condition together with details to be provided to ensure they are covered and secure.
- 3.5.26 Changes are proposed to the parking layout to incorporate disabled parking spaces. It is proposed that spaces 7, 8, 9, 10 will be amended. In doing so there may be the loss of one or two spaces, as the disabled bays are wider than the standards spaces. The Highway Authority has requested a condition be imposed requiring a car parking layout to be submitted for the site, incorporating the disabled bays.

#### *Access*

- 3.5.27 Whilst no sightlines for vehicles and pedestrian sightlines have been provided at the entrance the entrance has been used historically and has raised no visibility issues given the wide pavement which exists between the northern boundary of the site and the road and clear views exist in both north and west directions. The existing access is therefore considered to be acceptable.
- 3.5.28 The amended plan illustrates a pedestrian path is in front of the units, and this is considered to be acceptable. However the connection from the highway is not shown. This missing detail can be secured by condition to ensure that a safe pedestrian path is continued from the highway up to each unit, such a condition is therefore recommended.

#### *Servicing*

- 3.5.29 It is proposed that no articulated vehicles will visit the site, and this will be controlled by condition, as the application does not provide a swept path for these vehicles
- 3.5.30 Subject to the recommended conditions, the Highway Authority is satisfied that the continued use of the units will not result in severe harm to highway

safety. The retrospective proposals are therefore considered to accord with Local Plan Part 2, Policy 10.

#### Drainage

- 3.5.31 Local Plan Part 2 Policy 9 concerns itself with Flood Risk. The Framework at paragraph 148 also concerns itself with this matter.
- 3.5.32 The application site is located in Flood Zone 1 and therefore has a low risk of flooding. Notwithstanding this, due to the application constituting Major Development, the application is accompanied by a Surface Water Drainage plan.
- 3.5.33 United Utilities have advised that the Surface Water Drainage proposals for this development and that being considered under application 10/19/0678 are unacceptable and advise that following the surface water hierarchy, surface water should be drained via infiltration systems/ soakaways wherever possible, and that they expect to see evidence as to why infiltration is not possible. They recommend that surface water drainage and foul water drainage conditions are thus imposed. These conditions are recommended and will also allow the applicant to ensure that the large diameter trunk main that runs in close proximity to the site will not be undermined by the proposed drainage strategy.

#### Air Quality

- 3.5.34 The site is within an industrial area, close to traditional terrace housing. Paragraph 181 of the Framework requires:
- “Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified ...”*
- 3.5.35 Officers of Public Protection have suggested that as a result of the application containing no information relating to air quality, that a condition requiring an assessment of total emissions that take account this development proposal and the retrospective proposals at the site, relating to those under consideration as part of application 10/19/0768, be submitted and include mitigation against any identified harm. This condition is duly recommended.
- 3.5.36 In addition to the above, it is also recommended that an electric vehicle charging points be installed on all units to ensure the development contributes to a low carbon future. Such a condition is included in the list of recommended conditions.

#### Crime and Disorder

- 3.5.37 Paragraphs 91 and 95 of the Framework require planning decisions to aim to create safe and accessible environments where crime and disorder, and the

fear of crime, do not undermine quality of life or community cohesion'. Local Plan Policy 8.v) also requires this;

*“Development will be permitted where it can be demonstrated that:*

*v) the development incorporates positive measures aimed at reducing crime and improving community safety, including appropriate detailed design, the provision of adequate facilities for young people, and the creation of a suitable mix of uses.”*

3.5.38 In response to the comments from Lancashire Police Constabulary, the applicant has submitted evidence of the extensive CCTV system within the existing units at the site which will be installed in the proposed units and the grounds surrounding them. The CCTV is monitored off-site and is used on other sites within the applicants' ownership.

3.5.39 Whilst CCTV on its own is not ideal, the units will be overlooked by the existing units opposite and occupants of Pemberton House will also provide natural surveillance by virtue of that properties position at the entrance to the site.

3.5.40 In light of the above, it is considered that the proposed development will be consistent with the principles of the Framework and Local Plan Part 2, Policy 8 in terms of 'designing out crime' and has adopted the principles of Secured by Design.

#### Summary and Conclusions

3.5.41 This report assesses the full planning application for 5 industrial units on a parcel of land within the yard area of Roe Lee New Mill, accessed from both Whalley New Road under the railway bridge and from Campbell Street.

3.5.42 In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the application.

3.5.31 It is concluded the proposal with associated parking provision on an mill site occupied by a number of other business uses is acceptable despite its allocation as a housing development site. The proposal is agreeable with the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework. Furthermore the scheme is acceptable from a technical perspective, with all matters being adequately addressed, or capable of being appropriately controlled via the recommended planning conditions.

## **4.0 RECOMMENDATION**

### **4.01 Approve subject to:**

Conditions which relate to the following:

- Development carried out in accordance with submitted details/ drawing nos.
- Use Class Restriction to B1 and B8
- Use Class Restriction for Unit \* should D2 (Gym) use cease
- Restriction of operating times
- All work shall be undertaken within the units and not the open areas surrounding the units
- Hours of use restriction: The approved use shall be restricted to the following times:
  - Monday to Saturday: 07:00 – 23:00 hours
  - Sundays/Bank Holidays: 09:00 – 21:00 hours
- Deliveries to the premises shall be restricted to the following times:
  - Monday to Saturday: 08:00 – 21:00 hours
  - Sundays/Bank Holidays: 09:00 – 21:00 hours
- Roller shutters must be electrically operated
- Ground Contamination standard conditions
- Submission of a Surface Water Drainage Scheme
- Submission of a Fowl Water Drainage Scheme
- Details of Car Park, including disabled bays), PTW and Cycle Layout including design and appearance of PTW and cycle layout.
- Provision of a safe pedestrian access to each unit from the adopted highway.
- No articulated vehicles will visit the site
- Assessment of Total Air Emissions
- Electric Vehicle Charging Points

## 5.0 PLANNING HISTORY

5.01 The following is a table of the sites planning history:

APPLICATION NUMBER	DEVELOPMENT DESCRIPTION	DECISION	DATE
10/19/0768	Erection of five new units	Under consideration	
10/05/0111	Erection of a building for mill storage	Approved	12/04/2005
10/04/1094	Regeneration of land for mixed employment and residential development(part resubmission)	Refused Dismissed at Appeal	06/01/2005 15/12/005
10/02/0476	Proposed garage for lorry parking	Approved	08/08/2002
10/02/0379	Erection of Industrial (Class B2) and/or Storage and Distribution (Class	Refuse	23/09/2002

	B8) units using existing access from north		
10/01/0245	Proposed new roof in profiled steel decking	Approved	25/05/2001
10/00/0869	Erection of portal frame building to replace existing north light roof and change of use from Use Class B2 (Industrial) to Use Class B8 (Storage)	Approved	09/01/2001
10/82/1036	Change of use to manufacture of rosin based chemicals required by the paper industry	Approved	10/06/1982
10/82/0567	Change of use to storage	Approved	15/04/1982
10/76/1809	Extension and alterations to existing Dye House	Approve	15/10/1976
10/76/0281	Erection of Extension and Alterations to existing Dye House	Approved	12/03/1976
10/74/0998	Outline application for erection of extension to Dye House	Approved	18/10/1984

## 6.0 CONSULTATIONS

- 6.1 The retrospective proposals constitute Major Development and have been advertised both in the Press and by Site Notice as both a Major Development and as a Departure from the Development Plan due to the Roe Lee Development Opportunity allocation.
- 6.2 On receipt of the amended and additional information the application has been re-advertised by in the Press, by Site Notice and by sending amended plan letters to the neighbouring properties.

### Neighbour Representations

- 6.3 52 individual letters were sent to the local residents. In addition, site notices were posted, and a press notice advertised in the local newspaper. The same local residents were consulted again on receipt of the amended site plan by letter, site notices and in the local newspaper.

As a result of both rounds of public consultation no representations have been received from the public.

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

- 6.4 Drainage/ LLFA – No objections subject to the recommended condition requiring the surface water drainage system to be built in accordance with the drawings and design by Flood Risk Consultancy Ltd, submitted with the planning application.
- 6.5 Highways – No objections subject to the recommended conditions
- 6.6 Network Rail – No objections subject to the applicant meeting their requirements
- 6.7 BwD Growth/ Forward Planning team – No objections
- 6.8 BwD Property Management – No objections
- 6.8 BwD Public Protection – No objections subject to the recommended conditions
- 6.9 BwD Refuse/ Waste Management – No objections
- 6.10 United Utilities – Objects to the submitted Preliminary Surface Water Drainage Strategy (Ref: 2019- 101-01, dated 12/09/2019) we can confirm the proposals are unacceptable in principle to United Utilities. Following the surface water hierarchy surface water should be drained via infiltration systems/soakaways wherever possible, so we would expect to see evidence as to why infiltration is not possible. We request the suggested drainage conditions are attached to any subsequent approval to reflect the above approach detailed above.
  
- 7.0 **CONTACT OFFICER: Claire Booth MRTPI, Senior Planning Officer, Development Management**
  
- 8.0 **DATE PREPARED: 06 January 2020**