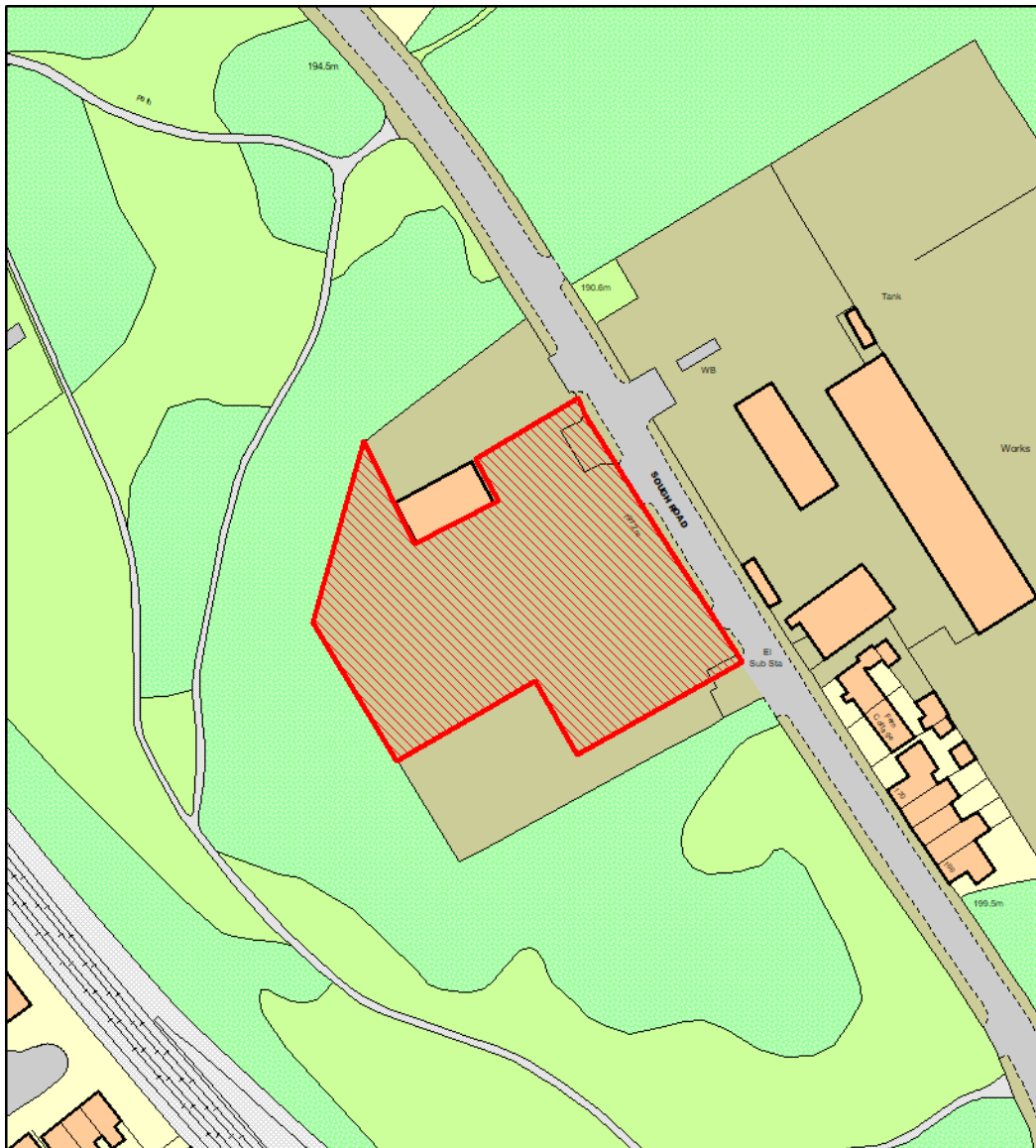


Proposed development: Full Planning Application for Erection of 10 starter units

**Site address:
Sough Works
Sough Road
Darwen
BB3 2TS**

Applicant: Mr K Dearden - Walsh & Dearden Ltd

**Ward: Darwen South
Councillor Kevin Connor
Councillor Lilian Gladys Salton
Councillor Andrew Walker**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application considers a proposal for full planning permission for 10no. general industrial (Class B2) starter units, comprising 2 buildings split into 10 separate units, on the Sough Works site, off Sough Road, Darwen. It is intended that these units will be let to small businesses in the area.
- 2.2 This application is presented to Committee on account of the application being for 10 units, with a site area of 3677.00sqm, in accordance with the Scheme of Delegation in the Council's Constitution.
- 2.3 The site is within the urban boundary of Darwen, in a prominent location, and is currently used for open wagon storage. The proposed development is welcomed, with the units creating 905sqm of new internal floorspace for general industrial use.
- 2.4 The site is already hard surfaced and self-enclosed, with established boundary walls on all 4 sides. The site adjoins green infrastructure on 3 sides. There are no trees on the site itself, but the site is well screened on 3 sides by mature trees, with a wall adjoining the Sough Road frontage.
- 2.5 The site lies predominantly within a coal low risk area, although a small portion to the north of the site is within a coal resource / high risk area. The site is not within a flood zone, and foul and surface water would be disposed via the main sewer. There are no protected or priority species on the site, nor are there any designated sites, important habitats or other biodiversity features.
- 2.6 Assessment of the application finds that the proposal will deliver a scheme that will improve the appearance of the site, and will assist in meeting the Council's strategic aims and objectives, including economic growth, and visual and regeneration benefits.
- 2.7 The applicant submitted the following reports as supporting documents:
- Tree Map and Tree Survey
 - Transport Statement
 - Design and Access Statement
 - Ground conditions report
- 2.8 All relevant issues have been addressed through the application or can be controlled or mitigated through additional planning conditions.

3.0 RATIONALE

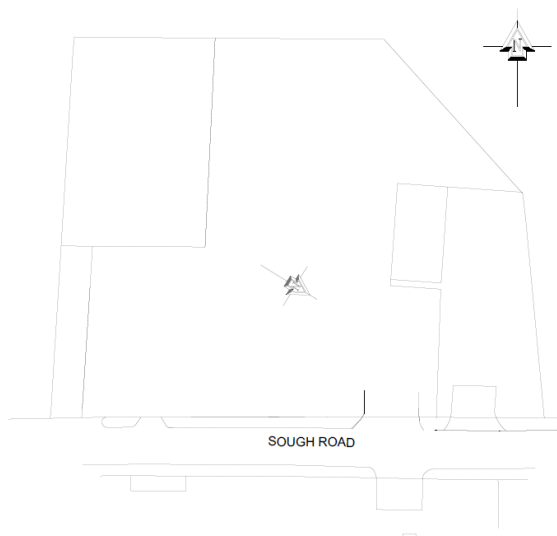
3.1 Site and Surroundings

3.1.1 The application site lies within the urban boundary of Darwen, and is accessed directly from Sough Road. The immediate area is defined by its commercial / industrial character, including the land directly opposite the application site on the other side of Sough Road, and otherwise surrounded by green infrastructure. The wider area is mixed use, with other commercial uses and residential dwellings within walking distance.

3.1.2 An aerial view of the site is shown below.

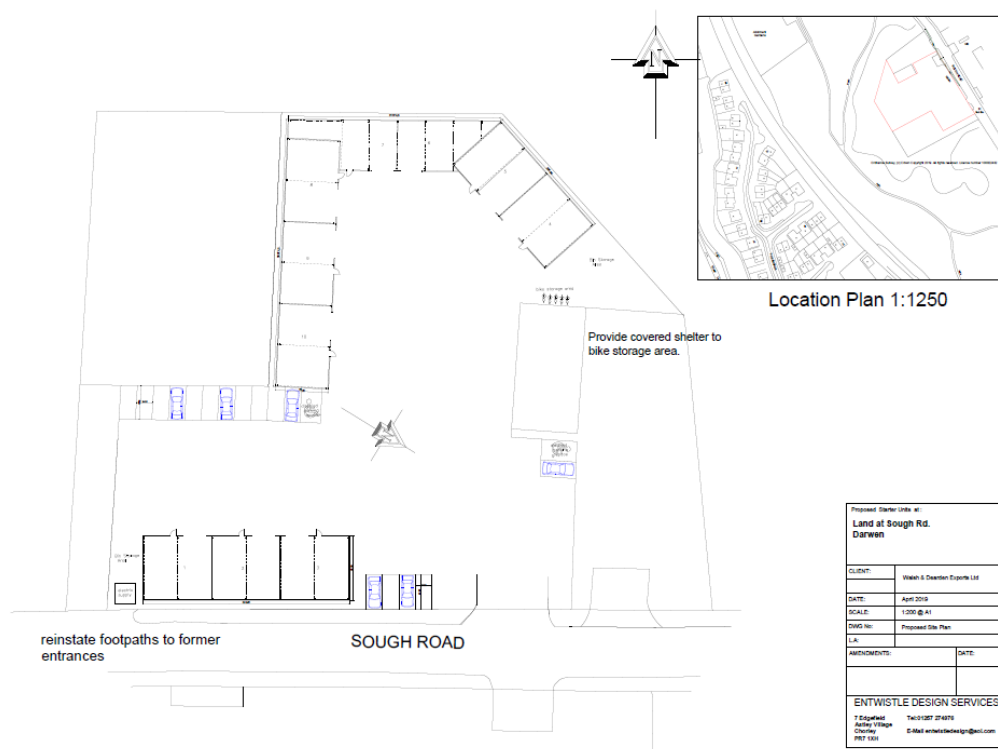


3.1.3 The existing site layout is shown below:



3.2 Proposed Development

- 3.2.1 This application seeks approval for 2 buildings, comprising a total of 10 starter units, within the constraints of the existing site, which is presently used for open storage of wagons.
- 3.2.2 One of the 2 proposed buildings, comprising units 1-3 out of the 10 units applied for, would be a regular rectangular footprint, and would stand towards the front of the site fronting Sough Road.
- 3.2.3 The other proposed building, comprising units 4-10, would be positioned at the back of the site, and is designed in an irregular U-shape, to reflect the irregular shape of the existing site, and to maximise the number of units that can be safely accommodated within the site boundary without unduly impacting upon functionality.
- 3.2.4 The proposed site layout was amended on 17th March 2020, to address initial highway related concerns, and a full re-consultation was undertaken.
- 3.2.5 A further minor amendment was also made on 26th May 2020, to address additional feedback received from the Council's Highways consultee.
- 3.2.6 The amended site plan is shown below:



- 3.2.7 The proposed units would have a large shared service yard, and would create 905sqm of new internal floorspace for use as general industrial starter units.
- 3.2.8 The units are designed as typical industrial type buildings, constructed from grey sheeting walls and roofs with red flashings, and would measure circa 6.8m to the eaves, with a shallow central ridged roof.

3.2.9 The existing access from Sough Road would be utilised, and it is noted that the site access has already been altered in preparation for the development approved under planning permission 10/13/1058.

3.2.10 On-site parking provision for 18 cars would be retained, including mobility spaces, a bin storage area, and a cycle shelter to promote sustainable travel.

3.2.11 The elevations and floor plans of the proposed units are shown below.



3.2.12 Site photos (photos taken 27/01/2022):







3.3 **Development Plan**

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

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

3.3.2 Core Strategy

Policy CS1: A Targeted Growth Strategy

Policy CS2: Typology of Employment Land

Policy CS3: Land for Employment Development

Policy CS4: Protection and reuse of employment sites

Policy CS13: Environmental Strategy

Policy CS15: Protection and Enhancement of Ecological Assets

Policy CS16: Form and Design of New Development

Policy CS18: The Borough's Landscapes

3.3.3 Local Plan Part 2 (LPP2) (December 2015):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 28: Development Opportunities
- Policy 41: Landscape

3.4 **Other Material Planning Considerations**

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

3.4.2 The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 2 – Achieving sustainable development
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenges of climate change, flooding and coastal change
- Section 15 – Conserving and Enhancing the Natural Environment

3.4.3 Blackburn with Darwen Parking Standards

4.0 Assessment

4.1.1 The key issues in relation to this application are:

- Principle
- Amenity
- Environment
- Highways
- Design
- Other matters

4.1.2 Principle

4.1.3 In principle, the development of this site is welcomed, subject to assessment of the specific impacts. The proposal is supportive of Policy CS3: Land for Employment Development. The Local Development Plan reaffirms NPPF's principle of sustainability which includes support for sustainable economic development and encouragement of effective re-use of land, subject to the principles of high quality design and securing a good standard of amenity for all existing and future occupants of land and buildings.

4.1.4 The Core Strategy also sets out the principle of protecting existing employment sites, whether allocated as such or not, in order to maximise economic potential and in recognition of an under provision within the borough.

4.1.5 As a proposal to maintain the existing employment use, and involving the effective re-use of land, the principle is considered acceptable, with the NPPF's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

4.1.6 Amenity

4.1.7 Policy 8 requires a satisfactory level of amenity and safety is secured 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.

4.1.8 As an existing industrial building within a wider commercial setting with reasonable separation to residential uses, the proposal does not pose an excessive amenity threat. Public Protection has, however, recommended conditions to apply a degree of control over noise and disturbance and any potential land contamination issues.

4.1.9 Subject to application of such conditions, compliance with Policy 8 is achieved.

4.1.10 Environment

4.1.11 Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

4.1.12 The site is an open hard surfaced site. It is not located within a Flood Zone. Accordingly, a Flood Risk Assessment was not required. No objections were raised by United Utilities or the Councils' Drainage Team, subject to appropriate conditions.

4.1.13 No trees or protected species are present on the site, and although a small portion to the north of the site is within a coal resource / high risk area, no objections were raised by the Coal Authority.

4.1.14 Compliance with Policy 9 is therefore achieved.

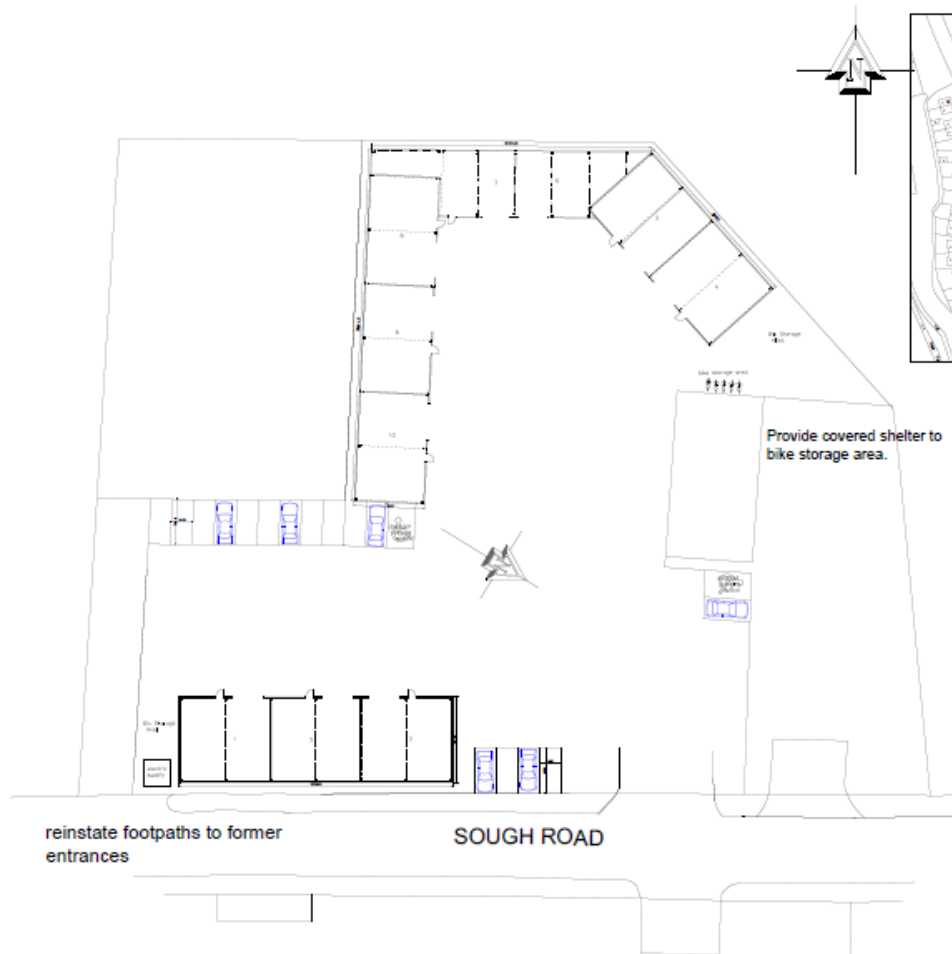
4.1.15 Highways

4.1.16 Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

4.1.17 The proposal has been subject to review by the Council's Highways consultee, who raised initial concerns which have now been addressed.

4.1.18 The proposal demonstrates adequate sightlines at the site access. Additional sightline detail was provided during the course of the application, and it is recognised that the existing access is being utilised.

4.1.19 The proposed layout comfortably meets the Council's adopted parking standards, including mobility spaces, and the large servicing yard includes a bin storage area, and a covered cycle shelter.



Amended Site Plan showing access and layout with car parking spaces.

4.1.20 The Council's Highways consultee no longer raises any objections following the receipt of amended plans to address initial concerns. However, the applicant needs to demonstrate how safe pedestrian access and movement within the site will be achieved. A condition can be attached to ensure receipt of this additional detail, in the interests of pedestrian and highway safety.

4.1.21 With this, and other relevant conditions as requested by the Council's Highways consultee to be attached, compliance with Policy 10 is therefore achieved.

4.1.22 Design / Character & Appearance

4.1.23 Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

4.1.24 The immediate setting of the site is industrial, framed by the green infrastructure that adjoins the site. The existing use of the site, for open storage of wagons, contributes very little to the street scene and detracts from

the visual amenity of the area. The trees adjacent the site help to screen the site when approaching from either direction along Sough Road.

4.1.25 The proposed new buildings, whilst predominantly comprising grey sheeting, with red flashing to add visual interest, would be an improvement on the present situation.

4.1.26 The proposed units would be functional and fit for purpose, and are considered appropriate in terms of size, scale and appearance for this site / setting. The removal of the open wagon storage from the street scene is considered to be of notable benefit, and the proposal would provide a visual uplift to the immediate area.

4.1.27 When considered alongside the economic benefits of the proposed starter units, the proposal is considered acceptable in design terms.

4.1.28 Compliance with Policy 11 is therefore achieved.

5.0 RECOMMENDATION

5.1 **Approve.**

5.2 **Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:**

1. 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 Proposed Site Plan @A1
Proposed Elevations @A1

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

2. 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.

3. 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 the site has been made 'suitable for use', and 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.

4. 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 the site has been made 'suitable for use', and 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.

5. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- i.) separate systems for the disposal of foul and surface water;
- ii.) details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer for the 1 in 1 year and 1 in 100 year rainfall events (including an appropriate allowance for climate change), which shall not exceed the greenfield or pre-development rate;
- iii.) details of any necessary flow attenuation measures, including the use of SUDS;
- iv.) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- v.) details of flood exceedance routes
- vi.) details of how surface water will be managed and pollution prevented during both the construction and occupation phases;
- vii.) a timetable for implementation, including details of any phased delivery; and
- viii.) details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker.

The scheme shall be implemented in accordance with the duly approved details before any of the units hereby approved are first occupied, and maintained as such thereafter.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, including the adjoining Railway line, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan, and the National Planning Policy Framework.

6. 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) crime prevention measures during the construction of the development and,
 - vii) a scheme for recycling/disposing of waste resulting from excavation 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 Policies 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the National Planning Policy Framework.

7. Prior to the commencement of development hereby approved a scheme for the construction of the site access and off-site works of highway improvements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development.

REASON: To provide for the safety and convenience of users of the highway, for the free flow of traffic, and to safeguard the amenity of neighbouring premises in accordance with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2.

8. The covered cycle storage specified in the approved details referred to in Condition No.1. shall be implemented prior to occupation of the units, and retained in accordance with the approved details.

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

9. The external walling and roofing materials to be used in the construction of the development hereby permitted shall be as specified in the approved details referred to in Condition No.1.

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.

10. Prior to occupation of the units hereby approved, final layouts of the car parking and servicing areas, in particular internal footpath surfacing for pedestrians, shall be submitted for approval, laid out in accordance with the approved details and thereafter permanently retained.

REASON: To support safeguarding of pedestrians into the site and up to the entrance of the units, and to ensure the site is set out and suitable to support service vehicles, prior to occupation of the buildings, in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2, and the adopted Blackburn With Darwen parking standards.

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

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

12. The approved use shall only take place between the hours of Monday – Saturday 07:30 – 20:00; and Sunday 10:00 – 16:00. There shall also be no deliveries outside of the above times.

REASON: To safeguard residential amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to the commencement of the approved use a scheme detailing the provision of electric vehicle charging infrastructure at the premises shall be submitted to and agreed in writing with the local planning authority. Prior to the occupation of the approved units the agreed scheme shall be implemented and thereafter retained.

REASON: To provide electric vehicle charging infrastructure in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2 and the Planning Advice Note on Air Quality.

14. The proposed hours of construction shall be only take place between the hours of 8am – 6pm, Monday to Friday, 9am to 1pm on Saturdays, and not at all on Sundays or Bank Holidays.
REASON: To safeguard residential amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6.0 PLANNING HISTORY

- 10/13/1058 — Replace existing boundary wall of site fronting Sough Rd & creation of new access, removing 2 drop kerbs. Approved 11/02/14
- 10/12/0405 - Demolition of buildings – Prior approval granted 28/05/12
- 10/10/0866 - Erection of 29 No. dwellings with amenity areas and common areas – Approved 12/01/11
- 10/01/0783 - Installation of double storey portacabin for Laboratory and Office – Approved 23/11/01
- 10.99/0041 - Erection of 26 No Dwellings – Approved 27/05/99
- 10.98/0212 - Retention of concrete panel fence topped with razor wire – Approved 22/05/98
- 10.97/0269 - Security palisade fencing to boundary wall adjoining Sough Road – Approved 16/06/97

7.0 CONSULTATIONS

7.1 Fire Service

7.2 Standard comments only.

7.3 Coal Authority

7.4 No objections

Thank you for your consultation letter of 10 March 2020 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the Coal Authority records and although there are mine entries recorded close to the site these are associated with extraction of Flagrock and not coal. We assume

that the LPA will require any additional information they consider relevant to ensure that the applicant has demonstrated that these features do not pose a risk to the development. On the basis that none of the mining risks recorded as being present in the vicinity of the site are associated with coal mining, no Coal Mining Risk Assessment is required and we have no specific comments to make.

Please do not hesitate to contact me if you would like to discuss this matter further.

7.5 United Utilities No objections subject to conditions

With regards to the above development proposal, United Utilities Water Limited ('United Utilities') wishes to provide the following comments.

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach detailed above:

Condition 1 – Surface water

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme 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;
- (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); and
- (iii) A timetable for its implementation.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

The applicant can discuss any of the above with Developer Engineer, Robert Brenton, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets.

Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

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.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Water Supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for. To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk. Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' Property, Assets and Infrastructure

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/> You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further. Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

7.8 Highways

7.9 No objections, subject to conditions/informatives.

7.10 Initial response (14th April 2020):

PROW – no implications

The submission details have been reviewed.

The proposal received is for Erection of 10 starter units.

Parking/Access

In accordance with the adopted parking standards, based on the total floor area being 905sqm and measured against a parking standards of 1 car space per 60sqm. This would

equate to 15 spaces, the drawing and detail they have provided indicate 23 spaces. No justification is offered on why this number of spaces is necessary – please seek further clarification.

Each parking spaces should be 2.4m wide and 4.8m in length.

1 disabled spaces (sited near the entrance of the units) and provision for cycle and PTW spaces has been provided. Details of the coverage and security mechanisms to support the cycle and PTW is to be provided.

Access

Vehicular Access into the site is already established, though planning consent obtained in 2014. The adjacent access which was closed did not have the footway reinstated, please request this is completed under this application, at the developer's expense.

No details of sightlines have been provided, these are required to be received for full assessment.

No pedestrian linkage from the highway into the site has been provided; this should be away from the vehicle access point.

Servicing

No detail on how frequent deliveries to the site will be offered.

We acknowledge that a swept path has been submitted with the Transport Statement. These show two swept path manoeuvres, however they are not near the units as delivery collection points, please provide details on how materials imported and exported will be managed within the site.

The turning area should be away from the car parking area, please request consideration of this.

Transport Statement

The trips associated with the development are not greater than 30 two way trip, and therefore do not impact upon the highway in an adverse manner

Other

Construction Method Statement is required, please condition

Matters also to be considered are:

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

To conclude, in principle would have no objections, subject to the above matters being satisfactorily addressed?

7.11 Further response from Highways (received by email on 29th April 2020):

You will see from the attached that there was more than sightlines that needed to be addressed

1. Sightlines: which have been presented. The left splay is drawn incorrectly and right splay appears to be obstructed
2. Coverage and security details for the cycle and ptw was requested, we have information received showing Sheffield stand, but no details on secure mechanism for ptw and also no details on shelter have been offered
3. The servicing concerns raised have not been dealt with
4. Nor the matter concerns no of parking spaces

7.12 Further response from Highways (following further details received 7th May 2020):

- The sightline details are still drawn incorrectly
- We maintain the request that the cycle stands should be covered
- I did review the attached statement with regards to servicing being unknown and therefore no details of future occupants of the units. However they do need to ensure the site is set out and suitable to support service vehicles, if unknown they need to demonstrate worst case scenario
- Pedestrian access is not just for visitors but for employees as well, as we encourage all alternative methods of transport i.e. walking...They should therefore be safeguarded when entering the site and up to the entrance of the building.
- Parking spaces are acceptable

If you need to move the application forward, more than amenable to having the above matters conditioned

7.13 Further response from Highways (following further details received 26th May 2020), received 31st December 2021:

Matters reviewed are:

- The details received have been received, the sightlines are now drawn correctly, albeit they seem possibly compromised by the front wall...please ensure this area is splayed and reduced accordingly, please attach standard conditions 2 and 3 to support this.
- A plan showing the coverage detail for the cyclist has been received, this is adequate, and deemed acceptable
- No details offered to support safeguarding of pedestrians into the site and up to the entrance of the units, please condition.
- No further information presented with regards to servicing worst case scenario

Construction Method Statement is required, please condition

Matters also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Any old entrances no longer required will require closing and formally reinstating back to full footway.
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway

- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.

To conclude, in principle would have no objections, subject to the above matters being satisfactorily addressed?

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

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

7.14 Clarity from agent, received on 25th January 2022:

With regard to the sight lines they are close to the wall but they dont cut through it. The wall is behind the red line. The bit that sticks out in front of the red line is the foot path. It is a bit confusing! I think perhaps she thought the footpath was the wall. The confusion lies in the multiple lines at the site access.

7.15 Final comments from Highways (dated 31/01/22)

We are happy to proceed with the details as received.

I would add, the outstanding issues with regards to internal footpath servicing need also to be conditioned.

7.16 Public Protection

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

Contaminated Land

The site itself has an industrial history and there are known landfills in close proximity.

Contaminated land will need to be considered and investigated in the usual way.

No information has been submitted with the application although due to the low sensitivity of the end use this can be conditioned using the standard contaminated land condition used by this authority.

Residential Amenity

There are residential premises in the locality of the site, whilst it is difficult to predict any amenity impact it would be prudent to agree an hours restriction with the applicant to control deliveries and any likely nuisance that may be caused from late operation. There is potential for some flexibility on this.

A suggested condition would be;

Condition – Hours Restriction

The approved use shall only take place between the hours of;

Monday – Saturday – 7:30 – 20:00

Sunday – 10:00 – 16:00

There shall also be no deliveries outside of the above times.

Reason

To safeguard residential amenity.

Air Quality

According to the AQ PAN document the site needs to install standard mitigation. This will include some form of electric vehicle charging provision.

Condition – Electric Vehicle Provision

Prior to the commencement of the approved use a scheme detailing the provision of electric vehicle charging infrastructure at the premises shall be submitted to and agreed in writing with the local planning authority. Prior to the occupation of the approved units the agreed scheme shall be implemented and thereafter retained.

Reason

To provide electric vehicle charging infrastructure in accordance with the planning advice note on air quality.

7.17 Contaminated Land Officer

I've now reviewed the unusual Wormseye Report submitted with the application 10/20/0223:

Wormseye: Walsh and Dearden, Sough Road, Darwen. Report on Ground Conditions. June 2013

It is not in itself a ground investigation but a review of an earlier ground investigation by Sub Surface. Strictly I'd need to see the original Sub Surface Phase 2, but for some reason it has not been submitted nor has a Phase 1 report referred to. Nevertheless I can conclude enough in the short time available from this report.

Firstly, the site still needs both contaminated land conditions, as original stated in John Wood's memo. The reasons for this are it was previously used as Rosehill Refinery, an extremely contaminative use. There are also probably mine shafts on site. When Wormseye did a site walkover for this 2013 report they noted the presence of drums of methanol and drums simply labelled "biocide".

Although some investigation was carried out by Sub Surface, which found limited exceedances of commercial-industrial assessment criteria, the Wormseye review correctly notes that the TPH and sVOC analysis was inadequate for such as site and that additional targeted investigation such as banded TPH analysis and targeted methanol and "biocide" analysis is required. The submitted Wormseye report also quotes from an unseen Phase 1 that states rather alarmingly:

"The site is likely to be classified as contaminated under Part 2A of the Environmental Protection Act due to the presence of potentially contaminative sources on and within proximity of the site"

Wormseye disagree, although they do state that further intrusive investigation is recommended "if greater confidence is required". I'm 100% in agreement with this conclusion, greater confidence is required as is extensive additional investigation. The site has the potential to be highly contaminated. I agree with Wormseye that such as site is not suitable for residential development. However, even with a less sensitive commercial/industrial end use I would encourage any additional investigation to use up to

date assessment criteria, to identify and analyse for the biocide on site, full VOC analysis, banded TPH analysis and more than the 4 boreholes used in the Sub Surface report.

This must be presented to me for review a full and detailed investigation proposal before commencing investigation. This site has the potential to be a highly contaminated site and I will need to ensure everything is done correctly. I will also need to see all reports referred to, the missing Desk Study and Sub Surface Phase 2. However, these are old reports that will use now outdated assessment criteria and additional work will be required.

7.18 Cleansing

7.19 No issues

7.20 Drainage

Lead Local Flood Authority Position

We have no objections to the proposals but require the following condition

Condition 1

Prior to commencement of the development, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall ensure that foul and surface water is drained on separate systems. The surface water drainage scheme shall be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion). The surface water drainage scheme must be in accordance with the non-statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and, unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

7.21 Publicity

7.22 16 neighbours were consulted on 10th March 2020 and a site notice was displayed. No representations were received.

8.0 CONTACT OFFICER: Tom Wiggans – Planner, Development Management.

9.0 DATE PREPARED: 04th February 2022