

Development Control Committee
Meeting to be held on 2nd September 2015

Electoral Division affected: Preston Rural

Preston City: Application number 6/13/0528/1
Application for approval of details reserved by condition to planning permissions 6/13/0528 and LCC/2014/0122 relating to the construction of the Broughton Bypass, Preston.

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Executive Summary

Application for approval of details reserved by condition to planning permissions 6/13/0528 and LCC/2014/0122 relating to the construction of the Broughton Bypass, Preston.

Recommendation – Summary

That the details submitted for the purposes of conditions 3, 4, 5, 6, 7, 9, 19, 20 and 24 of planning permission 6/13/0528 and condition 3 of planning permission LCC/2014/0122 are acceptable and should therefore be approved.

Applicant's Proposal

The application is for the approval of details for a number of planning conditions to planning permissions 6/2013/0528 and LCC/2014/0122 which relate to the construction of the Broughton Bypass, Preston.

The conditions for which details are submitted are as follows:

Planning permission 6/2013/0528 (authorising the construction of the bypass)

Condition 3 – details for the landscaping of the bypass route

Condition 4 – details of ecological mitigation measures

Condition 5 – details of surfacing materials to be used for the bypass construction

Condition 6 – details of street lighting and highway signage

Condition 7 – details for the routing of the Guild Wheel cycle route along Durton Lane

Condition 9 – details of traffic management along Durton Lane.

Condition 19 – Surface water drainage

Condition 20 – Details of measures to dispose of surface water.

Condition 24 – Environmental Management Plan

Planning permission LCC/2014/0122 (For the development of an underpass at the northern end of the scheme)

Condition 3 – details of landscaping

Description and Location of Site

The proposed bypass would be a new road approximately 4km in length running to the east of Broughton village north of Preston thereby allowing traffic to avoid the existing traffic light controlled cross roads at the junction of the A6 and the B5269.

Background

Planning permission for the construction of the Broughton bypass was originally granted in 2001 (planning permission 6/00/0678). This permission was then renewed in 2008 and 2013 (ref 6/2013/0528).

A planning permission was also granted in 2014 (ref LCC/2014/0122) for the construction of an underpass at the northern end of the route.

Planning Policy

National Planning Policy Framework – Paragraphs 11-14, 17, 18, 29 – 35, 56, 58, 100 – 104, 109 – 141 of the NPPF are relevant to this application in terms of the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, sustainable transport, requiring good design, flooding and conserving and enhancing the natural environment.

Central Lancashire Core Strategy

Policy 3	Travel
Policy 16	Heritage Assets
Policy 17	Design of new buildings
Policy 18	Green Infrastructure
Policy 21	Landscape Character Areas
Policy 22	Biodiversity and geodiversity
Policy 29	Water management

Preston City Local Plan

Policy V1	Model Policy
Policy IV2	Broughton Bypass
Policy ST1	Parking Standards
Policy EN2	Protection of Existing Green Infrastructure
Policy EN3	Future provision of Green Infrastructure
Policy EN8	Development and Heritage Assets

Policy EN9 Design of New Development
Policy EN10 Biodiversity and Nature Conservation
Policy EN11 Species Protection

Consultations

Preston City Council: No observations received.

Broughton-In-Amounderness Parish Council: No observations received.

County Ecology Service: No observations received.

Environment Agency: No objection. The EA have reviewed the information required to discharge conditions 19 and 20 and consider that it is satisfactory.

LCC Developer Support (Highways): No observations received.

LCC Street Lighting; No objection to the street lighting proposals.

Representations: A letter has been received from the Broughton Bypass Review Group (BBRG) who represent Broughton in Amounderness CE Primary School, Broughton St John Baptist Church and the Church Cottage Museum. BBRG object to the information provided for conditions 3, 19 and 20 and request that consideration of these conditions is deferred pending further discussion and agreement.

In terms of conditions 19 and 20 (surface water controls), the Group are concerned that the road will reduce floodplain storage, increasing flood risk to the school and church including the graveyard and that the proposed attenuation tank is insufficient to accommodate the run off from the road during storm events. The Group are also of the view that the outfall from the attenuation tank will cause scour and erosion to the Blundell Brook which will have implications for the graveyard.

Advice

Applications ref 6/2013/0527 and 528 for the renewal of the planning permissions for the construction of the Broughton Bypass were made in 2013 and were granted on 18th December 2013. An additional planning permission ref LCC/2014/0122 for the construction of an underpass below the bypass at the northern end of the scheme was also approved on 3rd September 2014.

Compulsory Purchase Orders and Side Roads Orders were published in 2014 in order to acquire all the land necessary to construct the bypass and to close certain other roads that would be intercepted by the new roads. These Orders were the subject of a public inquiry in April 2015. The Secretary of State confirmed the Orders in a letter to the County Council dated 3rd July 2015.

The planning permission for the construction of the bypass (6/13/0528) contains a number of conditions some of which require the applicant to submit further details of various matters before commencing the development. These conditions are nos 3, 4, 5, 6, 7, 9, 19, 20 and 24. The applicant wishes to gain approval for these matters at this stage in order to assist in the advancement of the scheme.

A report relating to this application was included in the agenda to the 16th July 2015 Committee. However, on the 14th July 2015, a letter was received from the Broughton Bypass Review Group requesting that consideration of the application be deferred in order to allow the group to continue their discussions with the applicant and to submit their comments. In view of this request, the application was not considered at the 16th July Committee.

Since the 16th July Committee, comments from BBRG have been received which are addressed below along with the more general planning issues raised by the application.

Condition 3 – Details for the landscaping of the bypass route.

The applicant has submitted a series of drawings and accompanying schedules describing the landscaping works that will be undertaken along the route of the bypass. The proposals provide for native planting along the line of the route, for the translocation of existing hedgerows and for establishment of wildflower grasslands or amenity grassland on embankments or cutting slopes. There would also be an attenuation pond on the northern part of the route to store water run off and allow discharge to an existing stream at a controlled rate. The submitted details include landscaping details for this pond so that it appears as a landscaped feature rather than an engineered storage lagoon.

At the southern end of the scheme, the new road would cross the existing car park used by Broughton St Johns the Baptist Church and Primary School. A replacement car park is proposed and the scheme provides for landscaping of the car park together with new surfaced footpath routes so that the car park can be easily accessed from the school / church.

The visual impact of the bypass was raised in objections to the original planning application from the school and the church. The landscape scheme provides for a considerable amount of planting in this area which will reinforce the existing tree cover along the line of the Blundell Brook and provide an acceptable degree of screening in this location, safeguarding the setting of the listed buildings in this area. The landscaping proposals are therefore considered to be acceptable in terms of policies 17 and 21 of the Central Lancashire Core Strategy.

Condition 4 – details of ecological mitigation measures: The applicant has submitted a report to detail the measures that will be undertaken to safeguard ecological interests. As well as the general ecological impacts arising from the development of a road in the open countryside, the bypass route passes close to ponds used by Great Crested Newts and also involves the removal of a building and a number of trees that are likely to be used by bats.

The landscaping works described under condition 3 above would also provide for the mitigation of some of the ecological impacts of the development. Where the road intercepts existing hedgerows, it is proposed to translocate the hedges to other parts of the scheme which would help to reduce impacts.

To offset the potential impacts on Great Crested Newt populations, a significant area of new ponds and surrounding ecological habitat is proposed on both sides of the

bypass to the south of Whittingham Lane. The proposed works have been discussed with Natural England so that they are sufficient to enable a protected species licence to be obtained.

In relation to bats, to provide replacement habitat for the buildings that are to be removed as part of the road scheme, a new bat building was proposed and made a requirement of condition 4. However, discussions with Natural England have confirmed that the building is no longer required and that appropriate alternative mitigation can be provided using bat boxes mounted on trees. Proposals are included for different types of bat boxes to be installed to provide habitat for different bat species. The ecological mitigation proposals submitted under the requirements of condition 4 are therefore considered acceptable and conform with policy 22 of the Central Lancashire Core Strategy.

Condition 5 – details of surfacing materials to be used for the bypass construction- Condition 5 requires details of the surfacing materials to be used on the wearing course of the new highway to include low noise surfacing materials to reduce noise impacts. The submitted details provide for the use of a thin stone mastic asphalt to be used for the wearing course of the road which has a less textured finish than conventional surfacing materials, thereby reducing tyre noise. These surfacing materials are considered acceptable in terms of the requirements of condition 5.

Condition 6 – details of street lighting and highway signage – the submitted scheme includes a plan showing the location of the proposed street lights, details of each lighting column and a lux diagram showing the light spread from each column.

The section of road between Whittingham Lane and the roundabout with the Durton Lane link is not proposed to be lit which would reduce light pollution in one of the areas where the road would be in open countryside. In the other locations, lighting would be provided by 10 metre high columns incorporating LED lighting which produce a more directional light which minimises light spill to the sky and to adjacent areas. It is therefore considered that the proposed lighting would provide the necessary illumination to protect highway safety whilst also safeguarding local amenity.

Details have also been provided of the road signage to be installed including the positions and design of signs. These details are considered acceptable and would help to ensure that north / south traffic uses the bypass rather than the existing A6 through Broughton.

Condition 7 – details for the routing of the Guild Wheel cycle route along Durton Lane. The Guild Wheel cycle route currently follows Durton Lane. The bypass would cut across the western end of Durton Lane with the Guild Wheel to be accommodated via a traffic light controlled crossing. The Guild Wheel would then follow Durton Lane as existing and would then cross the proposed Durton Lane link. A 2.5 metre wide shared cycle path would then be constructed along northern side of Durton Lane to provide a segregated cycleway. The bypass would require some changes to the existing alignment of the cycleway but the proposals are considered acceptable given the reduction in traffic on some parts of the Guild Wheel route that would result from the construction of the bypass. The proposals are therefore considered acceptable.

Condition 9 – details of traffic management along Durton Lane. At present Durton Lane is used as a short cut between the A6 and Eastway / Haighton Green Lane. Construction of the bypass and the Durton Lane Link would provide a new route for this traffic and presents the opportunity to close the eastern end of Durton Lane therefore preventing through traffic from using this route. The proposals are for a turning head to be constructed at the eastern end of the lane and for bollards to be erected preventing through traffic whilst still allowing access for cyclists using the Guild Wheel. These proposals would give rise to a reduction in traffic levels along this road and a consequent improvement in the amenity of residents on this road and for safety of Guild Wheel users. The proposals are therefore considered acceptable.

Condition 19 (Surface water drainage) and Condition 20 (Details of measures to dispose of surface water) - For drainage purposes, the highway has been divided into four catchments and appropriate discharge rates for each catchment have been agreed with the Environment Agency. To control discharge rates to the required level, measures are incorporated into the scheme. Attenuation ponds are proposed at two locations to provide temporary storage of flood waters and discharge at a controlled rate. At the northern end of the scheme, oversized underground pipes would be used to provide similar storage and at the southern end, below the proposed school car park, an underground attenuation system would be constructed allowing attenuated discharge to the Blundell Brook. All discharge points would incorporate pollution control devices and measures to remove sediment from road run off. The proposed measures have previously been discussed with the EA and are sufficient to control runoff and prevent pollution of existing water courses and are therefore acceptable in terms of Policy 29 of the Central Lancashire Core Strategy.

Condition 24 – Environmental Management Plan: This condition requires the submission of an environmental management plan to detail the works that will be undertaken to ensure that the landscape and ecological management measures are successful. The management plan period is subject to a unilateral undertaking under s106 and is for a duration of 15 years. The plan sets out the works that will be undertaken to maintain the tree and hedge planting, manage the proposed grassland areas and maintain the areas that are dedicated for the mitigation of ecological impacts such as ponds and bat mitigation works. Provision is incorporated within the plan for an annual meeting to assess the success of the landscape and ecological mitigation works and to agree additional works that may be required. The environmental management plan is therefore considered to be an acceptable basis for ensuring that the landscape and ecological mitigation works are successful and should therefore be approved.

Objections raised by the Broughton Bypass Review Group

The Broughton Bypass Review Group (BBRG) represent the interests of the Broughton CE Primary School, the St John Baptist Church and associated cottage museum. It is important to state that there is no statutory requirement to consult such groups on applications for discharge of planning conditions. However, BBRG were an interested party at the public inquiry into the Compulsory Purchase and Side Road Orders and have expressed much interest in the detailed design of the road scheme given its proximity to the school and church.

Since the CPO and Side Roads Orders were confirmed by the Secretary of State, the applicant has met with representatives of BBRG in order to discuss the details which are the subject of the current applications.

BBRG have commented on a number of the topics that are the subject of the current applications and request that the details for conditions 3, 19 and 20 are not determined until there has been further discussion and agreement.

In relation to condition 3, BBRG have commented on the design of the noise attenuation fencing alongside the Blundell Brook and the design of the landscape areas between the proposed road and the Blundell Brook. As a consequence, the applicant has extended the noise attenuation fencing further to the north east as far as the Blundell Brook bridge. The proposed picnic areas on the grassland between the new road and the brook have also been removed and some areas of grassland replaced with further tree and shrub planting. These changes will improve the noise mitigation for the school and will provide a greater degree of visual mitigation of the road when viewed from the school / church.

The concern of BBRG regarding condition 3 relates to the replacement car park. The design of the car park has been amended and the number of spaces has been reduced in order to allow more of the existing mature trees alongside Garstang Road to be retained. However, the replacement car park will still provide significantly more spaces than the existing car park and the retention of the trees would also have some visual benefits. The main concern of BBRG regarding the car park relates to the means of controlling access. BBRG are requesting that access be controlled using electrically operated bollards. However, the applicant is not prepared to install such arrangements due to cost and complexity of maintenance and as an alternative proposes manually operated bollards or a lockable gate. The applicant proposes to acquire the land for the car park under an order made under s40 of the Road Traffic Act and such an Order can provide for the school / church to be responsible for opening and closing the car park. The exact details of the means of control of access to the car park are considered to be outside the scope of the planning condition and can still be the subject of further discussion with BBRG. The general design of the car park is considered acceptable for the purposes of the planning condition and it is not considered necessary to defer the determination of these submissions further.

Conditions 19 and 20 – BBRG are concerned that the road is located within the floodplain of the Blundell Brook and that floodwaters will be displaced onto the church and graveyard exacerbating the existing flooding issues. They are also concerned that the proposed attenuation tank to be constructed beneath the car park is not sufficiently large and that the outfall from the tank will scour the banks of the Blundell Brook.

The impacts of the road on the flood plain were considered at the time of the planning application for the proposed highway. The application was accompanied by an Environmental Statement which included a flood risk assessment which examined the implications of the road within the flood plain of the brook. The Environment Agency did not raise objection to the application provided that conditions were imposed regarding the management of surface water. The flooding issues were discussed at the public inquiry into the CPO and Side Roads Orders but the Inspector concluded that there was no evidence to question the conclusion of the

FRA that the road would not cause unacceptable flooding impacts. The principle of the road in this location has therefore already been established.

In terms of the measures that are required to address surface water issues, the Environment Agency are satisfied with the design that is proposed including the underground attenuation tank. The outfall to the brook would need to be the subject of a separate application to the EA as it involves works to an existing watercourse. For the outfall to gain EA consent, it would need to be designed in a way to minimise scour and erosion issues. The details submitted under conditions 19 and 20 are therefore considered acceptable in terms of the requirements of the planning conditions and the request of BBRG to further defer consideration cannot be supported.

In summary, the submitted details are considered to address the requirements of planning permissions 6/13/0528 and LCC/2014/122 and would ensure that the bypass development conforms with the requirements of national planning policy and the policies of the Development Plan. Further discussions have taken place with BBRG and the landscaping and noise attenuation details have been modified to address their concerns. The details of the car park provision and surface water management are considered acceptable for the purposes of the planning conditions and the request to further defer these matters is not supported. It is therefore considered that the details submitted for the purposes of conditions 3, 4, 5, 6, 7, 9, 19, 20 and 24 of planning permission 6/13/0528 and condition 3 of planning permission LCC/2014/0122 comply with the policies of the Development Plan and should be approved.

Human Rights Issues

In view of the scale, location and nature of the development it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That the details submitted for the purposes of conditions 3, 4, 5, 6, 7, 9, 19, 20 and 24 of planning permission 6/13/0527 and condition 3 of planning permission LCC/2014/0122 are acceptable and should therefore be approved.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Ext
06/13/0527	29/07/13	Jonathan Haine/ 34130
06/13/0528	29/07/13	
06/07/0320		
LCC/2014/0122		

Reason for Inclusion in Part II, if appropriate

N/A