

**Development Control Committee**  
Meeting to be held on 24 July 2019

Electoral Division affected: Preston West, Preston Rural, Preston South and Fylde East
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**Preston City and Fylde Boroughs: application numbers LCC/2016/0046/1, 2 and 3. Details submitted to comply with conditions 4, 6, 7, 8, 9, 17, 19, 25, 26 and 28 of planning permission LCC/2016/0046 – Preston Western Distributor Road and East – West link Road.**

**Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.**

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### **Executive Summary**

Application – Details submitted to comply with conditions 4, 6, 7, 8, 9, 17, 19, 25, 26 and 28 of planning permission LCC/2016/0046 – Preston Western Distributor Road and East – West link Road.

Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.

### **Recommendation – Summary**

That the details submitted for the purposes of conditions 4, 6, 7, 8, 9, 17, 19, 25, 26 and 28 of planning permission LCC/2016/0046 be approved

### **Applicant's Proposal**

Planning permission for the construction of the Preston Western Distributor Road and East West link Road was granted on 19<sup>th</sup> November 2018. The Preston Western Distributor Road will be a new dual carriageway highway along the western side of Preston linking the M55 with the A583 to the south. The highway proposal also includes an east – west link road which connects the Preston Western Distributor with the existing Tom Benson Way on the north side of Preston and which runs through the north west Preston urban extension area.

The planning permission contains a number of conditions requiring further details to be approved before development can commence. The applicant has now submitted information to discharge the requirements of conditions 4, 6, 7, 8, 9, 17, 25, 26 and 28 of the planning permission.

The relevant conditions for the purposes of this report together with the applicant's proposals in respect of each condition are as follows:-

Condition 4 – the design and materials to be used for the external elevations of all structures.

There are eight structures on the proposed route. The applicant's proposals for this condition can be summarised as follows:

- The Becconsall bridge over the M55 would be formed from concrete with an architectural style to reflect the nearby motorway bridges with design features to reduce its apparent mass. The revetment areas under the bridge would be surfaced with grey concrete flags.
- Bartle Underpass – the underpass wing walls would be clad with a rustic red brick material.
- Bartle Retaining Walls would be comprised of a reinforced soil bank at 45° which would allow vegetation to become established.
- Bartle Lane Bridge and Earls Farm Cattle Creep would be faced in the same red brick as the Bartle Underpass.
- Lea Viaduct – this structure has been designed to reflect the undulating topography in the area including curved beams and slim supporting piers to reduce the mass of the bridge as much as possible and limit effect on views. The bridge beams would be constructed of weathering steel with concrete wing walls and abutments. The revetments under the bridge would be faced with silver – grey flagstones laid to a stretcher bond.
- Darkinson Lane Underpass – would be formed from concrete arches flanked by reinforced grass banks. A concrete keystone would be incorporated into the top of each arch. Hedge planting would be incorporated to the front of each of the grass banks. The road through the arch would receive a bitmac surface.
- Savick Brook Viaduct – The design of the bridge included several features to minimise its presence and impact and would have a design and materials similar to the Lea Viaduct.

Condition 6 – measures to address the flood risks arising from the construction of the Savick Brook Viaduct. The applicant's proposals to address this condition including fixing the height of the viaduct soffit above the relevant flood level, incorporating measures to prevent scour of the viaduct piers and some small scale ground recontouring to provide replacement flood capacity to compensate for that lost through construction of the viaduct.

Condition 7 – Scheme of investigation and management of contaminated land. When the original environmental statement was prepared, a desk top study identified a small number of locations where there was evidence of previous landfilling operations. The condition requires further details of how any contamination within those areas will be managed. The scheme provides details for intrusive ground investigation within those areas and details of the measures that will be taken should evidence of contaminated materials be found.

Condition 8 – Scheme of archaeological investigation. The applicant's proposals to address this condition includes a programme of written archaeological work which provides for various types of archaeological survey at different locations along the alignment which have been identified to have potential interest. The scheme

provides for the recording or any items or features of interest that are found together with their recovery and archiving.

Condition 9 – Construction management plan. This condition requires details of how the construction works would be managed in terms of the proposed site compounds, management of traffic, protection of water courses during construction, restoration of site compounds. The submitted scheme provides information on the construction of the site compounds including stripping and storage of soil and laying of surfacing materials, design of temporary soil storage areas, measures to protect watercourses, restoration of temporary compounds and details of the traffic management measures to be used including routing of vehicles and signage. No highway improvements are proposed on the access routes to the construction site.

Condition 17 – Scheme of noise attenuation measures for residential properties at Lea Town and 'Many Views'. The submitted details include information on the location and design of additional noise attenuation fencing that will be installed in these locations to increase the degree of noise protection to these properties. The fencing would be 3 m high and formed from timber supported on concrete posts.

Condition 19 – Construction Environmental Management Plan; This condition requires details of the measures that will be taken during construction to minimise impacts on biodiversity. The scheme includes a risk assessment to identify potentially damaging activities, identification of biodiversity protection zones and implementation of measures (such as timing or construction of physical measures) to prevent harm to biodiversity. Provision is also made for specialist ecologists to oversee operations during key parts of the construction works and the appointment of an ecological clerk of works to coordinate ecological protection measures during construction.

Condition 25 – Scheme of landscaping; The submission under this condition contains drawing showing the gradients of all embankment and cuttings and their seeding following formation, planting of trees and replacement hedgerows including native species and details of new ponds to be created to replace those lost to the development

Condition 26 – Scheme of tree and hedgerow protection; The submission under this condition includes drawings showing the trees and hedgerows that are required to be removed and the measures to be implemented to ensure that only the vegetation shown on the drawings is removed.

Condition 28 – Scheme of ecological mitigation measures. Plans and a method statement are submitted to illustrate the works that will be undertaken to minimise impacts on the Bartle Wetlands Biological Heritage Site at the northern end of the scheme and on the Savick Brook and Lancaster Canal. Measures are also included for the translocation of hedgerows and for the construction of new wetland features.

### **Relevant Planning Policy**

National Planning Policy Framework : Paragraphs 11, 47, 127, 155 – 165, 174 – 175, 178 – 180, 199 of the Framework are relevant with regards to achieving sustainable development, determining applications, quality of design, flood risk and sustainable drainage, biodiversity, ground conditions and pollution and archaeology.

Central Lancashire Core Strategy

Policy 22 Biodiversity and geodiversity

Preston Local Plan 2012 – 2026 Site Allocation and Development Management Policies

Policy EN9 Design of new development

Policy EN10 Biodiversity and nature conservation

Policy EN11 Species protection

Fylde Local Plan to 2032

Policy GD4 Development in the Countryside

Policy GD7 Achieving good design in development

Policy CL1 Flood alleviation, water quality and water efficiency

Policy CL2 Surface water run off and sustainable drainage

Policy ENV1 Landscape

Policy ENV2 Biodiversity

Policy ENV5 Historic Environment

## **Consultations**

Preston City Council: No observations received.

Fylde Borough Council; No observations received

Environment Agency: In relation to condition 6, the Environment Agency are satisfied with the measures to protect the pier from scour and the design of the bridge to ensure that there is sufficient clearance between the bridge soffit level and the flood level. However, the Environment Agency were not prepared to recommend the discharge of condition 6c as the submitted information did not demonstrate that the works to the flood plain were sufficient to compensate for the loss of capacity. Further information was then submitted resulting in the Environment Agency removing their objection.

In respect of condition 7, the Environment Agency are in agreement with the general approach to potentially contaminated soils but require the site investigations to be widened so that they include more locations where contaminated materials are likely to be encountered.

Lead Local Flood Authority: The Flood Authority have similar observations to the Environment Agency and confirm that they are also not able to recommend approval to condition 6c. No response to the additional information has been received from the Lead Local Flood Authority.

In respect of condition 5, the Lead Local Flood Authority state that they are unable to recommend approval of the scheme as outfall details into the receiving water courses have not been provided.

Lancashire Archaeological Advisory Service: Consider that the written scheme of investigation submitted for the purposes of condition 8 is acceptable.

### **Advice**

The Preston Western Distributor road scheme is a major new highway for which planning permission was granted in November 2018. Compulsory purchase and side roads orders have also been confirmed and it is proposed that construction works will commence later in 2019.

The planning permission includes a number of conditions requiring further details to be submitted for the approval of the County Planning Authority before development can commence. Determination of details submitted under the requirements of planning conditions would normally be a matter that would be delegated to officers. However, in this case given that the scheme is the County Council's own proposal, it is considered that these matters should be reported to the Development Control Committee for determination.

The planning issues and advice for each of the submissions is as follows:-

Condition 4: The road would involve the construction of 8 main structures ranging from the two major viaducts to smaller retaining walls. The design of these structures is largely dictated by the engineering constraints. However, it is possible to incorporate design features to ensure that the impact of these structures is minimised and that they use materials that are appropriate for the locality. In terms of the two main viaducts, these are both major pieces of civil engineering which will have a significant visual impact. However, they are both located in the open countryside where there is no other development with a local vernacular which would have to be considered. The design of these viaducts has centred around trying to reduce their visual impact and the use of rusting steel for the main bridge beams would ensure a suitably rustic appearance which would be less stark than concrete. The materials for the revetments would be of a higher quality given that these parts of the structures would be close to the existing footpaths / cycle way alongside the Lancaster Canal and Savick Brook. For the other smaller structures, the applicant is proposing to use a red brick as a predominant facing material. This would reflect the materials used on a number of traditional farm buildings in the area and the brick type has been selected so that it matches those as closely as possible. In conclusion it is considered that the design of the structures and the materials to be used is acceptable in reducing visual impact and relating to local distinctiveness as far as possible and therefore accords with Paragraph 127 of the Framework and Policy EN9 of the Preston City Local Plan.

Condition 6: The Savick Brook Viaduct crosses an area that is designated as Flood Zone 3. The design of the bridge would involve a small loss of flood plain capacity and therefore the applicant proposes to undertake some regrading of floodplain in this area to provide compensatory capacity. The Environment Agency and Lead Local Flood Authority are satisfied with the measures that are proposed. The design of the structure also provides for the soffit of the bridge to be clear of the relevant maximum flood level such that the new structure would not obstruct the river flow during times of maximum flood. The Environment Agency are also satisfied with the measures to be taken to ensure that the new piers to be constructed within the

floodplain would not increase the risk of scour of the river bed. The details are therefore considered acceptable in terms of paragraph 163 of the Framework.

Condition 7: The original Environmental Statement identified the possible presence of some former landfill on certain parts of the road alignment. A condition was therefore imposed requiring the details of those areas to be further investigated and a management strategy submitted should unsuitable materials be identified. The submitted scheme provides sufficient assurance that any contaminated materials will be identified prior by intrusive ground investigation to the main earthworks commencing and that they will be managed in an appropriate manner. The details are considered acceptable by the Environment Agency and comply with paragraph 178 of the Framework.

Condition 8: The road crosses farm land that has not been the subject of previous disturbance and therefore it is possible that earthworks might encounter features of archaeological interest. The condition requires the submission of a written scheme of archaeological investigation. The scheme provides for investigations to be carried out prior to the main earthworks commencing in the locations where some interest is suspected and for a watching brief in other parts of the scheme in the instance that features of interest are uncovered during the main earthworks contract. Lancashire Archaeological Advisory Services consider that the submitted scheme is satisfactory and it is considered to comply with the requirements of paragraph 99 of the Framework.

Condition 9: This condition requires details of the temporary works associated with the construction of the road including construction compound designs and measures to address the highways impacts of construction traffic. The submitted scheme has been prepared in conjunction with Costain who are the approved contractor for the scheme. The scheme includes appropriate details for the stripping and storage of soils from the construction compounds and their restoration following completion of the contract. Detailed measures are also included for the protection of any hedgerows or trees that are to be retained on the edges or within these areas. The scheme also contains details on transport and logistics including the roads where construction traffic will not be allowed and signage to reinforce these measures. A number of designated access points into the construction site are proposed and measures to inform lorry drivers of the permitted access routes and points are provided. These measures are considered acceptable.

Condition 17: The original Environmental Statement identified that there would be some significant noise impacts for certain properties located in Lea Town which back onto the road and also at Many Views, a property located close to the proposed Saddle Inn roundabout. A condition was therefore imposed requiring details of further noise attenuation at this property. The scheme proposes the erection of lengths of noise attenuation fencing adjacent to the highway. The fencing would have some beneficial impact in further reducing noise levels at these properties. The visual impact of the proposed fencing can be mitigated by the mounding and planting that is already a feature of the landscaping scheme. The measures to comply with condition 17 are therefore considered acceptable and comply with Policy EN9 of the Central Lancashire Core Strategy.

Condition 19: The purpose of the Construction Environment Management Plan is to ensure that construction activities are managed in a way that takes into account

ecological constraints and ensures that there would be no unavoidable impacts. The measures proposed include careful timing of works, identification and protection of adjacent ecological features and employment of an Ecological Clerk of Works to ensure that ecological factors are properly taken into account in the programming of the overall construction works. The content of the scheme is considered to be acceptable in relation to the requirements of this condition and complies with policy EN10 of the Preston Local Plan.

Condition 25: The original planning application included outline details of the landscaping and therefore a planning condition was imposed requiring full details to be approved. The submitted information includes details for the seeding of all embankment and cutting slopes, details of native tree and hedgerow planting and the replacement ponds to be provided. The road would require the removal of a considerable amount of hedgerow and trees and would also result in the loss of a number of ponds. The landscaping proposals would provide mitigation for these losses and in time would ensure that the visual impacts of the road are satisfactorily mitigated. The landscape proposals including for the replacement ponds would also ensure that the impacts of the road on ecology are addressed as far as possible. The submitted scheme is therefore considered acceptable in terms of paragraphs 170 and 175 of the Framework and Policies EN9 and EN10 of the Preston Local Plan.

Condition 26: The road would require the removal of hedgerows and trees and it is important that only those features that need to be removed for the road are lost and that vegetation close to the road corridor is given adequate protection. The scheme includes identification of the trees and lengths of hedgerow that require removal and the employment of physical measures on the site to protect retained trees and hedges and to ensure that no nesting birds are affected. These details are considered to be acceptable and conform with paragraph 175 of the Framework.

Condition 28: This condition requires a scheme of ecological mitigation measures. The measures proposed are also partially covered by the submissions made to address conditions 25 and 26 in terms of landscaping and provision of new ponds and control of vegetation removal. The condition 28 scheme also includes a range of mitigation measures that will be used to mitigate the impacts on general ecology including employment of an ecological clerk of works, control of invasive species and details of measures that will be employed to mitigate impacts on a number of different species including European protected species and other species benefiting from lower levels of protection. These details are considered acceptable and comply with paragraph 175 of the Framework.

In conclusion, the details that have been submitted to address the requirements of these conditions are considered acceptable and would ensure that the development has a high design quality and incorporates the measures that are required to ensure that impacts on local amenity and the local environment are adequately mitigated for. In view of the nature of the proposal, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

## **Recommendation**

That the schemes and programmes submitted to discharge the requirements of conditions 4, 6, 7, 8, 9,17,19, 25, 26 and 28 of planning permission LCC/2016/0046 are acceptable and should therefore be approved.

The development should be undertaken in accordance with the approved schemes and programmes.

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

None

**Reason for inclusion in Part II, if appropriate**

N/A