

Development Control Committee

Meeting to be held on 11th September 2019

Electoral Division affected: Preston Rural

Preston City: application number LCC/2019/0006
Variation of condition 2 of permission 06/13/0528 for the amendment of the approved drawings to regularise departures from the approved design.
Broughton Bypass, Preston.

Contact for further information:
Jonathan Haine, 01772 534130
DevCon@lancashire.gov.uk

Executive Summary

Application - Variation of condition 2 of permission 06/13/0528 for the amendment of the approved drawings to regularise departures from the approved design. Broughton Bypass, Preston.

Recommendation – Summary

That subject to the applicant first providing a section 106 undertaking to provide for the management of ecological mitigation measures for a period of 15 years in accordance with an approved environmental management plan, planning permission be **granted** subject to conditions controlling working programme, landscaping, drainage, traffic calming schemes and highway surfacing.

Applicant's Proposal

The application is for a variation of condition 2 to planning permission 6/13/0528. Condition 2 lists the approved drawings for the design of the bypass.

However, some elements of the bypass have been constructed in a different way from those shown on the approved drawings. The purpose of the application is therefore to gain approval for an amended set of drawings in order to regularise the departures from the previously approved plans.

The principal departures from the approved drawings are as follows:-

- The carriageway layout on the section of bypass to the south of Whittingham Lane incorporates a central reserve. The approved design did not include provision for such a reserve.
- The southbound approach to the M55 roundabout has been widened within the original red line area to incorporate an additional filter lane onto the M55 sliproad.

- A turning head on Durton Lane has been relocated. In the approved design this turning head was located at the far western end of Durton Lane adjacent to the bypass. It has now been moved approximately 40 metres to the east to a location which also serves as a field access to the former construction compound area. Changes to the drainage arrangements in this area have also been made
- Changes to drainage facilities: these works relate to the incorporation of surface drainage channels in the embankment adjacent to the M55 roundabout in order to ensure stability. Minor amendments have also been made to the land around the outfalls into the Blundell Brook in order to ensure bank stability.
- Minor amendments to the landscaping of the area between the bypass and Greys Cottage off Durton Lane.
- Amendments to landscape planting off Whittingham Lane to improve screening for residents.
- An increase in the area of mounding at the south east corner of Whittingham Lane roundabout in order to accommodate excess fill materials.
- Amendment of the scheme boundary adjacent to no.39 Whittingham Lane. The original proposal required demolition of the garage belonging to no. 39 Whittingham Lane but during construction it was decided that it was preferable to leave the established boundary in place and not demolish the garage.
- Minor changes to the access track and drainage at Helms Farm to accommodate the route of an existing electricity cable and to reduce costs of construction

Description and Location of Site

The application relates to the route of the Broughton Bypass on the A6 north of Preston. The bypass commences at the A6 / M55 roundabout 4km north of Preston city centre and then runs to the east of Broughton village crossing the B5269 Whittingham Lane. The bypass rejoins the A6 approximately 500 metres north of Broughton village.

The bypass was constructed in 2016 / 17 and opened for traffic in October 2017. The section of bypass south of Whittingham Lane has four lanes (two in each direction) whilst the northern section between Whittingham Lane and the A6 has a single lane in each direction. The route of the bypass largely runs through agricultural fields except for where it crosses Whittingham Lane and at the southern end where it passes close to houses off Durton Lane and Garstang Road. Broughton Primary School and Church includes a number of listed buildings which are located approximately 60 metres from the centre line of the bypass.

Background

History: Planning permission for the bypass was originally granted in 2001. The permission was renewed in 2013 (ref 6/13/0528). A related permission was also granted in 2014 for a cattle underpass at the northern end of the scheme.(ref LCC/2014/0112)

Planning Policy

National Planning Policy Framework: Paragraphs 7 -11, 127 – 130, 163 - 165 are relevant with regard to the definition and presumption of sustainable development, the requirement for good design and sustainable drainage systems

Central Lancashire Core Strategy

Policy 17 – Design of new buildings

Preston City Local Plan

Policy V1 – Model Policy

Policy ST2 – General Transport Considerations

Policy EN8 – Development and Heritage Assets

Policy EN9 – Design of New Development

Consultations

Preston City Council: No objection

Environment Agency : The Environment Agency understand that the works within the flood zone only take the form of carriageway layout works incorporating a central reserve on the section south of Whittingham Lane and there is no change to the extent of actual highway. Therefore there are no concerns in relation to the impact of the amendments. Advice is given to the applicant in relation to the need for consent for works within 8 metres of a main river.

Lead Local Flood Authority: No objection

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

Whittingham Parish Council: No observations received

Goosnargh Parish Council: No observations received

Highways England : No objection

LCC Highways Development Control; No observations received

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received from a resident on Durton Lane which raises the following issues:-

- The resident does not agree with the location and design of the turning head on Durton Lane and that he did not request that it be moved from its approved location. He considers that other arrangements were discussed regarding how Durton Lane would be made into a cul de sac and that the current arrangements are not something that he would have agreed to.

- He considers that if the turning head is to be retained, it needs to include double yellow lines to prevent it being obstructed by parked cars and it is too far from the end of the cul de sac to function safely as a turning head.
- The turning head should also not function as an access into the former site compound. If the former compound is disposed of and receives planning permission for development, the turning head will become an access into the site and therefore will no longer become available for use as a turning head. An alternative turning head location will then be required.
- The turning head incorporates a drainage gully. Run off from the former site compound enters this gully which runs into a drain which runs under the objector's property. The resident is concerned that the run off from the compound area contains sediment and debris which will gradually block the drain running under his property and that the drain under his house does not have capacity to access the water arising from the former compound area and that arising from his property. He states that this is already a problem as the down spouts on his property overflow during high rainfall events and also interferes with foul drainage. He also maintains that the County Council have not fully understood the condition and capacity of the drainage system before the gully in the turning head was connected.
- The landscaping has not been undertaken as proposed in the area between his property and the bypass and the area has become infested with weeds.
- The resident has also objected to the incorporation of the additional lane on the approach to the M55 roundabout as he considers that it creates additional traffic close to his property at peak times therefore adding to noise and pollution. The resident considers that the 4th lane would have been more effective if it had been longer and had linked into the motorway network without passing any traffic lights. The resident considers that additional noise attenuation fencing should be provided to mitigate for the additional noise impacts.
- The resident has also raised concern about the lane layout on the Broughton roundabout where it passes under the M55 and is concerned that the layout is substandard.

A letter has also been received from Ben Wallace MP reiterating the concerns raised by the Durton Lane resident.

Advice

Planning permission for the renewal of the planning permission for the Broughton Bypass was granted in 2013. Construction of the road took place throughout 2016 / 17 and the new road was opened to traffic on 5th October 2017.

As with many major construction projects, there will be opportunities to make changes to the design during construction in order to reduce costs or to improve the design. Sometimes, such changes may depart from the approved drawings. In such circumstances, the developer has the ability to make a retrospective planning application to regularise any departures.

There are a number of locations on the bypass route where the completed road scheme does not conform exactly to the approved drawings referred to in condition 2 of planning permission 6/13/528 for the construction of the bypass.

The planning issues arising from each of the changes are as follows:-

Carriageway layout incorporating central reserve on section south of Whittingham Lane: The original approved bypass design was for a highway with two lanes in either direction but with no central reserve. A stage 2 road safety audit was undertaken in 2016 which highlighted potential concerns with this design, most particularly the potential for head on collisions due to the lack of any separation of north and south bound traffic. A 1 metre wide central reserve was therefore built into the scheme by reducing the width of the running lanes. The incorporation of the central reserve has not increased the width of the road beyond that permitted. It also provides a central refuge area where a footpath crosses the bypass approximately 500 metres south of Whittingham Lane. Given the benefits of this design change for highway and pedestrian safety and the absence of any additional environmental impacts, it is considered that this amendment to the scheme is acceptable.

Carriageway layout incorporating an additional lane on roundabout approach:- This change has provided two lanes which feed from the southbound side of the bypass onto the M55 slip road. The approved bypass design included only one such lane. This change was made in order to provide additional queuing capacity on the approach to the roundabout and means that motorway bound traffic have minimal interaction with the circulatory traffic on the roundabout. This change was made within the original red line boundary by amending the design of the cutting slope on the east side of the bypass.

This amendment has been objected to by the resident living on Durton Lane. The resident's house is the closest property to this part of the scheme. However, the fourth lane is only relatively short and it is not considered that its addition has considerably increased the volume of traffic on the bypass. The addition of the fourth lane and central reserve has brought the highway approximately 5 metres closer to the residents property compared to the approved scheme. However, the fourth lane does not commence until after the bypass crosses the former alignment of Durton Lane after which point the road is screened from the resident's property by the embankment forming the side of the highway. It is therefore considered that the additional impacts in terms of noise and air quality would be minimal and given the benefits of the design change, this amendment is acceptable. If the motorway bound lanes had been longer, as is suggested by the resident, further land acquisition would have been required, including at least part of the resident's property.

With regard to the resident's concerns about the layout of the lanes on the roundabout, it is important to understand that the roundabout was remodelled prior to the bypass construction commencing. These works were undertaken under the permitted development rights relating to works within or adjacent to a highway and therefore did not require planning permission. The remodelled roundabout has now been in operation for several years and it is considered that it operates satisfactorily with no safety issues.

Relocation of turning head on Durton Lane: The bypass has bisected Durton Lane so that it has become a dead end at its western end. A turning head area was therefore provided in the original design located on the northern side of Durton Lane on an area of land between the bypass screen bank and a property known as Greys Cottage. The location of the turning head has been subsequently moved to the south side of Durton Lane and utilises the access point to the former construction compound. The turning head was moved as it was considered that the revised location would reduce amenity impacts on Greys Cottage as it would negate the need for traffic to pass and turn near the property. A number of new pieces of drainage infrastructure are also located beneath the original turning head location which would have complicated the turning head design if it had been constructed in the original location.

The resident at Greys Cottage objects to the location and design of the as built turning head area. It is acknowledged that the turning head is sometimes occupied by parked cars which prevents the area functioning as it should. It is considered that this matter could be addressed through a suitably worded planning condition. The turning head also functions as an access to an agricultural field that was previously used as the bypass construction compound. Although no planning permission exists for the development of this field, it may be brought forward for development at some point in the future with a probable access via the turning head. At that time, consideration will have to be given to how vehicles would turn at the western end of Durton Lane. This does not stop the turning head from functioning effectively up until that time subject to the above condition being imposed.

Concerns have also been made by the resident that the current design of the cul de sac at the end of Durton Lane does not function effectively particularly in terms of cyclist safety on the Guild Wheel. The design of the cul de sac includes provision to separate pedestrian traffic from cyclists and does not require cyclists to use the pavement on Durton Lane past the resident's property. The provision has now been in place for over one year and there does not appear to be an issue with conflicts between pedestrians, cyclists and other road users on this part of Durton Lane.

New drainage along Durton Lane: Within the turning head is a drainage gully. This gully accepts water that runs off from the former compound area. The drainage gully itself does not require planning permission but it is located within the relocated turning head area. The resident is concerned that this gully links into drains that also serve and run under his property and that the additional water and sediment load is having land drainage implications for his property.

The drainage gully does connect into the existing highway drainage running under Durton Lane. Dye testing and other investigation works have shown that this drain then runs under part of Greys Cottage and does also take surface water from that property. The downstream section was severed by the bypass and therefore a completely new pipe was laid adjacent to and then under the bypass route to a discharge into the Blundell Brook. The section of drain under Greys Cottage appears to be of considerable age and due to its construction and position under the resident's property, its condition and water carrying capacity cannot be calculated with full confidence. Whilst no surface water flooding events appear to have occurred in this area, it cannot be demonstrated that the drain has the capacity to accept the

volumes of water that might run off from the compound area and through the drain in storm conditions. To address this issue, the applicant therefore proposes to lay a new drainage system. This would comprise of a new stone catchpit located immediately at the head of the turning area which would feed a new 150mm diameter pipe which would link into the new drainage system installed as part of the bypass works. It is understood that there are some issues with how this new drain currently functions but that these issues are being dealt with under the scheme defect procedures with Hochtief who were the main contractors.

In summary the new drainage proposals would mean that run off from the compound area would bypass the drains running under Greys Cottage thereby addressing the resident's concerns on this point. It is considered that the installation of this drain should be the subject of a planning condition.

It is also important to note that in the event of the former compound area being developed for another use, a completely new drainage system would have to be installed and designed to accept the volumes of surface water that would be generated by such a development.

Other drainage changes: The embankment adjacent to the M55 slip roads was steepened in order to create space for the additional lane. In order to maintain slope stability a number of stone filled drainage channels were built into the design. These channels do change the visual appearance of the embankment but they are not unusual features for highway embankments and the majority of the slope is still grassed. The visual appearance is therefore considered to be acceptable.

The modifications to the drainage alongside the Blundell Brook are located on the steep bank adjacent to the stream and cannot readily be viewed from anywhere. Therefore they too are considered acceptable.

Landscape Planting off Durton Lane: The original approved landscaping scheme for the bypass showed landscaping around the original turning head area between the bypass and the property known as Greys Cottage. A number of feathered trees were proposed in this area to provide improved screening to Greys Cottage. However, the drainage works that have been installed under this area mean that planting trees is no longer advisable as their roots would be likely to damage the drains. A revised landscape plan for this area is now proposed including recultivation and sowing a wildflower meadow seed mix over the area. Greys Cottage is already screened from the bypass by an earth bund topped by a noise attenuation fence with some planting on the bund itself. The absence of the trees within the former turning head area will not detract markedly from the landscaping of the road although it is considered that a revised landscaping scheme for this area should be submitted and implemented in Autumn 2019 to address the issues raised by the adjacent resident. This can be the subject of a planning condition.

Landscaping /planting works off Whittingham Lane: The bunding adjacent to the south east side of the Whittingham Lane roundabout was increased in this area in order to accommodate additional excess materials. These works only increased the extent of the bunding but did not add to its height. The visual appearance is

considered acceptable and the additional raised area has been planted with native trees and shrubs.

The construction of the bypass required removal of a number of mature trees in this area. The replacement planting in this area has been modified by increasing the number and density of planting to provide greater landscape mitigation for the visual impacts in this area. These amendments are considered acceptable.

Route of access track to underpass: At the northern end of the scheme, the bypass has severed Helms Farm from land that is used for grazing cattle. To provide access without cattle having to cross the bypass, an underpass was incorporated into the scheme. The route of the access track between the underpass and Helms Farm was slightly amended to avoid an electricity cable. However, the revised route does not have any greater environmental impact and this amendment is considered acceptable.

Drainage at Helms Farm: Drainage of this area of the highway is to the Dean Brook and was to have been via two 1.5m diameter pipes which would also have provided attenuation of flow. The pipes have been replaced by a geocellular system due to health and safety concerns about the depths of the pipes and installation costs. The revised system lies within the original planning boundary and fulfils the same function. It is also below ground with no additional visual impact.

Scheme boundary at no 39 Whittingham Lane: The original property boundary at this location has been left in place negating the need to remove the garage building. This amendment has therefore reduced the impacts of the scheme on this property and is therefore acceptable.

Conclusion

This application is to regularise a number of amendments that have been made to the design of the Broughton bypass. These changes have been made for a number of reasons including to reduce construction costs and to improve the final design of the scheme. All of the changes are considered to be acceptable when considered against the policies of the National Planning Policy Framework and the adopted Development Plan. A number of issues have been raised by a local resident but it is considered that these concerns have now been addressed through the additional drainage works that are proposed together with suitable planning conditions.

The original planning permission for the bypass was subject to a section 106 undertaking providing for the management of all ecological mitigation measures for a period of 15 years in accordance with an approved management plan. As this decision would provide for the issuing of a new planning permission for the road, it should also be subject to a similar undertaking.

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of the 1st Protocol states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate.

This application were it to be approved would be unlikely to generate such an impact on neighbouring properties which would breach those rights. The conditions proposed in relation to landscaping, drainage and traffic regulation will protect those rights.

Recommendation

That subject to the applicant first providing a section 106 undertaking to provide for the management of ecological mitigation measures for a period of 15 years in accordance with an approved environmental management plan, planning permission be **Granted** subject to the following conditions:

Working Programme

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application ref 6/00/0687 received on 1st September 2000 as amended by the planning application ref 6/13/0528.

- b) Submitted Plans and documents forming part of planning application 6/13/0528

Figure 1a - Location Plan

Figure 2a - Site Plan

Appendix M Sheet 1 - Environmental masterplan northern section

Appendix M Sheet 2 - Environmental masterplan central section

Appendix M Sheet 3 - Environmental masterplan south central section

Appendix M Sheet 4 - Environmental masterplan southern section

- c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies 3,16, 17, 18, 21,22 and 29 of the Central Lancashire Core Strategy and policy T5 of the Preston Local Plan.

2. All landscaping works shall be maintained for a period of five years including replacement of failures, weed control and maintenance of protection measures.

Reason : To ensure the proper landscaping of the site in the interests of the visual amenities of the area and to conform with Policies 17, 21 and 22 of the Central Lancashire Core Strategy.

3. No materials other than those materials detailed in the scheme and programme approved on 16th September 2015 under the requirements of

condition 5 to planning permission 6/13/0528 shall be used in the maintenance of the road surface.

Reason: In the interests of the amenities of local residents and to conform with policy 17 of the Central Lancashire Core Strategy.

4. Within six months of the Durton Lane Link being opened to traffic, traffic management measures on the length of Durton Lane between the Durton Lane Link and Haighton Green Lane shall be implemented in accordance with the scheme and programme approved on 16th September 2015 under the requirements of condition 9 to planning permission 5/13/528.

Reason: In the interests of highway safety and local amenity and to conform with Policies 3 and 17 of the Central Lancashire Core Strategy.

5. Within two months of the date of this permission, the drainage works shown on the drawing accompanying the email from Design and Construction dated 23rd August 2019 shall be implemented in full. The drainage works shall thereafter be maintained in full working order.

Reason; In order to secure the proper drainage of the highway and to conform with Policy EN9 of the Preston City Local Plan

6. The surface water drainage attenuation measures described in the scheme and programme approved on 16th September 2015 under the requirements of condition 19 to planning permission 6/13/0528 shall be maintained in full working order at all times.

Reason: In the interests of the prevention of flooding and to conform with Policy 29 of the Central Lancashire Core Strategy.

7. Within six months of the date of this permission, a statutory consultation shall be completed upon a proposal to make a traffic regulation order prohibiting vehicular waiting at any time on the carriageway of the turning area off Durton Lane marked as d) on drawing CHA1E0252-1901-01.

Reason: To seek to ensure that the turning head is available for its intended use in the interests of highway safety and to conform with policies 3 and 18 of the Central Lancashire Core Strategy.

8. Within three months of the date of this planning permission, a revised landscaping scheme for the former turning head area off Durton Lane shall be submitted to the County Planning Authority for approval in writing. The scheme shall include details of any tree and shrub planting to be implemented, cultivation measures and seeding.

The approved landscaping works shall be carried out in the first planting season following approval of the scheme.

Reason : To ensure the proper landscaping of the site in the interests of the visual amenities of the area and to conform with Policies 17, 21 and 22 of the Central Lancashire Core Strategy.

Definitions

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Local Government (Access to Information) Act 1985

List of Background Papers

None

Reason for Inclusion in Part II, if appropriate

N/A