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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | KH | **Date:** | 18/07/2023 | **Manager:** | **LH** | **Date:** | **19/7/23** |
| **Site Notice displayed** | 22/03/23 | **Photos uploaded** | N/A |  |
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| **Application Ref:** | 3/2023/0165 | Graphical user interface, text, application  Description automatically generated |
| **Date Inspected:** | 22/03/23 |
| **Officer:** | KH |
| **DELEGATED ITEM FILE REPORT:**  | **Decision** | **APPROVE** |
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| **Development Description:** | Proposed temporary construction access and haul route and associated works and will be used specifically for construction of the flood compensation scheme.  |
| **Site Address/Location:** | Land at Neddy Lane Billington BB7 9LL |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| Billington and Langho Parish Council: Following consultation with the member of the parish council the following concerns were raised:* The safety aspect as construction vehicles will be pulling out into 80 miles per hour traffic, having HGV’s turning both on and off the road not safe.
* Vehicles would have to travel to and off the site during construction, this is all road users not just heavy construction vehicles.
* Objections were raised on the grounds of road safety putting a 30 limit on the A59. Drivers will not be aware of this new speed limits to adhere to.
* Concerns that appreciate the application is for the flood defences work but how will it affect the residents of Neddy Lane.

Wilpshire Parish Council: Objects to this proposal as it believes that it would cause a risk to highway safety from slow moving heavily laden HGV’s entering onto a fast stretch of the A59, and the potential for mud on the road which would also be a hazard to highway safety for road users. |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| LCC Highways: The application seeks to construct a temporary access road for the construction of a flood compensation scheme associated with the development of 36 dwellings approved under application 3/2021/0205.The access road will reduce the volume of construction traffic travelling through Whalley and Billington and will be in place for 12 months.The proposed temporary access will join the A59 where there is currently a field gate. There is a public right of way at this location. The geometry will comprise a 6m wide concrete carriageway for a distance of 8m with 6m radii from the A59, thereafter the route will be laid with hardcore. Visibility splays of X2.4m by Y 40m have been shown on a submitted drawing, from observations on site, splays in excess of this are achievable and therefore acceptable for the scheme.For the most part the temporary access is acceptable, however, a number of concerns require amendments:* The inclusion of a 40mph buffer
* Traffic management extended
* Lay-by closed off

Amended plans have been received which address the above and are now acceptable.LCC Footpaths: Lancashire County Council Public Rights of way has no objection to the application subject to the following condition:- The proposed access road will cut across Footpath FP0306039. Although a temporary closure of the path is acceptable whilst the access road is constructed this must not extend to the full duration of the flood compensation scheme. On completion of the access road footpath FP0306039 must be made accessible for users with a designated crossing point being made available and give way to pedestrian signs either side of the crossing point are to be installed.Additional comments:-Any changes in ground level or installation of drainage should ensure that surface water is not channelled towards or onto a public right of way either within the proposed development site or in close proximity – this is to ensure public rights of way are not exposed to potential flooding or future maintenance issues.   If the applicant intends landscaping they need to ensure that any trees or bushes are at least 3 metres away from a public right of way to prevent any health and safety issues and potential maintenance issues e.g. Overhanging branches or roots coming through the surface of the footpath concerned either within the proposed development or in close proximity. If works relating to the proposed development are likely to cause a health and safety risk to users of a public right of way a temporary closure order must be made and in effect prior to commencing those works. Applications should be made 4 weeks before commencement to avoid delay to the works.If a diversion is needed or intended the applicant needs to ensure that the diversion is in place prior to any work commencing on a public right of way. Any disturbance of the existing route, without the appropriate confirmed Diversion Order would be liable to enforcement action taken against the developer.A public right of way should not be used to store materials, vehicles or machinery and if found to do so would be deemed an obstruction and the applicant would be subject to enforcement proceedings to remove.  |
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| **CONSULTATIONS:**  | **Additional Representations.** |
| N/A |
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| **Neighbour Comments:**  |  |
| Seven letters received objecting on the following grounds:* The proposal might result in accidents due to fast traffic inadvertently running into unexpected slow left turning lorries as there are no junctions at present between the two adjacent roundabouts for around 2 miles;
* The pond is only 20m x 5m surely a new temporary road is not needed and the developers could move the spoil within the site and up Dale View;
* Lack of information that defines the scale and type of traffic make it impossible to make a rational decision in the suitability or the length of time required to undertake the works;
* The application does not address the increase in carbon emissions that will be generated by speed fluctuations or inconvenience on the wider community/road users;
* We made enquires for a car park for 5 cars but was advised it would not be allowed for to amount and speed of traffic, this is temporary for one year and wagons which are slower?
* We suspect that once implemented it will become permanent and provide access to the new estate;
* The Calder is a major tributary with salmon which is a recognised endangered species with efforts made to ensure habitat isn’t endangered by road wash during rainfall, ingress of sedimentation or discharge. Such risks will be compounded by continued development of the new housing estate and will remain once the housing is completed;
* No evidence of any remedial actions to prevent discharges into the watercourse;
* As riparian owners the Society hasn’t been approached or involved in any discussions about this development;
* I am a regular user of this section of road and believe the new access point will be a significant danger to all road users;
* Mud and debris will be deposited in the A59 other requests for temporary or permanent access may follow;
* Could the work not be done in less time? and
* The EA has expressed concerns with the amount of information in p0revious applications and this seems to be the case with this application.
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1 – Development StrategyKey Statement DS2 – Sustainable DevelopmentKey Statement EN4 – Biodiversity and Geodiversity Policy DMG1 – General ConsiderationsPolicy DMG2 – Strategic ConsiderationsPolicy DMG3 – Transport and MobilityPolicy DME2 – Landscape and Townscape Protection Policy DME3 – Site and Species Protection and ConservationPolicy DME6 – Water Management**National Planning Policy Framework (NPPF)****National Planning Practice Guidance (NPPG)** |
| **Relevant Planning History:** |
| 3/2021/0205 – Erection of 36 residential dwellings, along with landscaping and associated site infrastructure – Approved. 3/2017/0133 – Erection of 41 dwellings and associated works – Approved. |
| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| PrincipleThe principal of residential development on this site has been established under 3/2021/0205. The main issue is the proposed temporary access from the A59 to facilitate the proposed flood compensation pond.The site is within open countryside with Public Rights of Way which cross the site.Policy DMG2 restricts developments within open countryside. The proposed development does not meet the exception criteria identified. That said, it is acknowledged that it would facilitate an approved development, involves a small take-up of land, is temporary in nature and would bring some benefits to the community by preventing large vehicles traveling through residential areas. Therefore these material considerations mean there would be no resultant harm as a result of allowing the development despite it not being an accepted type of development in countryside areas.Visual AmenityThere will be some urbanising of the current undeveloped landscape however given the site’s location next to the A59 and the limited land-take required to facilitate the new temporary road, no unacceptable visual harm is identified. A condition to ensure the proposals are for a temporary period only will help to safeguard future visual amenity.Residential AmenityNeighbouring residential properties are a sufficient distance away so as not to be adversely affected by the proposal, including from additional noise associated with the comings and goings of large vehicles.Highways and Public FootpathsThe access would be 8m wide with half battered kerbs constructed in concrete slabs and slab joints.LCC Highways have agreed the proposed signage (as indicated on the amended plan) and have raised no objections in terms of highway safety subject to this.The works access would be in place for 12 months with appropriate signage along the A59 provided in order to advise on the works access, speed reductions and layby closure to ensure that drivers using the access and other road users are aware of the temporary works access and therefore reduce speeds accordingly.Appropriate conditions are necessary to ensure the proposal is for a temporary period, signage is displayed as required, road sweeping is in operation, appropriate wheel washing provided within the site and visibility splays are provided and maintained. Subject to these conditions no resultant highway safety impacts are identified.LCC’s Public Rights of Way team raise no objection. A condition is requested stipulating that a temporary closure should be in place for the duration of the site access construction only (and reinstated on completion of the site access works). However this decision would be taken by the relevant authority determining a temporary closure or diversion order. Therefore it is not reasonable or relevant to include as a planning condition, instead an informative will be added to advise the applicant on the process. Other comments from the PROW team are noted and a levels condition can be added for the avoidance of doubt. On this basis whilst there may be a short term temporary impact on the PROW network this is not a reason to resist the development, and a formal closure or diversion order will ensure the impact on users of the footpath is minimised.EcologyDetails of the proposed road cleaning/wheel washing have been submitted and subject to these being conditioned, the proposal would not result in any due impact on highway safety or debris being washed into the nearby tributaries which feed into the River Calder. This would therefore limit any potential impact from the road users of the temporary access onto the River and its habitat/ecology.TreesThere are trees/shrubs and hedgerows within and adjacent to the point of access and new road construction which will require minor works to create and maintain the visibility splays. A tree survey and Arboricultural Method statement has been submitted which sets out the requirements for limited supervised excavations within the site to facilitate the formation of the access and turning head. This would need to be secure by condition. It also identifies that no trees or hedgerows will be affected by the visibility splay required, and only one tree will be removed to facilitate the development (Cat U). Therefore no unacceptable impacts on trees are identified. |
| **Observations/Consideration of Matters Raised/Conclusion:**The proposed temporary access would not result in any unacceptable impacts subject to appropriate conditions as set out above. |
| **RECOMMENDATION**: | That planning permission is granted subject to conditions. |