

**Item 4**                    **11/00225/FUL**

**Case Officer**            **Mrs Nicola Hopkins**

**Ward**                    **Clayton-le-Woods North**

**Proposal**                **Section 73 application to vary condition 14 of planning permission 10/00115/REMAJ by amending the highway improvement works on Radburn Bridge**

**Location**                **Land Formerly Radburn Works Sandy Lane Clayton-Le-Woods Lancashire**

**Applicant**                **Bellway Homes**

**Consultation expiry: 6 September 2011**

**Application expiry: 12 May 2011**

#### **Proposal**

1. This planning application seeks permission to formally vary Condition 14 of the reserved matters approval for the erection of 62 dwellings with associated open space, landscaping and infrastructure.
2. Condition 14 to the 2010 approval states that:  
"The pedestrian and cycle improvements to Sandy Lane and Radburn Bridge, specified on the approved plans, shall be constructed and completed prior to the occupation of the dwellinghouses hereby permitted.  
Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review".
3. This application originally sought permission to vary this condition by removing reference to the highway improvements to Radburn Bridge. The pedestrian and cycle improvements are on-going. However following further discussions with LCC Highways, addressed below, there will still be some work to the bridge which will be addressed by varying this condition.

#### **Recommendation**

4. It is recommended that this application is granted conditional planning approval.

#### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Impact on Highway Safety

#### **Representations**

6. **Clayton le Woods Parish Council** – No comments received.
7. 1 letter have been received raising the following points:
  - The vehicular access should go through Radburn Brow and Radburn Close via the bridge.
  - The bridge is very dangerous.

8. 2 letters of objection has been received raising the following points:
- There has been an increase in speeding traffic and lorries along Radburn Brow-dangerous
  - The 'safety & audit review' was not available on the planning website. The application should be refused on this technicality.
  - The junction of Radburn Brow/Sandy Lane & Chorley Old Road is the scene of many accidents which speed is a contributory factor.
  - If this condition is relaxed, further consideration should be considered as to how speed of traffic could be reduced, along with making Radburn Bridge safer for pedestrians.
  - The bridge is extremely dangerous to pedestrians

### **Consultations**

9. **Lancashire County Council Highways** - No objections. There have been various correspondences with LCC Highways in respect of the bridge works which is addressed below.

### **Background**

10. Members will be aware that reserved matters approval was granted subject to the developer carrying out a scheme of highway works on Radburn Bridge to create a one-way system with priority for motorists approaching the bridge from Sandy Lane.
11. Some concerns were raised that this would lead to highway safety issues and it was resolved at the committee meeting in June 2010 that Lancashire County Council be requested to reconsider the highway amendments to Radburn Bridge. The Road Safety Engineer at Lancashire County Council has reviewed this and as recommended and now advises that the works as approved would have a detrimental impact on the safety and operation of the highway on the bridge.

### **Assessment**

#### **Impact on Highway Safety**

12. Permission was first granted in January 2009 for the erection of up to 100 dwellings. This outline planning permission was granted with all matters reserved except for access – with permission granted for a new access 90m west of the boundary with the Lord Nelson.
13. This outline planning application was accompanied by a Transport Assessment which tested the safety and capacity at the Sandy Lane / Chorley Old Road and the Sandy Lane / Westwood Road junctions. Additional assessments of the A6 / Westwood Road roundabout and A6 / Radburn Brow junction were also carried out and concluded that these junctions would operate within capacity without any detrimental impact for up to 100 new also conclude that the development will have no material impact on the operation of these junctions.
14. However, the report did propose improvements to the surrounding pedestrian and cycle routes given the residential nature of the development. This specifically included a new footpath in front of the site with links through the public footpath to the side of the Lord Nelson, and a new cycle route over Radburn Bridge with give-way system and priority to westbound traffic.
15. The reserved matters came forward and were approved in April 2010 for 62 dwellings; less than the 100 which the Transport Assessment had tested. In response to this application some local residents on Radburn Brow raised concerns about the proposed alterations to Radburn Bridge and the proposed give way markings which will be located in front of 6

Radburn Brow. The concerns related to cars queuing along Radburn Brow and the subsequent impact on parking along the road and access to properties.

16. Lancashire County Council Highway Engineer confirmed that the narrowing over the bridge, to provide provision for pedestrians, was approved previously and therefore no objections are raised. However, it was resolved at the committee that that Lancashire County Council be requested to reconsider the highway amendments to Radburn Bridge and look into the road safety implications – although a condition was proposed requiring the works to be carried out prior to first occupation of the housing.
17. Since approval of the reserved matters and during the on-going construction at the site Lancashire County Council have assessed this arrangement and have now concluded that the alterations as approved would be unsafe. The applicant has submitted details of this correspondence with the Senior Road Safety Engineer which states that when approaching the bridge from the A6 side, drivers who are expected to give-way to westbound travelling vehicles would not see the oncoming vehicle until they had already committed to moving to the offside to pass the built-out footway. Should a vehicle be approaching from the west then there would be no room for manoeuvre; with one having to stop in the middle of the road and reverse back up towards the A6. LCC do not consider that there will necessary be any head on collisions but the arrangement of two vehicles in the middle of the road would lead to shunts, or squeezing of cyclists. The visibility between vehicles approaching the narrowing from the A6 side and vehicles leaving Birchfield turning left may also create similar problems.
18. Following this advice Bellway Homes submitted an application to vary the condition removing reference to the works to Radburn Bridge. However LCC Highways have considered this issue further particularly in respect of the fact that there is a justifiable need to provide improved pedestrian facilities over the bridge.
19. LCC Highways have concluded that the most appropriate way forward would be to provide a 1.3m wide footway to the western side of the bridge with a reduced carriageway of 5m. This would be a substandard footway but would be an improvement to the existing situation and would help reduce vehicle speeds in the area. This would ensure 2 way vehicle movements are maintained at all times with road narrowing signs.
20. In this regard Bellway Homes have provided an amended plan incorporating the Engineers suggestions. Prior to formally reconsulting the neighbours the plan was sent to the Highway Engineer for comments. He confirmed *The general arrangement of the highway improvement is as requested and is therefore acceptable. The only thing that is missing as such is the need for associated road markings and traffic signings (warning signs either side of the bridge indicating road narrows ahead and 'SLOW' markings on approach).*
21. These comments were forwarded to Bellway and a plan, incorporating slow markings and signs, was submitted which formed part of the reconsultation in respect of this application.
22. Although the highway engineer has not formally commented on this amended plan the plan reflects his suggestions. His comments will be reported on the addendum. As such it is proposed to amend the condition as follows:  
The pedestrian and cycle improvements to Sandy Lane and Radburn Bridge (specified on plan reference BHNW/ENG/OSHW), specified on the approved plans, shall be constructed and completed prior to the occupation of the dwellinghouses hereby permitted. *Reason: In the interest of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

## Overall Conclusion

23. In conclusion the original improvements to Radbrun Bridge were considered to be acceptable hence why they formed part of the outline and reserved matters approval. Following further consideration the Highway Engineers raised concerns in respect of the proposed works to Radbrun Bridge however the submitted compromise is considered to be acceptable from a highway safety perspective whilst providing pedestrian access across the bridge.

## Planning Policies

### National Planning Policies:

PPS1, PPS3, PPS9, PPS22, PPS23, PPS25, PPG17

### North West Regional Spatial Strategy

Policies: DP1, DP7, RDF1, W3, W4, L4, L5, RT9, EM5, EM15, EM16, EM17

### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, EP4, EP9, EP17, EP18, HS4, HS5, HS6, HS21, TR1, TR4, TR18, EM9

### Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

### Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

## Planning History

**02/00751/OUTMAJ** - Outline application for Residential Development (2.8 hectares). Withdrawn

**08/00739/SCREEN** - EIA Screening Opinion. No EIA required

**08/01079/OUTMAJ**- Outline application for residential redevelopment incorporating ancillary open space, landscaping and associated infrastructure. Approved January 2009

**10/00115/REMAJ** - Reserved matters application for the erection of 62 two storey dwelling houses with associated open space, landscaping and infrastructure. Approved May 2010

**10/00828/DIS** - Application to discharge conditions attached to planning application 10/00115/FUL. Discharged June 2011

## Recommendation: **Permit Full Planning Permission Conditions**

1. **The proposed development must be begun not later than two years from the date of reserved matters approval (reference 10/00115/REMAJ) or not later than five years from the date of the outline planning permission (reference 08/01079/OUTMAJ). Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. **The approved plans are:**

<b>Plan Ref.</b>	<b>Received On:</b>	<b>Title:</b>
<b>BHWL78/01 Rev S</b>	<b>1 April 2010</b>	<b>Planning Layout</b>

01-11 Rev B	1 April 2010	Refuse Vehicle Tracking
2H22	8 February 2010	2 Bed Mews
3LA2 Rev A	8 February 2010	3 Bed Detached
3PI2 Rev A	8 February 2010	3 Bed Detached/ End Mews
3RA2 Rev A	8 February 2010	3 Bed Detached/ End Mews
4B02 Rev A	8 February 2010	4 Bed Detached
4CA2 Rev A	8 February 2010	4 Bed Detached (Plot 62 only)
4CA2 Rev A	8 February 2010	4 Bed Detached (Plots 25, 26, 52, 53 and 56)
4CA2 Rev A	8 February 2010	4 Bed Detached Floor Plans
4FB2 Rev A	8 February 2010	4 Bed Detached
4HA2 Rev A	8 February 2010	4 Bed Detached (Plot 3 only)
4HA2 Rev A	8 April 2010	4 Bed Detached (Plot 1 and 2 only)
4OR2 Rev A	8 February 2010	4 Bed Detached
4PR2 Rev B	19 March 2010	4 Bed Detached
5GA2 Rev C	19 March 2010	5 Bed Detached
5GA2 Rev C	19 March 2010	5 Bed Detached Floor Plans
5TA2 Rev A	8 February 2010	5 Bed Detached
5TA2	8 February 2010	5 Bed Detached Floor Plans
	8 February 2010	Double Garage and Games Room (Plots 53/ 54, 55 and 58 only)
	8 February 2010	Garage and Fence Details
P.083.09.02 Rev A	8 February 2010	Arboricultural Implications
P.083.09.01	8 February 2010	Tree Survey
LDS-137-02	8 February 2010	Equipped Play Area
LDS-137-03B	23 June 2011	Landscape Plan
BHWL78/04	8 February 2010	Site Location Plan
BHWL78/02 Rev A	8 February 2010	Street Scenes
BHWL78/03 Rev D	28 June 2011	Fencing Layout
01-10	25 March 2010	Proposed Section Plots 40, 59, 56 & 54
BH/WL/SD/FD004	23 June 2011	1.5m Hit and Miss Fence with 0.3m Trellis over
BHNW/ENG/OSHW12	August 2011	Radburn Brow/ Radburn Bridge Highway Works

*Reason: To define the permission and in the interests of the proper development of the site.*

3. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. The details were discharged as part of application 10/00828/DIS as detailed on plans reference BHWL78/03D and the revised landscaping plan reference LDS-137-03B implemented with the amended fence to the front of Plots 61, 56 and 55 (plan reference BH/WL/SD/FD004). *Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
  
4. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
  
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of

any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*

6. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand. *Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*
7. The development hereby permitted shall be carried out in accordance with the approved external facing materials as discharged by application 10/00828/DIS. *Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan.*
8. The development hereby permitted shall be carried out in accordance with the approved hard ground- surfacing materials as discharged by application 10/00828/DIS. *Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
9. No dwelling hereby permitted shall be occupied until the highway alterations to the site access with Sandy Lane have been completed in accordance with the approved plans. *Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*
10. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. *Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*
11. The surface water drainage scheme for the development hereby approved shall be carried out in accordance with the submitted supplemental flood risk assessment prepared by Lees Roxburgh Ltd (Report number 103524 dated March 2010). *Reason: To reduce the risk of flooding at the site and in accordance with Government advice contained in PPS25: Development and Flood Risk.*
12. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. *Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.*

13. The pedestrian and cycle improvements to Sandy Lane and Radburn Bridge (specified on plan reference BHNW/ENG/OSHW), specified on the approved plans, shall be constructed and completed prior to the occupation of the dwellinghouses hereby permitted. *Reason: In the interest of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*
14. The development hereby permitted shall be carried out in accordance with the agreed measures in respect of contamination as discharged by application 10/00828/DIS. *Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.*
15. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to and approved in writing by the Local Planning Authority. *Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.*
16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on the area of land affected until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with. *Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.*
17. The development hereby permitted shall be carried out in accordance with the measures to prevent vehicular access through the car park of the Lord Nelson Public House as agreed as part of discharge of condition application 10/00828/DIS. *Reason: To ensure the acceptable development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
18. The development hereby permitted shall be completed in accordance with the agreed measures to reduce carbon emissions by 15% as discharged by application 10/00828/DIS. *Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Sustainable Resources Supplementary Planning Document.*
19. The development hereby permitted shall be carried out in accordance with the submitted Sustainability Statement. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. No dwelling to be constructed after 1st January 2011 shall commence until a Design Stage assessment and related certification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the proposed development will be constructed to achieve the relevant Code for Sustainable Homes level.

***Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Sustainable Resources Supplementary Planning Document.***

20. No dwelling, commenced after 1st January 2011, shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a final Code Certificate has been issued certifying that the required Code Level and 2 credits under Issue Ene7 has been achieved and the certificate has been submitted to and approved in writing by the Local Planning Authority.

***Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Sustainable Resources Supplementary Planning Document.***

21. The development hereby permitted shall be constructed in accordance with the approved route of the HGV/ Deliver vehicles entering and exiting the site as discharged as part of application 10/00828/DIS.

***Reason: To ensure the access used for construction traffic is appropriate in highway safety terms and to ensure that disturbance resulting from deliveries does not adversely impact on the amenity of existing resident or highway safety.***