

## Signing Off Form

**Planning Application Number:** LCC/2024/0002

	<b>Cleared By</b>	<b>Date Cleared</b>	<b>Date Forwarded</b>	<b>Notes</b>
Case Officer – Forward to Head of Development Management	HA	13/06/24		
Head of Development Management for signing by other	JMH	13/06/24	13/06/24	
<b>Signing Off</b>			<b>Tick</b>	
<b>Director of Environment &amp; Planning</b>			<b>x</b>	
<p><i>A Mullaneey</i></p> <p><b>Date:</b> 16<sup>th</sup> June 2024</p>				
	<b>Date</b>	<b>By</b>		
Decision Notice Issued	<b>21/06/24</b>	<b>SB</b>		
Notifications completed	<b>21/06/24</b>	<b>SB</b>		

**Development Management  
Planning Application Delegated Report**

Electoral Division affected: Preston West
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<b>Date app.valid</b>	<b>Dec. due by</b>
15 <sup>th</sup> Jan 2024	14 <sup>th</sup> June 2024

**Preston City: Application No. LCC/2024/0002  
Construction of 2 No. proposed temporary accesses off Darkinson Lane.  
Darkinson Lane, Preston**

Contact for further information:  
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**Executive Summary**

Application – Construction of 2 No. proposed temporary accesses off Darkinson Lane. Darkinson Lane, Preston

**Recommendation – Summary**

That planning permission be **granted** subject to conditions approved plans, highway safety and ecology.

**Applicant's Proposal**

This application is for the creation of two temporary vehicular access points at Darkinson Lane, Preston.

Each of the proposed points of access would require the removal of a length of existing hedgerow (approximately 28m to the east of Darkinson Lane, and 84 m to the west), installation of dropped kerbs and the provision of a surfaced access area extending into the field. The new carriageway surfacing would then adjoin the proposed haul road. Upon completion of construction the site would be restored to its previous condition.

**Description and Location of Site**

The application site is located on the east and west sides of Darkinson Lane, approximately 200 m west of Hallsalls Farm Farmhouse and approximately 370m east of Edith Rigby Way (A582). The site is approximately 5 km west of Preston City Centre.

The site to the west of Darkinson Lane has an area of approximately 427 sq m and the site to the east has an area of approximately 250 sq m. Both sites presently

comprise agricultural land, a mature hedgerow and a grass verge adjacent to the roadside.

A stone canal bridge on Sidgreaves Lane over the Lancaster Canal is listed grade II (approximately 480 north of the application site).

## **Background**

The proposed access is required in order to enable works associated with the replacement and upgrade of United Utilities infrastructure from Hoyles Lane, Cottam to the existing Lea Gate Pumping Station, which is located north of Blackpool Road (A583), Lea Preston. The works include the upsizing and installation of approximately 4km of new 600mm diameter sewer pipeline to improve the capacity of the existing sewer network at Hoyles Lane.

The upgrades to the sewer network are required in order to provide protection against foul flooding associated with storm events and to help deliver the North West Preston Masterplan, which sets out the growth and development of new residential properties.

In order to facilitate the upgrade works a number of temporary access points along the pipeline route are required. The upgrade works themselves are to be carried out under United Utilities' permitted development rights as statutory undertaker under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

## **Planning History**

There is no planning history directly related to the planning application. Planning permission for the construction of a new railway station on a site located approximately 300 metres east of the access points was granted in 2024 (ref. LCC/2022/0049).

A Hedgerow Removal Notice (Preston Council ref. 06/2023/1367) for the hedgerows to be removed was approved in January 2024.

There is also an undetermined (with a committee resolution to refuse) application for residential development on the land that would be crossed by the haul road (Preston Council ref. 6/2022/1101).

## **Planning Policy**

### *National Planning Policy Framework*

The following paragraphs are considered to be relevant:  
8-11 (presumption in favour of sustainable development),  
100 (public rights of way)  
110-113 (transport and highway considerations)

130 (design)  
131 (trees)  
167 (flood risks)  
169 (sustainable drainage systems)  
174 and 180 (biodiversity)  
185 (amenity impacts of development)  
194 - 202 (heritage assets)

*Joint Lancashire Minerals Waste Local Plan – Site Allocations and development Management Policies – Part One*

Policy NPPF1 – Presumption in Favour of Sustainable Development  
Policy DM1 – Management of Waste and Extraction of Minerals  
Policy DM2 – Development Management

*Central Lancashire Core Strategy*

Policy 1 – Locating Growth  
Policy 2 – Infrastructure  
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 27 – Sustainable Resources and New Developments  
Policy 29 – Water Management  
Policy 30 – Air Quality  
Policy 31 – Agricultural Land

*Preston Local Plan 2012-26 (Site Allocations and Development Management Policies)*

Policy MD1 – Cottam  
Policy MD2 – North West Preston  
Policy ST2 – General Transport Considerations  
Policy EN1 – Development in the Open Countryside  
Policy EN7 – Land Quality  
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: Confirm no objections to the proposals. It is requested that a condition is imposed requiring the replanting of the hedgerow.

Lancashire County Council Ecology: No objections following submission of additional information in respect of Biodiversity Net Gain. A number of planning conditions are recommended, relating to securing mitigation measures and preventing harm to protected species.

Lancashire County Council Highways: No objections to the development, following receipt of revised plans. A number of conditions are recommended.

Lancashire County Council Archaeology: Confirm no objections to the proposals.

Lea Parish Council: No comments received.

Cadent: No comments received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One letter of representation has been received commenting that the area of lane subject to the application is on Sidgreaves Lane and not Darkinson Lane. No comments are made specifically in relation to the proposals.

## **Advice**

### *Background*

The proposed development is required in order to provide access to enable works associated with the replacement and upgrade of United Utilities infrastructure, including the provision of a sewer pipeline to improve the capacity of the existing sewer network.

The overall proposal is to upsize 4km of the sewer to a new 600mm diameter pipeline running between Hoyles Lane and an existing pumping station located close to the southern end of the Preston Western Distributor Road. The improvement of the sewer will help to prevent spills from the sewer into surface watercourses and will therefore have a number of general environmental benefits including improvement in water quality and river ecology.

The development Plan for the site is comprised of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies Part One (adopted September 2013); the Central Lancashire Core Strategy (adopted July 2012) and the Preston Local Plan (adopted July 2015).

The main issues for consideration include impacts on highways, landscape and design and ecology.

### *Principle of the development*

The application site is located within the open countryside, as defined in the Preston Local Plan. Policy EN1 states that development in the open countryside will be limited to that need for purposes of agriculture and forestry, or other uses appropriate to a rural area; the re-use of existing buildings and infilling within groups of buildings.

Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan supports development for minerals or waste management operations including waste water, where it can be demonstrated that material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

It is important to note that although the proposed development forms part of a wider programme of works and development, it is only the formation of a number of a total of six temporary points of access to facilitate the works that require planning consent as part of this wider project. This application is for one of those points of access (the other planning applications are references LCC/2024/0001, LCC/2024/0003 and LCC/2024/004).

The proposed development does not fall within any of the categories of development that are listed within policy EN1 of the Preston Local Plan as being considered to be acceptable within open countryside. However, the policy does recognise that there may be other uses appropriate to a rural area that may be acceptable. It is accepted that the works are necessary and essential for the continued provision and upgrading of the foul sewer network in the locality. The National Planning Policy Framework emphasises the timely provision of all types of infrastructure in delivering sustainable development.

Given the size and scale of the proposed access it is considered that it would have a very limited impact on the character of the open countryside. The development is required in order to facilitate the provision of essential infrastructure and will only be required for a temporary period of time. The applicant states that the time from site set up to commissioning and re-instatement works would take approximately 18 months. Re-instatement of the site can be secured by condition.

It is therefore considered that the proposal would not cause any undue long term harm to the character of the countryside and the proposal is acceptable in principle and the proposals accord with the aims and thrusts of both national and local policies to manage waste development and the provision of infrastructure.

### *Ecology*

The application is accompanied by a preliminary ecological appraisal (PEA) which identifies the site as containing species rich hedgerow on either side of Darkinson Lane and neutral semi-improved poor grassland, which will be impacted by the creation of new access points.

There are also a number of potential species impacts identified within the PEA, including great crested newts (works will be undertaken under an amended District Level Licence (DLL)), common toad, reptiles, otter, breeding birds, bats and invasive species. Mitigation measures are also proposed in the PEA.

This application was submitted prior to the introduction of mandatory biodiversity net gain and therefore the only obligation in terms of BNG is that measurable net gains for biodiversity should be pursued. Paragraph 186 of the NPPF states that harm to biodiversity should be firstly be avoided, and then adequately mitigated or compensated for if avoidance is not possible.

The County Council Ecologist initially advised that evidence would need to be provided that the Natural England District Level Licence, already acquired for the wider scheme, has been expanded to include the access points applied for in this planning application. This has subsequently been provided and the Council's Ecologist has confirmed that this is satisfactory.

Concerns were also raised by the Council's Ecologist in respect of impacts in the hedgerows to be lost and the need to demonstrate a net gain in biodiversity. The applicant subsequently provided the Biodiversity Metric calculations for all of the proposed points of access. The metric demonstrated a small net loss for the Darkinson Lane proposals. However, collectively for the project as a whole, with the proposed reinstatement and provision of additional planting off site, there would be no net loss of biodiversity.

The Council's Ecologist has advised that this approach is satisfactory and recommended that conditions are imposed to secure the reinstatement of the landscape and hedgerow reinstatement, as well as general ecological mitigation measures.

### *Highway Safety*

Lancashire County Council Highways raise no objections to the proposals. However they initially raised concerns that the plans showed the formation of a radius junction and that the radius kerb proposed did not tie in with the existing edge of the carriageway. Concerns were also raised regarding the use of Quaker Bridge over the Lancaster Canal, which has an 18 tonne weight restriction (this is also a Grade II listed structure). Following receipt of additional information which confirmed that the proposed access points will be dropped crossings (not a radius kerbed junction) and that access would be via Lea Road, with no need to use Quaker Bridge, no objections were raised. It is recommended that conditions are imposed requiring that part of the access extending from the highway boundary for a minimum of 10m to be appropriately paved in a hard material and that provision be made for wheel cleaning for the duration of construction.

### *Landscape and Visual impacts*

A landscape reinstatement plan (plan ref. 80061057-02-EMG-MISCE-99-DR-04-00002 rev. P03) and Hedgerow Reinstatement Plan (Ref: 80061057-02-EMG-MISCE-99-DR-04-00027) have been submitted with the application. These propose that the field affected by the haul road, hedgerow and grass verge are all re-instated.

The landscape reinstatement plan proposes that the verge be seeded with a low maintenance grass mix (Emorsgate Grass Mixture for Hedgerows and Woodland EG9) and the field be reseeded with a general purpose meadow ley mix or as

requested by the landowner according to current land use requirements, such as cattle or sheep grazing or horse paddock.

The hedgerow reinstatement plan proposes that the hedgerow species to be planted are a mix of native species local to the Preston/West Lancs area and include a minimum of four of the following species with at least 75% Hawthorn: Hawthorn, Hazel, Holly, Elder, Dog Rose, Blackthorn.

The proposed re-planting is considered to be acceptable, and in keeping with the character of the area as it exists at present.

## **Conclusion**

The proposed development is required as part of a wider scheme of works to improve wastewater infrastructure. The impacts arising from the development would be temporary. The proposal is accordingly recommended for approval, subject to conditions.

In view of the nature of the proposals it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected

## **Recommendation**

That planning permission be Granted subject to the following conditions

### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

2. The access points onto Darkinson Lane shall be removed and the site restored by 31st December 2025 or within three months of the completion of the sewer construction works which ever is the earlier. The hedgerow reinstatement works shall thereafter be undertaken in accordance with condition 8 below in the first planting season following the restoration of the access points.

*Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Working Programme**

3. 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 and supporting statement received by the County Planning Authority on 21st December 2023



b) Submitted Plans and documents:

Dwg. No. 80061057-02-BET-MISCE-99-DR-W-00054 Rev. A01 Construction Details  
Dwg. No. 80061057-02-BET-MISCE-99-DR-W-00061 Rev. A01 Site Location Plan  
Dwg. No. 80061057-02-BET-MISCE-99-DR-W-00062 Rev. A01 Existing Site Layout  
Dwg. No. 80061057-02-BET-MISCE-99-DR-W-00063 Rev. A01 Proposed Site Layout  
Dwg. No. 80061057-02-BET-MISCE-99-DR-W-00064 Rev. A01 Swept path analysis and visibility splays  
Dwg. No. 80061057-02-BET-MISCE-99-DR-W-00065 Rev. A01 Existing and proposed levels  
Dwg. No. 80061057-02-BET-MISCE-99-DR-W-00066 Rev. A01 Temporary Access Works  
Dwg. No. 80061057-02-EMG-MISCE-99-DR04-00003 Rev. P03 Landscape reinstatement plan  
Dwg. No. 80061057-02-EMG-MISCE-99-DR-04-00027 Rev. P03 Hedgerow reinstatement plan

b) 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 policy DM2 of the Lancashire Minerals and Waste Local Plan.*

4. Prior to the construction of the access points from Darkinson Lane all subsoils and topsoils beneath the access points and temporary haul road shall be stripped and stored separately for use in the reinstatement of the site.

*Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

5. Hedgerow removal to construct the access points onto Darkinson Lane shall be restricted to the areas shown edged red on drawing ref 800061057-02-BET-MISCE-99-DR-W-0066 Rev A01.

*Reason: In the interests of the visual amenities of the area and ecology and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

6. Prior to the haul road being brought into use, the access points onto Darkinson Lane shall be constructed and laid out according to the design shown on drawings 800061057-02-BET-MISCE-99-DR-W-0066 Rev A01 and 800061057-02-BET-MISCE-99-DR-W-0067 Rev A02.

*Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

7. Measures shall be taken at all times during the sewer construction works to ensure that no mud, dust or other deleterious materials are deposited on the carriageway of Darkinson Lane by HGVs leaving the haul road.

*Reason: In the interests of local amenity and highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

8. The access points from Dickinson Lane and associated haul road shall be restored in accordance with the following requirements:
  - a) all surfacing materials from the access points shall be broken out and removed from the site including sub base materials
  - b) all aggregate surfacing materials from the temporary haul road shall be removed from the site
  - c) the kerblineline and pavement alongside Lea Lane shall be reinstated to its original design
  - d) following the completion of the works in a) and b) the subsoil surface shall be ripped to relieve compaction at the surface
  - e) the stripped subsoils and topsoils shall be respread to their original depths, cultivated and then seeded with the grass seed mix shown on drawing 80061057-02-EMG-MISCE-99-DR-04-00003 Rev PO3.
  - f) the hedgerows alongside Darkinson Lane shall be replanted in accordance with the details shown on Drawing 80061057-02-EMG-MISCE-99-DR-04-00027- Rev PO3

*Reason: To ensure the proper restoration of the site in the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

9. Aftercare works shall be undertaken for a period of five years following the date when the hedge planting works required by condition 8 are completed.

The aftercare works shall comprise of the following: -

- a) mowing or weed control to control invasive weeds
- b) weed control around hedgerow plants
- c) replacement of failed or dying plants
- d) maintenance of protection measures.

*Reason: To ensure the proper restoration of the site in the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## **Definitions**

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

## Notes

This consent requires the construction, improvement or alteration of an access to the Public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Before any works to the access commence you should contact the Area Manager (Public Realm) [North/South/East] [address and telephone number see below] quoting the planning permission reference.

Area Manager (Public Realm) North: Hampson Lane, Hampson Green, Galgate, Lancaster LA2 OH7 Tel:01524 752290

Area Surveyor (Public Realm) South: Cuerden Way, Bamber Bridge, Preston PR5 6BS Tel: 01772 658560

Area Surveyor (Public Realm) East: Riddings Lane, Whalley BB7 9RW  
Tel: 01254 823831

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

Paper	Date	Contact/Directorate/Ext
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LCC/2024/0002 Helen Ashworth Planning and Environment 01772 530083		
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