

## Committee Update Sheet – 27<sup>th</sup> April 2023

### Item 8

#### **Application 07/2022/00692/REM Danesway, 52 Hall Lane, Longton**

County Highways have responded to the re-consultation following the amended plans and raise no objections. They consider the erection of two detached dwellings at this location should have a negligible impact on highway safety and capacity.

They have also reviewed the Lancashire County Councils five-year data base for Personal Injury Accident (PIA). The data base indicates Hall Lane has a good road safety record.

County Highways are satisfied with the access and the proposed access road to the dwellings and that the first 5m will be hard paved and have no objections to the proposed level of off-street parking.

Therefore, County Highway have no objections providing conditions are imposed. However, on checking the outline approval, it is noted that two conditions have already been imposed. The Condition requiring Electric Vehicle Recharging facilities (Condition 17) and Wheel washing facilities (Condition 4);

Other conditions requested have already been included on the report, ie:

3. The parking areas hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles, whether permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

4. No dwelling hereby permitted shall be occupied until the car parking area has been surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be always kept free of obstruction and available for the parking cars.  
Reason: To allow for the effective use of the parking areas.

6. Covered and secure cycle storage suitable for 2 bicycles shall be provided within each dwelling.  
Reason: to promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions.

A further letter of representation has been received highlighting the state of Hall Lane which is set out in full, as follows:

*“There has been road damage caused to Hall Lane at the un-adopted part of lane primarily by the contractor/builder for Brenfield, 56 Hall Lane planning development. We have been in communication with local Cllr’s Butterly, Coulton, Gooch and Lianne Mason, planning & compliance monitor regarding this. The contractor / builder will only take responsibility for the road collapsing in front of Brenfield, and not for the pot holes that we believe have been caused by contractors heavy vehicles, tractor and trailers visiting the site 6 - 7 days a week, some as early as 7am. They are blaming the water work tanker who visits 3-4 times a day; blame culture!*

*We regularly observe contactors to the Brenfield site being unable to manoeuvre the narrowness of Hall Lane, therefore are reversing into Oak Gardens then reverse down the lane and back again to the site, this over the months has caused so much damaged to the road outside our and neighbouring properties. See attached photographs.*

*In the agenda for Danesway, 52 Hall Lane it states:*

*8.2.6 In terms of highway safety and the concerns raised by residents that Hall Lane is a single track lane that is already struggling with the amount of traffic it receives; that there will be no parking for contractors and delivery vans; that delivery drivers already have nowhere to drop off materials and there is no means to be able to turn round or turn round on residents private drives causing them to sink under the weight or churning*

*up their tarmac and the surface of Hall Lane. New development cannot be used to remedy an existing problematic situation but must not add to/increase the problem. However, it is considered appropriate to impose a condition requiring the submission of a construction management plan which includes details of site operative's parking provision and storage of materials. It is noted that matters such as wheel washing facilities and hours of deliveries of construction materials are already controlled by conditions imposed on the outline approval.*

*8.2.8 Whilst it is recognised that the Hall Lane's surface is substandard, it is not an adopted highway in the location of the application site. Unadopted roads do not have to be maintained by the Highway Authority under the Highways Act 1980. A legal duty to maintain the road falls to the owners of the road to do so. Therefore, the developer will need to ensure private legal agreements are in place.*

*With that said we raise our views and concerns and continue to object this application in relation to the damage that additional contractors vehicles will continue to cause along Hall Lane when any proposed work begins at Danesway, and we ask that the planning committee will consider imposing a further condition to the construction management plan in making good any damage caused or that as part of approval of application the road from the beginning of the unadopted part of Hall Lane to 58 Hall Lane is re-laid, ensuring road safety. There is no easy access for large vehicles directly turning into Danesway, due to the narrowness of the lane at this point and a ditch opposite, forcing them to use the full Lane driving up and down to reverse and cut across neighbouring drives.*

*It is the exception that home owners living on the un-adopted end of the Lane are obliged to repair roads damaged by a third party, unless a condition at planning stage is in place. Putting the cost of this type of road damage and repair to home owners is not fair and should not come out of home owners pockets but that of the builder/construction that causes any road damage to repair, make good and safe.*

*Within Thursday's agenda item 8, Summary of Publicity - 5.1 – 5.3, Danesway 52 Hall Lane highlights the continued raised objections from residents in relation to the road safety to all road users, type, damage and accessibility being shown by the continued growth of vehicles using this Lane and future approved planning applications. Hall Lane history was primarily farm land, hosting a few homes and small agricultural sites and business, therefore the Lane itself was not intended for excessive development, and cannot continue to manage safely with continued growth of traffic, it is in majority single track, no pavement and poor lighting. Sadly more planning applications being approved will see this road safety decline.*

*Hopefully the committee on Thursday will discuss the construction management plan for Danesway application considering adding road safety, damage and repair caused by the owner / builder."*

However, it must be recognised that this application is for the detailed reserved matters and the site already benefits from planning permission following the grant of outline permission. The issues raised do not relate to any of the reserved matters applied for.

Further to this, given that there is other construction work, the road is open to the public and provides water tankers with access '3-4 times a day' so it could not established what had cause any damage to the road.

Additionally, Hall Lane is not part of the red edge so is outside of the planning application boundary and conditions can only be imposed on the application site.

As such, the suggestion to include a condition would not meet the tests for imposing conditions and the matter is outside of planning control. This matter is a private legal issue which the residents would need to take up with the developer.