

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

Application no: 06/2018/0055



Preston
City Council

Agent:

N/A

Applicant:

Hollins Eastway Ltd,
C/O Mr Matthew Symons
Suite 4
1 King Street
Manchester
M2 6AW

Decision date: 28-Sep-2018

Valid date: 16-Jan-2018

Development proposed:

Outline planning application for the erection of 1no. supermarket (Class A1) (up to 1800sqm), 6no. commercial units (Class A1/A3) (up to 1160sqm total), 1no. restaurant / public house (Class A3/A4) (up to 900sqm), 1no. drive-thru restaurant/cafe (Class A3/A5) (up to 200sqm) (all matters reserved except for access)

at:

Land north of Eastway, Preston

Preston City Council hereby give notice that **OUTLINE PERMISSION HAS BEEN GRANTED** for the carrying out of the above development in accordance with the application plans and documents listed below or as may otherwise be amended following written approval by the Local Planning Authority and subject to the following conditions:

1. The development hereby permitted shall only be implemented in accordance with the approved plans. This approval relates to the following plan/s:
Location plan scale 1:2500
2. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than which ever is the later of the following dates:

Note

For rights of appeal in respect of any conditions attached to the permission see the attached notes.

C M Hayward

Director of Development

Development Directorate
Preston City Council
Town Hall
Lancaster Road
Preston
PR1 2RL

- a) the expiration of three years from the date of this permission,
- b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
3. Before any development is commenced approval shall be obtained from the Local Planning Authority with respect to the reserved matters, namely, the layout, scale, appearance, and landscaping. The reserved matters shall include the following:
- a) The landscaping proposals shall include but not be limited to details of hedgerows 1 and 2 that are proposed to be retained;
- b) The landscaping proposals shall include the recommendations for biodiversity enhancement, maintenance and management as set out in the recommendations of the ecology report (produced by ERAP) submitted with the application.
- c) A noise study of plant (such as extraction units, air condensing units, chiller condensers, etc) associated with the units hereby approved.
- d) Air quality mitigation measures, including but not limited to electric vehicle charging points, unless an air quality assessment demonstrates that the development hereby approved would have a negligible impact upon air quality.
- e) Servicing arrangements for each of the proposed units hereby approved.
- f) Waste and recycling facilities for each of the proposed units hereby approved.
- The landscaping proposals shall be carried out before any of the buildings are occupied or at such time as the approved proposals may provide.
4. Any application for the approval of reserved matters shall be accompanied by a design statement in line with the design parameters set out within the approved Design and Access Statement. The development of the site to which the application for the approval of reserved matters relates shall be undertaken in accordance with the approved statement.
5. The supermarket component of the application proposal shall not exceed 1,800 sq.m GIA and the net sales area of the supermarket component shall not exceed 1,260 sq.m, which represents a net sales area to gross ratio of 70 per cent.
6. The total Class A1 floorspace associated with the application shall not exceed 2,960 sq.m gross
7. The six small units identified for Class A1 or Class A3 uses shall have an aggregate floorspace of no more than 1,160 sq.m GIA and none of the individual units shall exceed 280 sq.m, in line with the threshold incorporated within the Sunday Trading laws.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), the 900 sq.m unit identified as a Class A3/A4

restaurant/public house shall be used for those purposes only, and for no other purpose,

9. The total floorspace of the uses hereby approved shall not exceed 4,060 sq.m GIA.
10. Prior to commencement of development a construction and environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction of the development. The CEMP shall provide for:
 - (i) The means of highway access and parking for construction vehicles, plant and construction workers' vehicles and sustainable travel methods for construction workers,
 - (ii) loading and unloading of plant and materials,
 - (iii) storage of plant and materials used in constructing the development,
 - (iv) storage, disposal and removal of spoil and waste arising out of the construction works,
 - (v) hours of working and access,
 - (vi) site security arrangements, including hoardings and other means of enclosure,
 - (vii) piling methods, if used,
 - (viii) wheel cleaning facilities,
 - (ix) measures to control the emission of dust and dirt during construction,
 - (x) measures to control the emission of noise.

For the avoidance of doubt no works relating to the construction of the development shall require any temporary closure of traffic of the M55 motorway and no construction works associated with the development shall be carried out on land in the ownership of the Highways England Company Limited under Titles LA423865 and LAN80452.

11. A Travel Plan and associated Travel Plan Co-ordinator for the development shall be in place and be operational from the point of the occupation of the first unit for a period of not less than five years beyond the date of full occupation of the development. The Travel Plan shall be agreed in writing by the Local Planning Authority in consultation with Highways England and Lancashire County Council.
12. There shall be no direct vehicular or pedestrian access of any kind between the site and the M55 motorway. Prior to the commencement of development a scheme for a fence or similar barrier or means of enclosure along the boundary of the site and the M55 motorway shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. Thereafter the approved fence or barrier shall be erected a minimum of one metre behind the existing motorway boundary fences on the developer's land and be independent of the

existing motorway fence prior to the first use of any of the buildings hereby approved.

13. There shall be no development on or adjacent to any motorway embankment that shall put any embankment or earthworks at risk.
14. No drainage from the proposed development shall run off into the motorway drainage system, nor shall any drainage adversely affect the motorway embankment,
15. There shall be no earthworks within one metre of the motorway boundary fence.
16. No development shall commence until full design details for the construction of all site accesses and the off-site works of highway improvement and a construction phasing plan for those works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. No part of the development hereby approved shall be occupied prior to the construction of the highway works in accordance with the details approved.

The required highway improvement works shall include:

- a) Eastway - The site access to Eastway shall accord with the design principles indicated on the preliminary design drawing no. 41827/5501/SK03 Rev A. The final design shall include traffic detector loops on the eastern approach to detect if traffic queues back to the western dumbbell roundabout of the A6 junction (i.e. the roundabout that gives access to Priors Lea Court);
 - b) Eastway - The provision of, as far as practicable given existing pinch points, a 3m wide shared footway/cycleway across the full site frontage and east to the eastern dumbbell roundabout of the A6 junction (i.e. to the entrance of the Phantom Winger public house).
17. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (ref: 30297 dated January 2018, Ironside Farrar). No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul water shall be agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall be completed in accordance with the approved details.
 18. No development approved by this permission, apart from site preparations works, shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
 19. No development shall be commenced until details of the means of protecting trees and hedges including root structure within and immediately adjacent to the site from injury or damage prior to or during the development works have been submitted to and approved by the Local Planning Authority. Such protection measures shall be implemented before any works are carried out, and retained during building operations and furthermore, no excavation, site works, trenches or channels shall be cut or laid or soil, waste or other materials deposited so as to cause damage or injury to the root structure of the trees or hedges.
 20. No site clearance, site preparation or development work shall take place until a 10m undeveloped area is marked out and retained around the existing pond in line with

section 5.2.3 of the ecology report (produced by ERAP) submitted with the application and a reasonable avoidance method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall follow the guidance set out within section 5.5.2 and 5.5.3 of the ecology report (produced by ERAP) submitted with the application. The development shall thereafter proceed with a 10m undeveloped area is marked out and retained around the existing pondried out in accordance with the approved plan.

21. The mitigation and enhancement strategy set out in section 5 and figures 3 and 4 of the reptile survey, appendix A of the ecology survey (produced by ERAP) submitted with the application, shall be followed in full.
22. There shall be no tree felling, vegetation clearance works, or other works that may affect nesting birds on the development site or off-site habitat creation areas, between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections and approved in writing by the Local Planning Authority.
23. Any external lighting installed at the site during both the construction phase and operational phase of development shall incorporate the measures outlined in sections 5.3.1 - 5.3.4 of the ecology report (produced by ERAP) submitted with the application.
24. The Class A3, A4 and A5 uses hereby approved shall not operate until details of the extract ventilation system and odour control equipment, including details of any noise levels and external ducting, have been submitted to and approved in writing by the Local Planning Authority and the approved equipment installed. The approved equipment shall be operated at all times when cooking is carried out and shall be maintained in accordance with the manufacturer's instructions. Any external ducting shall be removed when no longer required.
25. Prior to the commencement of dvelopment, further to the submission of the Phase 1 Geo-Environmental Desk study, the following information shall be submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.

The sampling and analytical strategy shall be submitted to and be approved in writing by the Local Planning Authority prior to the start of the site investigation survey.
 - (b) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
 - (c) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the Local Planning Authority, that all works were completed in accordance with the agreed Remediation Statement. Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first building hereby approved.

26. Notwithstanding any description of materials in the application, no development shall be commenced until samples of the materials to be used in the construction of the external elevations and roofs of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
27. Prior to the commencement of the development hereby approved a Car Park Management Strategy must be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of the numbers of car parking spaces including those for mobility-impaired drivers, maximum duration of stay to minimise commuter and long-stay parking, a mechanism for informing drivers when the car park is full, onsite parking enforcement measures if necessary, a review mechanism and an implementation programme. The Car Park Management Strategy shall be implemented in accordance with the approved details (subject to any changes agreed as part of the review mechanism).
28. Prior to the first occupation of any building over 500 square metres hereby approved and within three months of the commencement of development on site of the relevant building, a BRE Interim Certificate confirming that the relevant building shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'very good' shall be submitted to and approved in writing by the Local Planning Authority. The relevant building shall thereafter be carried out in accordance with the approved details and a BRE Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the relevant building.

The reasons for the conditions are:

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
2. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
3. The permission is an outline planning permission.
4. To secure a satisfactory detailed development in accordance with Policy 17 of the Adopted Central Lancashire Core Strategy and National Planning Policy Framework.
5. In order that the development as a whole does not exceed the definition of a Local Centre given in Appendix A of the Core Strategy so that it accords with the retail policy aspects of the development plan and to prevent the development from increasing to a size that would have an adverse impact upon existing and planned centres identified in the development plan in accordance with the National Planning Policy Framework.
6. In order that the development as a whole does not exceed the definition of a Local Centre given in Appendix A of the Core Strategy so that it accords with the retail policy aspects of the development plan and to prevent the development from increasing to a size that would have an adverse impact upon existing and planned centres identified in the development plan in accordance with the National Planning Policy Framework.

7. In order that the development as a whole does not exceed the definition of a Local Centre given in Appendix A of the Core Strategy so that it accords with the retail policy aspects of the development plan and to prevent the development from increasing to a size that would have an adverse impact upon existing and planned centres identified in the development plan in accordance with the National Planning Policy Framework.
8. In order that the development as a whole does not exceed the definition of a Local Centre given in Appendix A of the Core Strategy so that it accords with the retail policy aspects of the development plan and to prevent the development from increasing to a size that would have an adverse impact upon existing and planned centres identified in the development plan in accordance with the National Planning Policy Framework.
9. In order that the development as a whole does not exceed the definition of a Local Centre given in Appendix A of the Core Strategy so that it accords with the retail policy aspects of the development plan and to prevent the development from increasing to a size that would have an adverse impact upon existing and planned centres identified in the development plan in accordance with the National Planning Policy Framework.
10. In order to ensure that prior to the commencement of development that the safe and efficient operation of the local and strategic highway networks can be maintained and to protect to amenities of neighbouring residents in accordance with Adopted Central Lancashire Core Strategy Policy 3 and Policies ST2 and AD1(a) of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
11. To ensure the development provides sustainable transport options in accordance with Adopted Central Lancashire Core Strategy Policy 3 and Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
12. In the interests of traffic and highway safety in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
13. In the interests of traffic and highway safety in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
14. In the interests of traffic and highway safety in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
15. In the interests of traffic and highway safety in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
16. In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable development traffic to enter and leave the premises in a safe manner without causing a hazard to other road users in the interests of traffic and highway safety in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

17. To prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Adopted Central Lancashire Core Strategy Policy 29 and the National Planning Policy Framework
18. To prevent the increased risk of flooding, both on and off site, details of which are required prior to the commencement of development in order to ensure the development is carried out in accordance with the agreed details, in accordance with Adopted Central Lancashire Core Strategy Policy 29 and the National Planning Policy Framework. Details are required prior to the commencement to ensure the development undertaken in accordance with the agreed development during the construction and operational phase of the development hereby approved.
19. To prevent damage to those existing trees, shrubs or hedges indicated on the approved drawings and to ensure that prior to commencement of development that the existing landscape features remain on completion of the development in accordance with Policy EN10 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
20. To ensure that prior to the commencement of development wildlife is protected in accordance with Policies EN10 and EN11 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies), the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2010.
21. There is suitable foraging habitat for reptiles present on site and there are no barriers for dispersal therefore the mitigation and enhancement strategy is required to ensure the protection of reptiles in accordance with Policies EN10 and EN11 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies), the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2010.
22. In order to ensure that ground nesting birds are not unacceptably affected, in accordance with Policies EN10 and EN11 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.
23. Bats may be using the site for foraging and commuting therefore the proposed measures would ensure the limited protection of European Protected Species in accordance with Policies EN10 and EN11 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.
24. To protect the amenities of the neighbourhood from intrusive cooking smells and odours in accordance with Policy AD1(a) of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.
25. In ensure that prior to commencement of development that all previous site uses, potential contaminants that might reasonably be expected given those uses, and the source of contamination, pathways and receptors are identified; to enable a risk assessment to be undertaken, refinement of the conceptual model, and the development of a Method Statement and Remediation Strategy; to ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site; to ensure that the potential effects of ground contamination are known about and adequately mitigated in accordance with the Policy EN7 of the Adopted Preston Local Plan 2012-26 (Site Allocations

and Development Management Policies) and the National Planning Policy Framework.

26. To secure a satisfactory detailed development, details of which are required prior to commencement of development in order to ensure the development is undertaken in line with the agreed details in accordance with Policy EN9 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the guidelines of the Central Lancashire Supplementary Planning Document 5: Design Guide and the Residential Extensions and Alterations Supplementary Planning Document.
27. To ensure that prior to the commencement of development that the effective and efficient use of the parking areas can be achieved in accordance with Policies ST1 and ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework).
28. To ensure adequate energy conservation/renewable energy measures are incorporated into the design of the scheme, in order to contribute to reducing carbon emissions, in accordance with Adopted Central Lancashire Core Strategy Policy 27.

INFORMATIVE:

Compliance with paragraph 38 of the National Planning Policy Framework

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application (as originally submitted) and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

You are advised that as of 30th September 2013, the Central Lancashire Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL applies to all applicable planning permissions granted on or after this date. The development has been assessed and it is the Council's view that it is CIL LIABLE. Full details are available on the CIL liability notice and on the Council's website www.preston.gov.uk/CIL

This consent requires the construction, improvement or alteration of an access to the public highway. The off-site highway works requires an appropriate legal agreement with the highway authority to be signed prior to any works being carried out within the highway. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Before any access works can start you must contact the LCC Highways for further information by telephoning the Area Manager South 01772 538560 or writing to the Area Manager South, Lancashire County Council, Cuerden Way, Bamber Bridge, Preston PR5 6BS quoting the planning application number.

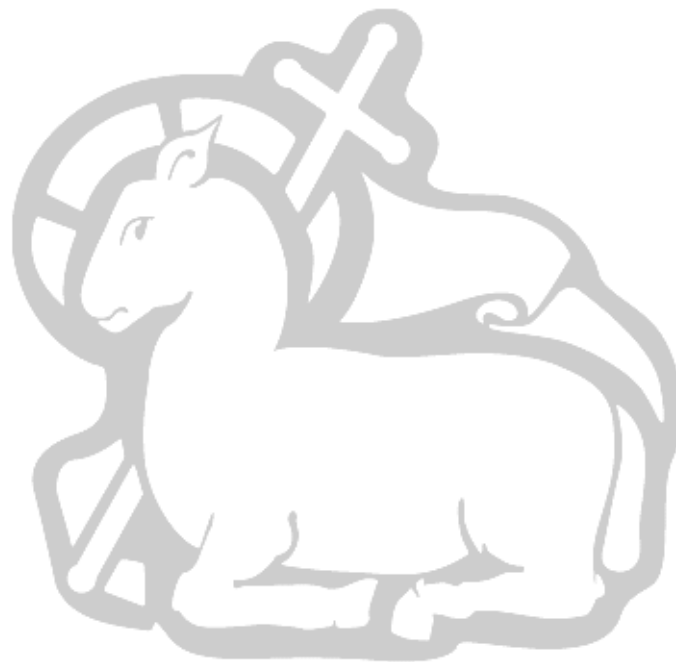
The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

If at any time any protected or invasive species are discovered on site and may be impacted upon by the proposals work should cease immediately and an ecologist and/or the local planning authority shall be contacted.

The applicant's attention is drawn to the Crime Impact Statement dated 2 February 2018 by Lancashire Constabulary which is available on City Council's website under the planning application reference number, which should be used in a 'planning application search'.

The submitted layout plan is indicative only and does not form part of the outline approval.

For further details on the decision and the reasons for granting planning permission please see the application report which can be viewed on the Council's website www.preston.gov.uk/planningsearch



Preston
City Council

NOTE:

Appeals to The Secretary Of State

Planning Applications

You have the right to appeal against the Local Planning Authority's refusal of planning permission or grant of permission subject to conditions. You may appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. For further information on how to make an appeal please visit the Planning Portal website www.planningportal.co.uk

If you want to appeal, then you must do so within six months of the date of the enclosed notice. Please note, only the applicant possesses the right to appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions which it imposed.

The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction by him.

Purchase Notices

Planning Applications

If either the local planning authority or the Secretary of State for Communities and Local Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the City Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Other Permissions

This notice relates only to the application as described. It does not convey a decision under any other enactment, byelaw, order or regulation. Separate applications may be needed for such other approvals as may be required e.g. Planning Permission, Approval of Reserved Matters, Listed Building Consent, Express Consent to Display Advertisements, Building Regulations, etc.

Please visit the Council's website for further information.