

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

Application no: 06/2018/0711



Agent:

N/A

Applicant:

Seddon Homes Ltd
Birchwood One Business Park
Dewhurst Road
Warrington
WA3 7GB

Decision date: 18-Jun-2019

Valid date: 02-Jul-2018

Development proposed:

Outline application seeking approval for access for up to 70 dwellings with associated infrastructure (all other matters reserved)

at:

Land south of Whittingham Lane, Grimsargh

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 drawing numbers:
 - Site location plan. Drawing no. 8450-L-04.
 - Development framework plan. Drawing no. 8450-L-02, Rev. G.
 - Potential site access arrangement. Drawing no. 2259-F01, Rev. D.
2. 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 landscaping proposals shall be carried out before any of the buildings are occupied or at such time as the approved proposals may provide.

For the avoidance of doubt, the landscaping proposals shall include a scheme for protecting trees which are to be retained within and immediately adjacent to the site

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

in accordance with BS 5837:2012, to prevent damage to the root system. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work and thereafter retained during building operations until the completion of the development.

3. Applications for the 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: 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.
4. Applications for the approval of reserved matters shall be accompanied by a method statement outlining preventative measures to ensure protection of amphibians for approval in writing by the Local Planning Authority. The duly approved method statement shall then be adhered to throughout the construction phase.
5. No development shall take place (including demolition, ground works, vegetation clearance) until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following.
 - a) Description and evaluation of existing habitats to be retained and enhanced including areas of grassland and wetland and length of hedgerows;
 - b) Description of habitats proposed for creation including areas or length as applicable;
 - c) Aims and objectives for habitats in terms of habitat value and condition (as defined under DEFRA biodiversity off-setting guidance);
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organization responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism{s} by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

6. Prior to the commencement of the development hereby approved, an intrusive site investigation should be undertaken and submitted to and approved in writing by Local Planning Authority based on the recommendations of the phase 1 preliminary risk assessment submitted with the application. In the event that remediation works are required, a Method Statement and Remediation Strategy shall submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

7. Prior to the commencement of development hereby approved, a construction and environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. 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. The approved CEMP shall be adhered to throughout the construction phase of the development.
8. Applications for the approval of reserved matters shall be accompanied by a noise impact assessment, to include details of traffic noise and noise from sporting activities held on the adjacent recreation area for approval in writing by the Local Planning Authority. The development shall thereafter accord with the approved details, and any mitigation measures shall be implemented prior to the first occupation of the development hereby approved.
9. Prior to the commencement of the development hereby approved, a surface water drainage scheme for the site, based on sustainable drainage purposes and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a) Information about the lifetime of the development, design storm period and intensity (1 in 1, 1 in 2, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
 - b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate calculated using the FEH Statistical or ReFH2 methods;
 - c) The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - d) Flood water exceedance routes, both on and off site;
 - e) A timetable for implementation, including phasing as applicable;
 - f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
 - g) Details of water quality controls, where applicable.
 - h) Details of the breakdown of attenuation volume in pipes, manholes and attenuation tank/pond.

For the avoidance of doubt, foul and surface water shall be drained on separate systems. The scheme shall be implemented in accordance with the approved details before the development is first occupied. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

10. Prior to the commencement of the development hereby approved, details of the implementation, maintenance and management of the sustainable urban drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include:
 - i. A timetable for its implementation, and
 - ii. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangement to secure the operation of the sustainable urban drainage scheme throughout its lifetime. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
11. Prior to the commencement of the development hereby approved, a scheme shall be submitted and approved in writing by the Local Planning Authority to demonstrate that all dwellings shall achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations. The development shall thereafter be carried out in accordance with the approved scheme.
12. 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 submitted to and approved in writing by the Local Planning Authority.
13. Prior to the first occupation of any dwelling, that dwelling shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
14. Prior to the commencement of the development hereby approved a scheme for the construction of the site accesses and the off-site works of highway improvement, to include a 2.0m wide footpath to be provided to the frontage of the site along Whittingham Lane; and street lighting to be provided for a distance of 225m in a westbound direction from the point of the existing street limit signage, shall be submitted to, and approved in writing by the Local Planning Authority. The site accesses and off-site highway works shall be constructed and completed in accordance with the approved details prior to the first occupation of the development.
15. Prior to the commencement of the development hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
16. The new estate road/access shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

The reasons for the conditions are:

1. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

2. The permission is an outline planning permission.
3. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
4. In order to adopt a precautionary measure to ensure the 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.
5. Details are required prior to the commencement of development in order to ensure that any impact on the environment and the amenity of neighbouring residents is minimised, in accordance with Policy 22 of the Adopted Central Lancashire Core Strategy and the National Planning Policy Framework.
6. Details are required prior to commencement of development in order to identify all previous site uses, potential contaminants that might reasonably be expected given those uses, and the source of contamination, pathways and receptors; 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.
7. Details are required prior to commencement of development, in order to maintain the operation of the local and strategic highway networks 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).
8. In order to ensure that any impact on the amenity of neighbouring residents is minimised, in accordance with Policy 22 of the Adopted Central Lancashire Core Strategy and the National Planning Policy Framework.
9. 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.
10. Details are required prior to commencement to ensure that any construction works to the unnamed ordinary watercourse do not pose an up- or down-stream flood risk and ensure water quality is not compromised as a result of any construction work on the development site or to the watercourse in accordance with Adopted Central Lancashire Core Strategy Policy 29 and the National Planning Policy Framework.
11. To ensure that the development contributes to a reduction in carbon emissions, in accordance with Policy 27 of the Central Lancashire Core Strategy. The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be properly carried out at the appropriate stage of construction.
12. 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.

13. To enable the use of alternative fuels for transport purposes such as electric vehicle charging stations in order that sustainable travel alternatives need are supported and promoted within the development in accordance with Policy 3 of the Adopted Central Lancashire Core Strategy.
14. Details are required prior to commencement in order to ensure that the final details of the highway scheme/works are acceptable before work commences on site, and to provide safe access to the site for all highway users in accordance with adopted Central Lancashire Policy 3 and Policy ST2 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
15. In order to secure satisfactory final details of the highway scheme/works. This information is required prior to the commencement of development in the interests of the safety of all highway users 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).
16. To ensure that satisfactory access is provided to the site to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies).

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 providing pre-application advice, liaising with the applicant, assessing the proposal against relevant planning policies and all material considerations including representations that have been received and subsequently deciding to grant planning permission in accordance with the presumption in favour of sustainable development.

- a) The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Highways Development Support at Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.
- b) The applicant is advised that to discharge condition 15 the Local Planning Authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980, or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
- c) The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.

d) This consent does not give approval to a connection being made to the County Council's highway drainage system.

The proposals indicate that the applicant intends to discharge surface water into an unnamed watercourse. Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), consent would be required from the Lead Local Flood Authority if a culvert or structure (such as a weir) is to be constructed, or to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not. As a minimum, the applicant would be expected to:

- Carry out studies of the existing culvert/watercourse condition and capacity;
- Undertake an examination of the downstream condition and implications of the development proposal, and;
- Restrict discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

As per Lancashire County Council Consenting and Enforcement Policy, it should be noted that the Lead Local Flood Authority will generally refuse consent applications which seek to culvert an existing ordinary watercourse. This is in line with Environment Agency guidance on protecting watercourses: <http://evidence.environment-agency.gov.uk/FCERM/en/FluvialDesignGuide/Chapter8.aspx?pagenum=6>

You should contact the Flood Risk Management Team at Lancashire County Council to obtain Land Drainage Consent. Information on the application process and relevant forms can be obtained: <https://www.lancashire.gov.uk/>

For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given.

The applicant should contact United Utilities regarding a potential water supply or connection to public sewers, at: developerserviceswater@uuplc.co.uk

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

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.