

PLANNING PERMISSION

Application no: **06/2018/0949**



Agent:

Simon Newall
Cassidy + Ashton
7 East Cliff
Preston
PR1 3JE

Applicant:

Salim Patel
HBS Group
Moor Park Avenue
Preston
PR1 6AS

Decision date: 30-Jul-2019

Valid date: 09-Oct-2018

Development proposed:

Development of a new healthcare facility, including erection of three storey building, with associated access, parking and infrastructure and demolition to group of existing buildings (Part retrospective)

at:

Jeanne Jugan Residence , 228 Garstang Road, Preston, PR2 9RB

Preston City Council hereby give notice that **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:
 - Location plan. Drawing no. P01.
 - AMENDED Proposed site plan. Drawing no. P15, Rev. P4.
 - Proposed elevations little sisters. Drawing no. P07.
 - Proposed ground floor plan. Drawing no. P10.
 - Proposed first floor plan. Drawing no. P11.
 - Proposed second floor plan. Drawing no. P12.
 - Proposed elevations – east & west. Drawing no. P13.
 - Proposed elevations – north & south. Drawing no. P14.
 - Bin store. Drawing no. P18.

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

2. The development hereby permitted must be begun not later than the expiry of three years beginning with the date of this permission.
3. Prior to any above ground works commencing on the site, samples of the materials to be used in the construction of the external elevations and roof of the proposed building shall be submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
4. Within three months of the date of this permission, the following details shall be submitted to and approved in writing by the Local Planning Authority: a) a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land; b) details of any to be retained; c) a schedule of proposed plant species, size and density and planting locations; and d) an implementation programme. All planting, seeding or turfing comprised in the approved landscaping details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five 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.
5. Within three months of the date of this permission, details of all the means of enclosure on the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the means of enclosure shall be provided in accordance with the approved details before the development permitted is brought into use and shall be retained thereafter.
6. Within 28 days of the date of this permission, the tree protection measures as outlined within the submitted Pre-development Arboricultural Report (prepared by Treescapes Consultancy Ltd, dated 31 July 2018, ref: AH/ALA/280218) shall be implemented 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.
7. Within three months of the date of this permission, a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority. This shall include programme of building recording and analysis, which shall be carried out by a professionally qualified archaeological/building recording consultant. The scheme shall be implemented in accordance with the approved details.
8. Within three months of the date of this permission, a scheme for the construction of the site accesses and the off-site works of highway improvement, to include a right turn facility on Garstang Road, 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.
9. Prior to the approved development being first brought into use, the car parking, access and servicing areas shall be constructed, drained, surfaced, marked out and made available for use in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The car parking, access and servicing areas shall thereafter be retained at all times in the future.
10. Within 28 days of the date of this permission, 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, (xi) disposal of any asbestos discovered on site. The approved CEMP shall be adhered to throughout the construction phase of the development.

11. Within three months of the date of this permission, 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. If a brownfield run off rate is proposed the following criteria should be used. Where any drainage system is still operational, peak flow rates at the outfall for the relevant return periods (1:1 year, 1 in 2, 1:30 year, 1:00) can be demonstrated by producing a simulation model that includes an accurate representation of the drainage system and site area contributions – thus allowing derivation of an appropriate head-discharge relationship at the outfall. A copy of the CCTV survey and detailed drawing showing the existing drainage will be required if a simulation model is used based on the existing drainage system;
- 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.

12. Within three months of the date of this permission, 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.
13. Prior to the first occupation of the development hereby approved, a BRE Interim Certificate confirming that the development 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 development 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 development.
14. Within three months of the date of this permission, the following shall be undertaken:
- a) A desktop study to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced.
 - b) A site investigation shall then be designed for the site using the information obtained from (a) above. This should be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site.
 - c) The site investigation and associated risk assessment shall then be undertaken in accordance with approved details.
 - d) A Method Statement and remediation strategy, based on the information obtained from c) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.
 - e) Upon completion of the remediation detailed in the Method Statement, a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
15. The development hereby approved shall be undertaken in accordance with the mitigation measures included within the submitted Noise Impact Assessment (undertaken by Red Acoustics, ref: R1491-REP01-JR dated 18 September 2018).
16. The rating levels for cumulative noise from all plant and machinery within the site shall not at any time exceed 10 decibels (measured in dB(A)) below the background noise level at the nearest noise sensitive premises to the proposed development as assessed in accordance with BS 4142 (2014).
17. The health facility hereby approved shall only be open for trade or business between 08:00 and 20:00 hours on any day. The pharmacy and optician units (as shown on the approved Proposed Ground Floor Plan, ref: P10) shall only be open for trade or business between 08:00 and 22:00 on any day.

18. No deliveries or servicing of the development shall take place outside the following times: 08:00 to 20:00 on any day.
19. Prior to the first occupation of the development hereby approved, details of a scheme of external lighting, to include predicted light levels at neighbouring residential properties, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme and no additional external lighting shall be installed that deviates from the approved scheme.
20. 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.
21. Within three months of this permission, a survey of the site for badger setts shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved survey.
22. Within three months of the date of this permission, details of a scheme for the eradication and/or control of cotoneaster and other invasive species on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
23. Within three months of the date of this permission, a habitat creation, enhancement and management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plan.

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 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.
3. In the interests of visual amenity development in accordance with Policy EN9 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
4. In order that the landscaping works contribute to a satisfactory standard of completed development and its long term appearance harmonises with its surroundings development in accordance with Policy EN9 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
5. To secure a satisfactory detailed development and in the interests of visual amenity in accordance with Policy EN9 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
6. in order to prevent damage to those existing trees, shrubs or hedges indicated on the approved drawings and approved landscape plans as remaining on completion of the development and 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, Policy EN10 of the Adopted Preston

Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.

7. To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site in accordance with Policy EN8 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies), Policy 16 of the Adopted Central Lancashire Core Strategy and the National Planning Policy Framework.
8. In order to ensure that the final details of the highway scheme/works are acceptable 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).
9. To ensure adequate access and parking within the site and the use of appropriate surface materials, 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).
10. 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).
11. To prevent the increased risk of flooding, both on and off site, 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.
12. 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.
13. 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.
14. 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.
15. In order to safeguard the residential amenities of surrounding neighbouring properties, in accordance with Policy 17 of the adopted Central Lancashire Core Strategy and the National Planning Policy Framework.

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20. 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.
21. 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.
22. In order to ensure the removal/check to the spread of species that are listed as invasive non-native species under the Wildlife and Countryside Act 1981, in order to safeguard the biodiversity of the site and its surroundings, in accordance with Policy 22 of the Adopted Central Lancashire Core Strategy.
23. In order to ensure that any impact on the environment, ecology and biodiversity of the site and surrounding area is minimised, in accordance with Policy 22 of the Adopted Central Lancashire Core Strategy, Policies EN10 and EN11 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.

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.

NOTE:

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

United Utilities have advised that they do not agree with the proposed rates of discharge provided within the submitted flood risk assessment, nor with the conclusion that surface water should direct directly to the public combined sewer. Given the scale of the proposed development and the long term cost of site area charging that would be applied to the site, it would be more beneficial to drain all surface water from the site directly to watercourse, of which there are two located within 250m of the site. The assumption has been made in the assessment that all external hard standing areas positively drain to the public combined sewer however it is clear from survey drawing C-0858-01 included in the appendix that there is only one single 300mm combined pipe draining from the site. The submitted micro drainage calculation contained within the appendices cannot be relied upon because a length of 375mm diameter pipe is assumed, and the wrong roughness coefficient to achieve the rates of discharge without causing flooding. Given the gradients identified in the calculations it is estimated that the full bore capacity of the existing 300mm combined sewer currently serving the site is around 60 l/s which is significantly less than the rates suggested in the report. These issues should be addressed in the surface water drainage scheme, required to be submitted by a condition above.

The Lead Local Flood Authority has advised that, for the avoidance of doubt, permission is not granted to connect to the United Utilities sewer. The applicant should obtain the appropriate connection permission from United Utilities as soon as possible.

Greater Manchester Ecology Unit has advised that whilst the building to be demolished have been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease on that building immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

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 LCC Highway Services 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.

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.

Lancashire Constabulary have recommended a number of security measures which should be incorporated into this development, within their response dated 18th October 2018. The response is appended to this decision notice for information.

Regarding condition 19, it is recommended that artificial lighting to the development should conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.

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.

If your application is for a minor commercial development (shop front), you must appeal within 12 weeks.

If your application is for a householder development, you must appeal within 12 weeks.

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.