

PLANNING PERMISSION

Application no: **06/2018/1031**



Agent:

Gary Swarbrick
ELG Planning
Gateway House
55 Coniscliffe Road
Darlington
DL3 7EH

Applicant:

Wm Morrison Supermarkets PLC
Hilmore House
71 Gain Lane
Bradford
BD3 7DL

Decision date: 21-Feb-2019

Valid date: 01-Oct-2018

Development proposed:

1no. mixed use (Class A1 & A3) drive-thru unit

at:

Wm Morrison Supermarket , Mariners Way, Preston, PR2 2YN

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 the following drawings:
 - Site Location Plan: drawing no. 1550-103(P) Rev. A
 - Proposed site plan (Amended): drawing no. 1550-101(P) Rev. F received on the 14/02/2019
 - Proposed pedestrian crossing point: drawing no. 18/318/10/TR/001 Rev. A received on the 14/02/2019
 - Proposed Plans: drawing no. 1550-102(P) Rev. A
2. The development hereby permitted must be begun not later than the expiry of three years beginning with the date of this permission.

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

3. No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.
4. Prior to the commencement of the development hereby approved a scheme for the improved site access junction and highway improvement works for the provision of a new pedestrian refuge shall be submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed details and the site access/es and off-site highway works shall be constructed and completed prior to the first occupation of the development.
5. There shall be no signs, fences, trees, hedges, shrubs, ground or other structures above a height of 600mm within the forward visibility splay indicated on drawing no. 18/318/10/TR/001.
6. During site demolition and construction operation facilities shall be provided within the site by which means the wheels of vehicles shall be cleaned before leaving the site.
7. Prior to the first occupation of the development hereby approved, the parking provision indicated on the approved plans shall be provided and thereafter retained.
8. The use hereby permitted shall not be commenced until space and facilities for bicycle parking have been provided in accordance with the approved plans. These facilities shall then be retained and permanently reserved for bicycle parking.
9. Prior to any above ground works commencing on site, the following details shall be submitted to and approved in writing by the Local Planning Authority: a) a scheme of hard and soft landscaping, showing the detailed proposed layout of the areas around the new building and replacement trees; b) a schedule of proposed plant species, size and density and planting locations with soil information; d) details of surface treatment; and e) 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.
10. If during site preparation or development works contamination is encountered, or is suspected in areas where it had not been anticipated, then a scheme for detailed investigation, risk assessment, remediation and verification shall be submitted for the written approval of the local planning authority prior to all but urgent remediation works necessary to secure the area. The remediation scheme shall be carried out in accordance with the approved details.
11. 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.
12. The development hereby approved shall be carried out in accordance with the recommendations of the Arboricultural Report & Impact Assessment to BS 5837:2012 Ref 14408/SR prepared by JCA Ltd Arboricultural & Ecological Consultants dated October 2018 submitted with the application. Such protection measures shall be implemented before any works are carried out and retained

during building operations and furthermore, no evacuation, 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.

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. To secure a satisfactory development in materials which are appropriate for the locality 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.
4. Details are required prior to commencement of development, 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).
5. In order to secure a satisfactory access, parking provision and manoeuvring space, in the interests of vehicular and pedestrian safety, further to policy ST2 of the Adopted Local Plan 2012-26 (Site Allocations and Development management Policies).
6. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road 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).
7. 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).
8. To ensure that adequate and satisfactory provision is made for bicycle parking in accordance with Policies ST1 and ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
9. 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).
10. To ensure that any existing contamination of the land will be addressed through appropriate mitigation measures and that the proposed development will not cause the land to become contaminated, in accordance with Policy EN7 of the Adopted Local Plan and Paragraph 178 of the Framework.
11. 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.
12. 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 in accordance with Policy EN10 of the Adopted Preston Local Plan 2012-26 (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 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.

- 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 the Highway Development Control Team 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 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.

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.

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.