

Town and Country Planning Act 1990

## OUTLINE PLANNING PERMISSION

Application no: **06/2018/0238**



**Agent:**

Stephen Harris,  
Emery Planning Partnership Ltd  
Units 2 - 4 South Park Court  
Hobson Street  
Macclesfield  
SK11 8BS

**Applicant:**

Wainhomes (North West) Ltd  
Kelburn Court  
Daten Park  
Birchwood  
Warrington  
WA3 6UT

**Decision date:** 18-Sep-2018

**Valid date:** 27-Feb-2018

Development proposed:

**Outline planning application for 55no. dwellings and associated works (access applied for only) (resubmission of 06/2016/1207)**

At:

**Cardwells Farm, Garstang Road, Preston, PR3 5DR**

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: Location plan drawing no, GA1983-LP and access drawing 16318/SK02A (appendix 8 of the submitted Transport Assessment)
2. Before any development is commenced approval shall be obtained from the Local Planning Authority with respect to the reserved matters, namely, the scale, appearance, layout and landscaping including amenity open space. The landscaping proposals shall include, but not be limited to, indications of all existing trees and hedgerows on the land, details of any to be retained, together with measures for their protection in the course of development, a schedule of proposed plant species, size and density and planting locations and an implementation programme. All planting, seeding or turfing comprised in the approved landscaping

**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

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 unless, the Local Planning Authority gives written consent to any variation.

3. 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:
  - 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. Foul and surface water shall be drained on separate systems.
5. No development shall be commenced until a sustainable drainage scheme has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme has been completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
6. No development shall be commenced until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority which, as a minimum, shall include:
  - a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents Management Company;
  - b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
    - i) On-going inspections relating to performance and asset condition assessments;
    - ii) Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
  - c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

7. No development shall be commenced until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out by a professionally qualified archaeological/building recording consultant in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.
8. Further to the submission of the Phase 1 Geo-Environmental Desk study, the following information shall be submitted to the Local Planning Authority for approval in writing:
  - (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 LPA 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 LPA, 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 dwelling.
9. 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.
10. No development shall be commenced until a scheme 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 has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
11. Any application for the submission of reserved matters shall include an updated bat survey to demonstrate that all the trees have been re-surveyed for the presence of bats/bat roosts and a mitigation report produced if required. Any mitigation measures subsequently identified shall be implemented in full in accordance with the findings of the mitigation report.
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 and approved in writing by the Local Planning Authority.

13. No development shall be commenced until a robust set of Reasonable Avoidance Measures (RAMs) relating to Great Crested Newts shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, the RAMs shall be implemented in full and retained for the duration of works on the site.
14. No development shall be commenced until a construction and environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction of that phase. 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.
15. No development shall be commenced until a scheme for the construction of all site accesses and the off-site works of highway improvement have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed details.
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 prior to any above ground works taking place within the site.
17. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been 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.

### **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 and 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).
3. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
4. To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy 29 of the Adopted Central Lancashire Core Strategy and the National Planning Policy Framework.
5. These details are required prior to the commencement of development to ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on-or-off-the site resulting from the proposed development or resulting from inadequate maintenance of the sustainable drainage system in accordance with Policy 29 of the Adopted Central Lancashire Core Strategy and the National Planning Policy Framework.
6. These details are required prior to the commencement of development to ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system in accordance with Policy 29 of the Adopted Central Lancashire Core Strategy and the National Planning Policy Framework.
7. These details are required prior to the commencement of development to ensure that 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 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.
9. 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.

10. 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.
11. 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.
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. These details are required prior to the commencement of development to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site 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.
14. This information is required prior to the commencement of the development in the interests of the safe and efficient 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).
15. This information is required prior to the commencement of the development in the interests of the safety of all highway users in accordance with Policy 3 of the Adopted Central Lancashire Core Strategy, Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.
16. To ensure 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 2012-26 (Site Allocations and Development Management Policies).
17. In order to secure satisfactory final details of the highway scheme/works. The information is required prior to the commencement of the development in the interests of the safety of all highway users in accordance with Policy 3 of the Adopted Central Lancashire Core Strategy, Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.

### **INFORMATIVE:**

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](http://www.preston.gov.uk/CIL)

United Utilities water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

The level of cover to the water mains and sewers must not be compromised either during or after construction.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

The applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offer a fully supported mapping service and recommend the applicant contact their Property Searches Team on [Property.Searches@uuplc.co.uk](mailto:Property.Searches@uuplc.co.uk) to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

The applicant's attention is drawn to comments received by Lancashire Fire and Rescue Service relating to access for fire appliances and water supplies for firefighting purposes. A copy of these comments can be found on the City Council's website.

The applicant is advised that to discharge condition 16 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.

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.

The applicant's attention is drawn to comments received from the Waste Technical Officer. Collections are from the point of the property nearest to the adopted highway (or proposed adopted highway). Preston City Council collection crews and vehicles do not go on to private driveways or private roads. When bins are presented for collection they must not block access for vehicles or impede users of the footpath. It may be prudent to provide an area of hardstanding with particular where residents can present bins on collection days, given there is a possibility that each of these properties may present up to 3 bins on any collection day. This presents potential access issues on collection days and may negatively affect the immediate environment of those properties close to the collection points.

It has not been indicated how much refuse and recycling provision has been allocated to the apartments at plots 26-31 and 40-45. We would suggest referring to the Preston City Council Waste Storage and Collection Guidance for Domestic and Commercial Developments available to download free of charge from the planning section of the website. This includes recommendations for the minimum expected level of waste provision for apartment developments.

The bin stores must be accessible by collection crews, and if not it will be the responsibility of the management company/caretaker to ensure bins are presented by 7am on collection days. The bin store must have adequate capacity for all the proposed containers, and enough internal space that each container therein may be manoeuvred without the need to move any other. Crews will not hold keys so bin stores should not be locked unless by

prior arrangement with Waste Management. The path to the bin store and all surfaces over which containers will be moved need to be smooth and continuous, be free of steps and obstacles, be robust enough to withstand repeated movement of large 4 wheeled containers, be at least 1.3m wide and of a gradient of no more than 1:12. Where necessary drop kerbs must be provided.

Bin stores should be well lit and appropriately signed to encourage correct segregation of waste streams and increase recycling rates. They should also be well lit for resident security and to discourage anti-social behaviour.

The maximum distance over which collection crews will move large containers is 10 metres as per BS5906:2005. If the distance to the adopted highway/collection point is further than this it will be the responsibility of the management company/caretaker to present bins kerbside for collection.

In line with Section 11 of the National Planning Policy Framework, it is recommended that opportunities for biodiversity enhancement are incorporated into the development. These should include:

- i) Bat bricks and/or tubes within the new development
- ii) Bat boxes
- iii) Bird boxes
- iv) Native tree, shrub and flowering perennial planting
- v) Bolstering of hedgerows

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](http://www.preston.gov.uk/planningsearch)

### **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:**

### **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](http://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.