

Town and Country Planning Act 1990

## OUTLINE PLANNING PERMISSION

Application no: **06/2020/0788**



**Preston**  
City Council

**Agent:**

Miss Deborah Smith,  
Smith & Love Planning Consultants  
Rational House  
32 Winckley Square  
Preston  
PR1 3JJ

**Applicant:**

Mrs Sheila Nagy  
c/o agent  
Rational House  
32 Winckley Square  
Preston  
PR1 3JJ

**Decision date:** 24-Sep-2020

**Valid date:** 06-Aug-2020

Development proposed:

**Outline planning application for 2no. dwellings (access applied for only)**

at:

**Land to the South of School Lane, Catforth, 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. 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.
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.

**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. The development hereby permitted shall only be implemented in accordance with the approved plans. This approval relates to drawings:  
Location Plan reference 1954 1.1.1B  
Proposed Site Plan 1954 1.3.1B
4. The reserved matters application for layout shall include access and turning facilities within the site to allow vehicles to enter and leave site in a forward gear. Prior to first occupation the access and turning facilities shall be provided in accordance with the approved scheme and thereafter retained.
5. 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.
6. 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.
7. Before the access is used for vehicular purposes that part of the access from the edge of the carriageway for a minimum distance of five metres into the site shall be paved in permanent construction with a sealed surface.
8. 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.
9. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
10. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out within the Ecological Survey and Assessment dated July 2020 reference 2020-146 submitted with the application.
11. The development hereby approved shall be carried out in accordance with the recommendations of the Arboricultural Impact Assessment & Method Statement reference 20/AIA/Preston/09 submitted with the application. 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.
12. There shall not at any time in connection with the development hereby approved be planted hedges, trees or shrubs over 1m above the road level within any visibility splay required to maintain safe operation for all users.

## **The reasons for the conditions are:**

1. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
2. The permission is an outline planning permission.
3. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
4. To ensure that vehicles enter and leave the site in a forward gear in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
5. Details are required prior to the 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.
6. 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.
7. To prevent loose surface materials from being carried onto the public highway, thus causing a potential danger to other road users in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
8. 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.
9. To prevent loose surface materials from being carried onto the public highway, thus causing a potential danger to other road users in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).
10. 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.
11. 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).

12. To ensure adequate visibility splays are maintained at all times 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).

**INFORMATIVE:**

**Compliance with paragraph 38 of the National Planning Policy Framework**

The Local Planning Authority has acted positively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework (2019) by assessing the proposal against relevant planning policies and all material considerations. The nature of the scheme has not necessitated further discussions with the applicant. On this basis it is decided to grant planning permission 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 which you will receive within the next 10 working days of this decision notice. Further details are available on the Council's website [www.preston.gov.uk/CIL](http://www.preston.gov.uk/CIL).

The applicant is advised that no works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance. All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act.

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)

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## **APPEAL PROCEDURE FOR PUBLIC INQUIRES**

Appellants seeking an inquiry are asked to give the Planning Inspectorate and Local Planning Authority at least 10 days' notice that they intend to submit an inquiry appeal.

Appellants should send an email to the Local Planning Authority's email [devcon@preston.gov.uk](mailto:devcon@preston.gov.uk) and also to the Planning Inspectorate's email [inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk) at least 10 working days before submitting a planning appeal they wish to follow the inquiry procedure.

In the notification, appellants should include:

- Appellant name
- The Local Planning Authority that the appeal will be against
- Reason for appeal
- Site address
- Description of development
- Planning application number
- Likely submission date of appeal
- Proposed duration of inquiry in days

A template can be found at:

<https://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal>

For clarity, this only applies to planning appeals that follow the inquiry procedure.



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## **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.