

PLANNING PERMISSION

Application no: **06/2018/0700**



Agent:

David Croft,
DC & MG Associates
Unit 4 The Crossroads
Freckleton Street
Kirkham
PR4 2SH

Applicant:

Mr & Mrs Morawski,
Thomas Moss Fruit and Veg
Oak Nurseries
Pudding Pie Nook Lane
Preston
PR3 2JL

Decision date: 21-Feb-2019

Valid date: 12-Oct-2018

Development proposed:

Two storey distribution centre with associated landscaping, car parking and modified access

at:

Oak Nurseries , Pudding Pie Nook Lane, Preston, PR3 2JL

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:
 - Drawing no. 18 0532 P04.
 - Drawing no. 18 0532-P03.
 - Drawing no. 18 0532-P02.
 - Drawing no. 18 0532 P01.
 - Drawing no. 18 0532 L01.
2. The development hereby permitted must be begun not later than the expiry of three years beginning with the date of this permission.
3. The building and use of the application site hereby approved shall be for the wholesale handling and distribution of fruit and vegetables only and not for any

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

retail sales or any other use within Class B8 of the Town and Country Planning Use Classes Order 1987 or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

4. Prior to any above ground works commencing on the site, samples of the materials to be used in the construction of the external elevations 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.
5. 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.
6. Prior to the commencement of any other development, Pudding Pie Nook Lane between Whittingham Lane and the proposed site access shall be widened in accordance with the approved plans and constructed to at least base course level. The approved development shall not be first brought into use until the widened part of Pudding Pie Nook Lane has been surfaced with a sealed surface.
7. The approved distribution centre shall not be first brought into use until the proposed site access and access road have been improved and constructed in accordance with the approved plans.
8. Prior to the approved distribution centre being first brought into use, the service yard, loading/unloading areas, turning areas and car parking spaces shall be constructed, drained, surfaced and made available for use in accordance with details of surfacing materials to be first submitted to and approved in writing by the Local Planning Authority. The service yard, loading/unloading , turning areas and car parking spaces shall thereafter be retained at all times in the future.
9. Prior to the approved distribution centre being first brought into use, secure and covered cycle and motorcycle parking facilities shall be constructed and made available for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be retained and remain available at all times in the future.
10. 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) Breakdown of attenuation volume in pipes, manholes, swales and attenuation ponds.

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.

11. 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.
12. Prior to the commencement of construction work on the distribution centre building hereby approved, the existing polytunnels, structures and hard surfacing relating to the former use of the site as a nursery, shall be demolished and removed from the site in accordance with the approved plans.
13. Prior to the commencement of the development hereby approved, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and shall also include details for the planting of replacement trees for any that will be removed as part of the development and the infilling of any gaps between trees around the site's perimeter.
14. All planting, seeding or turfing comprised in the approved details of landscaping 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.
15. Prior to the commencement of site clearance, site preparation or development work, a method statement outlining preventative measures to ensure protection of great crested newts shall be submitted to and approved in writing by the Local Planning Authority. The duly approved method statement shall then be adhered to throughout the construction phase.
 16. 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.
 17. Prior to the commencement of site clearance, site preparation or development work 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.
 18. Prior to the commencement of development hereby approved, details of a scheme for the eradication and/or control of Himalayan Balsam 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.
 19. The felling of trees T1-T3 as identified within submitted drawing G7043.001 shall not take place until a survey to establish the presence of bats has been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter take place in accordance with the approved details.
 20. Prior to the commencement of site clearance, site preparation or development work, a scheme for the means of protecting trees and hedges which are to be retained within and immediately adjacent to the site in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to or during the development works (which shall include any special measures that are required to protect trees adjoining the internal access road where any excavation is required), has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. 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.
 21. Prior to the first occupation of the development hereby approved and within three months of the commencement of development on site, 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.

22. Prior to the first use of the development hereby approved, details of the length and siting of the acoustic fence referenced within the submitted Environmental Noise Study (prepared by Red Acoustics, dated 16 December 2014) shall be submitted to and approved in writing by the Local Planning Authority. The approved fence shall then be installed and the recommendations and noise attenuation measures contained within the study shall be implemented prior to first use of the development and shall be retained and maintained as necessary in perpetuity.
23. 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).
24. Prior to the commencement of the development hereby approved:
- a) A desktop study shall be undertaken 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 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 be undertaken in accordance with details approved in writing by the Local Planning Authority.
 - d) A Method Statement and remediation strategy, based on the information obtained from c) above 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.

Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the Local Planning Authority.

25. Prior to the commencement of the development hereby approved, details of a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate sensitivity to the rural character and openness of the site and the avoidance of lighting in the direction of nearby neighbouring properties. 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.
26. Any facilities for the storage of fuels or oils shall be sited on impervious bases and surrounded by an impervious bund, details of which shall be first submitted to and approved in writing by the Local Planning Authority and be implemented during development. For the avoidance of doubt, the minimum volume of the secondary containment provided by the bund should be at least equivalent to 110% of the tank capacity.

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. The development hereby approved is acceptable in this instance, having regard to its close association with the rural locality but alternative Class B8 uses are unlikely to be appropriate within the rural area and would therefore require further consideration, in accordance with Policy 1 of the adopted Central Lancashire Core Strategy, Policy EN1 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.
4. 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 and the Residential Extensions and Alterations Supplementary Planning Document.
5. Details are required prior to commencement, 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).
6. In order to ensure 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).
7. In order to ensure 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).
8. To ensure adequate turning, manoeuvring 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).
9. To encourage travel by employees to the site by cycle and motorcycle , 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. 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.
11. 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.

12. To ensure the satisfactory implementation of the proposal, in order to ensure the site is suitably cleared and tidied, in the interests of the visual amenities of the site and its surroundings, in accordance with Policy 1 of the adopted Central Lancashire Core Strategy, Policy EN1 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.
13. Details are required prior to the commencement of development 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.
14. 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).
15. Details are required prior to commencement 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.
16. 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.
17. In order to ensure that, prior to the commencement of development, 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 and the National Planning Policy Framework.
18. Details are required prior to the commencement of development 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.
19. 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.
20. Details are required prior to the commencement of development 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.

21. 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 Policy 27 of the Adopted Central Lancashire Core Strategy.
22. Details are required prior to the commencement of development 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.
23. 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.
24. 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.
25. Details are required prior to the commencement of development in order to avoid excessive artificial lighting to protect the rural character and appearance of the site and to prevent glare or loss of amenity to neighbouring properties from excessive illumination, in accordance with Policy 17 of the adopted Central Lancashire Core Strategy and the National Planning Policy Framework.
26. To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health in accordance with Policy EN7 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies), Adopted Central Lancashire Core Strategy Policy 29 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 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.

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

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 Lancashire Highways 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 applicant is reminded that reptiles are protected under schedule 5 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to take or kill reptiles. If a reptile is found on or near the site during the development work should cease and a suitably experienced ecologist employed to how best to safeguard the reptile(s).

A major accident hazard pipeline (Walton Le Dale - Slyne Pipeline) is situated in close proximity. It is the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site, at Plant Protection Team, 3rd Party Enquiries, National Grid Block 1 Floor 2 Brick Kilm Street, Hinckley, Leicestershire, LE10 0NA.

The applicant is advised to contact United Utilities regarding a potential water supply or connection to public sewers, at Developerserviceswater@uuplc.co.uk.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found at: <https://www.lancashire.gov.uk/>

The applicant is advised to employ the following measures, in order to control against excessive noise arising from the site operations:

All loading bay doors should be kept closed when not in use.

All fire doors should be kept closed.

Vehicle engines should be switched off when not in use.

Fork lift trucks used on site should be powered by either electric or gas.

Traditional reversing beepers should not be used, instead the site should use either a banks man or white noise type beepers.

Refuse service vehicles should be scheduled to collect refuse after 07:00 hours.

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.