

APPLICATION 09/00933/FULMAJ - Planning Conditions

(Asda scheme)

Highways and Market Street

1. **Condition:** No part of the development hereby approved shall commence until a scheme for the construction of all site access by vehicles, pedestrians and cyclists and the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The scheme shall include the timing of the delivery of all such works, including the Market Street improvements, together with contingency arrangements.
Reason: *In the interests of highway safety and to ensure appropriate pedestrian connectivity between Chorley Town Centre and the Class A1 foodstore before it commences trading, and in order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site*
2. **Condition:** No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in condition 1 has been constructed and completed in accordance with the scheme details.
Reason: *In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.*
3. **Condition:** The proposed scheme improvement works to Market Street shown on approved plan Ref. PL-11/RevB shall be implemented in general conformity with that plan before the store commences trading unless otherwise agreed in writing with the Local Planning Authority.
Reason: *To ensure appropriate pedestrian connectivity between Chorley Town Centre and the Class A1 foodstore, to mitigate against the potential impacts of the development and to accord with the requirements of PPS4 and PPG 13*
4. **Condition:** Before occupation of the development hereby permitted, the following improvements will be made to existing bus stops on Bolton Street and Pall Mall:
 - Introduction of Real Time Information Displays to bus stops on Bolton Street and Pall Mall identified in the approved highways plan
 - New bus stops, shelters and low floor infrastructure (Bolton Street only)
 - Repainting bus stop markings (Pall Mall only)Full details of the works shall be submitted to the Local Planning Authority and written approval to the details obtained from the Local Planning Authority prior to the commencement of development. Such works to be retained thereafter.
Reason: *In order to ensure that the development is accessible by a choice of means of transport including public transport in accordance with PPS4 and Policy TR1 of the Chorley Borough Local Plan*
5. **Condition:** Before occupation of the development hereby permitted, Real Time Information Displays for bus services shall be installed within the proposed foodstore and retained thereafter. Full details of the works shall be submitted to the Local Planning Authority and written approval to the details obtained from the Local Planning Authority prior to the commencement of development.
Reason: *In order to ensure that the development is accessible by a choice of means of transport including public transport in accordance with PPS4 and Policy TR1 of the Chorley Borough Local Plan*
6. **Condition:** The development shall not be occupied or brought into use until details of a Travel Plan (Broadly in accordance with the draft Travel Plan submitted as part of this application) have been submitted to and approved in writing by the Local Planning Authority, such Travel Plan to include:
 - a. the form and timing of travel surveys
 - b. interim targets pending the results of travel surveys
 - c. actual targets based on the results of travel surveys
 - d. measures proposed to achieve the targets
 - e. the means and funding for the monitoring of the travel plan
 - f. enforcement and sanctions
 - g. timing of submission of the final travel plan

Together with a timetable for the implementation of each such element.

The development shall not be occupied prior to implementation of those parts of the approved Travel Plan that are capable of being implemented prior to occupation. Those parts of the approved Travel Plan that are identified therein as only being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the development is occupied.

Reason: In order to ensure that the development is accessible by a choice of means of transport including public transport in accordance with PPS4 and Policy TR1 of the Chorley Borough Local Plan

7. **Condition:** No development shall take place until the sections of the public highway that fall within the development site (unless otherwise agreed to remain as Public Highway) have been stopped up in accordance with an Order made under the provisions of Section 247 of the Town and Country Planning Act 1990

Reason: In order to ensure the proper development of the application site and as the grant of planning approval does not override other legislation

Tunit

8. **Condition:** The construction of the foodstore shall not be commenced until detailed plans of the works proposed to the boundary with Tunit (building defined on plan LE-07), details of access to that building and a development phasing plan have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in full in accordance with the approved plans and shall be retained thereafter.

Reason: To safeguard the operation and amenity of this nearby business and to ensure that access to the existing business is maintained during and upon completion of the development

BREEAM and Energy Conservation

9. **Condition:** Each building hereby permitted which provides more than 500sqm gross floorspace shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good' and achieve 2 credits within Issue Ene 5: Low or Zero Carbon Technologies.

Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS4

10. **Condition:** No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing.

Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS4

11. **Condition:** No building unit shall be occupied until a 'Post Construction Stage' assessment has been carried out and a Final Certificate has been issued for it certifying that a BREEAM standard of 'very good' and 2 credits under Issue Ene 5 have been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS4

Servicing

12. **Condition:** Deliveries, servicing and collections to and from the Class A1 Foodstore, including waste collections, shall not take place outside the following hours:

06:00 to 23:00 – Monday to Saturday

08:00 to 19:00 – Sundays and Bank Holidays

Where exceptional circumstances require deliveries/servicing/collections to take place outside these stated hours, full written permission will firstly be sought from Chorley Council.

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP20

Waste Compactor

- 13. Condition:** The Class A1 Foodstore's waste compactor shall not operate outside the following hours:

06:00 to 23:00 – Monday to Saturday

08:00 to 19:00 – Sundays and Bank Holidays.

Reason: *To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP20*

Use of Temporary Refrigeration

- 14. Condition:** No temporary refrigeration units are to be used in the outdoor areas of the Class A1 Foodstore's service yard except in exceptional circumstances (such as the failure of the Class A1 Foodstore's internal refrigeration units).

In such exceptional circumstances full written permission will be sought from Chorley Council prior to or within 24 hours of the temporary refrigeration units being used in the outdoor areas of the Class A1 Foodstore's service yard. Written permission will not be unreasonably withheld.

Reason: *To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP20*

Service Yard Lighting

- 15. Condition:** Service Yard lighting will be reduced to minimum safe illumination levels (20 Lux) outside the Class A1 Foodstore's hours of servicing:

06:00 to 23:00 – Monday to Saturday

08:00 to 19:00 – Sundays and Bank Holidays

Where exceptional circumstances require that Service Yard lighting is not reduced to minimum safe illumination levels (20 Lux) outside the Class A1 Foodstore's hours of servicing, full written permission will firstly be sought from Chorley Council.

Reason: *To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP21A*

Lighting

- 16. Condition:** The approved lighting scheme **Ref: TBC** shall be implemented in full prior to first use of the development hereby approved. All lighting should be designed to reduce spillage outwith the site.

Reason: *To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP21A*

Service Yard Boundary

- 17. Condition:** Access to the strip of land between the service yard and western site boundary (as defined on approved plan Ref.07035.PL14.RevA) will be controlled by secure gate within the service yard of the foodstore.

Reason: *In the interests of security, to prohibit anti-social behaviour and to safeguard amenities of the occupiers of nearby residential accommodation*

Landscaping

- 18. Condition:** Development shall not begin until full details of both hard and soft landscape works (both temporary and permanent) have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, means of enclosure, pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (such as furniture and signs and ticket machines) and planting plans. All hard and soft landscape works shall be carried out in accordance with the approved details and shall be carried out prior to the occupation of any part of the development or in accordance with a programme first submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design in accordance with PPS4*

Standard Time Conditions:

- 19. Condition:** The development of the Class A1 foodstore hereby permitted shall begin not later than three years from the date of this permission.

Reason: *Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning & Compulsory Purchase Act 2004.*

- 20. Condition:** Approval of the details of the scale, access, appearance, landscaping and layout of the free-standing buildings proposed for each of the development opportunity sites, hereafter called the reserved matters, shall be obtained from the Local Planning Authority before any development of the development opportunity sites is commenced.

Reason: *Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning & Compulsory Purchase Act 2004.*

- 21. Condition:** Application for the approval of the Reserved Matters relating to the development opportunity sites shall be made to the Local Planning Authority before the expiration of three years from the date of the outline permission.

Reason: *Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning & Compulsory Purchase Act 2004.*

- 22. Condition:** Each of the units proposed to be developed on the development opportunity sites should be available for occupation within 4 years of the granting of outline permission for that building.

Reason: *in order to secure the implementation of the Development Opportunity building that has been considered within the assessment of this application to be an essential element of the scheme as a whole and supports the conclusion that the development as a whole is acceptable in accordance with PPS4*

Construction Environmental Management Plan

- 23. Condition:** Before any demolition, construction or contaminated land remediation works commence in connection with each identified phase, a Construction Environmental Management Plan (CEMP) must be submitted to, and approved in writing by, the Local Planning Authority detailing the provisions to be made for the monitoring and control of:

- a. Operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than between the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences;
- b. Noise and vibration: To demonstrate compliance with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites; including the proposed measurement methodology, the location of monitoring locations and noise-sensitive premises, the maximum permitted facade noise levels. No piling, blasting, dynamic compaction or use of vibrating rollers shall occur without the written approval of the Local Planning Authority;
- c. Dust/Particulate emissions: To include the prevention of dust/particulates being blown off-site, the sheeting of vehicles and preventing the deposition of dust and mud on the highway. At such times as the prevention of dust/particulate nuisance by the agreed means is not possible, the movement of vehicles, soils or dusty materials must temporarily cease until such time as weather conditions improve;
- d. Waste: To include suitable and sufficient provisions for the collection, storage and disposal of waste materials. No unwanted materials shall be disposed of on site by burning without the prior written approval of the Local Planning Authority;
- e. Lighting: To include a site plan showing the proposed types, locations and heights of the lamps, vertical illuminance levels (Lux) to the facades of agreed light-sensitive premises and operating times. All works shall be fully implemented in accordance with the approved CEMP.

The CEMP shall include:

- f) arrangements for the frequency and criteria for review of the CEMP and its consequential approval by the local planning authority;
- g) arrangements for liaison to be undertaken with affected residents and town centre stakeholders

Reason: *To safeguard the amenities of the occupiers of nearby residential accommodation and to ensure that the impacts of the construction phases of the development are appropriately mitigated against.*

Car Parking Control

- 24. Condition:** No development shall take place until a scheme for the management, charging and charging review mechanism for the class A1 foodstore and retail development opportunity site for use

classes A1/A2/A3/A4/A5 has been submitted to and approved in writing by the local planning authority. The charging review mechanism shall include:

- a. Frequency / criteria for review
- b. Process of review
- c. dispute resolution mechanism

The car parking spaces shown on the approved plan shall be made available at all times in connection with the use of the class A1 foodstore and the retail development opportunity site (use classes A1/A2/A3/A4/A5).

Reason: *To ensure that the management of the car park is consistent with other car parks which currently serve Chorley Town Centre and in order to secure the implementation of the car parking control mechanism that has been considered within the assessment of this application to be an essential element of the scheme as a whole and supports the conclusion that the development as a whole is acceptable in accordance with PPS4.*

25. Condition: The retail store and retail development opportunity site shall not be open for trade until the car park circulatory aisles, and spaces have been provided, surfaced and marked out in accordance with the approved plan ref: 07_035/PL_01 RevV.

Reason: *To ensure the proper planning of the development, and in accordance with policy TR4 and DCLG "Manual for Streets".*

Land Contamination

26. Condition: No development approved by this planning permission shall be commenced until:

- a. a strategy for investigating contamination present on the site has been submitted to and approved in writing by the Local Planning Authority;
- b. an investigation has been carried out in accordance with the approved strategy; and,
- c. a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority;

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified in the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the Local Planning Authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: *To ensure that the presence of or the potential for any contaminated land is detected and appropriate remedial action is taken in the interests of public safety and in accordance with PPS25.*

Drainage

27. Condition: No development approved by this permission shall be commenced until a surface water drainage strategy and phased delivery programme has been submitted to and approved by the Local Planning Authority. The surface water drainage scheme shall be completed in accordance with the approved strategy and programme.

Reason: *To reduce the increased risk of flooding and in accordance with PPS25.*

Public Art

28. Condition: Development shall not be commenced until a scheme for the retention of the 'Big Lamp' and its incorporation within the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the timing of removal, location and method of storage and the timing of installation together with its protection during any construction phase. Development shall be carried out in accordance with the approved scheme.

Reason: *In the interests of preserving an existing feature of local interest in the interests of the proper planning of the site and to achieve a high quality development.*

CCTV Coverage

29. Condition: Prior to or within one month of completion of the landscaping scheme defined in Condition 7, details of the location and design of CCTV to cover the development site and Market Street shall be submitted to and approved by the Local Planning Authority.

Reason: *In the interests of safety and security*

Scale of Buildings Proposed on Development Opportunity Sites

- 30. Condition:** Any building(s) constructed on the proposed development opportunity sites shall fall within the maximum and minimum scale parameters as set out below:

Retail Development Opportunity Site:

Max Height 7m, Max Width 20m, Max Length 40m

Min Height 4m, Min Width 10m, Min Length 15m

B1/D1 Development Opportunity Site:

Max Height 11m, Max Width 16.5m, Max Length 55m

Min Height 5m, Min Width 8m, Min Length 18m

Reason: *in order to secure the implementation of the Development Opportunity buildings that have been considered within the assessment of this application to be an essential element of the scheme as a whole and supports the conclusion that the development as a whole is acceptable in accordance with PPS4*

Plans

- 31. Condition** The development hereby permitted shall be carried out in accordance with drawing numbers...TBC.

Reason: *To ensure that the development is carried out in accordance with the approved plans.*

Floorspace Restriction

- 32. Condition** The net sales area of the Class A1 foodstore shall not exceed 4,088sqm, comprising 2,289sqm maximum for the display and sale of convenience goods and 1,799sqm maximum for the display and sale of comparison goods.

Reason: *In order to protect the vitality and viability of Chorley Town Centre and in accordance with PPS4.*

Subdivision Restriction

- 33. Condition** The Class A1 foodstore shall not be sub-divided into smaller retail units.

Reason: *In order to protect the vitality and viability of Chorley Town Centre and in accordance with PPS4.*

Materials

- 34. Condition** No development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the class A1 foodstore have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: *To secure a high quality design in accordance with PPS1, PPS4, policy GN5 of the Chorley Local Plan Review.*

Foodstore FFL

- 34. Condition** The finished floor level of the class A1 foodstore shall be constructed at a height not exceeding 87.5m AOD

Reason: *To secure a high quality design in accordance with PPS1, PPS4, policy GN5 of the Chorley Local Plan Review, and to control the impact to surrounding residential properties.*

Asda conditions v4 – 8/10/10