

Development Control Committee

Tuesday, 13 October 2009

Present: Councillor Geoff Russell (Chair), Keith Iddon (Vice-Chair), Councillors Judith Boothman, Alistair Bradley, Henry Caunce, Mike Devaney, David Dickinson, Dennis Edgerley, Christopher France, Roy Lees, June Molyneaux, Simon Moulton, Mick Muncaster and Ralph Snape

Officers: Jane Meek (Corporate Director (Business)), Chris Moister (Legal Services Manager), Paul Whittingham (Development Control Manager), Dianne Scambler (Democratic and Member Services Officer), David Stirzaker (Planning Officer) and Ian Heywood (Conservation Officer)

Also in attendance: Councillors Adrian Lowe (Chorley North East Ward)

09.DC.82 CHANGES TO THE CHAIR AND VICE CHAIR

The Vice Chair Councillor Geoff Russell explained that he would be the Chair in the absence of Councillor Harold Heaton and that Councillor Keith Iddon would be the Vice Chair for this meeting of the Development Control Committee.

09.DC.83 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ken Ball, Julia Berry and Harold Heaton

09.DC.84 DECLARATIONS OF ANY INTERESTS

No declarations of interest were declared.

09.DC.85 MINUTES

RESOLVED - That the minutes of the meeting of the Development Control Committee held on 15 September 2009 be held as a correct record for signing by the Chair.

09.DC.86 PLANNING APPLICATIONS AWAITING DECISION

The Corporate Director (Business) submitted reports on three applications for planning permission to be determined by the Committee.

RESOLVED – That the planning applications as now submitted, be determined in accordance with the Committee’s decisions recorded below:

(a) 09/00640/FUL - 4, Ewell Close, Chorley

(The Committee received representations from an objector to the proposals, the applicant’s agent and Councillor Adrian Lowe who was the Ward representative)

Application no: 09/00640/FUL
Proposal: Demolition of existing bungalow and erection of 7 two storey detached dwellings with associated garages and infrastructure
Location: 4 Ewell Close, Chorley
Decision:

It was proposed by Councillor Dennis Edgerley, seconded by Councillor Chris France and was subsequently **RESOLVED (12:0) to defer the planning application to**

allow for the full consultation period and be brought back to this Committee for a decision.

(b) 08/00910/OUTMAJ - Group 1, Euxton Lane, Euxton, Chorley

(The Committee received representations from an objector to the proposals and the applicant's agent)

Application no: 08/00910/OUTMAJ
Proposal: Outline planning application for the redevelopment of land at Group One (Site Area 54.34 Hectares), Royal Ordnance Site, Chorley for mixed use development comprising housing and commercial uses (including uses A1, A2, A3, B1, B2, C1, C2 and C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2006) and associated landscape treatment and highway works.
Location: Group One, Euxton Lane, Euxton, Lancashire

Decision:
It was proposed by Councillor Mike Devaney, seconded by Councillor David Dickinson and was subsequently **RESOLVED to grant planning permission subject to a Legal Agreement and the following conditions:**

1. Any application for approval of reserved matters (as defined in Condition 2 below) for all Phases identified on the approved Masterplan reference 895/97A must be made to the Council not later than the expiration of ten years beginning with the date of this decision notice. Each Phase or Sub-Phase (as defined in Condition 3 below) of the development shall be begun within two years of the date of the Reserved Matters Approval relating to that Phase or Sub-Phase or in the case of approval of reserved matters on different dates the date of the final approval of the last of such matters to be approved.

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

2. Subject to Condition 3 (below) before any Phase of the development (as identified on the approved Master plan reference 895/97A) or a Sub-Phase of a Phase (as defined by Condition 3 (below)) hereby permitted is first commenced, full details of all reserved matters relating to that Phase or Sub-Phase (namely the appearance, layout, scale and landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority. Approval of the reserved matters shall be obtained from the Local Planning Authority in writing for each phase or Sub Phase of the development (excluding works of demolition, site remediation and archaeological investigation) is commenced, unless otherwise agreed in writing by the Local Planning Authority.

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

3. Any application for approval of reserved matters of a Sub-Phase of a Phase shall not be submitted for approval pursuant to Condition 2 (above) unless there has first been submitted to and approved in writing by the Local Planning Authority a plan showing the extent of the proposed Sub-Phase for which reserved matters are to be submitted. For the purposes of this planning permission, all references to a Sub-Phase or Sub-Phases shall be to a Sub-Phase or Sub-Phases as shown on a plan approved by the Local Planning Authority pursuant to this Condition 3.

4. The development hereby permitted shall be carried out in accordance with the approved Masterplan (reference 895/97A received 28th August 2009), the

approved Building Density plan (reference 895/94 received 28th August 2009), the approved Building Heights plan (reference 895/98 received 28th August 2009), the approved Phasing Plan (reference 895/93A received 28th August 2009) and the approved Land Use Plan (reference 895/89A received 28th August 2009) unless otherwise agreed in writing by the Local Planning Authority. Additionally the development shall be carried out in accordance with the approved Development Profile by Phase dated 28th August 2009, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an acceptable form of development for the site within the parameters of the Environmental Impact Assessment which accompanied the application.

5. Prior to the submission of any reserved matters applications on the site pursuant to Condition 2 a Design Code shall be submitted to and approved in writing by the Local Planning Authority. This Design Code shall be produced in accordance with the Design and Access Statement dated August 2008 and the Supplementary Report to the Design and Access Statement dated January 2009. The Design Code shall include the design principles for the whole of the site and will incorporate, amongst other elements:

- The Masterplan for the site
- Specific character areas incorporating detailing design requirements
- A highway hierarchy and design considerations including the alignment of the main road through the site linking Central Avenue to the A49
- A greenspace and landscape structure
- A movement framework
- Layout considerations
- Parking and garaging
- Appropriate building and hardsurfacing materials
- Details of appropriate boundary treatments
- Lighting
- Signage and signposting
- Sustainability
- Details of the laying of services, drainage and cables
- Bin storage and rubbish collection
- Ecology and nature conservation

Each reserved matters application thereafter shall be submitted in accordance with the Approved Design Code unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a comprehensive approach to the development of this site is achieved and in the interests of the proper planning of the site. In accordance with Policy GN2 of the Adopted Chorley Borough Local Plan Review

6. Prior to the commencement of the development and the submission of any reserved matters application pursuant to Condition 2 the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Foul and surface water drainage
- Surface water strategy including details of the attenuation ponds
- Nature conservation and enhancement works including details of the proposed ponds
- Provision and layout of public open space
- Provision of footpath and cycle links
- Existing and proposed levels
- Tree works and tree protection measures

Each and every reserved matters application shall be submitted in accordance with the approved details. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the proper and comprehensive planning of the site to create a high quality sustainable development. In accordance with Policy GN2 of the Adopted Chorley Borough Local Plan Review.

7. Prior to the commencement of the development a Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be generally in accordance with document submitted with the application entitled The Measures to Promote Sustainable Travel prepared by Singleton Clamp & Partners. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review.

8. Prior to the commencement of the development a movement strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the road hierarchy through the site and the footpath/ cycle linkages through the site. The development thereafter shall be carried out in accordance with the approved movement strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the proper development of the site and to promote connectivity through the site and with the adjacent/ nearby existing Villages. In accordance with Policy GN2 of the Adopted Chorley Borough Local Plan Review

9. Prior to the commencement of the development a landscape strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the informal open space and the structure planting along the southern and western boundaries of the site. In particular the strategy shall detail the phasing of the tree removal along the southern railway boundary, details of the phasing of the replacement tree planting along the southern boundary and the type and size of trees to be planted along the southern boundary. All reserved matters application shall be submitted in accordance with the approved landscape strategy and the development thereafter shall be carried out in accordance with the approved landscape strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the proper development of the site. In accordance with Policy GN2 of the Adopted Chorley Borough Local Plan Review

10. No development shall commence until full details of the proposed footpath/cycle link underneath the bridge at the south-east corner of the site have been submitted to and approved in writing by the Local Planning Authority. No dwelling constructed on the site shall be occupied until the footpath/ cycle link has been provided in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the proper development of the site and to promote connectivity through the site and with the adjacent Buckshaw Village. In accordance with Policy GN2 of the Adopted Chorley Borough Local Plan Review

11. Prior to the commencement of the development a surface water drainage strategy (including a surface water attenuation strategy) shall be submitted to and approved in writing by the Local Planning Authority. The drainage of the site shall thereafter be fully implemented and completed in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Authority to assess the effects of the proposed development on flood defence/land drainage. In accordance with Policy EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS25: Development and Flood Risk

12. Prior to the commencement of the development full details to measures to reduce dust and particulate matter resulting from the construction works shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall be in accordance with the submitted Environmental statement (Pages 101 and 102) which details the mitigation measures to be employed at the site during demolition and construction activities. The development thereafter shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the amount of dust and particulate matter created as a part of the development of the site, in order to minimise the air quality impacts and to provide adequate mitigation measures to reduce dust production. In accordance with Policy EP21 of the Adopted Chorley Borough Local Plan Review

13. Before the development of any Phase or Sub-Phase hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected for that Phase or Sub-Phase (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building/ dwelling for that Phase or Sub-Phase shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy Nos. GN5, HS4 and EM2 of the Adopted Chorley Borough Local Plan Review

14. Samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) for each Phase or Sub-Phase shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of that Phase or Sub-Phase. The development of each Phase or Sub-Phase shall only be carried out using the external facing materials for that Phase or Sub-Phase approved pursuant to this Condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review

15. Full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) for each Phase or Sub-Phase shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that Phase or Sub-Phase of development. The development of that Phase or Sub-Phase shall only be carried out using the approved materials. The development shall only be carried out in conformity with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

16. No phase or Sub-Phase of the development shall commence until a scheme detailing the on-site measures to be installed and implemented so as to reduce carbon emissions, by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot, by means of low carbon sources has been submitted to and approved in writing by the Local Planning Authority for that Phase or Sub-Phase. The submitted scheme

shall also include full details of the predicted energy use of the development expressed in terms of carbon emissions (if no data specific to the application is available benchmark data will be acceptable) and how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority. The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

17. Each and every application for approval of Reserved Matters pursuant to Condition 2 shall demonstrate and provide full details of how the design and layout of the buildings will withstand climate change. The details shall include details of the proposed Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. All dwellings commenced after 1st January 2010 will be required to meet Code Level 3, all dwellings commenced after 1st January 2013 will be required to meet Code Level 4 and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Codes for Sustainable Homes. No Phase or Sub-Phase of the development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

18. Each application for approval of reserved matters pursuant to Condition 2 shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. Each Phase or Sub-Phase of the development shall only be carried out in conformity with the approved level details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5, EM2 and HS4 of the Adopted Chorley Borough Local Plan Review.

19. Each application for approval of Reserved Matters for the commercial premises shall be accompanied by full details of any fixed mechanical plant being used on the premises. The plant shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure and air borne sound. The agreed measures shall be, thereafter, retained and maintained for the duration of the approved use unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that noise generation is minimised on the site, to protect the amenities of the future and existing residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.

20. Each application for approval of Reserved Matters for the B1 office accommodation shall be accompanied by a scheme to demonstrate that the following internal noise levels will not be exceeded within any proposed open plan offices: LAeq,T 45-50 dB. No part of the offices shall be occupied until the scheme has been implemented in accordance with the approved details and shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that noise generation is minimised on the site and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.

21. Any application for approval of reserved matters of a Phase or Sub-Phase pursuant to Condition 2 (above) shall include the submission for approval of a Tree Constraints Plan which gives full details of all existing trees within that Phase or Sub-Phase which are proposed to be retained in accordance with the tree survey approved pursuant to planning approval reference 09/00095/FULMAJ and the measures which will be implemented in order to secure their protection during the course of the development and retention thereafter. No development shall commence until the approved tree protection measures have been put in place and the development of the relevant Phase or Sub-Phase shall thereafter proceed in full accordance with the approved Tree Constraints Plan for that Phase or Sub-Phase, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review

22. Prior to the commencement of the development full details of the phasing of the remediation of the site shall be submitted to and approved in writing by the Local Planning Authority. The remediation and reclamation thereafter shall be carried out in accordance with the approved phasing, the planning permission reference 09/00095/FULMAJ and in accordance with the submitted remediation strategy (Report Ref: B0031-02-R9-B), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is re-mediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control

23. If, during development, contamination not previously identified is found to be present at the site then development shall immediately cease and no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement which forms part of Report Ref: B0031-02-R9-B detailing how this unsuspected contamination shall be dealt with. The development thereafter shall be carried out in accordance with the approved method statement.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is re-mediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control

24. No Phase or Sub-Phase of the development shall be commenced until a validation report containing any validation sampling results for that Phase or Sub-Phase have been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It should also include any plan (a long term management and maintenance plan) for longer term monitoring of

pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The development thereafter shall be carried out in accordance with the approved management and maintenance of the plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is re-mediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control

25. No Phase or Sub-Phase of the development shall be commenced until details of the proposed site compound and cabin locations for that relevant Phase or Sub-Phase of the development have been submitted to and approved in writing by the Local Planning Authority. Site compounds and cabins shall be located in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the site and to ensure the sitings do not adversely impacts on the assets of the site. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

26. Prior to the importation or use of any recycled subsoil and/or topsoil material on the proposed development site, a report detailing the sampling regime and laboratory analysis results of the material shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is re-mediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control

27. Before the development of any Phase or Sub-Phase hereby permitted is first commenced full details and technical specifications of the ground gas protection measures to be incorporated into the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The details and specifications must follow best practice guidance such as that presented in CIRIA Report C665 (2007) *Assessing risks posed by hazardous ground gases to buildings*.

Reason: To protect future occupiers from the ingress of landfill gas and in accordance with Government advice contained in PPS23: Planning and Pollution Control

28. No development shall be commenced until full details of the proposed temporary access road, served from Central Avenue, to serve the development have been submitted to and approved in writing by the Local Planning Authority, (the details to include consideration to all travel modes including pedestrian and cycle access). No more than 330 dwellings or 14,300 square metres of commercial floorspace, whichever occurs first, shall be occupied until the temporary access road has been closed, the access road is cleared from the site and the junction with Central Avenue (shown on plan reference SCP/06047/SK006 received 28th August 2009) has been constructed in accordance with the approved plan SCP/06047/SK006 and is open to public traffic, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

29. No part of the development which is accessed from the A49, indicated on the approved Masterplan reference 895/97A, shall be commenced until the A49 access has been constructed in accordance with approved plan reference SCP/06047/SK005 received 28th August 2009 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

30. No development shall take place until full details of the main road through the site between the junction on Central Avenue and the junction on the A49 have been submitted to and approved in writing by the Local Planning Authority. Thereafter Phase 2 of the development, as shown on the Masterplan (reference 895/97A dated 28th August 2009), shall not be commenced until the main road through the site has been constructed between the junction on Central Avenue and the junction on the A49 in accordance with the approved details and is open to public traffic.

Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

31. No more than 330 dwellings or 14,300 square metres of commercial floorspace, whichever occurs first, shall be occupied until the improvements to Dawson Lane/ Central Avenue Junction shown on plan reference SCP/06047/SK008 received 20th March 2009, and the Hayrick Lane Marking Improvements, plan reference SCP/06047/SK007 received 20th March 2009, have been completed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

32. No development shall take place until a programme of archaeological work, for the area of the site detailed on plan reference 895/99, received 2nd September 2009, has been carried out and completed in accordance with a scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority. No work in the area defined on plan reference 895/99 received on 2nd September 2009 shall take place until the approved archaeological scheme of investigation has been completed in accordance with the approved details.

Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately excavated and the remains recorded and in accordance with Policy Nos. HT11 and HT12 of the Adopted Chorley Borough Local Plan Review.

33. A scheme of landscaping for each Phase or Sub-Phase shall be submitted and agreed in writing prior to the commencement of that Phase or Sub-Phase of development. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, paved or hard landscaped, detail any changes of ground level and shall be in accordance with the approved landscape strategy pursuant to conditions four and five. Landscaping and restoration schemes should aim to protect, enhance, expand and connect existing habitats and Biological Heritage Sites and re-establish habitats between the Biological Heritage Sites and the development site. Landscaping and restoration schemes should also aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area

Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.

34. All planting, seeding or turfing comprised in the approved details of landscaping pursuant to Condition 33 above shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development within the relevant Phase or Sub-Phase, whichever is the earlier, and any trees or plants which within a period of 5 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.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review

35. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

36. All vehicles, plant, equipment and other machinery used in connection with the construction phase of the site shall be equipped with effective silencing or soundproofing equipment to the standard of design set out in the manufacturers original specification and to a standard which has previously been agreed in writing by the Local Planning Authority. The vehicles, plant, equipment and other machinery shall be maintained in accordance with the approved details at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents, to protect nearby noise sensitive buildings and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.

37. Prior to the occupation of the dwellinghouses hereby permitted a scheme demonstrating that the following internal noise levels will not be exceeded within any of the dwellinghouses: LAeq 2300-0700hrs = 35dB, LAmax 2300-0700 hrs = 45dB, shall be submitted to and approved in writing by the Local Planning Authority. The dwellinghouses shall not be occupied until the approved scheme has been implemented in accordance with the approved details. The approved measures shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the future residents and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.

38. The construction works associated with the development hereby permitted shall not take place except between the hours of:

0800 hrs to 1800 hrs Monday to Friday
0800 hrs to 1300 hrs on Saturdays.

No construction activities shall take place on Sundays or Bank Holidays. These construction hours shall be adhered to during the development of the whole site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents, to protect nearby noise sensitive buildings and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.

39. The B2 use hereby permitted shall be restricted to the hours between 8am and 6pm on weekdays, between 8am and 1pm on Saturdays and there shall be no operation on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EM2 of the Adopted Chorley Borough Local Plan Review.

40. The Class A1 retail floorspace hereby permitted shall not exceed 1,000 square metres/ 10,765 square feet gross.

Reason: To enable the provision of the needs of the development to be met on the site in the interests of sustainability without adverse effects on nearby centres.

41. Notwithstanding the provisions of Town and Country Planning (Use Classes) Order 1987 or any provision in any statutory instrument revoking and re-enacting that Order with or without modification) no part of the Use Class A2 (Financial Institution) floorspace shall be permitted to be used for Use Class A1 (retail) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To control the extent of retail development on the site in the interests of protecting nearby local centres.

42. No dwellings shall be occupied with 25 metres of the two Neighbourhood Equipped Areas for Play (as identified on the Masterplan reference 895/97A received 28th August 2009) until the play area has been constructed and completed in accordance with plans which have previously been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of equipped play space to benefit the future occupiers of the site and in accordance with Policy HS19 of the Adopted Chorley Borough Local Plan Review.

43. Surface water must drain separately from the foul sewerage system and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EM2 of the Adopted Chorley Borough Local Plan Review.

44. No development of Phase 2, detailed on Masterplan reference 895/97A received 28th August 2009, shall commence until the works to the landfill zone adjacent to the site have been completed in accordance with planning permission 09/00058/CTY, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate ecological mitigation is provided in a specified time scale for the ecological impacts of the remediation and redevelopment of the site. In accordance with Government advice contained in PPS9: Biodiversity and Geological Conservation and in accordance with Policies EP4 and EP9 of the Adopted Chorley Borough Local Plan Review.

45. Prior to the commencement of any phase or sub phase of development, proposed measures to prevent long-term impacts on adjacent Biological Heritage Sites and other habitats shall be submitted for approval by the planning Authority. This shall include measures to prevent the establishment of informal access routes into sensitive habitats, measures to prevent trampling or other recreational pressures on sensitive habitats, prevention of garden waste tipping or extension of gardens into sensitive habitats, measures to prevent colonization of Biological Heritage Sites and other habitats by exotic/non-native species, measures to reduce the likely impacts of domestic pets on sensitive habitats and associated species and measures to reduce negative impacts of edge effects on semi-natural habitats. The development thereafter shall be carried out in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide long-term protection to Biological Heritage Sites and semi-natural habitats and to ensure compliance with Government advice contained in PPS9 and Policies EM1 and DP7 of the Regional Spatial Strategy.

46. Prior to the commencement of each Phase of the development (as shown on the details to be approved pursuant to Condition 3), full details of facilities to be provided for the cleaning of wheels of vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design, specification and locations. The wheel wash facilities shall be provided, in accordance with the approved details, before the commencement of the development of the relevant Phase and thereafter retained at all times during operation of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the tracking of mud and/or the deposit of loose material upon the highway, in the interests of public safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review

(c) 09/00095/FULMAJ - Group 1, Euxton Lane, Euxton, Chorley

(The Committee received representations from an objector to the proposals)

Application no: 08/00910/OUTMAJ
Proposal: Outline planning application for the redevelopment of land at Group 1 (Site Area 54.34 Hectares), Royal Ordnance Site, Chorley for mixed use development comprising housing and commercial uses (including A1, A2, A3, B1, B2, C1, C2 and C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2006) and associated landscape treatment and highway works.

Location: Group 1 Euxton Lane, Euxton, Lancashire

Decision:

It was proposed by Councillor Mike Devaney, seconded by Councillor David Dickinson, and was subsequently **RESOLVED to grant planning permission subject to a Legal Agreement and the following conditions:**

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This planning permission gives consent solely for the remediation and reclamation of the site as detailed in the planning application and does not give permission for the final use of the application site. The remediation and reclamation hereby approved shall be carried out in accordance with the submitted approved details, the approved phasing, approved pursuant to Condition 3 below, and in accordance with the submitted remediation strategy (Report Ref: B0031-02-R9-B), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the proper development of the site. To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control

3. No development shall be commenced until details of the proposed phasing of the remediation and reclamation works hereby approved has been submitted to and approved in writing by the Local Planning Authority. In particular the plan shall detail the phasing of the tree removal along the southern railway boundary, details of the phasing of the replacement tree planting along the southern boundary and the type and size of trees to be planted along the southern boundary. The development thereafter shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is re-mediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control

4. If, during development, contamination not previously identified is found to be present at the site then development shall immediately cease and no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement which forms part of Report Ref: B0031-02-R9-B detailing how this unsuspected contamination shall be dealt with. The development thereafter shall be carried out in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is re-mediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control

5. No material arising from the remediation works shall be exported from the site other than to the adjacent landfill site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety to prevent the transportation of waste materials which would result in additional traffic on local highways and detrimentally impact on the amenities of the neighbours.

6. Prior to the commencement of each Phase of the development (as shown on the details to be approved pursuant to Condition 3), full details of facilities to be provided for the cleaning of the wheels of vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design, specification and locations. The wheel wash facilities shall be provided, in accordance with the approved details, before the commencement of the development of the relevant Phase and thereafter retained at all times during operation of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the tracking of mud and/or the deposit of loose material upon the highway, in the interests of public safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.

7. Prior to the commencement of each phase of the development, details of the routing of heavy goods vehicles within the site and access to the local highway network, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved routing plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the neighbours amenities and highway safety. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

8. No works including site clearance, site preparation or development work shall take place within 250 metres of identified great crested newt ponds until a detailed great crested newt mitigation method statement, based on the outline mitigation proposals set out within the Ecological Statement dated February 2009 submitted with the application, has been submitted and approved in writing by the Local Planning Authority. The approved method statement shall thereafter be fully implemented and completed as part of the development in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the continued protection of protected species on the site. In accordance with Government guidance contained in PPS9: Biodiversity and Geological Conservation and Policy EP4 of the Adopted Chorley Borough Local Plan Review

9. Prior to the felling of trees, identified within the submitted Ecological Statement dated February 2009, which have the potential to support roosting bats further bat surveys shall be undertaken to establish the presence of bats/ bat roosts. Prior to felling the trees the survey shall be submitted to and approved in writing by the Local Planning Authority. If any bats are present then the survey report shall include a mitigation method statement to demonstrate how detrimental impacts on the bat population will be avoided. The development thereafter shall be carried out in accordance with the approved mitigation measures unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the continued protection of protected species on the site. In accordance with Government guidance contained in PPS9: Biodiversity and Geological Conservation and Policy EP4 of the Adopted Chorley Borough Local Plan Review

10. Prior to the commencement of the development (including site clearance, site preparation and development work) proposals for the protection of species of principal importance, including the common toad, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the continued protection of important species on the site. In accordance with Government guidance contained in PPS9: Biodiversity and Geological Conservation.

11. Prior to the commencement of the development (including site preparation and development work) a detailed mitigation/compensation scheme for ecological impacts shall be submitted to and approved in writing by the Local Planning Authority. The mitigation/compensation scheme shall include habitat re-establishment proposals to off-set all habitat losses, measures to protect and enhance the Biological Heritage Sites and other semi-natural habitats; the re-establishment of semi-natural habitats between the Biological Heritage Sites and the proposed development platform, mapped and quantified areas of habitat re-establishment, after care, long-term management and monitoring. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the ecological value of the site and in accordance with Government advice contained in PPS9: Biodiversity and Geological Conservation and Policies EP2, EP3 and EP4 of the Adopted Chorley Borough Local Plan Review. To ensure enhanced quantity and quality of biodiversity and habitat as required by Policies EM1 and DP7 of The North West of England Regional Spatial Strategy. To mitigate/compensate for short term and long-term impacts on Biological Heritage Sites and other habitats of ecological importance.

12. Within 12 months of the commencement of the development (including site clearance, site preparation and development work) a habitat management plan for the Biological Heritage Site, woodland areas, grasslands, semi-natural habitats and re-established habitats within the site shall be submitted to and approved in writing by the Local Planning Authority. As well as nature conservation management methods, the management plan shall address measures to control and off-set potential long-term impacts on habitats, including impacts that may result in recreational pressure. The management plan shall also include a monitoring scheme and periodic review of

management prescriptions. The Management Plan shall cover a period of 25 years following the completion of the remediation and reclamation within the site shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall cover a period of 25 years following the completion of the remediation and reclamation works. The Management Plan thereafter shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory management, maintenance and retention of habitats. In accordance with Government advice contained in PPS9: Biodiversity and Geological Conservation and Policies EM1 and DP7 of the Regional Spatial Strategy and Policies EP2 and EP9 of the Adopted Chorley Borough Local Plan Review.

13. Prior to the commencement of the development the scope of a tree survey of the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the commencement of the development, the agreed tree survey shall be undertaken. The survey shall be carried out in accordance with British Standard BS5837:2005 and shall detail the type, size, maturity, health and required root protection areas of all the trees on site. This survey shall be submitted to the Local Planning Authority and the site shall be made available for the Local Planning Authority to assess the trees to ascertain which trees are both worthy and capable of retention. No development shall be commenced until the Local Planning Authority has provided written confirmation of which trees will be retained as part of the development and which can be removed. The development thereafter shall be carried out in accordance with the approved details and no tree which the Local Planning Authority has confirmed in writing should be retained as part of the development pursuant to this Condition shall be removed unless the Local Planning Authority agrees otherwise in writing.

Reason: In the interests of the visual amenities of the site and in accordance with policy EP9 of the Adopted Chorley Borough Local Plan Review.

14. During the construction period, all trees to be retained which are directly adjacent to the remediation works, pursuant to Condition 13 above, shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

15. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

16. Prior to the commencement of the development hereby approved and notwithstanding the previously submitted details, schemes of landscaping shall be submitted to and approved in writing by the Local Planning Authority for the following areas of the site (as shown on plan reference 976/P/09 dated 9th February 2009):

Landscape Area 1
Landscape Area 3
Landscape Area 4

The schemes shall indicate all existing trees and hedgerows on the land; detail any to be retained (in accordance with Condition 13 above) , together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area and to provide adequate mitigation for the impacts on the Biological Heritage Sites and geological assets resulting from the remediation activities. In accordance with Government advice contained in PPS9: Biodiversity and Geological Conservation and Policy Nos.GN5, EP2 and EP9 of the Adopted Chorley Borough Local Plan Review.

17. Prior to the commencement of the development hereby approved, notwithstanding the submitted details, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority for the following area of the site (demonstrated on plan reference 976/P/09 dated 9th February 2009):

Landscape Area 2

The schemes shall indicate all existing trees and hedgerows on the land; detail any to be retained (in accordance with Condition 13 above), together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. The replacement trees shall be semi-mature heavy standard trees. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area and to provide adequate mitigation for the impacts on the Biological Heritage Sites and geological assets resulting from the remediation activities. In accordance with Government advice contained in PPS9: Biodiversity and Geological Conservation and Policy Nos.GN5, EP2 and EP9 of the Adopted Chorley Borough Local Plan Review.

18. All planting, seeding or turfing comprised in the approved details of landscaping (conditions 16 and 17) shall be carried out in the first planting and seeding seasons following the completion of the remediation and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged and 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.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

19. The remediation and reclamation works hereby permitted shall not take place except between the hours of:

0800 hrs to 1800 hrs Monday to Friday
0800 hrs to 1300 hrs on Saturdays.

No remediation and reclamation activities shall take place on Sundays or Bank Holidays. These hours shall be adhered to during the development of the whole site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents, to protect nearby noise sensitive buildings and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.

20. All vehicles, plant, equipment and other machinery used in connection with the remediation and reclamation of the site shall be equipped with effective silencing or soundproofing equipment to the standard of design set out in the manufacturers original specification and to a standard which has previously been agreed in writing by the Local Planning Authority. The vehicles, plant, equipment and other machinery shall be maintained in accordance with the approved details at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents, to protect nearby noise sensitive buildings and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.

21. Prior to the importation or use of any recycled subsoil and/or topsoil material on the proposed development site, a report detailing the sampling regime and laboratory analysis results of the material shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is re-mediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control

22. Prior to the commencement of the development full details to measures to reduce dust and particulate matter resulting from the remediation activities shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall be in accordance with the Environmental statement (Pages 101 and 102), submitted as part of planning application 08/00910/OUTMAJ, which detail the mitigation measures to be employed at the site during demolition and remediation activities. The development thereafter shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the amount of dust and particulate matter created as a part of the remediation of the site, in order to minimise the air quality impacts and to provide adequate mitigation measures to reduce dust production. In accordance with Policy EP21 of the Adopted Chorley Borough Local Plan Review.

09.DC.87 PLANNING APPEALS NOTIFICATION REPORT

The Corporate Director (Business) submitted a report giving notification of two appeals that had been lodged against the refusal of planning permission, one appeal that had been granted by the planning inspectorate and one appeal against enforcement action.

RESOLVED – That the report be noted.

09.DC.88 CONSULTATION RESPONSE TO DRAFT PLANNING POLICY STATEMENT 15 (PPS15)

The Committee received a report informing Members of the draft Planning Policy Statement 15 (PPS15) and sought approval of Chorley's consultation response.

Members were informed that Communities and Local Government (CLG) were continuing its programme of updating and revising all the Planning Policy Guidance (PPG) and replacing them with Planning Policy Statements (PPS). PPG 15, Planning and Historic Environment and PPG16, Planning and Archaeology are to be replaced by a single PPS15.

The PPS had been drafted to support the principles outlined in the Governments white paper, Heritage Protection for the 21st Century (March 2007) which set out three central principals to reform:

- a) The need to develop a unified approach to the historic environment
- b) Maximising opportunities for inclusion and involvement
- c) Supporting sustainable communities by putting the historic environment at the heart of an effective planning system.

The PPS aims to reflect these principles with a more modern, integrated approach, making no distinction between buildings and archaeology, however it was felt that care must be taken to ensure that not too much detail is lost in the drive for simplification. In an attempt to be more flexible and user friendly the resultant PPS is too vague and ambiguous.

Chorley's consultation response to CLG is that whilst the draft PPS15 is well intended, it is short on sufficient detail to be, at best adequate, as a tool for Local Planning Authority (LPA) staff, conservation professionals, developers and owners and, at worst, opens up a raft of loopholes for the unscrupulous or unwary to slip through. The result could be severely detrimental to our historic environment as many of the assumptions given in the impact assessment are either inaccurate or misleading.

RESOLVED – That the consultation response be endorsed and submitted to the Communities and Local Government (CLG).

09.DC.89 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS) IN CONSULTATION WITH THE CHAIR AND VICE CHAIR OF THE COMMITTEE

The Committee received for information, tables listing six applications for Category 'B' development proposals which had been determined by the Corporate Director (Business) in consultation with the Chair and Vice Chair of the Committee at meetings held on 15 and 30 September 2009.

RESOLVED – That the tables be noted.

09.DC.90 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS)

The Committee received for information, a schedule listing the remainder of the planning applications determined by the Corporate Director (Business) under delegated powers between 1 and 30 September 2009.

RESOLVED – That the schedule be noted.

Chair