

Item 11/00403/OUTMAJ

Case Officer Mrs Nicola Hopkins

Ward Astley And Buckshaw

Proposal Section 73 application to vary condition 29 (access on the A49) attached to outline planning approval 08/00910/OUTMAJ

Location Group 1 Euxton Lane Euxton Lancashire

Applicant BAE Systems

Consultation expiry: 15 June 2011

Application expiry: 10 August 2011

Proposal

1. This application is a section 73 application to vary condition 29 attached to planning approval 08/00910/OUTMAJ.
2. Outline planning permission was granted in December 2009 to redevelop the land known as Group 1, Buckshaw Village for mixed use development comprising housing and commercial uses and associated landscape treatment and highway works.
3. 47 conditions were attached to the outline planning approval a few of which have now been discharged. The site crosses the Borough boundary with South Ribble and they issued an identical planning approval for the site.

Recommendation

4. It is recommended that this application is granted subject to the associated supplemental Section 106 Agreement

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Condition 29
 - Other conditions

Assessment

Principle of the development

6. The principle of redeveloping the site was established by the grant of outline planning permission. This application purely proposes amendments to the detail of the approval which is addressed below.

Condition 29

7. Condition 29 of the planning approval stated:
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.
8. As consideration of the details of the site have progressed further consideration has been given to the precise technical details of the access junction at the A49 along with the first stretch of road serving the site, to which this condition relates.

9. South Ribble Borough Council dealt with a full planning application for the access junction and first stretch of road into the site in December 2010 (07/2010/0406/FUL). This application was submitted for two reasons: (1) to enable the pursuit of a newt licence on the basis of a full planning permission and (2) to enable the developer to enter into discussions on the residential development of Parcel H5 on the understanding that there would be a full planning approval in place to access this parcel. This application was approved.
10. The purpose of varying condition 29 of the original outline consent is due to the fact that the condition specifically referred to plan reference SCP/06047/SK005. The plan which has been approved by South Ribble as part of their full application in 2010 amends some of the details of the access junction, in liaison with Lancashire County Council and as such the applicants are applying to vary the condition to refer to the new plan.
11. Lancashire County Council were satisfied with the detail submitted as part of the South Ribble planning application and as such it is considered acceptable to vary the condition to refer to the amended plan. As such it is proposed to vary the condition as follows:

Condition

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/09287/SK009 Rev G, received 11 May 2011.

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

Other conditions

12. As set out below, with the Planning History section, several of the prior commencement conditions have been discharged in respect of the original outline planning approval. This fact is reflected within the suggested conditions which will be compliance conditions as opposed to prior commencement conditions.
13. The approved plans submitted with the original outline application were attached as an informative to the decision notice. Following further consideration of the whole site the phasing of the development changed and the amended plan was approved via letter on 27th January 2011. Additionally condition 4 required the development to be carried out in accordance with the approved Masterplan (reference 895/97A received 28th August 2009) unless otherwise agreed in writing by the Local Planning Authority. The approved Masterplan had the indicative phasing overlaid and as such an amended Masterplan has been submitted detailing the amended approved phasing of the site. To ensure consistency conditions 4, 29, 30 and 44, which refer to the Masterplan, have been amended to refer to the amended Masterplan.
14. A number of the conditions attached to the original outline approval included the phrase '*unless otherwise agreed in writing by the Local Planning Authority*'. As it is no longer possible to agree amendments via letter this phrase has been removed from conditions 4, 13, 14, 15, 16, 17, 19, 20, 21, 24, 25, 36, 37 and 45.

Section 106 Agreement

15. As the approval of this application results in the issuing of a new planning approval a short supplemental S106 Agreement is required tying this application into the original obligations.

Overall Conclusion

16. The submission of this application is purely for clarity purposes to ensure that the relevant condition relates to what will actually be constructed on the ground. The details were considered in full by the Highways Authority as part of the full planning application in South Ribble and considered to be acceptable. As such it is recommended that the variation is approved.

Planning Policies

National Planning Policies:

PPS1, PPS3, PPS9, PPS22, PPS23, PPS25, PPG2, PPG13, PPG16, PPG17, PPG24

North West Regional Spatial Strategy (RSS):

Policy DP1, Policy DP4, Policy DP5, Policy DP7, Policy RDF1, Policy RDF4, Policy W4, Policy W3, Policy L4, Policy L5, Policy RT9, Policy EM1, Policy EM2, Policy EM3, Policy EM5, Policy EM15, Policy EM16, Policy EM17

Adopted Chorley Borough Local Plan Review

Policies: GN2, GN5, GN9, DC1, EP2, EP3, EP4, EP5, EP9, EP17, EP18, EP20, EP21, HS4, HS5, HS6, HS21, EM2, EM9, TR1, TR4, TR18

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

South Ribble Local Plan Policies

D1, QD1, QD4, QD6, QD7, QD10, ENV3, ENV4, ENV6, ENV7, ENV8, ENV9, ENV20, ENV22, ENV24, T7, T8, T9, RT10, T11. Interim Planning Policies: HP2R, HP6R, HP4R, H1R, H5R, OS1

Joint Core Strategy

Sites for Chorley- Issues and Options Discussion Paper December 2010

Planning History

Chorley Council:

97/00509/OUT: Outline application for mixed use development (granted in 1999)

97/00660/CTY- Erection of a landfill containment facility for the storage of contaminated soils and demolition material and associated land forming. Approved February 1998

02/00748/OUT: Modification of conditions on outline permission for mixed use Development

05/00017/CTY- Variation of conditions 1, 3 and 4 of planning permission 9/97/660 to allow the importation of hazardous waste and to amend the phasing of landfilling and restoration at the existing landfill containment facility. Approved April 2005

07/01108/CTY: Variation of condition 1 of planning permission 09/05/0017, extending the period of operations of the contained landfill facility by 3 yrs from 1/03/08 to 1/03/11. Approved by LCC January 2008

09/00058/CTY: Construction of a landscape mound for recreational and nature conservation use, utilising surplus excavation soils from the restoration of the site. Approved by LCC April 2009

08/00645/FUL: Erection of a bat house at Group One, Buckshaw Village. Approved

08/00910/OUTMAJ: 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. Approved December 2009

08/01002/FUL: Erection of a bat house at group one Buckshaw Village. Approved

09/00084/FUL: Erection of a bat house at group one, Buckshaw Village. Approved

09/00095/FULMAJ: Land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village (site area 54.34 hectares). Approved December 2009

10/00153/DIS: Application to discharge conditions 4, 9, 10, 11, 12, 14, 16, 17, & 18 attached to planning approval 09/00095/FULMAJ. Discharged April 2010

10/00247/DIS: Application to discharge condition 32 of planning approval 08/00910/OUTMAJ. Discharged April 2010

10/00309/DIS: Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ (discharge of phase 1 only). Discharged July 2010

10/00339/DIS: Application to discharge conditions 7, 8 and 23 of planning approval 09/00095/FUL. Discharged June 2010

10/00608/NLA: Neighbouring local authority application for construction of an access road onto the A49. No objection

10/00693/DIS: Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ (further phase relating to more information on tree removal/tree retention in the high and medium risk remediation zones). Discharged September 2010

10/00940/DIS: Application to discharge conditions 7, 10, 12, 22 & 28 attached to planning approval 08/00910/OUTMAJ. Discharged December 2010

10/01061/DIS: Application to discharge condition 47 attached to planning approval 08/00910/OUTMAJ. Discharged January 2011-06-03

10/01062/DIS: Application to discharge condition 13 attached to planning approval 09/00095/FULMAJ. Discharged January 2011

11/00080/DIS: Application to discharge conditions 5, 6, 8, 9, 11, 29, 30 and 46 attached to planning approval 08/00910/OUTMAJ. Discharged March 2011-06-03

11/00099/DIS: Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ. (Phase 2 of the tree removal/tree retention and amendments to Phase 1 previously approved as part of 10/00309/DIS and 10/00693/DIS). Discharged February 2011

11/00361/NLA: Neighbouring Local Authority consultation on a reserved matters application for the construction of an access road, foul water pumping station and layout of the NEAP/ open space (site 0.9ha) at Group 1, Buckshaw Village. No objection

South Ribble Council:

07/2008/0641/OUT: Outline planning application for the re-development of the land at Group One (site area 54.34ha), Royal Ordnance, site Chorley for a mixed use development comprising housing and commercial uses (including uses within Classes A1, A2, 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. Approved

07/2009/0062/FUL: Land reclamation and remediation earthworks to create a development platform. Approved

07/2010/0134/DIS: Application to discharge planning conditions 4, 9, 10, 11, 12, 16, 17 and 18 on planning permission 07/2009/0062/FUL. Conditions discharged

07/2010/0232/DIS: Application to Discharge Condition No. 32 on planning permission 07/2008/0641/OUT relating to a programme of archaeological work. Condition discharged

07/2010/0312/DIS: Discharge of Condition Nos. 7, 8 and 23 on planning approval 07/2009/0062/FUL. Conditions discharged

07/2010/0283/DIS: Discharge of Conditions. Conditions discharged

07/2010/0406/FUL: Construction of an access road onto the A49. Approved

07/2010/0729/DIS: Application to Discharge Condition Nos 7 (Travel Plan) 10 (Footpath/Cycle link) 12 (Dust) 22 (Remediation) & 28 (Temporary access road) of planning permission 07/2008/0641/OUT. Conditions discharged

07/2010/0830/DIS: Discharge of Condition 47 (07/2008/0641/OUT) Land reclamation and remediation to create a development platform. Conditions discharged

07/2010/0829/DIS: Discharge of Condition 13 (07/2009/0062/FUL). Condition discharged

07/2011/0073/DIS: Application to discharge conditions No.5 (Design Code) 6 (Framework details - part of design code) 8 (Movement Strategy) 9 (Landscape Strategy) 11 (Surface water drainage Strategy) 29 (Masterplan reference 895/97A) 30 (Full details of Main Road) 46 (Long term impacts). Conditions discharged

07/2011/0087/DIS: Application to discharge condition 14 (Tree Survey Phase 2) of planning permission 07/2009/0062/FUL. Condition discharged

07/2011/0251/REM: Construction of access road, foul water pumping station and layout of the NEAP/open space (site 0.9ha). Pending consideration

07/2011/0336/VAR: Variation of planning condition No 29 on planning approval 07/2008/0641/OUT- Construction of access. Pending consideration

07/2011/0334/DIS: Application to discharge condition Nos 7 (Noise Assessment) & 8 (Dust Management Plan) of planning permission 07/2010/0406/FUL. Pending consideration.

**Recommendation: Permit (Subject to Legal Agreement)
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 outline planning approval reference 08/00910/OUTMAJ (22nd December 2009). 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 Masterplan 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 before each respective 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 895/97D received 22nd June 2011), 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 895/93C received 18th January 2011) and the approved Land Use Plan (reference 895/89A received 28th August 2009). Additionally the development shall be carried out in accordance with the approved Development Profile by Phase dated 28th August 2009.

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

5. The development hereby permitted shall be carried out in accordance with design principles for the whole of the site as set out within the approved Design Code (submitted as part of discharge of condition application 11/00080/DIS). Each application for reserved matters shall be submitted in accordance with the Approved Design Code.

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. The development hereby permitted shall be carried out in accordance with the approved Framework Details (submitted as part of discharge of condition application 11/00080/DIS) in respect of Foul and surface water drainage, Surface water strategy, Nature conservation and enhancement, public open space, 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.

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. The development hereby permitted shall adhere to the measures set out within the Residential Travel Plan dated August 2010 and the Interim Commercial Travel Plan dated November 2010 (submitted as part of discharge of condition application 11/00940/DIS).

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. The development hereby permitted shall be carried out in accordance with the approved movement strategy (discharged as part of application 11/00080/DIS). All reserved matters applications shall be submitted in accordance with the approved movement strategy.

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. The development hereby permitted shall be carried out in accordance with the approved landscape strategy (submitted as part of application 11/00080/DIS). All reserved matters applications shall be submitted in accordance with the approved landscape strategy.
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. The development hereby permitted shall incorporate the approved footpath/cycle link underneath the bridge at the south-east corner of the site in accordance with the approved details, plans reference SCP/09287/D200 (General Arrangement), SCP/09287/D202 (Footpath/ Cycleway Link Under Central Avenue (Cross sections 1 of 4)), SCP/09287/D203 (Footpath/ Cycleway Link Under Central Avenue (Cross sections 2 of 4)), SCP/09287/D204 (Footpath/ Cycleway Link Under Central Avenue (Cross sections 3 of 4)) and SCP/09287/D205 (Footpath/ Cycleway Link Under Central Avenue (Cross sections 4 of 4)), all received 24th November 2010 (submitted as part of discharge of condition application 10/00940/DIS). No dwelling constructed on parcels M1 or H1 shall be occupied until the footpath/ cycle link has been provided in accordance with the approved details.
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. The drainage of the site shall be fully implemented and completed in accordance with the approved surface water drainage strategy (submitted as part of discharge of condition application 11/00080/DIS). All reserved matters applications shall be submitted in accordance with the approved surface water drainage strategy.
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. The development hereby permitted shall incorporate the mitigation measures in respect of dust and particulate matter set out within the Dust Impact Assessment (dated February 2009) submitted as part of discharge of condition application 10/00940/DIS. All reserved matters applications shall be submitted in accordance with the approved mitigation measures.
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.
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.
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.
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.
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.
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.

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.

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 in any phase or sub-phase 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.

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

22. The remediation and reclamation of the site shall be carried out in accordance with the approved Remediation Phasing Plan (reference 895/310 received 19th October 2010), the planning permission reference 09/00095/FULMAJ and in accordance with the submitted remediation strategy (Report Ref: B0031-02-R9-B).

Reason: 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

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 remediated 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, pursuant to condition 22 above, 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.

Reason: 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

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.

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 remediated 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. The first part of the new junction on Central Avenue (plan reference SCP/06047/SK13 Rev B) will be constructed to access the development. Prior to the occupation of 330 dwellings or 14,300 square metres of commercial floorspace, whichever occurs first, the junction with Central Avenue (shown on plan reference SCP/06047/SK006 received 28th August 2009) shall be completed in accordance with the approved plan SCP/06047/SK006 and 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
29. No part of the development which is accessed from the A49, indicated on the approved Masterplan reference 895/97D, shall be commenced until the A49 access has been constructed in accordance with approved plan reference SCP/09287/SK009 Rev G, received 11 May 2011.
Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review
30. The main access road through the site shall be constructed and open to public traffic in accordance with plan reference SCP/09287/SK008 Rev B, received 23rd February 2011, (submitted as part of application 11/00080/DIS) prior to the commencement of phase 2 of the development, as shown on the Masterplan (reference 895/97D received 22nd June 2011).
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 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 set out within the Archaeological Evaluation Project Design dated 9th February 2010 undertaken by AOC Archaeology Group (submitted as part of application 10/00247/DIS) has been completed. On completion of the investigation the final report shall be submitted to and approved in writing by the Local Planning Authority.

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 manufacturer's 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.

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, LAmx 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.

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.

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 895/97D received 22nd June 2011, shall commence until the works to the landfill zone adjacent to the site have been completed in accordance with planning permission 09/00058/CTY.
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 the approved details.
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. The 1.2 hectare piece of land safeguarded for the provision of a primary school, in accordance with the associated Section 106 Agreement, will be grassed and maintained in accordance with the submitted plan reference 895/329, received 31st January 2011 (submitted as part of application 11/00080/DIS). This includes grassing the site and erecting a 0.6 metre high timber post and rail fence at the boundary. This area of land will be maintained in accordance with the approved details until the occupation of 600th property/ for a period of 10 years from the grant of the first reserved matters approval (whichever is the later).

Reason: In the interests of the visual amenities of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

47. The approved Habitat Management Plan (undertaken by Bowland Ecology dated January 2011) for the area of Ancient Woodland, submitted as part of application 10/01061/DIS, will be adhered to for a period of 25 years following the completion of the remediation and reclamation works . The management plan addresses measures to control and off-set potential long-term impacts on habitats, including impacts that may result from recreational pressure, a monitoring scheme and periodic review of management prescriptions along with nature conservation management methods.

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