Item 4f	12/00475/FULMAJ
Case Officer	Mrs Hannah Roper
Ward	Astley And Buckshaw
Proposal	Section 73 application to vary condition 18 (southern boundary treatment) attached to planning approval 09/00095/FULMAJ
Location	Group 1 Euxton Lane Euxton Lancashire
Applicant	BAE Systems (Property & Environmental Services)
Consultation expiry:	21 June 2012

Application expiry: 9 August 2012

Proposal

- 1. The application is a S73 application to vary condition 18 of planning approval 09/00095/FULMAJ. Full planning permission was granted in December 2009 for land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village.
- **2.** Condition 18 related to the landscaping treatment along the boundary of the site with the railway line. This application seeks to vary this condition.

Recommendation

3. It is recommended that this application is granted conditional planning approval subject to the associated Section 106 Agreement

Main Issues

- 4. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Condition 18
 - S106 Agreement

Representations

5. 2 letters of objection have been received which raise the following issues:

The height, scale and appearance of what is proposed

The impact on residential properties in terms of light, loss of privacy, overlooking and disturbance

Damage relating to wind blowing across the site Loss of value of properties Impact on wildlife

Assessment

Principle of the development

- **6.** The site is located to the south west of Buckshaw Village and forms part of the former Royal Ordnance Site. The site is known as Group 1 and was formally a munitions factory occupying 54.34 hectares.
- 7. Planning permission was granted for land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village in December 2009. The site is the last remaining part of the Royal Ordnance Factory.
- **8.** The principle of the development was established with the grant of planning permission in December 2009. This application purely relates to the specific details of the proposals.

Background Information

- 9. When the Royal Ordnance Factory was fully operational it occupied an area of 350 hectares. In 1997 following the progressive demise of the industrial industry a Masterplan for the whole site was developed. From this Masterplan a number of developments have occurred including Buckshaw Village which occupies the core of the factory site, over 170 hectares.
- 10. The redevelopment of Group 1 has always been envisaged however the site did not form part of the main Buckshaw Village Masterplan as it was, until recently, still operational. When the Chorley Local Plan was adopted in 2003 the whole of Buckshaw Village was allocated under Policy GN2. Policy GN2 states that that high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village.
- 11. This part of the Royal Ordnance Factory (Group 1) handled the most volatile explosives and is therefore the most contaminated high risk area. The approval at this site relates to the enabling works required to create development platforms across the site for future development projects. In accordance with Government advice the redevelopment of previously developed sites is central to achieving the Government's objective of ensuring sustainable development and minimises the need to develop Greenfield sites.

Condition 18

12. Condition 18 of planning approval 09/00095/FULMAJ stated:

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 14 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 include mainly 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.*

- **13.** An application to discharge this condition was submitted in February 2010 (10/00153/DIS) and the condition was formally discharged on 17 June 2010. The detailed design of landscape area 2 which was submitted to discharge the requirements of the above condition included a 3 metre high landscape mound with a 10 metre wide landscaping strip on top along the boundary of the site with the railway.
- **14.** The original committee report addressed the requirement for the screening mound feature as follows:

There will be total habitat loss within the area of secondary woodland identified adjacent to the railway which requires a 1000mm confidence scrape. Concerns have been raised in respect of the loss of these trees mainly due to noise created by tree felling and the creation of loss of outlook and loss of privacy when the trees are removed. This area was used for rail sidings and is likely to have a risk of explosives being present. As such the removal of the trees is required to ensure that the area can be adequately remediated and to bring the site back to a suitable standard for redevelopment. The application for the redevelopment of the site proposes to create a 3 metre high earth mound with a 10 metre wide belt of planting on top to replace the existing woodland and will form part of the gardens of the future residential dwellings. The remediation of the site will be phased and undertaken over three seasons (April to September). In relation to tree removal and structure planting it is proposed that by phase of the site tree removal, remediation and earthworks and then structure planting will follow in sequence and that the structure planting will take place within the first planting season following the completion of remedial works in any one phase of the site. Along the southern boundary, the land owners have confirmed that they will endeavour to ensure that tree removal is quickly followed by remediation and the formation of the soil bund and that the associated structure planting will take place within one year of the trees being removed.

- **15.** The land owners, BAE Systems, now wish to amend this boundary mounding treatment and as this is considered to be a material change to the approved scheme it is being brought before Members for consideration.
- **16.** The agent for the application has confirmed that the proposed changes have been brought about by the detailed design of reclamation and earthworks along the southern boundary of Group 1. This design is based on additional survey information. It shows that, bearing in mind the distance from the rail tracks of the earthworks mounding and the fact that the depth of landscape treatment can be maintained, an effective edge to the development area can be created. This edge treatment will be consistent with the character of the area and will provide an appropriate transition from the housing area to the rail corridor.
- **17.** The proposed amendments include the creation of a 1.5 metre high mound with an early maturity of woodland edge buffer planting at 6-8 metres high. The mound will be 10 metres wide to the railtrack boundary with a further 5 metres to the rail tracks themselves.
- 18. Sectional plans have been submitted with the application to demonstrate the effectiveness of the proposals. All of the woodland planting to development plot H1(a) is to be established in Autumn 2012 two years ahead of any planned development which will allow for time to establish an effective boundary screen.
- **19.** The sectional plans also demonstrate that the inclusion of a 3 metre high mound constrains the developability of the adjacent parcels due to the location of the sewer and how a 1.5 metre high mound embraces the originally aspirations for this part of the site whilst securing the development of the site.

Section 106 Agreement

20. 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

21. Although the proposed changes are considered to be significant in respect of this scheme, as the proposed mound reduces in height from 3 metres to 1.5 metres, it is considered that the amendments will secure the development of the site whilst still securing an effective landscaping screen along the railway boundary to the benefit of both the future residents and the existing residents on the adjacent side of the railway. As such the variation of condition 18 is recommended for approval.

Planning Policies

National Polices:

National Planning Policy Framework

North West Regional Spatial Strategy:

Policy DP1: Spatial Principles
Policy DP7: Promote Environmental Quality
Policy EM1: Integrated Enhancement and Protection of the Region's Environmental Assets.
Policy EM2: Remediating Contaminated Land
Policy EM5: Integrated Water Management

Adopted Chorley Borough Local Plan Review:

GN2: Royal Ordnance Site, Euxton
EP2: County Heritage Sites and Local Nature Reserves
EP3: Nature and Geological Sites of Local Importance
EP4: Species Protection
EP5: Wildlife Corridors
EP9: Trees and Woodland
EP17: Water Resources and Quality
EP18: Surface Water Run Off
EP20: Noise
EP21: Air Pollution

South Ribble Local Plan Policies:

D1: New Development
QD6: Noise Sensitive Developments
ENV3: Protecting Other Sites and Features of Nature Conservation Interest
ENV4: Protection of the Habitats of Wildlife
ENV6: Wildlife Corridors
ENV7: Protection of Trees and Woodlands
ENV9: Unstable or Contaminated Land
ENV20: Flood Risk
ENV22: Pollution

Interim Planning Policies: H5R: High Environmental Standards

Chorley's Local Development Framework

• Policy SR1: Incorporating Sustainable Resources into New Development

- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Planning History

97/00509/OUT: Outline application for mixed-use development (granted in 1999) **97/00510/FUL:** Land remediation & earthworks including building demolition & removal of blast walls, building slabs & services; surface scraping; excavation & recycling of foundations & structures & formation of raised landforms as fill disposal areas. Approved February 1999

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

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 years from 1/03/08 to 1/03/11. Approved

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

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

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

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

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

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

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

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

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

12/00266/MNMA: Application for minor non-material amendment to planning application 09/00095/FULMAJ to amend to the remediation phasing. Approved April 2012

12/00448/DIS: Application to discharge condition 17 attached to planning approval 09/00095/FULMAJ. Discharged May 2012

Recommendation: Permit (Subject to Legal Agreement) Conditions

1. The proposed development must be begun not later than three years from the date of planning permission 09/00095/FULMAJ.

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 4 below, and in accordance with the submitted remediation strategy (Report Ref: B0031-02-R9-B).

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 the National Planning Policy Framework

- 3. The phasing of the remediation and reclamation works hereby approved shall be carried out in accordance with the approved phasing 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 National Planning Policy Framework
- 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 remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in the National Planning Policy Framework

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 4), 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.

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. The approved great crested newt method statement, submitted as part of discharge of condition application 10/00153/DIS, shall be fully implemented and completed as part of the development in accordance with the approved details. *Reason: To ensure the continued protection of protected species on the site. In accordance with Government guidance contained in the National Planning Policy*

Framework 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 the National Planning Policy Framework and Policy EP4 of the Adopted Chorley Borough Local Plan Review

- 10. The development hereby permitted shall be carried out in accordance with the approved Protection of BAP Species During Remediation and Earthworks Report submitted as part of discharge of condition application 10/00153/DIS. Reason: To ensure the continued protection of important species on the site. In accordance with Government guidance contained in the National Planning Policy Framework.
- 11. Prior to the commencement of the development (including site clearance, 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.

Reason: In the interests of the ecological value of the site and in accordance with Government advice contained in the National Planning Policy Framework 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. The Habitat Management Plan for the site shall be implemented in accordance with the approved details submitted as part of discharge of condition application 10/01062/DIS. Reason: To ensure the satisfactory management, maintenance and retention of habitats. In accordance with Government advice contained in the National Planning Policy Framework, Policies EM1 and DP7 of the Regional Spatial Strategy and Policies EP2 and EP9 of the Adopted Chorley Borough Local Plan Review.
- Prior to the commencement of the development the scope of a tree survey of the entire 13. 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 14 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. The development shall be carried out in accordance with the approved landscaping details for landscape areas 1, 3 and 4 submitted as part of discharge of condition applications 10/00153/DIS and 12/00448/DIS. Namely plans reference 976/P/10F, 976/P/12E and 976/P/21D.

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 the National Planning Policy Framework and Policy Nos.GN5, EP2 and EP9 of the Adopted Chorley Borough Local Plan Review.

17. The development shall be carried out in accordance with the approved landscape details for landscape area 2 set out within the South Boundary Sections Document (dated 3rd May 2012), plan reference 976/P/11 Rev E (submitted as part of discharge of condition application 10/00153/DIS excluding the reference to a 3 metre high mound) and plan reference 895-P-011 Rev A.

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 the National Planning Policy Framework 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 17 and 18) 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 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.

- **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.

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.

22. 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 the National Planning Policy Framework

- 23. 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. *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*
- 23. The approved plans are:

The approved plane				
Plan Ref.	Received On:	Title:		
895/P/22	9 February 2009	Area of Controlled Surface Excavation to mitigate explosive risk		
976/P/08A	9 February 2009	Extent of Tree Removal		
895/P07A	9 February 2009	Tree Assessment (outwith Biological		
		Heritage Site)		
976/P/06A	9 February 2009	Bulk Reclamation Earthworks		
976/P/04A	9 February 2009	Existing Levels		
976/P/05A	9 February 2009	Proposed Restoration Levels		
976/P-03A	9 February 2009	Illustrative Masterplan		
976/P/02A	9 February 2009	Planning Application Boundary		
976/P/09A	9 February 2009	Location of Structural Landscape Areas		
976/P/10Rev F	12 May 2010	Detailed Design of Landscape Area 1		
976/P/11E	12 May 2010	Detailed Design of Landscape Area 2		
976/P/12E	12 May 2010	Detailed Design of Landscape Area 3		
976/P/21D	12 May 2010	Detailed Design of Landscape Area 4		
895-9-011 Rev A	10 May 2012	South Boundary Key Plan		
B0043/06/RP1	9 March 2012	Remediation Phasing		
Reason: To define the permission and in the interests of the proper development of the site.				