

Item 4e **13/00203/FULMAJ**

Case Officer **Mrs Nicola Hopkins**

Ward **Astley And Buckshaw**

Proposal **Section 73 application to vary condition 4 (approved plans) and condition 37 (implementation of approved landscaping scheme) attached to planning approval 12/00911/FULMAJ to allow for amendments to the planting scheme and the timescale for planting the western landscape buffer associated with Plot B**

Location **Unit 7 And 9 Revolution Park Buckshaw Avenue Buckshaw Village Chorley**

Applicant **Evander Properties Ltd**

Consultation expiry: 3 April 2013

Application expiry: 3 June 2013

Proposal

1. The application relates to Plot B of sites 5, 7, and 9 at The Revolution, Buckshaw Village. Planning permission was granted at the site for *'the erection of 2no distribution centre/industrial buildings (use class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping'* in November 2011 (ref: 11/00837/FULMAJ)
2. Plot B is the building at the western most extent of the site adjacent to the residential development being constructed as part of the on-going Buckshaw Village development.
3. Following the initial grant of planning permission the scheme was amended under Section 73 of the Town and Country Planning Act 1990 (ref: 12/00911/FULMAJ). However these amendments related to Plot A, currently under construction to be occupied by Parcelforce, and did not amend Plot B.
4. This application seeks to make the following amendments to the scheme, by providing an additional plan:
 - Variation of condition 4 to enable the development to be implemented in accordance with a revised landscaping scheme.
 - Variation of condition 37 to allow the western landscaping buffer to be planted in November 2013 (the next planting season).

Recommendation

5. It is recommended that this application is granted conditional planning approval.

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - Variation of condition 37
 - Variation of condition 4

Representations

7. 1 letters of objection have been received from the neighbouring housing developer, Stewart Milne Homes, raising the following points:

- The whole basis of the initial approval of the site was that the size of the building was mitigated by the landscaping scheme on the western boundary.
- If you recall this was also to act as a screen during the construction process of plot A and B.
- The planning condition clearly states the following:

All planting, seeding or turfing comprised in the approved details of western boundary landscaping strip shall be carried out in the first planting and seeding seasons following the grant of this planning approval 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.

- Has the council given written approval to the variation? It is our understanding that planting season finished on 30th March. If you have not are Evander and Parcelforce in breach of condition 37?
- If the council are minded to approve the variation of the condition will they restrict any development on building plot B until the landscaping works are complete?
- The mound is dry. In the opinion of our landscape consultant this could be planted. Can they not start next week, say 8th April? The work could be finished by early May 2013. The weather and temperatures are still cool enough to allow for planting.

8. **Euxton Parish Council** wishes it to be noted that the applicant has not completed planting which was in their previous planning approvals - can this not be urged to be done in the next couple of weeks and if not, in November rather than leaving another 12 months.

Consultations

9. **Chorley's Parks and Open Space Officer** has commented on the proposals which is addressed within the report

Assessment

Proposed amendments

Variation of condition 37

10. Condition 37 of planning approval 12/00911/FULMAJ states:

All planting, seeding or turfing comprised in the approved details of western boundary landscaping strip shall be carried out in the first planting and seeding seasons following the grant of this planning approval 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.*

11. This condition requires all planting, seeding and turfing within the landscape buffer along the site's western boundary to be carried out in the first planting season following the planning permission (November 2012-March 2013). This condition was attached to enable the planting to mature to a level which acts as an effective screen between the proposed development and the adjacent residential development as quickly as possible.

12. This application seeks permission to vary Condition 37 to allow this planting to take place within the second planting season (commencing in November 2013) following the granting of planning permission rather than the first. Following its variation, the condition will read as follows:

All planting, seeding or turfing comprised in the approved details of western boundary landscaping strip shall be carried out during the planting and seeding season commencing in November 2013 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 other of similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interest of appearance of the*

Reasons for amendment

13. Works to implement the approved western landscape buffer have commenced on site which include the creation of mounds (upon which the proposed planting will be situated). However it has been identified that this part of the site is too wet for planting to be introduced at the present time and before the end of the current planting and seeding season.
14. The supporting information sets out that the wet conditions in this area affect the ability of the contractor to prepare the soil for planting as the subsoil needs to be ripped and/or dug to a depth of 300mm to improve drainage before the topsoil is spread onto the area. Whilst conditions are improving on site, only the top 50mm of the mounding is sufficiently dry to enable this preparatory work to be undertaken prior to the planting stock being introduced. If this preparatory work were to be carried out at the present time, anaerobic conditions will be created leading to oxygen deficiencies in the soil. This will result in very poor plant productivity and irreversible damage to the planting introduced to the site. The implication of this is that the planting stock will not achieve the same level of maturity needed to perform an effective screen between the proposed development and the adjacent residential development as it would if it were introduced under ideal (dry) conditions. Due to the need for substantial works to be undertaken to create the bunding in this area, it has not been possible to carry out this preparatory work any earlier.
15. It is acknowledged by the agent that the season for planting bare-root stock has been extended this year due to the prolonged cold weather any sudden increase in temperature could damage plants that are not within the ground when they break leaf.
16. The agent for the application has confirmed that the top-soiling and planting contract for the western boundary covers a sizeable area over a period of up to 8 weeks duration. The soiling works would need to be done first, so even if the contract commenced on site tomorrow it is likely that the groundwork would not be completed ready for the first tranche of planting until towards the end of April at the earliest, and the last of the plants would be going-in in May, well into the Spring season. Plants would certainly be in leaf by then and their chances of survival would be slim.
17. The Council's Parks and Open Spaces Officer visited the site on 26th February and confirmed that, in his view, it is not appropriate to plant this area during the current planting season and until conditions on site have improved for the reasons explained above.
18. The agent's landscape contractor has recommended that the soiling work be delayed until the late spring/summer and the planting until the autumn.
19. As such it is considered appropriate to vary Condition 37 to allow this planting to take place during the next planting season (commencing in November 2013).
20. As set out above the neighbouring housing developer has stated that the mound is dry and queried whether the planting can start in April with the work to be finished by early May 2013. The Council's Parks and Open Spaces Officer has responded to this query stating that the mound does appear dry at the surface, however, when the officer visited the site at the end of February a shallow excavation was conducted which revealed extremely waterlogged and boggy conditions approximately 2-3 inches below the surface. These waterlogged conditions will be problematic in terms of getting machinery on to prepare the ground and the proposed planting itself would be unlikely to survive the boggy conditions.
21. The supporting information confirms that to ensure the same constraint does not arise during the next planting season, the appointed contractor intends to carry out the preparatory work described above during the dryer summer months. Planting will then take place during the next planting season without any potential delay arising from the need for the preparatory work to be carried out.

22. Concerns have been raised that this delay in the planting could result in the building commencing construction and would be practically complete/ complete before the planting is introduced. As such in this case the planting would not act as an effective screen which was its primary intention. To ensure this doesn't happen the following condition was suggested to the agent for the application relating to plot B:

The proposed development of Plot B must not commence until the landscape planting, referred to in condition 37, has been completed. *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 and Policy 17 of the Central Lancashire Core Strategy 2012*

23. The agent for the application has made the following comments in respect of the above suggested condition: *Evander is in commercial negotiation with a potential occupier on Plot B. Should those negotiations be successful an immediate start on site would be required. Evander do not wish for this position and the potential economic benefits to the Borough to be compromised by a condition which precludes development commencing until landscaping works are completed. As such the condition is not acceptable to them.*

24. It is acknowledged that the wet weather last summer has hindered the start of planting on the site however when the original application was considered the applicant, Evander, agreed to the condition which required the landscaping to be planted within the first planting season to enable the planting to begin maturing prior to the construction of the building. If the start of construction is not linked to the planting then the building could be constructed and completed prior to the planting commencing which would be contrary to the considerations in respect of planting and would adversely impact on the neighbours amenities.

25. A similar condition was not attached to the original permission as Evander had not actively identified an end operator for Plot B and it was not considered to be a concern that the building could be constructed prior to the introduction of the landscaping. This was considered taking into account the number of prior commencement conditions attached to the planning approval and the fact that Evander concentrated on securing Parcelforce for Plot A with Plot B still being purely speculative. However the agents for the application have now confirmed that Evander are in negotiations with an end occupier and the threat could be that the building is constructed prior to the next planting season.

26. In this regard the agents for the application have confirmed that they are willing to accept the following condition:

No above ground built development within Plot B shall commence until planting comprised within the approved landscaping scheme for the western boundary strip has commenced. For clarification, site preparation works including but not limited to drainage works, site levelling and foundation installation are not subject to the restriction imposed by this condition.

Reason: to ensure the proposed landscape is implemented at an early stage in the delivery of the development in the interests of residential amenity and in accordance with Policy GN5 of the Chorley Local Plan Review.

27. The agents have confirmed that *this approach will enable the developer to commence work on site in the short term, in the event of securing an end user for Plot B, whilst ensuring that any such development is restricted to that which will not be visible from adjacent residential properties prior to the planting of the landscape screen commencing. It is the applicant's intention to commence and complete the landscaping scheme as quickly as possible during the next planting season. The proposed condition ensures that this is carried out concurrently with the development of Plot B. It is considered that this approach strikes an appropriate balance between ensuring the landscaping is delivered as early as possible within the build programme whilst also ensuring that the development opportunity remains commercially attractive to end users and that the scheme and the benefits it will provide for the Borough can be delivered in the short term.*

28. Whilst it is considered that the site preparation works, excluding above ground construction works, can be commenced prior to the landscaping, as this will not adversely impact on the neighbours amenities, the condition as drafted only requires the landscaping to be commenced which, in theory, could involve minimal planting before the building starts to be constructed above ground.
29. As such in order to protect the neighbours' amenities, the properties adjacent to the site are now occupied/ ready to be occupied and as such protecting the neighbours' amenities is key to the consideration of this application, the condition as drafted by the agents for the application has been amended as follows:

No above ground built development within Plot B shall commence until planting comprised within the approved landscaping scheme for the western boundary strip (detailed in condition 37) has been completed. For clarification, the site preparation works including drainage works, site levelling and foundation installation are excluded from the restrictions imposed by this condition. *Reason: to ensure the proposed landscape is implemented at an early stage in the delivery of the development in the interests of residential amenity and in accordance with Policy GN5 of the Chorley Local Plan Review and Policy 17 of the Central Lancashire Core Strategy 2012*

30. It is considered that this condition enables the potential end occupier to commence development on the site whilst protecting the neighbour's amenities in respect of the above ground built development. It also places the onus on the developers to secure the planting within the next planting season so the same situation as happened in the last planting season at this site does not occur again.

31. It should be noted that the applicants are currently in breach of the landscaping condition (which required the landscaping to be implemented within the last planting season) however a decision regarding the expediency in this case of taking formal enforcement action has not been taken as there have been on-going discussions regarding a solution. If an agreeable solution in this regard cannot be secured then Members should consider whether enforcement action in this case should be taken however Members should be aware that this would relate to the whole application site which includes the Parcellforce building.

32. It is noted that the previous S73 approval (12/00911/FULMAJ) included the following condition:

The proposed development of Plot B must be begun not later than three years from the date of this permission. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

33. However the time period for implementation should have been related back to the original planning approval as an s.73 application cannot be used to vary the time limit for implementation, this must be consistent with the original permission. In this case the decision for application 12/00911/FULMAJ has been issued and as such this recommendation will relate to that approval. The time period condition will be attached as follows:

The proposed development of Plot B must be begun not later than three years from 5th November 2012. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

Variation of condition 4

34. Condition 4 of planning approval 12/00911/FULMAJ states:

The approved plans are:

Plan Ref.	Received On:	Title:
EVAM2000	15th September 2011	Site Location Plan
2028-PL002 Rev B	13 th April 2012	Landscape Plan
5257 - 026	10th April 2012	Site Layout Plan (Complete)

Plot A Phase 1

3500-099 PL-EX-09 Rev A (Plot A)	19 th September 2012	Proposed Fencing Details Phase 1
3500-099 SK55 Rev B Treatment (Plot A)	19 th September 2012	Feature Security Boundary
2028- DL004 Rev A	23 rd April 2012	Plot A Cross Sections
3500-099-EX29 Rev A	21 st October 2012	Gatehouse Elevations Phase 1
3500-099-MIL-EX03H	19 th September 2012	Proposed Site Plan Phase 1
3500-099 EX05B (levels)	3 rd September 2012	Proposed Site Sections (Showing levels)
3500-009-MIL-GA-01 Rev G	19 th September 2012	Building Plan
3500-099-MIL-MIL-GA_02 Rev J	19 th September 2012	Floor Plans
3500-099-MIL-GA-03 Rev G	19 th September 2012	Elevations
<u>Plot A Complete</u>		
3500-099 SK47 Rev A	19 th September 2012	Building Plan (Plot A)
3500-099 SK45 Rev A	19 th September 2012	Elevations (Plot A)
3500-099 SK31 Rev H	19 th September 2012	Office Accommodation (Plot A)
3500-099 SK59 Rev B	19 th September 2012	Proposed Site Plan (Plot A)

Plot B

5257 - 014	27th January 2012	Building Plan (Plot B)
5257 - 016	27th January 2012	Office Floor Plans (Plot B)
5257 - 019	27th January 2012	Elevations (Plot B)
2028-DL001 Plantings at Year 1	27th January 2012	Cross Sections Showing Proposed
2028-DL002 Plantings at Year 7	27th January 2012	Cross Sections Showing Proposed
2028-DL003 Plantings at Year 15	27th January 2012	Cross Sections Showing Proposed

Reason: To define the permission and in the interests of the proper development of the site.

35. The approved landscape plan, reference 2028-PL002 Rev B, detailed the landscaping to the western edge of the site (required to screen the Plot B from the adjacent residential properties) and condition 37 required this landscaping to be implemented within the first planting season following the planning approval, as set out above.
36. The most recent planning approval was issued on 5th November 2012 with the first planting season being November 2012- March 2013 and although the earth mound on which the planting will be sited has been created the planting has not yet commenced.
37. The reason for submitting an amended landscape plan is directly linked to the proposals to amend condition 37 as this will result in the loss of a planting season. The amendments to the landscaping scheme relate to the maturity of the planting stock (reflected in the stipulated height and girth of plants) to be introduced to the site within the landscaped buffer along the site's western boundary. The submitted plan only details the western buffer area and the landscaping detailed on the remainder of the site will remain as per the originally approved plan.
38. The supporting information confirms that to mitigate the 6+ months loss of vegetation growth on site, the supplier of the planting stock will retain this stock until conditions on site have improved sufficiently enough to enable the stock to be introduced to the site. During this time the planting stock will remain in the ground and will therefore continue to grow over off site. Upon introduction to the site during the next planting season, the planting stock will therefore have achieved the same level of maturity as if it were planted on site during the current planting season (under ideal conditions) and allowed to mature in situ.
39. The schedule of planting detailed on the submitted landscape plan has been amended to reflect the fact that the planting stock will be introduced to site will be more mature.

40. The Council's Parks and Open Spaces Officer has reviewed the amended plan and confirmed that the specification set out on the new plan is realistic and the assertions contained within the supporting information, set out above, can be achieved.

Overall Conclusion

41. The proposed changes to the landscaping will ensure that there will be no loss of vegetation growth. The long term screening effect of the landscaping and the timing of its maturity will therefore be unaffected. It is considered that the only solution in respect of the landscaping of the western strip is to require the planting within the next season whilst tying the landscaping to the construction of the building.

Planning Policies

National Planning Policies:

NPPF – Paragraph 7: Requiring Good Design

Adopted Chorley Borough Local Plan Review

Policies: GN2, TR4

Central Lancashire Core Strategy

Policy 17: Design of New Buildings

Planning History

07/01395/REMAJ: Reserved matters application for the erection of 3 buildings for B2 use with ancillary parking areas. Approved 5 March 2008

11/00837/FULMAJ: Erection of 2 no. distribution centre/industrial buildings (Use Class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping. Approved 2 May 2012

12/00540/DIS: Application to discharge condition nos. 5, 19, 28, 32, and 35 of planning permission no. 11/00837/FULMAJ which permitted the erection of 2no. distribution centre/industrial buildings (use class b1c, b2, b8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping. Conditions discharged 25 June 2012

12/00584/MNMA: Non-material minor amendment to application 11/00837/FULMAJ for the erection of 2 no. distribution centre/industrial buildings (Use Class B1c, B2, B8) with ancillary office accommodation, service yard areas, car parking, access, internal circulation areas and landscaping. Approved 16 July 2012

12/00795/MNMA: Minor non-material amendments to application 11/00837/FULMAJ to include an increase in site levels. Approved 27 September 2012.

12/00911/FULMAJ: Variation of condition no.4 (approved plans) of planning permission 11/00837/FULMAJ to allow for minor amendments to the car park and operational area layout and elevations to Plot A for operational improvements. Approved November 2012

13/00001/FULMAJ: Section 73 application to vary condition no.4 (approved plans) of planning permission 12/00911/FULMAJ to allow for amendments to the layout of Plot A including relocation of the temporary security barrier, an extension to the staff car park, revised gate detail, kiosk entry point and kerblineline. Withdrawn

13/00239/FULMAJ: Application for the erection of a security barrier, an extension to the approved car park and the erection of a maintenance store (associated with the Parcelforce building at The Revolution). Pending consideration

Recommendation: Permit Full Planning Permission Conditions

1. The proposed development of Plot B must not commence until the landscape planting, referred to in condition 37, has been completed. *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.*
2. The proposed development of Plot B must be begun not later than three years from 5th November 2012. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

3. The approved plans are:

Plan Ref.	Received On:	Title:
EVAM2000	15th September 2011	Site Location Plan
2028-PL002 Rev B	13 th April 2012	Landscape Plan
5257 - 026	10th April 2012	Site Layout Plan (Complete)
<u>Plot A Phase 1</u>		
3500-099 PL-EX-09 Rev A	19 th September 2012	Proposed Fencing Details
Phase 1 (Plot A)		
3500-099 SK55 Rev B	19 th September 2012	Feature Security Boundary
Treatment (Plot A)		
2028- DL004 Rev A	23 rd April 2012	Plot A Cross Sections
3500-099-EX29 Rev A	21 st October 2012	Gatehouse Elevations Phase 1
3500-099-MIL-EX03H	19 th September 2012	Proposed Site Plan Phase 1
3500-099 EX05B	3 rd September 2012	Proposed Site Sections
(Showing levels)		
3500-099-MIL-GA-01 Rev G	19 th September 2012	Building Plan
3500-099-MIL-MIL-GA_02 Rev J	19 th September 2012	Floor Plans
3500-099-MIL-GA-03 Rev G	19 th September 2012	Elevations
<u>Plot A Complete</u>		
3500-099 SK47 Rev A	19 th September 2012	Building Plan (Plot A)
3500-099 SK45 Rev A	19 th September 2012	Elevations (Plot A)
3500-099 SK31 Rev H	19 th September 2012	Office Accommodation (Plot A)
A)		
3500-099 SK59 Rev B	19 th September 2012	Proposed Site Plan (Plot A)
<u>Plot B</u>		
5257 - 014	27th January 2012	Building Plan (Plot B)
5257 - 016	27th January 2012	Office Floor Plans (Plot B)
5257 - 019	27th January 2012	Elevations (Plot B)
2028-DL001	27th January 2012	Cross Sections Showing
Proposed Plantings at Year 1		
2028-DL002	27th January 2012	Cross Sections Showing
Proposed Plantings at Year 7		
2028-DL003	27th January 2012	Cross Sections Showing
Proposed Plantings at Year 15		
2028-DL005 Rev B	4 th March 2013	Western Boundary
Landscaping Strip		

Reason: To define the permission and in the interests of the proper development of the site.

4. The development of Plot A, Phase 1 shall be implemented in full accordance with the surface water drainage plan and Drainage Statement prepared by Curtis Consulting and discharged under application 12/00504/DIS on the 25th June 2012. *Reason: To*

prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework.

5. Development of Plot A, Phase 2 shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall include details of the surface water discharge rates from the site in accordance with the Buckshaw Village Drainage Strategy and details of how the scheme shall be maintained and managed after completion. The scheme shall also include details of surface water from yard storage areas, vehicle washing areas, loading and unloading areas. Any areas which are likely to be contaminated by spillage should be connected to the foul sewer. In the absence of a sewerage system, such drainage must go to a tank(s) with no discharge to watercourse.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework*

6. Development of Plot B shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall include details of the surface water discharge rates from the site in accordance with the Buckshaw Village Drainage Strategy and details of how the scheme shall be maintained and managed after completion. The scheme shall also include details of surface water from yard storage areas, vehicle washing areas, loading and unloading areas. Any areas which are likely to be contaminated by spillage should be connected to the foul sewer. In the absence of a sewerage system, such drainage must go to a tank(s) with no discharge to watercourse.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework*

7. In respect of Plot A Phase 1 prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas shall be passed through an oil interceptor in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall be designed and constructed to have a capacity and details compatible with, the site being drained. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To protect water quality. In accordance*

with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework

8. In respect of Plot A Phase 2 prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas shall be passed through an oil interceptor in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall be designed and constructed to have a capacity and details compatible with, the site being drained. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To protect water quality. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework*
9. In respect of Plot B prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking / servicing areas shall be passed through an oil interceptor in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority, notwithstanding the previously submitted plans. The scheme shall be designed and constructed to have a capacity and details compatible with, the site being drained. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. *Reason: To protect water quality. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework*
10. Before the development of Plot B hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building 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 protect the amenities of occupiers of nearby properties and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
11. Before the development of Plot A Phase 2 hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building 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 protect the amenities of occupiers of nearby properties and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
12. Before the development of Plot B commences full details, of the 2.5 metre high acoustic fence to be erected along the car park boundary in accordance with appendix F of the submitted Noise Assessment dated February 2012, 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 plans. *Reason: To protect the amenities of the neighbouring residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*

13. Within six months of the first use of the development of Plot A hereby permitted, a Business Travel Plan shall be submitted to and approved in writing by, the local planning authority. The measures in the agreed Travel Plan shall then thereafter be complied with. *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, Policy 3 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
14. Within 6 months of the first use of the development of Plot B hereby permitted, a Business Travel Plan shall be submitted to and approved in writing by, the local planning authority. The measures in the agreed Travel Plan shall then thereafter be complied with. *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, Policy 3 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
15. Before Plot A Phase 1 hereby permitted is first brought into use full details of lighting proposals for the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details. *Reason: To protect the appearance of the locality, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5, EM2 and EP21A of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
16. Before Plot A Phase 2 hereby permitted is first brought into use full details of lighting proposals for the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details. *Reason: To protect the appearance of the locality, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5, EM2 and EP21A of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
17. Before the development of Plot B hereby permitted is first commenced full details of lighting proposals for the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details. *Reason: To protect the appearance of the locality, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5, EM2 and EP21A of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
18. The ground surface materials of Plot A, Phase 1, shall be implemented in full accordance with the plan prepared by Curtis Consulting entitled 'Proposed External

Works Construction Layout' and discharged under application reference 12/00504/DIS.
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 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Core Strategy

19. The development of Plot A Phase 2 hereby permitted shall not commence until 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) have been submitted to and approved in writing by the Local Planning Authority. 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 17 of the Adopted Core Strategy*
20. The development of Plot B hereby permitted shall not commence until 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) have been submitted to and approved in writing by the Local Planning Authority. 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 17 of the Adopted Core Strategy*
21. Before the development of Plot A Phase 1 hereby permitted is first occupied details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be in accordance with the approved details. *Reason: To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review and Policy 3 of the Adopted Core Strategy*
22. Before the development of Plot A Phase 2 hereby permitted is first occupied details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be in accordance with the approved details. *Reason: To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review and Policy 3 of the Adopted Core Strategy*
23. Before the development of Plot B hereby permitted is first occupied details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be in accordance with the approved details. *Reason: To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review and Policy 3 of the Adopted Core Strategy*
24. The car park and vehicle manoeuvring areas for Plot A Phase 1 shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. *Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Core Strategy*
25. The car park and vehicle manoeuvring areas for Plot A Phase 2 shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be

used for any purpose other than the parking of and manoeuvring of vehicles. *Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Core Strategy*

26. The car park and vehicle manoeuvring areas for Plot B shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles. *Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Core Strategy*
27. The development of Plot A, Phase 1 shall be carried out in full accordance with the BREEAM Pre-Assessment approved under application 12/00540/DIS. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
28. The development of Plot A Phase 2 shall not begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
29. The development of Plot B shall not begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
30. Within 6 months of occupation of each building hereby approved (including Plot A Phase 1 and Phase 2) a 'Post Construction Stage' assessment shall be carried out and a Final Certificate, certifying that a BREEAM standard of minimum 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
31. The development of Plot A, phase 1 shall be carried out in accordance with the measures outlined in the Halcrow Report submitted and approved under application 12/00540/DIS that proposes the achievement of 15% carbon reduction against baseline stock. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
32. Prior to the commencement of the development of Plot A Phase 2 full details of the on-site measures to reduce the carbon emissions of the development (related to predicted energy use) by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*

33. Prior to the commencement of the development of Plot B full details of the on-site measures to reduce the carbon emissions of the development (related to predicted energy use) by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details. *Reason: To ensure the development is in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
34. The footpath along the eastern boundary of the site shall be completed in accordance with the details of plan 'Eastern Footpath' approved under application 12/00540/DIS. The footpath shall be edged in either timber or concrete and shall be completed and open to the public prior to the occupation of the building on Plot A. *Reason: To ensure that safe and adequate links for pedestrians and cyclists are incorporated into the development connected to the surrounding area. In accordance with Policy 17 of the Adopted Core Strategy*
35. All planting, seeding or turfing comprised in the approved details of landscaping (excluding the western boundary landscaping strip) shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, 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 27 of the Adopted Core Strategy*
36. All planting, seeding or turfing comprised in the approved details of western boundary landscaping strip shall be carried out during the planting and seeding season commencing in November 2013 (with the preparatory work to the subsoil commencing in summer 2013) 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 other of similar size and species, unless the Local Planning Authority gives written consent to any variation. *Reason: In the interest of appearance of the locality and in accordance with Policy 17 of the Adopted Central Lancashire Core Strategy*
37. The external facing materials detailed on the approved plans shall be used and no others substituted. *Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy 27 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
38. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy 27 of the Adopted Core Strategy*
39. If, during development, contamination not previously identified is found to be present at the site then 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 detailing how this unsuspected contamination shall be dealt with. *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

40. No materials or equipment shall be stored on the site other than inside the building. *Reason: In the interests of the amenity of the area and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.*
41. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 8, Classes A, B and C) or any Order revoking or re-enacting that Order, no extension or alteration (other than Phase 2 of Plot A) shall be carried out in respect of the buildings to which this permission relates. *Reason: To prevent an intensification in the use of the premises, in the interests of the visual amenities of the area and the amenities of local residents and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*
42. In the event that Phase 2 of Plot A has not commenced within 3 years of the completion of Phase 1 a scheme for the landscaping and management of the phase 2 land shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be landscaped and managed in accordance with the approved scheme and maintained in perpetuity pending the commencement of phase 2 of Plot A. *Reason: In the interests of the visual amenities of the area in accordance with Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework.*
43. The development hereby permitted shall be carried out in accordance with the submitted ‘Obligations And Maintenance Operations For Landscape Works Post Completion Landscape Management (5 Years) & Woodland Establishment (15 Years)’, dated April 2012. *Reason: In the interests of the proper development of the site. In accordance with Policy EM1a of the Adopted Chorley Borough Local Plan Review and Policy 17 of the Adopted Core Strategy*
44. The building on Plot B hereby approved shall be constructed in accordance with the mitigations measures set out within the submitted Noise Assessment, dated February 2012. In particular:
- the noise limits set out in Table 5.5 of the report should be applied to all service plant;

Table 5.5

Location	Period	Measured Existing L_{A90}		Proposed Noise Limit $L_{Ar}^{(1)}$	
		Weekday	Weekend	Weekday	Weekend
New Housing	Daytime	44	41	44	41
	Evening	34	41	34	41
	Night	31	37	31	37
Foxglove Drive	Daytime	40	43	40	43
	Evening	38	41	38	41
	Night	39	36	39	36
Euxton Lane	Daytime	47	49	47	49
	Evening	39	40	39	40
	Night	32	33	32	33

Note: ⁽¹⁾ The proposed noise limits are applicable at a point close to, but at least 4 metres in front of, the relevant façade.

- the external building fabric envelope will be designed to optimise the containment of noise to reduce noise emissions from the site.
- The noise emission limits set out in Table 5.5 shall be incorporated into the building design; and
- intrinsically quiet plant shall be utilised.

Prior to the occupation of the building on Plot B hereby permitted full details of the measures which have been installed to achieve the above measures shall be submitted to and approved in writing by the Local Planning Authority. *Reason: To protect the amenities of the neighbouring residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*

45. Prior to the occupation of Plot B by a B2 operator the following noise mitigation measures must be installed/implemented

- Penetrations through the building fabric shall be minimised;
- The number and sizes of doors and windows in noisy areas shall be minimised;
- The building materials shall have sufficient mass to contain the noise generated by any plant or machines that generate low frequency noise;
- The buildings shall be designed such that their natural frequencies do not coincide with the dominant frequencies of the plant;
- All personnel openings shall be fitted with self-closing doors; and
- fast-closing roller doors will be used where large openings are required.

Prior to occupation full details of the measures which have been installed in accordance with the above criteria shall be submitted to an approved in writing by the Local Planning Authority. *Reason: To protect the amenities of the neighbouring residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*

46. Prior to the occupation of the building on Plot B hereby permitted full details of any external fixed plant shall be submitted to and approved in writing by the Local Planning Authority. Any fixed plant shall be designed, located and installed to ensure that the recommended noise limits in Table 5.5 of the submitted Noise Assessment, dated February 2012, are achieved.

Table 5.5

Location	Period	Measured Existing L_{A90}		Proposed Noise Limit L_{Ar} ⁽¹⁾	
		Weekday	Weekend	Weekday	Weekend
New Housing	Daytime	44	41	44	41
	Evening	34	41	34	41
	Night	31	37	31	37
Foxglove Drive	Daytime	40	43	40	43
	Evening	38	41	38	41
	Night	39	36	39	36
Euxton Lane	Daytime	47	49	47	49
	Evening	39	40	39	40
	Night	32	33	32	33

Note: ⁽¹⁾ The proposed noise limits are applicable at a point close to, but at least 4 metres in front of, the relevant façade.

The development thereafter shall be carried out in accordance with the approved details. *Reason: To protect the amenities of the neighbouring residents and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review, Policy 17 of the Adopted Core Strategy and Government advice contained within the National Planning Policy Framework*