

19/00654/OUTMAJ - Suggested Conditions – Clean copy

No.	Condition	Notes									
1.	<p>The development shall be carried out in accordance with the following plans and documents:</p> <table border="1" data-bbox="359 398 967 638"> <thead> <tr> <th data-bbox="359 398 587 465">Title</th> <th data-bbox="587 398 785 465">Drawing Reference</th> <th data-bbox="785 398 967 465">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="359 465 587 533">Location Plan</td> <td data-bbox="587 465 785 533">5219-L-04 A</td> <td data-bbox="785 465 967 533">08 July 2019</td> </tr> <tr> <td data-bbox="359 533 587 638">Indicative Access Arrangements</td> <td data-bbox="587 533 785 638">1318/09 Rev.G</td> <td data-bbox="785 533 967 638">26 May 2020</td> </tr> </tbody> </table> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>	Title	Drawing Reference	Received date	Location Plan	5219-L-04 A	08 July 2019	Indicative Access Arrangements	1318/09 Rev.G	26 May 2020	
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Location Plan	5219-L-04 A	08 July 2019									
Indicative Access Arrangements	1318/09 Rev.G	26 May 2020									
2.	<p>Prior to the commencement of development, full details of the reserved matters to be approved (namely the siting, design, landscaping of the site and the external appearance of the dwellings) shall be made to the Council before the expiration of two years from the date of this permission and the development hereby permitted shall be begun two years from the date of Reserved Matters approval.</p> <p><i>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.</i></p>										
3.	<p>Any reserved matters application for layout shall be accompanied by a plan showing the location of the affordable housing to be provided on the site in accordance with this permission.</p> <p><i>Reason: To ensure the residential development provides appropriate affordable housing.</i></p>	<p>The LPA considers that this is important so that the distribution of affordable housing across the site as a whole can be identified, and would provide a clear understanding to a developer of what would be required at reserved matters stage in this regard.</p> <p>The appellant considers that this should be removed as it will be covered through the submission of an Affordable Housing Scheme as required through the S106.</p>									
4.	<p>The first reserved matters application shall be accompanied by a Landscape Retention, Creation and</p>										

	<p>Management Plan for the entire site. This shall include the following details:</p> <ul style="list-style-type: none"> • Details of new ponds / wetland creation; • Details of how retained hedgerows, trees and wetlands are to be protected during any construction period; • Planting plans, taking into account the need to contribute to landscape connectivity and the creation of a coherent local ecological network; • Details of the location of bird boxes • Detailed measures required to support bats • Written specifications (including cultivation and other operations associated with plant and grass establishment); • Schedules of plants, noting species, planting sizes and proposed numbers / densities where appropriate; • Implementation timetables. <p>The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: To conserve biodiversity and to ensure the provision of amenity afforded by appropriate landscape design.</i></p>	
<p>5.</p>	<p>The first reserved matters application shall be accompanied by a 'lighting design strategy' that shall:</p> <p>Identify areas/features on site that are potentially sensitive to lighting for bats and any other species that may be disturbed show how and where the external lighting will be installed (through appropriate lighting contour plans) so that it can be demonstrated clearly that any impacts on wildlife are negligible (in particular bats)</p> <p>All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.</p> <p><i>Reason: To ensure that habitats are suitable protected at all times during any works on site.</i></p>	
<p>6.</p>	<p>The first reserved matters application shall be accompanied by a comprehensive Method Statement describing Reasonable Avoidance Measures for the avoidance of harm to amphibians and shall subsequently implemented as approved.</p> <p><i>Reason: As a precautionary measure and to ensure harm to amphibians is avoided.</i></p>	
<p>7.</p>	<p>No tree felling, vegetation clearance works, or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a</p>	

	<p>competent ecologist show that nesting birds would not be affected.</p> <p><i>Reason: Nesting birds are a protected species.</i></p>	
8.	<p>The first reserved matters application shall be accompanied by an Arboricultural Method Statement that shall include details for the protection of all trees to be retained and details how construction works will be carried out within any Root Protection Areas of retained trees. The development shall only be carried out in accordance with the approved Arboricultural Method Statement and with British Standard BS 3998:2010 or any subsequent amendment to the British Standards. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the Root Protection Areas.</p> <p><i>Reason: To safeguard the health and appearance of the trees to be retained.</i></p>	
9.	<p>Any Reserved Matters submission for landscaping associated with the development hereby approved should provide sufficient screening to the development site from the adjacent grade II listed building, Houghton House”</p> <p><i>Reason: To safeguard the appearance and setting of the listed building and to sustain the significance of this designated heritage asset.</i></p>	
10.	<p>Either with any reserved matters application or prior to the commencement of each phase full details of the existing and proposed ground levels and proposed dwelling finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details shown on previously submitted plans(s). The development shall be carried out strictly in conformity with the approved details.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>	
11.	<p>Either with any reserved matters application or prior to any above ground works full details of the position, layout, phasing and equipping of the public open space and play areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the provision and equipping of these areas shall be carried out in strict accordance with the approved details.</p> <p><i>Reason: To ensure adequate provision for public open space and play areas within the development, this is required to be a pre-commencement condition to ensure this is properly planned prior to a start on site.</i></p>	

<p>12.</p>	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development as a whole will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Act 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>	
<p>13.</p>	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings on each phase or the completion of the development within the relevant 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.</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>	
<p>14.</p>	<p>A programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority, shall be undertaken and submitted to the local planning authority as part of the first reserved matters application. This programme of works shall include an initial phase of geophysical survey and trial trenching, as well as the compilation of a report on the work undertaken and the results obtained. These works should aim to establish the presence or absence of buried archaeological remains and their nature, date, extent and significance. If archaeological remains are encountered then a subsequent phase of impact mitigation (which may include preservation in situ by the appropriate design or siting of new roads, structures and buildings, formal excavation of remains or other actions) and a phase of appropriate analysis, reporting and publication shall be developed. A written scheme of investigation for that mitigation phase along with a timetable for its implementation shall be</p>	

	<p>submitted for approval to the local planning authority as part of the reserved matters application. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.</p> <p><i>Reason: To ensure and safeguard the investigation and recording of matters of archaeological/historical importance associated with the development.</i></p>	
<p>15.</p>	<p>At the same time as the submission of the first Reserved Matters application a Surface Water Drainage Master Strategy for the whole site shall be submitted to the Local Planning Authority for approval. The strategy shall be guided by the principles of the submitted Flood Risk Assessment - Pear Tree Lane, Euxton, Chorley – LEES ROXBURGH – Ref. 5901/R3 dated June 2019 including the Conceptual Surface Water Drainage Strategy Ref: 5901 01-02 Rev. A.</p> <p>The strategy shall include the following details as a minimum:</p> <ul style="list-style-type: none"> a. schedule of pass forward rates for each phase or part phase b. preliminary timetable for implementation of the SuDS system <p>Thereafter development should proceed in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.</p> <p><i>Reasons</i></p> <ol style="list-style-type: none"> 1. To reduce the risk of flooding to the proposed development and future occupants 2. To ensure the phasing of development and/or submission of future reserved matters applications for various phases does not seek to change the final destination discharge rate 3. To ensure that the proposed development can be adequately drained. 	
<p>16.</p>	<p>Prior to the commencement of each phase of the development, full details for a surface water regulation system and means of disposal for that phase based wholly on sustainable drainage principles shall be submitted to and approved by the Local Planning Authority in writing. For the avoidance of doubt no surface water shall discharge directly or indirectly into the public foul or combined sewerage systems. The details for each part or phase must be consistent with the approved Surface Water Drainage Master Strategy for the whole site. Those details shall include:</p> <ul style="list-style-type: none"> a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, 	<p>The LPA considers that conditions 15, 16 and 17 should be retained following consultation with the LLFA, as each one represents an individual consideration and keeping them separate will make them easier to identify, achieve and ultimately discharge.</p>

	<p>dimensions, design levels, finished floor levels in AOD with adjacent ground levels;</p> <p>b) The drainage scheme should demonstrate that the surface water run-off and volume shall not exceed the pre-development runoff rate and volume. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.</p> <p>c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change) with 10% allowance for urban creep;</p> <p>d) Plan identifying areas contributing to the drainage network;</p> <p>e) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;</p> <p>f) A plan to show overland flow routes and flood water exceedance routes and flood extents;</p> <p>g) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;</p> <p>h) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.</p> <p>No housing or other development shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details and written notice of this fact has been sent to the Local Planning Authority.</p> <p><i>Reasons</i></p> <p><i>1. To ensure that the final drainage designs are appropriate following detailed design investigation.</i></p> <p><i>2. To ensure that there is no flood risk on or off the site resulting from the proposed development</i></p> <p><i>3. To ensure that water quality is not detrimentally impacted by the development proposal</i></p> <p><i>4. To reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system</i></p>	<p>The appellant considers that conditions 15, 16 and 17 should be merged.</p> <p>The appellant questions the necessity of the final element of the condition re. foul drainage.</p>
<p>17.</p>	<p>The development permitted by this planning permission shall be carried out in accordance with the following mitigation measure identified within the FRA Pear Tree Lane, Euxton, Chorley – LEES ROXBURGH – Ref. 5901/R3 dated June 2019:</p> <p>1. The development levels appropriately set to ensure flows are contained within the existing ditch systems and directed safely through the development down to the boundary watercourse system to the south.</p>	

	<p>The mitigation measure shall be fully implemented prior to commencement and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.</p> <p><i>Reason: To reduce the risk of flooding to the proposed development and future occupants.</i></p>	
<p>18.</p>	<p>Prior to the commencement of development, other than site enabling works, an Estate Street Phasing and Completion Plan shall have been first submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed. No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.</p> <p><i>Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway. This is required to be a pre-commencement condition to ensure the roads will meet the necessary standard before works start on the development.</i></p>	
<p>19.</p>	<p>No dwellings shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets and public open space and any other areas within the development not to be adopted (including details of any Management Company) have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.</p> <p><i>Reason: To ensure appropriate management and maintenance of the site.</i></p>	
<p>20.</p>	<p>No roads proposed for adoption shall be commenced until full engineering, drainage and constructional details for them have been submitted to and approved in writing by the Local Planning Authority. The development shall,</p>	

	<p>thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety and to ensure any streets for adoption will be constructed to the appropriate standard prior to their commencement.</i></p>	
<p>21.</p>	<p>No development shall commence until a timetable for the implementation for the Full Residential Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Full Residential Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority. All elements of the Full Travel Plan shall continue to be implemented at all times thereafter for a minimum of 5 years after completion of the development.</p> <p><i>Reason: To ensure that the development provides sustainable transport options.</i></p>	
<p>22.</p>	<p>No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:</p> <ol style="list-style-type: none"> 1. vehicle routing and the parking of vehicles of site operatives and visitors; 2. hours of operation (including deliveries) during construction; 3. loading and unloading of plant and materials; 4. storage of plant and materials used in constructing the development; 5. siting of cabins, site compounds and material storage area (ensuring it complies with the Great Crested Newt mitigation details); 6. the erection of security hoarding where appropriate; 7. wheel washing facilities that shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. 8. measures to mechanically sweep the roads adjacent to the site as required during the full construction period. 9. measures to control the emission of dust and dirt during construction; 10. a scheme for recycling/disposing of waste resulting from demolition and construction works; <p><i>Reason: In the interests of highway safety and to protect the amenities of the nearby residents.</i></p>	

<p>23.</p>	<p>Prior to the construction/provision of any services, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.</p> <p><i>Reason: To ensure a sustainable form of development.</i></p>	<p>In order to achieve the Council's wider strategic objectives of digital inclusion, that are set out in the Digital Strategy (approved June 2017), and in the interests of achieving a sustainable form of development in accordance with the aspirations of The National Planning Policy Framework and the adopted Development Plan for Chorley, The LPA considers it appropriate that the developer be required to provide infrastructure to facilitate super-fast broadband for future occupants of the site.</p> <p>The appellant considers that this should be removed as the Council has not been able to point to any specific policy justification for it. Openreach routinely provide broadband infrastructure for new housing developments.</p>
<p>24.</p>	<p>The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the employment skills opportunities for the construction phase of the development has been submitted to and approved by the council as Local Planning Authority (unless otherwise agreed in writing by the council). The development shall be carried out in accordance with the Employment and Skills Plan (in the interests of delivering local employment and skills training opportunities in accordance with Core Strategy Policy 15: Skills and Economic Inclusion).</p> <p><i>Reason: In the interests of delivering local employment and skills training opportunities as per the Central Lancashire Core Strategy Policy 15: Skills and Economic Inclusion and the Central Lancashire Employment Skills Supplementary Planning Document September 2017. No Employment and Skills Plan was submitted with the application.</i></p>	

<p>25.</p>	<p>The Reserved Matters application in relation to layout shall include details of an internal access road to link School Lane with the boundary of the application site to the south which shall provide unencumbered and unfettered access to the wider safeguarded allocation BNE3.9 to the south of the application site.</p> <p><i>Reason: In the interests of highways safety and highway amenity in accordance with ST3 of the Chorley Local Plan, and to avoid prejudicing the delivery of future safeguarded allocation ref. BNE3.9 by allowing for future comprehensive development.</i></p>	
<p>26.</p>	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority (as part of a section 278 agreement, under the Highways Act 1980). The scope of the works are shown on Drg No 1318/09/G and Drg No 1318/23/A and shall include but not limited to;</p> <ul style="list-style-type: none"> a) Extension of the 20mph speed limit eastward along School Lane to the junction with Pear Tree Lane and introduction of a 20mph speed limit on Pear Tree Lane between the junction with Euxton Lane and the junction with School Lane. b) Introduction of footway on the south side of School Lane along the northern Site frontage and to Pear Tree Lane. c) Introduction of footway on Pear Tree Lane d) Introduction of street lighting on School Lane and Pear Tree Lane e) Introduction of traffic calming measures on Pear Tree Lane. f) Introduction of traffic calming measures on School Lane between the southern Site access and the A49 Wigan Road. g) Improvement works at Euxton Lane/Pear Tree Lane junction (SJ5) as indicated on Drg No 1318/23/A. h) Introduction of MOVA at A49/School Lane traffic signal junction (SJ2). i) The upgrade of 2No bus stops in the vicinity of the Appeal Site to quality disability compliant standards. <p>No part of the development hereby approved shall be occupied until the approved schemes have been constructed and completed in accordance the scheme details.</p>	<p>The appellant questions the use of the phrase "shall include but not limited to:" as this is imprecise. No other off-site highway works have been requested by the LHA.</p>

	<p><i>Reasons:</i></p> <ol style="list-style-type: none"><i>1. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i><i>2. In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works</i>	
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