

Item 6 **10/00359/FULMAJ**

Case Officer **Liz Beard**

Ward **Chisnall**

Proposal **Erection of 28 residential dwellings with access roads, car-parking and landscaping including alterations to the public house car park.**

Location **Dog And Partridge 30 Chorley Lane Charnock Richard
ChorleyPR7 5ES**

Applicant **Arley Homes North West Ltd**

Consultation expiry: 16 June 2010

Application expiry: 6 August 2010

Proposal

1. This application is for the erection of 28 dwellings with access roads, car parking and landscaping including alterations to the public car park.
2. There are 18 detached houses, two semi detached, and two small terraces consisting of three houses each, proposed on the site. They are all two storey ranging from four 2-bedroom houses, nine 3-bedroom houses, three 4-bedroom houses and two 5-bedroom houses.
3. Access is proposed off Chorley Lane, which will be a shared access with the existing Dog & Partridge Public House. It will form a typical long cul-de-sac with two houses fronting onto Chorley Road, and the remaining houses fronting onto the new access road.
4. The car park for the Dog & Partridge public house will be reduced in size to 20 no. car parking spaces. A 1.8m high brick wall and 1.8m high close boarded fence with a 300mm high trellis panel on top and 2.1m high brick piers will form the boundary between the public house car park and the houses. There will also be some native hedgerow planting and two small native trees planted on the boundary.
5. The boundary treatment for the perimeter of the site will consist of a 1.8m high close boarded fence, with a 300mm high trellis panel on top with proposed supplementary planting within the existing hedgerows which will be a mix of trees, and shrubs to complement the existing boundary treatment. The boundary located nearest to the railway will have the existing fence retained and an acoustic fence built.

Recommendation

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

Main Issues

7. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Design and Appearance
 - Access and Parking
 - Impact on the Neighbours Amenity
 - Impact on the Amenity of Future Occupiers
 - Ecological Impacts
 - Impacts on the Tree Preservation Order
 - Drainage

- Affordable Housing
- Section 106 Agreement

Representations

8. Nine letters of objection have been received. The issues they raise are:

- Nothing has changed regarding my concerns originally raised.
- The site has already been cleared and the wildlife has long gone.
- No assurances have been given over potential flooding issues for the problems which will inevitably arise from sewerage being connected into Nursery Close and beyond.
- The existing sewerage system is far from satisfactory.
- Charnock Richard is already overdeveloped with little or no facilities. Public transport is limited and the resultant influx of more vehicles will only adversely affect the already overloaded road on Chorley Lane/Church Lane.
- Why cannot the sewers for this development be connected into Chorley Lane which would make more sense.
- Problems with drainage in the area.
- Do the sewers have capacity for extra houses.
- Proposed layout is car dominated.
- Arley Homes will not communicate with me over what they propose to do with access into Nursery Close.
- Development fails to provide for the retention of trees.
- The proposed layout would be harmful to road safety by the introduction of vehicles needing to gain access to and from Chorley Lane.
- The development would increase noise and disturbance locally.
- The local school is already full to capacity.
- Should not be allowed to touch all the trees with TPOs.
- In 2002 a planning application was refused on the grounds that there should be some traffic calming measures on Chorley Lane, nothing has changed, so application should be refused.
- There is always flooding in Meadowlands when we have heavy rain so another 28 residences isn't going to help.
- The Dog & Partridge are trying to run a business but Arley Homes are hindering them by taking half the car park at the rear.
- If we are to get a shop and post office in the pub surely they will need all the car parking they can get.
- Chorley Lane is effectively used as a slip road to the M6 motorway.
- The volume and average speed of the traffic at peak times, coupled with the road conditions has resulted in several accidents and numerous near misses in recent times.
- The existing/exit location of new development and the resultant increase in traffic turning in and out of the development will present a major hazard and has not been adequately considered in the plans as proposed.
- The proposed felling of one of the two poplar trees on Chorley Lane will mean the loss of a key feature within the village.
- Concerned that only one parking space is allocated to each of the affordable homes.
- The access road is not sufficiently wide enough to accommodate parked vehicles.
- Concern over safety of two young children who need to cross Chorley Lane regularly.
- Junction with extra 60 cars or so is not acceptable.
- People do not travel at 30mph nearer 40 or 50.
- There is not enough clear vision from Dob Brow.
- There are no crossings on Chorley Lane and no safe route to school.
- Difficult to look through documents and decipher them.
- There are enough properties and smaller plots for sale in the area, some of them having been on the market for several years and it worries me that this new development will become yet another unfinished building site.
- Sewers unsuitable for the needs of the Estate and my own garden has had to be excavated due to backing up/insufficient capacity.
- Excavation would run the length of the Close with associated disruption which we are not prepared to tolerate.

- It is necessary to cut across the bank and the bridle path.
- These works would also involve the removal of the fence at the end of the Close between my property and No.5 and would destroy mature planting.
- Its also likely that they would encroach onto my land, damage an established tree and block my drive which I will not allow.
- I note the plan now proposes the development of 28 residential developments as opposed to 26 in the original submission which only aggravates the situation.
- The land has been unused for 20 years plus and it blends into the natural landscape and surroundings therefore confirms its Greenfield status.
- I don't believe the development of 26 houses on a Greenfield site constitutes an infill site.
- There are no shops or a Post Office in the village, very few job opportunities and a poor bus service. The first criteria for windfall housing sites is not met.

9. Charnock Richard Parish Council have no objections to the proposal. However, would like the proviso added that existing residents and their children are given preference/priority in relation to the allocation of the affordable homes on the site. Also that during development disruption to residents in the vicinity be kept to a minimum.

Consultations

10. Lancashire County Council (Ecology) state that it appears that the revised proposals would adequately off-set the likely ecological impacts of the proposed development, provided that Chorley Borough Council is satisfied that this commuted sum can be used to re-establish/enhance an appropriate area of habitat. However, the plans do not appear to include the latest additions/amendments to the landscaping/habitat creation scheme given in the attached letter from ERAP. It should be ensured that the plans are amended.
11. Lancashire County Council (Strategic Planning) state that they consider that the proposed development conforms to the North West of England Plan: Regional Spatial Strategy to 2021 (RSS) provided that the applicant submits information to your council on renewable energy to satisfy Policy EM18 of the RSS.
12. The Environment Agency have no objections but recommend that a site investigation is carried out. A condition is suggested. An informative is also suggested in relation to SUDS and that the development should meet Level 3 of the Code for Sustainable Homes.
13. The Architectural Design and Crime Reduction Advisor states that crime and disorder levels are low in this location on this basis I would ask that all properties be fitted with a British Standard approved burglar alarm. Consideration should also be given to the entrance to the development having a change in road surface to denote a change in location.
14. Ramblers' Association (Chorley Branch) have concern over the effects the development will have on Public Right of Way, Footpath Number 18, Charnock Richard parish. Currently the footpath has as a 6ft high fence flanking the existing properties with some vegetation, whilst a mixture of bushes and trees, gives a countryside aspect on the other boundary. The plans for another 6ft fence on the eastern boundary, together with the narrowing of the path will detrimentally effect the environment. The path will become fully enclosed and possibly open to abuse.
15. Network Rail have no objection in principle to the development. However, due to close proximity to the operational railway they recommend a number of conditions and informatives are added to any decision. These include providing them with method statements/drawings prior to commencement, no storm water /surface water should be discharged onto their property, details of cranes, & scaffolding to be used, details of ground levels, security of railway must be maintained at all times, details of lighting, cross-sections, assessment of noise & vibration should be carried out under PPS24, and they provide a list of permitted trees and ones not permitted adjacent to a railway line.

16. United Utilities confirm that all wastewater flows emanating from the proposed development should be discharged directly into the public sewer system within Nursery Close.
17. Lancashire County Council (Highways) have no objections in principle to this application, now the entrance arrangements have been improved. A request to demonstrate that a refuse vehicle can be turned in the turning head was made.
18. Chorley's Waste & Contaminated Land Officer states there is potential for ground contamination, due to the size of development and sensitive end-use, a condition is suggested for an assessment of ground contamination prior to commencement of development.
19. Chorley's Noise Officer states that the noise assessment adequately covers the noise impact of the nearby railway line on the proposed residential dwellings and the conclusions made in the report appear valid. The noise mitigation measures as outlined in the report should be implemented and it is recommended that the applicant complies with the Chorley Council document 'Code of Practice for Construction and Demolition.' There are no objections subject to the implementation of the noise mitigation measures and code of practice document.
20. Natural England state that the proposal lies within 170m of Charnock Richard Pasture Site of Special Scientific Interest (SSSI) but it is of our opinion that the proposal will not materially or significantly affect it. We are also satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land, or areas of search for new national landscape designations.
21. Lancashire County Council (Public Rights of Way Officer) states that from the plan it is not clear whether the application will affect the public footpath (no.18). Lancashire County Council will not process a diversion application in relation to these paths in connection with a development proposal. Should the paths be obstructed during the development or be obstructed after the development has taken place, Lancashire County Council will consider commencing criminal proceedings.
22. Chorley Council Arboricultural Officer states that the majority of the protection measures on the boundaries appear acceptable. Can see no reason why the two Lombardy Poplars are not retained. Concerns that more mitigation should be provided for replacement.

Assessment

Principle of the Development

23. The site is 0.9 ha in area and lies within the settlement boundary of Charnock Richard. Development, where Policy GN4 is of relevance. Here development is limited to infill sites, rehabilitation and reuse of buildings, that which provides affordable housing to meet a recognised local need, local community or employment need or re-use of previously developed land.
24. Part of the application site consists of part of the existing car park for the Dog & Partridge Public House and a tarmac area to the front, which was used as a car park in the past. There will be 5 houses located within this area, which is previously developed land. The remainder of the site was covered in shrubs and was unmanaged, and has since been cleared of all the vegetation apart from the perimeter of the site. There is proposed a further 23 dwellings on this part of the site, of which 10 will be affordable homes (43% of the remainder).
25. Policy DC5 indicates that a limited number of dwellings exclusively to meet a local need for affordable housing may be allowed in or adjoining the confines of Charnock Richard, along with a number of settlements providing that certain criteria are met.
26. Part a) of Policy DC5 is not relevant as the site is not an adjoining site. Part b) of the policy states that the should contribute to the solution of a local housing problem, which cannot be solved in any other way. The provision of 36% of affordable housing contributes to a solution. Part c) states that these houses should be made available at prices which are significantly below current market costs. The developer has states that they would be able to provide this. Part d) states that these dwellings should be made available for people with close local connections, which will be looked at through the S106. Part e) states that it needs to be shown to be economically viable and capable of proper management. The developer has demonstrated that it is economically viable, however, this includes the private market housing

within the costs to ensure that the affordable units can be delivered. The management side will be carried out by another party. Part f) states that the scale and nature of the development would be in character with the area. The whole development, not just the affordable units, is considered to be within scale and fits in with the character of the area. The proposal complies with Part g) as it is within the settlement of Charnock Richard.

27. In terms of affordable housing provision the proposal exceeds the target of 20% as identified in Policy HS5 and will provide 36% affordable units which exceeds the figure as set out in the Draft Core Strategy of 30%.
28. The site is considered a windfall site as set out in Policy HS6. In relation to this the site is accessible to employment, shops and community services by non-car modes and the locality would have the capacity to absorb further development. The development is compatible with the surrounding area and acceptable in amenity terms, both for future residents and existing residents. The site has adequate road access and foul and surface water drainage arrangement and can link into the existing services. There are no other sites within this settlement that could be developed in this way.
29. Policy HS21 is of relevance as where it is not possible to include appropriate on-site play space/open space then the Council may accept a commuted sum to improve open space facilities in the locality. The developer has agreed to contribute £37,156; which is included within the S106.
30. In terms of spatial priorities and the RSS Policy RDF2 it states that small scale development to help sustain local services, meet local needs, or support local businesses will be permitted in towns and villages defined as local services centres in local development documents. The proposal conforms to Policy RDF2 of the RSS.
31. It is considered that although the Council has a 5 year land supply, this site will not have a detrimental impact on the housing land supply. The site is available to be developed now, and can be brought forward in the second half of 2010. The SHLAA confirms that it is suitable, available and achievable for housing development and the developers have given a commitment that it would be developed. They have also provided information on how quickly they developed the site at Coppull where once planning permission was agreed and conditions were discharged they started on site in December 2009, agreed contracts with the Adactus in February 2010 for the affordable housing (due for completion and handover July 2010) and looking for all sales to be completed by May 2011. Arley Homes have also agreed to a one year commencement condition on the application. This would ensure that if it is not developed within one year then a further application would have to be submitted.

Design and Appearance

32. The site has limited frontage onto Chorley Road, as the Dog & Partridge public house is to be retained and the access road takes up a proportion of the frontage. Two houses are proposed on the front of the site, which will follow the building line of the public house. These are two different house types which will not be out of keeping as there are different house types fronting onto Chorley Road.
33. There a range of house types proposed within the scheme, whilst having differing designs the materials will be similar throughout. The height and scale of the houses respect those in the surrounding area.

Access and Parking

34. The proposed access is from Chorley Road, in a similar location to the existing access which serves the Dog & Partridge public house. This will be a T-junction.
35. The new access will have to serve both the development as well as the public house car park, and has therefore been designed to take this into account. The visibility splays can be achieved, in both directions, but only by removing one of the Poplar Trees on the frontage of the site.
36. There are footpaths provided on both sides of the access road, and extend to the footpath on Chorley Road. The public right of way, which runs to the west of the site will remain as existing. The development will not involve the closure of the public right of way and the footpath will remain open at all times, therefore a footpath diversion order is not required in this instance. It is the responsibility of the landowner to ensure that the public right of way remains open at all times.

37. There will be adequate car parking provided for all dwellings. The majority will be within the curtilage of each house, with the exception of Plots 18-23 where dedicated parking spaces will be provided in a communal area in front of the houses.
38. A new car park will be provided for the public house, which will consist of 20 spaces. This is considered to be adequate. The servicing of the public house will be to the rear, using the car parking area, however the deliveries will be out with normal pub hours and therefore will not conflict with the users of the car park.
39. The proposal accords with the standards as set within the RSS Draft Parking Standards. The proposed access road, including the turning area, complies with the guidelines as set out in the Manual For Streets Document.

Impact on Neighbours Amenity

40. The dwellings all have back gardens, which are 10 metres or more in length, which complies with the standard as set within the Council's Design Guidance. The houses all comply with the privacy distances with the adjoining houses in Nursery Close and 34 Chorley Road. There will not be any direct overlooking of any adjoining occupiers garden areas or houses.

Impact on the Amenity of Future Occupiers

41. The dwellings all comply with the privacy distances as set out within the Council's Design Guidance.
42. The boundary treatment between the public house car park and the houses will be partly a 1.8m high wall and 1.8m high close boarded fence with a 300mm trellis panel on top. There will also be hedgerow planting provided both on the public house side of the boundary and within the area of housing. This will reduce any potential impact from the users of the public house car park on the future residents of Plots, 21, 22, 23 and 28.
43. The railway line, which is in a cutting, runs to the eastern boundary of the site. To ensure that any potential noise disturbance is reduced an acoustic fence will be provided along this report, as suggested within the Noise Assessment. A condition can be added accordingly to ensure that this is retained.

Ecological Impacts

44. An ecological survey was included as part of the application, which was carried out prior to the clearance of the site. Due to the extensive loss of habitat the LCC Ecologist suggested a number of measures that should be included within the scheme.
45. A revised scheme has been included which shows improved hedgerow planting, within the existing, as well as new hedgerow planting to form habitat corridors. There are 10 locations shown for Bat Boxes to be located. There will be replacement tree planting also provided within the public house car park and the housing scheme.
46. Due to there being a substantial loss of existing habitat a commuted sum of £10,000 will also be provided by the developer, which will be spent on maintaining existing wildlife habitats in the Yarrow Country Park.

Impacts on the Tree Preservation Order

47. There is a TPO on the trees on the boundary of this site. The majority of the protection measures for the trees on the site boundaries appear acceptable. On the frontage of the site are two Lombardy Poplars and one Sycamore. On the previously withdrawn scheme it was proposed to remove these trees to ensure that an appropriate visibility splay could be provided into the site.
48. Following some negotiation with the Highways Engineer the access has been re-engineered and it is proposed to remove one of the Lombardy Poplars, and retaining the other Lombardy Poplar and Sycamore, within this scheme. There has also been an extensive mitigation scheme in relation to the whole site, which has been agreed with Lancashire County Council Ecologists.
49. On balance there will be two out of the three trees retained, and a mitigation scheme drawn up for the whole site which is considered acceptable. A condition ensuring that the mitigation scheme is implemented is suggested.

Drainage

50. There have been a number of resident's objections to the existing drainage situation, in the area, and that this development will have an impact on this. It was originally intended that the

proposal would be connected into the sewer system on Chorley Road. However, due to the depths of the sewers and their capacity it was not considered acceptable.

51. United Utilities have been consulted on this application and state that it is acceptable and that all wastewater flows, from this development, can be discharged directly into Nursery Close.

48. Affordable Housing

49. There will be 10 affordable housing units provided as part of this scheme. These are located to the eastern part of the site, Plots 18-23, which will be a mix of 4 two bedroomed houses and 2 three bedroom houses. There will also be four three bedroom properties located on plots 8-11, which will form two semi detached properties.

50. The intermediate units are to be shared ownership rather than rent to homebuy and the split that has been agreed with the housing association as Plots 8-11 (3 bed houses) and Plot 18 (2 bed house) for shared ownership and Plots 20 & 23 (3 bed houses) and Plots 19,21 & 22 (2 bed houses) for rent.

Section 106 Agreement

51. The applicant is aware that a S106 agreement is required for the site. The agreement will include £37,156 towards play space, £10,000 towards maintenance of existing wildlife habitat, and 10 affordable housing units.

Developer's Response to Neighbours Concerns

52. In relation to the issues raised there has been extensive discussions between the developer and Lancashire County Council ecologists which has led to an increase in the improvement and quality of the habitat to be provided on the site. An extensive mitigation is to be provided. The developers state that with regards to the loss of the trees there have been a number of inaccurate comments regarding their intentions with one of the Poplars at the entrance and a couple of other poor quality trees, to facilitate the drainage. Apart from this the protected band on the western and northern boundaries will remain untouched. As agreed with Lancashire County Council it is intended to vastly improve the landscaping along the footpath which would address the screening comments raised by residents.

53. In relation to the drainage comments, United Utilities have no objections to the development being connected into the Nursery Close sewer system, and it has the necessary capacity.

54. The comments regarding car parking have been addressed, with the affordable houses having two spaces. Overall the development complies with policy and they have had detailed discussions with Lancashire County Council highways engineers and they are satisfied from a traffic generation point of view.

Overall Conclusion

55. Whilst the policy only allows for a limited amount of infill housing and promotes development on previously used land, and this proposal only complies with part of that, as the remainder of the site cannot be included there are 10 affordable housing units included as part of the scheme, which would not normally be brought forward. The developer has provided supporting information stating their commitment to building on this site, with a site start as soon as planning approval is sought and the appropriate conditions are discharged. To ensure that this site is developed in the short term a short commencement condition of one year is proposed.

56. The scheme complies with all the Council's standards and is of an acceptable design. A detailed landscape mitigation scheme has been proposed to ensure that the habitat that is lost is replaced. There will be one of the trees on the frontage lost, but two are to be retained, which along with the mitigation scheme, the introduction of some affordable housing and the bringing of a part brownfield site into use, on balance is considered acceptable.

Other Matters

Public Consultation

57. As part of the Statement of Community Involvement the Council encourages applicants and developers to undertake some form of stakeholder and community consultation for major new

development. Within the Planning Statement it outlines the extent of the consultation carried out. It is considered that was appropriate and comply with the consultation guidance.

Sustainability

56. A Sustainability Statement was submitted with the application which stated that the development will achieve the requirements of Policy SR1 of Sustainable Resources Development Plan Document. However, there is no detailed information demonstrating how they will achieve Code Level 3 or details of how the solar panels to be installed will reduce the predicted carbon emissions by at least 10% but this can be dealt with through conditions.

Waste Collection and Storage

58. All of the proposed dwellings have a private rear garden for the storage of bins and refuse. There is direct access, for all dwellings, to the highways for collection of the bins.

Planning Policies

National Planning Policies:

PPS1, PPS3, PPS7, PPS9, PPG13, and PPG24.

North West Regional Spatial Strategy

Policies: DP1, DP2, DP4 and RSS Parking Standards

Adopted Chorley Borough Local Plan Review

Policies: GN4, GN5, DC5, EP9, EP22, HS4, HS5, and HS8.

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

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

Planning History

02/00866/OUTMAJ Outline application for residential development and car parking area for existing public house (Refused 17/12/2002)

09/00997/FULMAJ Demolition of existing public house and erection of 30 residential dwellings with access, car parking and landscaping (Withdrawn 22/02/10)

10/00146/FULMAJ Erection of 26 residential dwellings with access roads, car parking and landscaping including alterations to the public house car park (Withdrawn 19/04/2010).

Recommendation: Permit (Subject to Legal Agreement) Conditions

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

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission or unless otherwise first agreed to in writing by the Local Planning Authority.

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

3. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

4. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy No.s GN5 and HS4 of the Chorley Borough Local Plan.

6. 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 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 No GN5 of the Adopted Chorley Borough Local Plan Review.

7. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in conformity with the approved plans.

Reason: To ensure the materials used are visually appropriate to the locality and in accordance with Policy No.s GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

8. The development 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 Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

10. The garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Reason: In order to safeguard the residential amenity and character of the area and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.

11. The noise mitigation measures should be carried out as outlined in the following report 'Noise Assessment Charnock Richard Report No. AAL/BS09075c' by Acoustic Associates dated 22 April 2010.

Reason: To protect the amenity of future occupiers and to comply with PPG24.

12. Prior to the occupation of development details of the noise barrier to be erected along the site boundary and railway line shall be provided and agreed in writing by the Local Planning Authority, and maintained at all times throughout the lifetime of the development.

Reason: To protect the amenity of the future occupiers and to comply with PPS24.

13. No development shall take place until;

(a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried out in accordance with current best practice including British Standard 100175:2001 'Investigation of potentially contaminated site-Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary.

(b) All testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;

(c) The Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

(d) Thereafter the remediation shall only be carried out in full accordance with the approved remediation proposals.

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 Policy No. EP16 of the Adopted Chorley Local Plan Review.
