

**Item** 11/00453/REMAJ

**Case Officer** Mrs Nicola Hopkins

**Ward** Chorley South East

**Proposal** Section 73 application to vary conditions 1 (approved plans), 4 (approved plans), 10 (finished floor levels in respect of plots 6-8, 80-89 and 126-134), 26 (carbon emissions) and 27 (code for sustainable homes) attached to planning approval 10/00946/REMAJ

**Location** Duxbury Park Myles Standish Way Chorley Lancashire

**Applicant** Arley Homes

**Consultation expiry: 28 July 2011**

**Application expiry: 23 August 2011**

#### **Proposal**

1. This application is a Section 73 application to vary several of the conditions attached to the reserved matters approval for the residential parcel of land at the former Vertex training site, Myles Standish Way, which is being developed by Arley Homes.
2. Outline planning permission was originally granted to United Utilities in December 2008 to construct up to 200 dwellings and 10,800 square metres of B1 office space on the site. This outline approval was subsequently amended by virtue of a S73 application in January 2011 and Arley Homes were granted reserved matters approval for the erection of 135 dwellings on the residential part of the site in February 2011.
3. The proposed amendments are detailed below and result in the loss of 1 housing unit on the site creating an overall residential development of 134 dwellings.

#### **Recommendation**

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

#### **Main Issues**

5. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Condition 1
  - Condition 4
  - Condition 10
  - Condition 26
  - Condition 27

#### **Representations**

6. 2 letters have been received querying what exactly the proposed amendments are including what house substitutions are proposed
7. 1 letter of support has been received
8. 1 letter raising no objection to the proposed amendments has been received.

## Assessment

### Principle of the development

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

### Condition 1

10. Condition 1 of the reserved matters approval stated:  
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 the outline planning permission or this approval of reserved matters 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.*

11. As set out below Arley Homes are suggesting some amendments to the approved scheme and as such the development will not be carried out in accordance with the approved plans as specified on the reserved matters approval, in the event that this S73 application is approved. If this application is approved an identical condition will be attached to the decision notice and condition 4, see below, will be amended to reflect the amendments approved.

### Condition 4

12. Condition 4 of the reserved matters approval stated:

The approved plans are:

Plan Ref.	Received On:	Title:
502-102 Rev C	19 January 2011	Planning Layout
502	24 November 2010	Proposed Drainage Connections
1237-903 Rev B	16 November 2010	Landscape General Arrangements
115	25 November 2010	Footpath Diversion Plan
P.130.10.01	22 October 2010	Existing Site and Tree Survey
P.130.10.02 Rev B	22 October 2010	Tree Protection Arrangements
6010/01 Rev A	22 October 2010	Topographical Survey
502-103 Rev A	21 January 2011	Street Scenes
502-101	22 October 2010	Location Plan
502-111	22 October 2010	Site Section Sheet 2
ASPUL-2/101 Rev A	19 January 2011	Aspull
EUXTON-3/101 Rev A	19 January 2011	Euxton
EPSOM-4F/101	19 January 2011	Epsom
CALDY-4R/101	19 January 2011	Caldy
OXFORD-3/101 Rev A	19 January 2011	Oxford (Tudor details)
OXFORD-3/102 Rev A	19 January 2011	Oxford (Tile hanging details)
H119-4/101 Rev A	19 January 2011	Prestbury
ALDGATE-3/101 Rev A	19 January 2011	Aldgate
LANGLEY-4/101 Rev A	19 January 2011	Langley
LANGLEY-4/102 Rev A	19 January 2011	Langley
LANGLEY-4/103 Rev A	19 January 2011	Langley (Gable Roof)
THORNBURY-4/101 Rev A	19 January 2011	Thornbury
SOMERTON-4/101 Rev A	19 January 2011	Somerton
APPLETON-4S/101 Rev A	19 January 2011	Appleton (side entry garage)
APPLETON-4S/102	19 January 2011	Appleton (side entry garage)
APPLETON-4F/101 Rev A	19 January 2011	Appleton (front entry garage)
GRANTHAM-5FA/101 RevA	19 January 2011	Grantham (front aspect)
GRANTHAM- 5FA/102 RevA	19 January 2011	Grantham (front aspect)
GRANTHAM-5SA/103RevA	19 January 2011	Grantham (front aspect)
GRANTHAM-5SA/101 RevA	19 January 2011	Grantham (side aspect)
NEWBURY-5/101 Rev A	19 January 2011	Newbury (Tudor gable)
NEWBURY-5/102 Rev A	19 January 2011	Newbury (Tile hanging detail)
NEWBURY-5/103 Rev A	19 January 2011	Newbury (Tudor detail)

WAVERTON-5/101 Rev A	19 January 2011	Waverton (Tudor gable)
WAVERTON-5/102 Rev A	19 January 2011	Waverton
PORTLAND-5/101 Rev A	19 January 2011	Portland (Tudor gable)
HARBURY-5/102 Rev A	19 January 2011	Harbury (Tudor Detail)
HARBURY-5/101 Rev A	19 January 2011	Harbury (Tudor details)
SGL/DETAIL/101 Rev A	19 January 2011	Single Garage
DGL/DETAIL/101 Rev A	19 January 2011	Double Garage
D-SGL/DETAIL/101 Rev A	19 January 2011	Double & Single Garage
TGL/DETAIL/101 Rev A	19 January 2011	Twin Garage
SD-??	22 October 2010	1800 High Closeboard Fence with 300mm Trellis
SD-??	22 October 2010	1800 High Closeboard Fence
SD-15-W01	22 October 2010	1800 High Brick Wall with Tile Crease
1237.904	1 February 2011	Vegetated Linear Features.
Ashbourne-4/101	19 January 2011	Ashbourne
Ashbourne-4/102	19 January 2011	Ashbourne
Richmond-4/101	19 January 2011	Richmond
Hale-4/101	19 January 2011	Hale
502-122	21 January 2011	Site Sections Location Plan
502-110 Rev B	21 January 2011	Site Sections Sheet 1
502-111 Rev A	21 January 2011	Site Sections Sheet 2
502-112 Rev A	21 January 2011	Site Sections Sheet 3
502-113 Rev A	21 January 2011	Site Sections Sheet 4
502-114	21 January 2011	Site Sections Sheet 5
502-115	21 January 2011	Site Sections Sheet 6
502-116	21 January 2011	Site Sections Sheet 7

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

13. Arley Homes have applied to vary this condition as they are proposing minor changes to the layout, house types, streetscenes and other general amendments. The proposed amendments to the layout are as follows:
- Plots 6-13: 6 detached and 2 linked houses have been amended to 7 detached houses (one plot has been deleted)
  - Plots 14-80: renumbered to suit (as above)
  - Plots 23 and 24: the orientation revised to improve elevations/ streetscene
  - Plots 81-91: 8 semi-detached properties and 3 detached properties amended to 8 semi-detached properties and 2 detached properties ( 1 plot deleted)
  - Plots 92-113: renumbered to suit (as above)
  - Plots 114-125: 6 semi-detached and 5 detached dwellings amended to 10 semi-detached and 2 detached houses (1 plot added)
  - Plots 126-134 renumbered to suit (as above)
  - House type substitutions plots 14, 15, 48-53, 58-66, 80-88, 92, 94, 98, 99, 117, 122-125 and 130.
  - Plot adjustments plots 16, 79, 101-110, 130 and 131.
  - Floor levels adjusted plots 6-8, 81-89 and 126-134.
14. The proposed changes to the houses types, streetscenes and other general amendments are as follows:
- Individual house types have been adjusted in the streetscene to reduce the overall number of houses with tudor elevational elements in order to focus the tudor finishes on selected focal points.
  - House type refinements plots 1-5, 13, 17-28, 33, 35, 40, 42-47, 67, 70, 71, 73-75, 90, 91, 93, 95, 96, 97, 100, 102-115, 127-129 and 131-134.
  - The Aldgate, Langley, Thornbury and Somerset house types, all 2.5 and 3 storey dwellings with integral garages, have been rationalised based on a standard ground floor plan with alternatives for the first and second floor plans with front and rear lounges and elevational variations (a small number of Thornbury and Somerset types remain on the Myles Standish Way frontage.)
  - A family room extension to the Grantham house type on plots 88, 92, 117 and 130.

- Minor alterations such as window sizes or the positions and orientation of a few plots have been incorporated.
15. The amendments proposed incorporate amendments to a mixture of 3, 4 and 5 bedroom dwellings. The proposed new dwellings incorporate adequate parking space for the size of dwelling proposed. Of the properties proposed which incorporate integral garages none of the garages accord with the Manual for Streets dimensions. These garages are considered sufficient to accommodate a vehicle and the width to enable drivers to enter/ exit the vehicle whilst in the garage however the length of the garage does not allow for storage space which is what the Manual for Streets dimensions seek to achieve. In these instances a shed will be provided in the garden of the properties, required by condition, to ensure that sufficient storage space is provided whilst ensuring the garage can be utilised for a vehicle.
  16. The properties on plots 14, 53, 89, 94 and 99 are proposed to be four and five bedroom dwellings replacing approved 3 bedroom dwellings. The proposed dwellings require an additional parking space compared to the properties previously approved on these plots however adequate parking space is provided for each property (with a shed) and as such the amendments are considered to be acceptable.
  17. As part of the previous reserved matters application it was acknowledged that *There are significant level differences across the site which have informed the layout of the development.* Strictly applying the Council's spacing guidelines was not considered to be the most appropriate use of this brownfield site and it was considered *that the sectional plans submitted with the application demonstrate that dwellings can be accommodated on the site whilst accommodating the level differences and ensuring that the amenities of the future residents are protected.* Taking this into account and assessing the distances retained between the properties, subject to the amendments set out above, and the neighbouring properties the distances accord with, and most cases exceed, the distances which were previously approved. As such it is not considered that the amendments will adversely impact on the amenities of the future residents.
  18. None of the properties which are subject to house type substitutions or alterations to the layout adjoin the common boundary with Little Carr Lane or Duxbury Gardens. As set out above the properties on plots 70-71, 73-75, 91 and 127-129 are subject to house type refinements, these properties adjoin the site boundary. The amendments are only minor amendments to the appearance of the property. The dwellings will be sited no closer to the common boundary than the previously approved layout.

#### Condition 10

19. Condition 10 of the reserved matters approval stated:  
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 Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
20. Following the grant of reserved matters approval Arley Homes have begun preparing the land for development and constructing the slab levels of the dwellinghouses. A number of the residents on Little Carr Lane and Duxbury Gardens have raised concerns with the siting and finished floor level of dwellings within this part of the site. The properties in this part of the site will be set at a higher land level than the existing dwellings a fact which was detailed on the approved layout plan and addressed in the committee report for the reserved matters application as follows:

*The proposed dwellings along the boundary with Little Carr Lane are set at a higher land level than the existing properties on Little Carr Lane. As the proposed dwellings back onto the rear of the existing dwellings on Little Carr Lane the main consideration is the rear to rear distance (standard 21 metres) and the length of the garden (standard 10 metres). The proposed property on plot 74 (which is the closest property to the dwellings on Little Carr Lane apart from plot 93 which has its side gable adjacent to Duxbury House) is 1.95 metres*

*higher than 6 Little Carr Lane. Applying the Councils spacing standards would require a 27 metre separation between these properties. 24 metres is retained between the two properties however the garden length of the proposed dwellings is 15 metres, 5 metres in excess of the required garden length. Taking into consideration the extended garden areas, the fact that the properties proposed are restricted to 2 storey dwellings and the proposed boundary treatment along this boundary (a 1.8 metre high fence with 300mm trellis on top is proposed) it is not considered that a slight reduction in the rear to rear spacing distances (although they still extend the standard spacing distances) will adversely impact on the privacy or amenities of the existing or future residents.*

*The property on plot 127 is 1.42 metres higher than 45 Duxbury Gardens however 29 metres is retained between these two properties (which exceeds the required spacing distances taking into account the level difference). The proposed dwellings along this boundary incorporates a mix of 2 and 2.5 storey. At outline stage it was established that 3 storey dwellings could be accommodated at this location due to the existing 3 storey dwellings at Duxbury Gardens. It is considered that the siting of the proposed dwellings will ensure that the amenities of the existing and future residents are protected.*

21. In response to the concerns raised the Council's Enforcement Officer has visited the site and confirmed that the dwellings are being constructed in accordance with the approved plans.
22. However Arley Homes have also acknowledged the concerns raised and have reassessed the proposed finished floor levels. They have identified where the levels can be lowered namely, plots 126 to 130, along with boundary with the properties on Duxbury Gardens. The amendments are as follows:
  - Plot 126 (previously plot 127) was 76.65. Proposed 76.30
  - Plot 127 (previously plot 128) was 76.65. Proposed 76.30
  - Plot 128 (previously plot 129) was 76.45. Proposed 76.10
  - Plot 129 (previously plot 130) was 76.30. Proposed 75.90
  - Plot 130 (previously plot 131) was 76.00. Proposed 75.90
23. The amendments are only minor variations however any reduction in the finished floor levels should assist in addressing the neighbours concerns.
24. Additionally the following amendments to the finished floor levels are proposed:
  - Plot 6 (previously plot 6) was 76.70. Proposed 76.95
  - Plot 7 (previously plots 7 and 8) was 77.30 and 77.90. Proposed 77.95
  - Plot 8 (previously plot 9) was 79.00. Proposed 78.85
  - Plot 80 (previously plot 81) was 83.20. Proposed 83.35
  - Plot 81 (previously plot 82) was 83.20. Proposed 83.35
  - Plot 82 (previously plot 83) was 82.00. Proposed 82.55
  - Plot 83 (previously plot 84) was 82.00. Proposed 82.55
  - Plot 84 (previously plot 85) was 81.40. Proposed 81.60
  - Plot 85 (previously plot 86) was 81.40. Proposed 81.60
  - Plot 86 (previously plot 87) was 80.50. Proposed 80.70
  - Plot 87 (previously plot 88) was 80.50. Proposed 80.70
  - Plot 88 (previously plot 89 and 90) was 79.00 and 78.10. Proposed 79.65
  - Plot 89 (previously plot 91) was 78.00. Proposed 78.20
  - Plot 131 (previously plot 132) was 76.00. Proposed 76.05
  - Plot 132 (previously plot 133) was 75.80. Proposed 75.825
  - Plot 133 (previously plot 134) was 75.65. Proposed 75.675
  - Plot 134 (previously plot 135) was 75.35. Proposed 75.375
25. As demonstrated above it is proposed to increase the height of some of the finished floor level however these are internally within the site and an assessment has been made, as above, to ensure that this amendment will not impact on the future occupants amenities when compared to the previously approved spacing distances.
26. Where level changes are proposed adjacent to the site boundaries the finished floor levels are actually lower than the approved levels. Arley Homes have assessed the section of the

site adjacent to Little Carr Lane and Carr Lane and it is not possible to amend these finished floor levels due to the drainage of the site. As such these levels remain as per the approved scheme.

#### Condition 26

27. Condition 26 of the reserved matters approval stated:

Prior to the commencement of each phase of the development full details of the predicted energy use of the development expressed in terms of carbon emissions for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. If no data specific to the application is available benchmark data will be acceptable. A schedule for each phase of development should include how energy efficiency is being addressed in that phase of development, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot in that phase of development by means of low carbon sources. Details shall be submitted for each phase of development for on-site measures to be implemented including rainwater/brown water recycling, the implementation of sustainable urban drainage systems and the provision of storage space for recyclable waste materials and composting. Such details as may be approved shall be implemented and retained in perpetuity.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*

#### Condition 27

28. Condition 27 of the reserved matters approval stated:

Prior to the commencement of the development full details shall be submitted to demonstrate and provide full details of how the design and layout of the buildings will withstand climate change shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. Such details as may be approved shall be implemented and retained in perpetuity.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*

29. Prior to the submission of this Section 73 application Arley Homes applied to discharge all of the prior commencement conditions attached to the reserved matter approval which included these conditions. In this regard it was confirmed, by officers, via letter that:

*Condition 26 requires full details of the predicted energy use of the development expressed in terms of carbon emissions and I have noted the submitted Renewable Energy Options Appraisal. It is considered that as this document details the on-site measures to be installed which will meet the necessary carbon emission reductions this sufficiently addressed the requirements of Condition 26. As such Condition 26 can be discharged once the agreed low/zero carbon technology, as set out in Appendix A of the Renewable Energy Options Appraisal, have been incorporated. These measures shall be retained in perpetuity.*

*In respect of condition 27, which requires the submission of full details of how the design and layout of the buildings will withstand climate change, I have noted the submitted Renewable Energy Options Appraisal and the additional information submitted on 21st April. It is considered that the information submitted demonstrates that all the dwellings will meet Code for Sustainable Homes Level 3. As all of the dwellings will be commenced prior to 2013 Level 4 does not apply. As such condition 27 can be discharged once the dwellings have been completed to meet Code Level 3.*

30. However Arley Homes have now applied to vary these conditions to remove the requirement for the affordable housing to accord with these conditions. In support of the proposed rewording the supporting planning statement identifies the following material considerations which are addressed below:
- Impact on the Viability of the Development
  - Arley Homes Delivery Performance
  - Chorley Borough Housing Supply
  - Delivery of Affordable Housing
  - Sustainability Assessment
  - Exception
31. Impact on the Viability of the Development- The supporting statement confirms that Arleys Homes offer to United Utilities, when purchasing the land, was based on the affordable homes not being constructed to code for sustainable homes level 3. If the affordable housing is not exempt from the Council's sustainability requirements then this will impact on the viability of the scheme. This is further exacerbated by the fact that the remediation of shallow mine workings on site are required which were not identified originally and added to the costs of the project.
32. Arley Homes Delivery Performance- Within the submitted supporting planning statement the agents for the application have sited Arleys Home's recent projects in Chorley, including The Waggon and Horses and The Dog and Partridge which, it is stated, *demonstrates Arley Homes excellent performance in delivering residential development and affordable housing within the Borough.* The statement goes on to confirm that Arley Homes are proposing to commence development of the affordable housing on this site in October 2011 with a target of 21 affordable houses completed and handed over to Adactus Housing in May 2012. However it is stated that *if the sustainability conditions are not varied accordingly, the viability of the development will be jeopardised which will impact on the deliverability timescales of the affordable housing and as a result the residential development as a whole.*
33. Chorley Borough Housing Supply- The statement considers the Council's housing land supply and states *The Duxbury Park housing development has been included within the Council's reported housing supply however if the Council maintains its sustainability requirements for the affordable housing then the rate of delivery of the development will be jeopardised. The delayed delivery of the residential development at Duxbury Park coupled with the halted delivery of a number of housing schemes (such as apartment led development) due to the current economic downturn which make up the Council's housing supply could result in the Council's 5 year housing requirements not being achieved. In contrast however, if the Council was to relax its sustainability requirements for the proposed affordable houses and approve this s73 application, it will enable Arley Homes to deliver the development as soon as possible in line with its ongoing residential schemes in the Borough.*
34. Delivery of Affordable Housing- The statement concludes that the *Council has a corporate objective to deliver affordable housing and the Central Lancashire SHMA (2009) identifies that Chorley has a shortfall of affordable housing with an annual need of 605 units per annum. If the Council maintains its proposed sustainability requirements for the affordable houses then the viability of delivering these units will be significantly impacted, delaying the delivery timescales of this considerable provision*
35. Sustainability Assessment- the applicants have undertaken a Predicted Energy Assessment to compare the sustainability credentials of a new dwelling constructed to current building regulation standards with a new dwelling built to Code for Sustainable Homes Level 3. The statement concludes that these assessments demonstrate *that both a house constructed to current building regulations and a similar house type constructed to code for sustainable homes level 3 fall with band B under the energy efficiency and environmental impact ratings. The house constructed to current building regulations scores lower than the house built to code for sustainable homes level 3. However the difference is marginal and the removal of the Council's sustainability requirements will enable the affordable houses to be delivered in the short term whilst still securing sustainably built affordable homes*

36. Exception- the statement confirms that *Arley Homes is committed to continuing to develop houses within the Borough of Chorley to meet local needs. The requirements of the Council's sustainable resources DPD are fully understood by Arley Homes however due to significant material considerations outlined, Arley Homes cannot deliver the proposed affordable houses in line with the Council's sustainability requirements.* A letter from the applicant, appended to the supporting planning statement, confirms that this will be the last site Arley Homes develop where they will ask the Council to waive the sustainability requirements.
37. Although the above six points are material to the consideration of this application it is considered that the weight that could be attached to these points is limited particularly taking into account the fact that the outline planning approval incorporated conditions requiring the Code for Sustainable Homes level and the renewable requirements. As such Arley Homes would have been aware of the requirements when they purchased the site. Additionally, although this site is included within the Council's 5 year housing land supply and is considered to be a sustainable, deliverable site, the Council has over a 5 year housing land supply (currently 5.38 years), a fact which is supported by the recent appeal decision at Cuerden, and the removal of this site would not result in less than a 5 year supply.
38. As such the applicants were advised that only limited weight could be attached to these points and additional information would be required which demonstrated what would actually be done on site. In this regard Arley Homes have submitted a Sustainability Statement. This Statement confirms that the affordable housing on this site will achieve a carbon reduction, when compared with a standard house, mainly through fabric improvements. The 'fabric first' approach has recently been promoted by the Zero Carbon Hub and results in reductions in carbon emissions which is what Policy SR1 seeks to achieve. The statement confirms that the detailed insulation specification which has been developed to achieve the required improvements over building regulation standards will, to a certain extent, be applied across the site including the affordable housing.
39. To achieve a greater specification than standard houses and to reduce carbon emissions the affordable dwellings will incorporate the following improvements/ inclusions:
- **Energy:** Greater insulation specification
  - Low energy lighting will be provided in accordance with Code Level 3 standards
  - External drying space will be provided in the form of rear garden areas
  - All white goods fitted in the dwellings will be A rated as required by Code Level 3
  - Any external lighting will be Code 3 compliant
  - All the dwellings will have private rear gardens that could accommodate cycle storage
  - All the affordable units will be 2/3 bedroom which incorporates the potential for any spare bedroom to be used as a home office
  - **Water Use:** Water use will be reduced to around 105 litres per person per day by the installation of fixtures and fittings designed to reduce water consumption which is Code 3 compliant
  - The rainwater drainage pipes within the private rear gardens could accommodate rainwater collection butts
  - **Materials:** The principals of the construction specification that has been developed to achieve Code 3 accreditation in terms of the Green Guide rating for the five main building elements will be applied to the affordable dwellings
  - **Surface Water:** The surface water drainage of the site will include measures to reduce the surface water run off rate
  - The site will not increase the overall risk to flooding thus achieving compliance with Code 3.
  - **Waste:** All dwellings will include the provision of a three bin recycling system within the dwellings thus complying with Code 3
  - A reduction in the amount of waste produced and the promotion of recycling will be implemented as part of the construction phase in compliance with the code
  - Composting facilities could be accommodated in rear garden areas
  - **Pollution:** The scheme will achieve Code 3 accreditation in terms of the GWP of Insulants



- The construction heating specification that has been developed to achieve Code 3 accreditation in terms of boiler NOx emissions will be implemented.
  - **Health:** The sound insulation will achieve code accreditation
  - All dwellings have private rear gardens which achieves the required Code 3 accreditation
  - **Management:** All dwellings will be provided with a home information pack (Home User Guide) in accordance with the Code requirements
  - The development will be constructed under the Considerate Contractors scheme which achieves Code 3 accreditation
  - **Ecology:** In respect of ecology code 3 accreditation is achieved for the overall site including ecological enhancements within the affordable housing and protection of ecological features
40. The statement concludes that of the 9 main headings of the Code, listed above, the affordable housing responds to all of the requirements to some extent. Of the 34 detailed requirements 21 are fully achieved with most of the others gaining at least part compliance.
41. In terms of condition 26 and the requirements to include on site renewable technology within the scheme it has been considered on previous schemes that in certain circumstances the 'fabric first' approach is favoured due to the life span of fabric improvements compared to the relatively short life span of renewable technology (typically 25 years). Additionally the inclusion of renewable technologies on dwellings (e.g. photovoltaic's) can create maintenance issues. As the majority of the affordable properties will be rented it is unlikely that the tenants would be willing to accept any cost implication of future maintenance. As such in this situation it is considered acceptable that a fabric first approach is the most appropriate way forward which will achieve carbon emissions savings which is the purpose of Policy SR1.
42. It is acknowledged that the affordable houses will not achieve the required 15% reduction in carbon emissions required as part of Policy SR1 due to the viability of the scheme. However the affordable houses will have a greater insulation specification than standard house types and as such it is proposed to split condition 26 into 2 conditions as follows:

#### Condition

The open market dwellings hereby approved shall be constructed in accordance with and incorporate the approved on-site low/ zero carbon technology set out in Appendix A of the Renewable Energy Options Appraisal (submitted as part of discharge of condition application 11/00190/DIS). The approved measures shall be retained in perpetuity.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*

#### Condition

Within 3 months of this planning approval full details of the on-site measures, in respect of the affordable dwellings hereby approved (plots 21, 22, 23, 24, 25, 26, 27,28, 29, 42, 43, 44, 45, 46, 47, 102, 103, 104,105, 106, 107, 108, 109, 110, 111, 112 and 113), to reduce the carbon emissions of the development (related to predicted energy use using the 2006 Building Regulations as the base figure) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained in perpetuity.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*

43. In terms of the Code for Sustainable Homes requirements taking into account the initial justification put forward by the applicant and the fact that the principles for the Code are being embraced to some extent it is proposed to split condition 27 into 2 conditions as follows:

### Condition

All of the open market dwellings hereby approved shall meet Code for Sustainable Homes Level 3, in accordance with the submitted Renewable Energy Options Appraisal (submitted as part of discharge of condition application 11/00190/DIS). The approved details shall be retained in perpetuity. Please note any dwellings commenced after 1st January 2013 will be required to meet Code for Sustainable Homes Level 4.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*

### Condition

Within 3 months of this planning approval full details of how all of the affordable dwellings (plots 21, 22, 23, 24, 25, 26, 27, 28, 29, 42, 43, 44, 45, 46, 47, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113) hereby approved achieve a minimum of 21 credits in respect of Code for Sustainable Homes Level 3 criteria shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include details of the following and the credits awarded to each:

- Low energy lighting
- All white goods fitted
- Any external lighting
- Fixtures and fittings designed to reduce water consumption
- Rainwater collection butts
- The construction specification (Green Guide rating)
- Composting facilities
- Details of the GWP of Insulants
- The construction heating specification
- The sound insulation
- Home User Guide
- Details of the Considerate Contractors scheme
- Details of the ecological enhancements and protection of ecological features

The approved details shall be retained in perpetuity.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*

### Section 106 Agreement

44. As the approval of this application results in the issuing of a new planning approval a short supplemental S106 Agreement is required tying this application into the original obligations.
45. The original S106 Agreement and Committee reports detailed how 20% affordable housing will be achieved on site. The original committee report associated with the outline application stated:  
*In accordance with Policy L5 of the Regional Spatial Strategy and Policy HS5 of the Adopted Local Plan and 20% on site affordable housing will be required as part of the development. This obligation will form part of the Section 106 Agreement associated with the development and the 20% provision will be split between 70% rented affordable units and 30% shared ownership affordable units. This split is based on local need in the area.*
46. To expand on this the committee report associated with the reserved matters application stated:  
*In accordance with the Section 106 Agreement associated with the outline approval (and the recently approved Section 73 application) the scheme is required to incorporate 20% affordable housing on site, which for 135 dwellings is 27 units as set out above. The scheme incorporates 14 two bedroom dwellings and 13 three bedroom dwellings located within a central located on the site (plots 22-30, 104-115 and 43-48).*

47. The affordable units will actually be located on plots 21-29, 102-113 and 42-47 taking into account the above suggested amendments.
48. Adactus Housing will be managing the affordable units on site however Adactus wish to alter the tenure split and house size split set out above which is reflected within the S106 Agreement. The original agreement would have resulted in a split of 19 rented units and 8 intermediate units on the following tenure basis:  
Rented- 10 two bedroom properties and 9 three bedroom properties  
Intermediate- 4 two bedroom properties and 4 three bedroom properties
49. Adactus Housing propose to amend this split to 22 rented properties and 5 intermediate properties on the following tenure basis:  
Rented-12 two bedroom properties and 10 three bedroom properties  
Intermediate- 2 two bedroom properties and 3 three bedroom properties
50. The Council's Strategic Housing Section have assessed this proposed amendment and the reasons for it and are satisfied with the suggested amendments. As a supplemental S106 Agreement is required to tie this application into the obligations it is considered appropriate to incorporate the above variations to the original S106 Agreement within the supplemental agreement.

### **Overall Conclusion**

51. The proposed amendments to the layout and house types are relatively minor changes which are considered to be acceptable and will not adversely impact on the scheme or the existing neighbours. The changes to the finished floor levels along the common boundary of the site are only minor but will assist in addressing some of the neighbours concerns in this regard.
52. It is noted that the affordable housing will not accord with Policy SR1 in respect of Code for Sustainable Resources and renewable energy however the affordable houses do embrace the principles of Code for Sustainable Homes and will incorporate fabric improvements to reduce carbon emissions. In this instance it is considered that the suggested conditions require the affordable units to have greater specifications than standard house types but do not require full compliance which is considered to be acceptable taking into consideration the specific issues in respect of the deliverability of this site.

### **Planning Policies**

#### National Planning Policies:

PPS1, PPS3, PPS9, PPS22, PPS23, PPS25, PPG17

#### North West Regional Spatial Strategy:

Policies DP1, DP4, DP7, RDF1, L4, L5, RT9, EM1, EM5, EM15, EM16, EM17

#### Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, EP4, EP9, EP17, EP18, HS4, HS5, HS6, HS21, EM1, EM2, TR1, TR4, TR18

#### Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

#### Chorley's Local Development Framework

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

#### Joint Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 5: Housing Density  
Policy 7: Affordable Housing  
Policy 17: Design of New Buildings  
Policy 22: Biodiversity and Geodiversity  
Policy 26: Crime and Community Safety  
Policy 27: Sustainable Resources and New Developments  
Policy 28: Renewable and Low Carbon Energy Schemes  
Policy 29: Water Management  
Policy 30: Air Quality

Sites for Chorley- Issues and Options Discussion Paper December 2010  
CH0174 Chorley Training and Conference Centre, Little Carr Lane

### **Planning History**

**06/00850/CB3-** Creation of an access junction off the proposed Eaves Green Link Road (site area 0.31ha). Approved November 2006

**08/01044/OUTMAJ-** Outline application for the erection of a mixed use development incorporating residential and B1 employment use following the demolition of the existing buildings (7.2 hectares). Approved December 2008

**10/00004/DIS-** Application to discharge condition 29 of planning approval 08/01044/OUTMAJ. Discharged January 2010

**10/00240/DIS-** Application to discharge condition 14 of planning approval 08/01044/OUTMAJ. Discharged April 2010

**10/00888/FULMAJ-** Application to vary conditions 11, 12 (ground remediation), 19 (surface water attenuation) and 21 (archaeology) of outline planning permission ref: 08/01044/OUTMAJ to enable the site to be developed in phases. Approved 11<sup>th</sup> January 2011

**10/00946/REMAJ-** Reserved Matters application, pursuant to Section 73 planning permission 10/00888/OUTMAJ, proposing full details for the siting, layout, appearance and landscaping for a residential development comprising 135 dwellings at Duxbury Park, Myles Standish Way, Chorley. Approved February 2011

**11/00190/DIS-** Application to discharge conditions 6, 8, 9, 12, 13, 14, 19, 21, 22, 24, 26, 27, 28, 29, & 30 attached to planning approval 10/00946/REMAJ. Discharged May 2011

**11/00263/FUL-** Construction of a temporary junction and access road for use during the construction period. Approved May 2011

### **Recommendation: Permit (Subject to Legal Agreement) Conditions**

1. The proposed development must be begun not later than two years from the date of planning approval reference 10/00946/REMAJ (9<sup>th</sup> February 2011) or not later than six years from the date of the outline planning permission (reference 08/01044/OUTMAJ)  
*Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. All windows in the first floor of the rear elevation on plots 77 and 78 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter.  
*Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5, HS4 and HS9 of the Adopted Chorley Borough Local Plan Review.*
3. The approved plans are:

Plan Ref.	Received On:	Title:
502-102 Rev R	14 July 2011	Planning Layout

502	24 November 2010	Proposed Drainage Connections
1237-903 Rev H	24 May 2011	Landscape General Arrangements
115	25 November 2010	Footpath Diversion Plan
P.130.10.01	22 October 2010	Existing Site and Tree Survey
P.130.10.02 Rev B	22 October 2010	Tree Protection Arrangements
6010/01 Rev A	22 October 2010	Topographical Survey
502-103 Rev E	14 July 2011	Street Scenes
502-101	22 October 2010	Location Plan
502-111 Rev C	6 July 2011	Site Section Sheet 2
ASPUL-2/101 Rev B	6 July 2011	Aspull
EUXTON-3/101 Rev B	6 July 2011	Euxton
OXFORD-3/102 Rev C	6 July 2011	Oxford (Tile hanging details)
H119-4/101 Rev C	6 July 2011	Prestbury
ALDGATE A-3FL/101	6 July 2011	Aldgate A
ALDGATE A-3RL/101	6 July 2011	Aldgate A
LANGLEY-4FL/101	6 July 2011	Langley C
LANGLEY-4RL/101	6 July 2011	Langley C
LANGLEY-4FL/102	6 July 2011	Langley C
LANGLEY-4RL/102	6 July 2011	Langley C
THORNBURY-4/101 Rev B	6 July 2011	Thornbury
SOMERTON-4/101 Rev B	6 July 2011	Somerton
APPLETON-4S/102 Rev B	6 July 2011	Appleton (side entry garage)
APPLETON-4F/101 Rev C	6 July 2011	Appleton (front entry garage)
GRANTHAM-5FA/101 Rev C	6 July 2011	Grantham (front aspect)
GRANTHAM- 5FA/102 Rev B	6 July 2011	Grantham (front aspect)
GRANTHAM-5SA/103Rev C	6 July 2011	Grantham (front aspect)
GRANTHAM-5SA/101 Rev B	6 July 2011	Grantham (side aspect)
NEWBURY-5/101 Rev C	6 July 2011	Newbury (Tudor gable)
NEWBURY-5/102 Rev C	6 July 2011	Newbury (Tile hanging detail)
WAVERTON-5/101 Rev B	6 July 2011	Waverton (Tudor gable)
WAVERTON-5/102 Rev B	6 July 2011	Waverton
PORTLAND-5/101 Rev C	6 July 2011	Portland (Tudor gable)
HARBURY-5/101 Rev C	6 July 2011	Harbury (Tudor details)
SGL/DETAIL/101 Rev A	19 January 2011	Single Garage
DGL/DETAIL/101 Rev A	19 January 2011	Double Garage
D-SGL/DETAIL/101 Rev A	19 January 2011	Double & Single Garage
SD-??	22 October 2010	1800 High Closeboard Fence with 300mm Trellis
SD-??	22 October 2010	1800 High Closeboard Fence
SD-15-W01	22 October 2010	1800 High Brick Wall with Tile Crease
1237.904	1 February 2011	Vegetated Linear Features.
Ashbourne-4/101 Rev B	6 July 2011	Ashbourne
Ashbourne-4/102 Rev B	6 July 2011	Ashbourne
Richmond-4/101 Rev A	6 July 2011	Richmond
Hale-4/101 Rev A	6 July 2011	Hale
502-122 Rev B	6 July 2011	Site Sections Location Plan
502-110 Rev E	6 July 2011	Site Sections Sheet 1
502-111 Rev C	6 July 2011	Site Sections Sheet 2
502-112 Rev D	6 July 2011	Site Sections Sheet 3
502-113 Rev C	6 July 2011	Site Sections Sheet 4
502-114 Rev C	6 July 2011	Site Sections Sheet 5
502-115 Rev B	6 July 2011	Site Sections Sheet 6
502-116 Rev C	6 July 2011	Site Sections Sheet 7
H119-4/102 Rev A	6 July 2011	Prestbury (Tile Hanging)
Portland-S/102 Rev A	6 July 2011	Portland
Harbury-S/103 Rev A	6 July 2011	Harbury (Tile Hanging)
Grantham+-5/FA101	6 July 2011	Grantham +
Grantham+-5/FA102	6 July 2011	Grantham +
Grantham+-5/FA103	6 July 2011	Grantham +

CAMBRIDGE-3/101  
DURHAM-4/101

6 July 2011  
6 July 2011

Cambridge  
DURHAM

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

4. Within one year of or within the first planting and seeding season following the completion of the access junction (whichever is the sooner) the structure planting along the access road and boundary of the site with Myles Standish Way shall be completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.  
*Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.*
5. The development hereby permitted shall be carried out in accordance with the approved remedial measures (Section 7 of the updated ground investigation and risk assessment, dated 28th May 2010, Ref: CL1301-03 submitted as part of discharge of condition application 11/00190/DIS.) and in accordance with the conclusions of the Shallow Mining & Mineshaft Investigation, (dated 16th June 2010, Ref: CL1207-02-R1 submitted as part of discharge of condition application 11/00190/DIS).  
*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.*
6. Upon completion of the remediation works for each phase (as identified by LK Consult Limited Figure 1 Drawn August 2010) a validation report for that phase containing any validation sampling results shall be submitted to and approved in writing by the Local Planning Authority.  
*Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control*
7. The development hereby permitted shall be carried out in accordance with the approved Arboricultural Method Statement (submitted as part of discharge of condition application 11/00190/DIS) and the Ecologists suggestions (set out in the letter to Arley Home dated 17<sup>th</sup> May 2011).  
*Reasons: In the interests of the continued protection of the Biological Heritage Site. In accordance with Policy EP2 of the Adopted Chorley Borough Local Plan Review.*
8. 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 Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
9. The access link from Little Carr Lane shall cease to be used prior to the commencement of the development hereby permitted (including the construction and site clearance stage).—Full details of the measures to be implemented to prevent vehicular access except in emergencies shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of proposed signage, details of the pedestrian/cycle route and samples of the proposed hard surfacing materials. The development thereafter shall be carried out in accordance with the approved scheme.  
*Reason: To ensure the acceptable development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
10. The development hereby permitted shall be completed in accordance with the approved surface water drainage scheme (Longitudinal Sections reference 02-04/05 Rev D and the drainage layout reference 02-03 Rev D submitted as part of discharge of condition application 11/00190/DIS)  
*Reason: To reduce the risk of flooding at the site and in accordance with Government advice contained in PPS25: Development and Flood Risk*

11. The development hereby permitted shall be carried out in accordance with the approved programme of archaeological work (undertaken by John Trippier Archaeological and Surveying Consultancy/Bluestone Archaeology submitted as part of discharge of condition application 11/00190/DIS). On completion of the archaeological work the final report shall be submitted to and approved in writing by the Local Planning Authority.  
*Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately excavated and the remains recorded and in accordance with Policy Nos. HT11 and HT12 of the Adopted Chorley Borough Local Plan Review.*
12. During the construction period, all trees to be retained shall be protected in accordance with the approved Tree Protection Arrangements Plan (reference P.130.10.02 Rev B) submitted as part of discharge of condition application 11/00190/DIS. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.  
*Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*
13. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.  
*Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.*
14. 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 PPS23: Planning and Pollution Control.*
15. No dwelling hereby permitted shall be occupied until the highway alterations to the site access with Myles Standish Way, to include access roads into the two employment areas located to the east and west of the access junction, as set out on plan reference B3141 P017A, dated 21st November 2008, or any other such works which have been submitted to and approved in writing by the Local Planning Authority, have been completed to the satisfaction of the Local Planning Authority.  
*Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
16. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority.  
*Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
17. The approved Neighbourhood Consultation Document (undertaken by Arley Homes submitted as part of discharge of condition application 11/00190/DIS) shall be implemented and completed in accordance with the approved procedure. Copies of the update letters shall be sent to the Local Authority to keep a record on the file.  
*Reason: To ensure that the existing residents are fully aware of the progress of the development.*
18. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the 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 using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

19. The development hereby permitted shall only be carried out in conformity with the approved hard ground- surfacing materials (General arrangements plan- reference 1237-903 Rev D, submitted as part of discharge of condition application 11/00190/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 and HS4 of the Adopted Chorley Borough Local Plan Review.*
20. All planting, seeding or turfing comprised in the approved details of landscaping (General arrangements plan (reference 1237-903 Rev D) submitted as part of discharge of condition application 11/00190/DIS) 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.*
21. No dwelling on plots 2, 6, 9, 10, 12, 14, 16, 31, 32, 35, 36, 37, 40, 49, 50, 53, 56, 60, 61, 62, 63, 64, 65, 67, 70, 71, 74, 77, 78, 81, 82, 83, 84, 85, 86, 90, 119, 120, 121, 122, 123, 124, 129, 131 and 133 shall be occupied until a garden shed has been provided in accordance with the approved details (submitted as part of discharge of condition application 11/00190/DIS). The garden sheds shall be retained in perpetuity thereafter.  
*Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets*
22. 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: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review*
23. The open market dwellings hereby approved shall be constructed in accordance with and incorporate the approved on-site low/ zero carbon technology set out in Appendix A of the Renewable Energy Options Appraisal (submitted as part of discharge of condition application 11/00190/DIS). The approved measures shall be retained in perpetuity.  
*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*
24. Within 3 months of this planning approval full details of the on-site measures, in respect of the affordable dwellings hereby approved (plots 21, 22, 23, 24, 25, 26, 27,28, 29, 42, 43, 44, 45, 46, 47, 102, 103, 104,105, 106, 107, 108, 109, 110, 111, 112 and 113), to reduce the carbon emissions of the development (related to predicted energy use using the 2006 Building Regulations as the base figure) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained in perpetuity.  
*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*
25. All of the open market dwellings hereby approved shall meet Code for Sustainable Homes Level 3, in accordance with the submitted Renewable Energy Options Appraisal (submitted as part



of discharge of condition application 11/00190/DIS). The approved details shall be retained in perpetuity. Please note any dwellings commenced after 1<sup>st</sup> January 2013 will be required to meet Code for Sustainable Homes Level 4.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*

26. Within 3 months of this planning approval full details of how all of the affordable dwellings (plots 21, 22, 23, 24, 25, 26, 27,28, 29, 42, 43, 44, 45, 46, 47, 102, 103, 104,105, 106, 107, 108, 109, 110, 111, 112 and 113) hereby approved achieve a minimum of 21 credits in respect of Code for Sustainable Homes Level 3 criteria shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include details of the following and the credits awarded to each:

- Low energy lighting
- All white goods fitted
- Any external lighting
- Fixtures and fittings designed to reduce water consumption
- Rainwater collection butts
- The construction specification (Green Guide rating)
- Composting facilities
- Details of the GWP of Insulants
- The construction heating specification
- The sound insulation
- Home User Guide
- Details of the Considerate Contractors scheme
- Details of the ecological enhancements and protection of ecological features

The approved details shall be retained in perpetuity.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*

27. The approved play area (reference 1237-905 Rev A received 21st April 2011 submitted as part of discharge of condition application 11/00190/DIS) shall be implemented and completed in accordance with the approved details prior to the occupation of the dwellinghouses on plots 30, 39-47, 101, 27-29 and 102.

*Reason: To ensure adequate provision for public open space and play area within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.*

28. The approved Habitat Creation, Enhancement & Management Plan (undertaken by TPM Landscape dated February 2011 submitted as part of discharge of condition application 11/00190/DIS) shall be implemented in full

*Reason: To ensure that habitat connectivity is provided throughout the site and to ensure the protection and enhancement of the Biological Heritage Site. In accordance with Policy EM1 of the North West Regional Spatial Strategy.*

29. No dwelling shall be occupied until all fences and walls shown in the approved details (reference SD-24, SD-??, SD-15-W01 and SD-?? 1800 High Closeboard Fence read in conjunction with the General Arrangements Plan submitted as part of discharge of condition application 11/00190/DIS) 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.*

30. 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 on plots 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 31, 32, 34, 35, 36, 37, 39, 40, 41, 68, 69, 70, 71, 72, 73, 74, 75, 76, 80, 81, 82, 84, 85, 87, 88, 89, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128 and 129 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.*