

**Item 9**                      **11/00776/FUL**

**Case Officer**              **Mr Matthew Banks**

**Ward**                              **Clayton-le-Woods And Whittle-le-Woods**

**Proposal**                      **Application to vary Condition 24 (Code for Sustainable Homes requirement), the removal of Condition 25 (Design Stage Assessment) and the removal of Condition 26 (Code Level letter of assurance and Final Code Certificate) imposed upon planning approval 11/00327/FUL.**

**Location**                      **7 Chorley Old Road Whittle-Le-Woods Lancashire PR6 7LB**

**Applicant**                      **Wainhomes Ltd**

**Consultation expiry:**    **17 October 2011**

**Application expiry:**    **28 October 2011**

#### **Proposal**

1. Application to vary Condition 24 (Code for Sustainable Homes requirement), the removal of Condition 25 (Design Stage Assessment) and the removal of Condition 26 (Code Level letter of assurance and Final Code Certificate) imposed upon planning approval 11/00327/FUL.

#### **Recommendation**

2. It is recommended that this application is approved on the basis that Condition 24 and 25 are retained as stipulated in the application 11/00327/FUL and Condition 26 is varied in line with the comments from the council's planning policy section.
3. This application is being brought to Chair's Brief because an objection has been received from the Parish Council.

#### **Main Issues**

4. The main issues for consideration in respect of this planning application are whether the variation of Condition 24 and the removal of Conditions 25 and 26 maintain the requirements of Policy SR1 of the Sustainable Resources Development Plan Document (DPD).

#### **Representations**

5. To date no letters of objection have been received concerning this application.

#### **Consultations**

6. **Planning Policy Section** – object to the variation of Condition 24 and the removal of Condition 25 and consider the variation of Condition 26 to still maintain the overall policy objective of Policy SR1 if amended to reflect their comments.
7. **Parish Council – objects** – The Parish Council supports the retention of these conditions. The Inspector was correct in adding these conditions and they were imposed for a good reason.

#### **Assessment**

8. This application seeks permission to remove two conditions and vary one condition of those imposed with planning approval 11/00327/FUL which relates to the site 5-7 Chorley Old Road, Whittle-Le-Woods (ref: Demolition of 7 Chorley Old Road together with associated outbuildings and construction of 8 No. residential dwellings (some with detached garages) and associated works including amendments to the access to 5 Chorley Old Road and erection of single detached garage to serve this property).

9. As such, given there are three different aspects to this application, each shall be addressed in turn.

#### Condition 24 (Code for Sustainable Homes requirement)

10. Condition 24 imposed with planning approval 11/00327/FUL reads:

Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1 January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1 January 2016).

*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

11. With regard to the above, the applicant has applied for the reference to Code Level 3 to be removed from Condition 24 arguing this duplicates the requirements of the Building Regulations.
12. The council disagrees with the removal of the reference to Code Level 3 because the implementation of the Code for Sustainable Homes (as a whole) is not done entirely through the Building regulations. It is only the energy section of the Code that is mandatory through the Building Regulations. Part L of the Building Regulations was amended in 2010 to align the percentage improvement in the dwelling emission rate with that required to achieve Code Level 3. Meeting Part L of the Building Regulations would therefore result in a dwelling achieving the mandatory minimum standard for dwelling emission rates for Code Level 3. However, the Code for Sustainable Homes contains several other mandatory performance standards that need to be met to achieve Code Level 3. It is important to note that energy is just one part of the Code and issues such as water, materials, surface water run-off, waste, pollution, health and wellbeing, management and ecology would not be addressed.
13. The Communities and Local Government website provides information on the Code for Sustainable Homes. It states:

*"The Code is not a set of regulations. The Code goes further than the current building regulations, but is entirely voluntary, and is intended to help promote even higher standards of sustainable design. The Code measures the sustainability of a new home against nine categories of sustainable design, rating the 'whole home' as a complete package. It covers Energy/CO 2 , Water, Materials, Surface Water Runoff (flooding and flood prevention), Waste, Pollution, Health and Well-being, Management and Ecology"*
14. The Code for Sustainable Homes Technical Guide November 2010 also states:

*"Performance targets are more demanding than the minimum standard need to satisfy Building Regulations or other legislation"*
15. Both of these sources highlight that the Code for Sustainable Homes goes beyond Building Regulations. Through Planning Policy Statement: Planning and Climate Change Supplement to PPS1 local authorities are allowed to request higher levels of Code than are required through Building Regulations. The crucial point here is that this must be required through a policy in the local authority's Development Plan Documents (DPDs). Policy SR1 is within an adopted Development Plan Document and not a Supplementary Planning Document (SPD) which clearly sets out that all new dwellings will be required to meet Level 3 of the Code for Sustainable Homes. The Council's approach in the DPD was found sound at Examination by an Inspector.
16. Whilst some bodies insist on housing schemes achieving level 3 of the Code, it is not currently mandatory for all developers to achieve all of the necessary credits to secure level 3 (or higher) of the Code. Therefore, the reference to the Code Level 3 is necessary. Without this reference there is no requirement for a developer to meet level 3 of the Code for Sustainable Homes.
17. The applicant also refers to the recent approval given to a very similar condition relating to the planning application 11/00312/FUL, in which the council reluctantly approved this application due to comments made by the Inspector in the appeal decision (ref: APP/D2320/A/09/2119299).
18. In their appeal decision the Inspector stated: *"The implementation of the Code is to be through the Building Regulations. It is government policy that the planning regime should not duplicate other controls"*. The council disagrees with the Inspector's comments in relation to Code Level 3 for the reasons outlined earlier in this report.
19. The applicant also makes reference to Core Strategy Policy 27 and states that since the document was recently examined by the Inspector, it is now a material planning consideration in determining the current application. However, Policy 27 was subject to challenge at the examination and is to be amended as a result. As such, it is considered little weight can be afforded to this policy until the final Inspectors Report is published.
20. As such, it is considered that the Code for Sustainable Homes goes beyond the Building Regulations and

therefore Policy SR1 does not duplicate the requirements of the Building Regulations. It is considered that compliance with Part L of the Building Regulations will not result in the dwellings achieving Code Level 3. As outlined earlier, the Code covers a number of other issues that are not covered by Part L and therefore the reference to Code Level 3 is still required and should not be amended.

#### Condition 25 (Design Stage Assessment)

21. Condition 25 imposed with planning approval 11/00327/FUL reads:

No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.

*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

22. The applicant has argued that Condition 25 is unnecessary as it requires that no phase or sub-phase of the development may begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The applicant argues the requirement of Condition 25 imposes unnecessary additional stages to the aim of ensuring the dwellings achieve the relevant code level.

23. The Council disagrees with this assessment as a Design Stage Assessment is part of the overall Code assessment process. It is considered a code assessor will conduct an initial Design Stage Assessment to identify what code level the development would achieve. This certificate is required by the council prior to commencement of the development to ensure the development will achieve the relevant Code Level required by Policy SR1. As such, it is considered that because the Design Stage Assessment is part of the overall process and is required to establish what code level the development will achieve, it is not unreasonable to ask for the certificate in this case.

24. The council therefore considers that Condition 25 should be retained to ensure the development meets the requirements of Policy SR1 of the Sustainable Resources DPD.

#### Condition 26 (Code Level letter of assurance and Final Code Certificate)

25. Condition 26 imposed with planning approval 11/00327/FUL reads:

No dwelling shall be occupied until a letter of assurance, detailing how each plot will meet the necessary code level, has been issued by an approved code assessor and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Prior to the completion of the development a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

26. The applicant has argued that the first part of Condition 26 is unnecessary which requires no dwelling to be occupied until a letter of assurance, detailing how each plot will meet the necessary code level, has been issued (by an approved code assessor) and approved in writing by the Local Planning Authority.

27. With regard to the above, the first part of the condition was added due to complaints from developers over previous conditions attached to planning permissions stating that no dwelling could be occupied until a Final Code Certificate to be issued for each property which resulted in delays in selling properties.

28. This condition gives more flexibility and enables dwellings to be occupied prior to the Final Code Certificate being issued, provided there is evidence submitted from the code assessor that the dwellings will achieve the relevant code level.

29. The council agrees with the applicant's comments in relation to the second part of Condition 26 which relates to the submission of a Final Code Certificate. It is considered that the development may never be fully completed and therefore the applicant may never need to submit the Final Code Certificates. As such, the council considers the condition to be re-worded as follows:

"No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code

Level has been issued by an approved Code Assessor and approved in writing by the Local Planning Authority. The Final Code Certificate for each dwelling shall be submitted to and approved in writing by the Local Planning Authority within 6 months for the dwelling being occupied.

*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document."*

30. As such, although the council does not agree with the removal of the first part of the condition, the condition has been varied in line with recent approvals.

### Overall Conclusion

31. In conclusion, it is not considered that the removal / variation of the three conditions is justified in this case and the suggestions put forward by the applicant would result in development which does not comply with Policy SR1. As such, it is proposed to retain Conditions 24 and 25 as originally drafted and amend Condition 26 as above.

### Planning Policies

#### National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

#### Adopted Chorley Borough Local Plan Review

Policy SR1 of the Adopted Sustainable Resources Development Plan Document (DPD)

### Planning History

The site history of the property is as follows:

**Ref:** 97/00053/COU      **Decision:** PERFPP      **Decision Date:** 21 May 1997

**Description:** Use of land as training menage,

**Ref:** 09/00145/FUL      **Decision:** WDN      **Decision Date:** 4 August 2009

**Description:** Demolition of existing dwelling (No. 7 Chorley Old Road) and various outbuildings, erection of 9 no. detached dwellings (some with detached garages), formation of internal road along with upgrade works to the existing access to the site from Chorley Old Road resulting in the creation of a single access serving the site and No. 5 Chorley Old Road and the erection of a double garage, part of which will serve this property

**Ref:** 09/00960/FUL      **Decision:** WDLPA      **Decision Date:** 20 January 2010

**Description:** Demolition of existing dwelling (No. 7 Chorley Old Road) and various outbuildings, erection of 9 no. detached dwellings (some with detached garages and some with integral garages), formation of internal road along with upgrade works to the existing access to the site from Chorley Old Road resulting in the creation of a single access serving the site and No. 5 Chorley Old Road

**Ref:** 10/00238/FUL      **Decision:** REFFPP      **Decision Date:** 2 July 2010

**Description:** Demolition of No. 7 Chorley Old Road together with associated outbuildings. Construction of 9 No. residential dwellings and associated works and amendments to the access into No. 5 Chorley Old Road with new garage provision/location.

**Ref:** 10/00703/FUL      **Decision:** PDE      **Decision Date:**

**Description:** Demolition of existing dwelling (No 7 Chorley Old Road) and various outbuildings and the erection of 8 No detached dwellings (some with detached garages)

**Ref:** 11/00327/FUL      **Decision:** PERFPP      **Decision Date:** 29 June 2011

**Description:** Demolition of 7 Chorley Old Road together with associated outbuildings and construction of 8 No. residential dwellings (some with detached garages) and associated works including amendments to the access to 5 Chorley Old Road and erection of single detached garage to serve this property

### Application Number - 11/00776/FUL

- Application to vary Condition 24 (Code for Sustainable Homes requirement), the removal of Condition 25 (Design Stage Assessment) and the removal of Condition 26 (Code Level letter of assurance and Final Code Certificate) imposed upon planning approval 11/00327/FUL.
- Approve subject to conditions
- 28 October 2011

**Recommendation: Permit Full Planning Permission  
Conditions**

1. No planting, structures, fences, gates or walls within the front garden area of plot 6 shall exceed a height of 600mm above the level of the adjacent driveway.  
*Reasons: In the interests of highway and pedestrian safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*
2. The proposed access from the development to Chorley Old Road shall be constructed to a width of 5.5m and this width shall be maintained for a distance of 10m measured from the continuation of the near edge of carriageway. Radii between Chorley Old Road and the proposed road shall be 6m.  
*Reason: To enable vehicles to enter or leave the development in a safe manner without causing a hazard to other road users, in the interest of highway safety and in accordance with Policy TR4 of the Chorley Borough Local Plan Review.*
3. Before the construction of the site hereby permitted is commenced facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.  
*Reasons: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose material thus creating a hazard for road users and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review.*
4. Before the development hereby permitted is first commenced full details of existing and proposed ground levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on the approved plans, specifically detailing the finished levels of the gardens associated with the dwellings. The development shall only be carried out in conformity with the approved details.  
*Reason: To protect the appearance of the locality, 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.*
5. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.  
*Reason: In the interests of safety and in accordance with the guidance set out in PPS23 – Planning and Pollution Control 2004.*
6. The proposed development must be begun not later than three years from the date of this permission.  
*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*
7. The development hereby permitted shall not commence until an updated bat survey of the existing buildings, along with any mitigation measures deemed necessary, has been submitted to and approved in writing by the Local Planning Authority in liaison with Lancashire County Council (Ecology). The development shall only thereafter be carried out in accordance with the mitigation measures proposed, if any are deemed to be necessary.  
*Reasons: To safeguard protected species and in accordance with Policy No. EP4 of the Chorley Borough Local Plan Review.*
8. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in

the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

*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.*

9. 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.*

10. 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.*

11. 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.*

12. 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 HS4 of the Adopted Chorley Borough Local Plan Review.*

13. The development hereby permitted shall not commence until full details of the root protection fencing and its positioning have been submitted to and approved in writing by the Local Planning Authority. During the construction period, all retained trees shall be protected by the approved fencing which shall be positioned in accordance with the approved plan and no construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced.

*Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.*

14. Notwithstanding the details of the submitted plans, the proposed driveways shall be constructed using permeable materials on a permeable base, the details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials and shall be retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off. In accordance with Policy No.GN5 and EP18 of the adopted Chorley Borough Local Plan Review.*

15. Before the properties hereby permitted are first occupied, the driveways shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in*

accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A to D) or any Order revoking or re-enacting the Order, no alterations or extensions shall be undertaken to any dwelling hereby permitted.

*Reason: The dwellings are situated on a private road which would not fall within the definition of a highway for the purposes of the Town and Country Planning (General Permitted Development) Order 1995. The extent of development that could be undertaken, particularly at the front of the properties, without planning permission could be extensive and could have a detrimental impact on the streetscene, the amenities of neighbouring residents and reduce the available parking at the properties, and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

17. 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.*

18. The development hereby permitted shall only be carried out in conformity with the proposed finished floor levels shown on the approved plan(s).

*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.*

19. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no windows other than those shown on the approved plans shall be inserted in any first floor elevation of the dwellings hereby permitted or the rear roof plane of the Milton house type on plot 4.

*Reason: To protect the amenities of neighbours and in accordance with Policy No. HS6 of the Chorley Borough Local Plan Review.*

20. The development hereby permitted shall not commence until a scheme for the provision and implementation, of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans prior to the first occupation of any dwelling on the site.

*Reason: To mitigate flooding and in accordance with Policy No. EP18 of the Chorley Borough Local Plan Review.*

21. The approved plans are:

Plan Ref.	Stamp Dated:	Title:
DGL/1168/WHD/WLW-LP01	11 April 2011	Location Plan
DGL/1168WHD/WLW-SI01 Rev K	14 June 2011	Proposed Site Plan
DGL/1168WHD/WLW-SE01 Rev D	14 June 2011	Sectional Elevations
-----	11 April 2011	Topographical Plan
SF/01	11 April 2011	1.8m Screen Fence
SF/02	11 April 2011	1.8m Timber Post & Panel Fence
DG/8.0/1/B	11 April 2011	Double 2 Door Garage
DG/2.0/1/B	11 April 2011	Single Garage
DG/2.0/2/B	11 April 2011	Single Garage
DG/4.0/1/B	11 April 2011	Paired Single Garage
DG/4.0/2/B	11 April 2011	Paired Single Garage
DG/3.0/1/B	11 April 2011	Paired Single Garage
DG/3.0/2/B	11 April 2011	Paired Single Garage
5.3133/P/B/L	11 April 2011	Montgomery
4.309/P/B/L	11 April 2011	Oxford
3&4/3.318/P/B/L	11 April 2011	Milton
5.238/P/B/L	27 April 2011	Cambridge Plot 2
4.309/P/B/L	27 April 2011	Oxford Plot 6

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

22. The development hereby permitted shall not be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans prior to the first occupation of any dwelling on the site.

*Reason: To mitigate flooding and in accordance with Policy No. EP18 of the Chorley Borough*

*Local Plan Review.*

23. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1<sup>st</sup> January 2010, Level 4 for all dwellings commenced from 1<sup>st</sup> January 2013 and Level 6 for all dwellings commenced from 1<sup>st</sup> January 2016). *Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
24. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.  
*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
25. No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level has been issued by an approved Code Assessor and approved in writing by the Local Planning Authority. The Final Code Certificate for each dwelling shall be submitted to and approved in writing by the Local Planning Authority within 6 months for the dwelling being occupied.  
*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*
26. Prior to the commencement of development either:
- a) full details of the on-site measures to reduce the carbon emissions of the development by 15% through the use of renewable or low carbon energy sources / technologies, shall be submitted to and approved in writing by the Local Planning Authority; or,
  - b) an assessment shall be submitted and approved by the Local Planning Authority, demonstrating that the Dwelling Emission Rate (DER) of the proposed dwellings will achieve more than a 15% improvement against the Target Emission Rate (TER), thereby reducing the carbon emissions of the development.

The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and is in line with the policy objectives of Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall not be at any time in connection with the development hereby permitted be erected or planted or allowed to remain on the land hereinafter defined, any building wall fence hedge shrub tree or other device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the near edge of carriageway of Chorley Old Road to a point measured 32m in a southerly direction and 37m in a northerly direction along the near edge of carriageway of Chorley Old Road and shall be constructed and maintained at footway level in accordance with a scheme to be first agreed in writing with the Local Planning Authority in conjunction with the Highway Authority (Lancashire County Council)..  
*Reasons: To ensure adequate visibility at the road junction, in the interest of highway safety and in accordance with Policy TR4 of the Chorley Borough Local Plan Review.*
28. The roof lights in the rear roof plane of the Milton house type on plot 4 shall be a minimum of



**1.7m above the finished level of the first floor of the dwelling.**

***Reasons: To safeguard the amenities of the occupiers of the adjacent residential property and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.***