

**Item 10**                      **11/00777/FUL**

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

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

**Proposal**                      **Application to vary Condition 27 (details of on-site carbon reduction measures) of planning approval 11/00327/FUL.**

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

**Applicant**                      **Wainhomes Ltd**

**Consultation expiry:**    **28 September 2011**

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

**Proposal**

1. Application to vary Condition 27 (details of on-site carbon reduction measures) of planning approval 11/00327/FUL.

**Recommendation**

2. It is recommended that this application is granted conditional approval.
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 issue for consideration in respect of this planning application is whether the proposed alterations to Condition 27 maintains the overall policy objective 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** – The proposed condition is considered to achieve the overall policy objective of Policy SR1 and therefore raises no objections.
7. **Parish Council – objects** – The Parish Council supports the retention of this condition. The Inspector was correct in adding this condition and it was imposed for a good reason.

**Assessment**

8. This application seeks permission to vary Condition 27 (details of on-site carbon reduction measures) of planning approval 11/00327/FUL which relates to the site 5-7 Chorley Old Road, Whittle-Le-Woods.
9. Full planning permission for the residential development was granted in June 2011 (application ref: 11/00327/FUL) and imposed the following planning condition:
10. Condition 27 - Prior to the commencement of the development full details of the on-site measures to reduce the carbon emissions of the development through the use of renewable or low carbon energy sources/technologies, by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.  
*Reason: to ensure the development is in accordance with 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 Development Plan document and Sustainable Resources Supplementary Planning Document.*
11. Condition 27 requires renewable or low carbon energy sources to be installed to reduce the predicted carbon emissions of the development by at least 15% in accordance with Policy SR1 of the Sustainable Resources Development Plan Document (DPD).

12. The Sustainable Resources DPD was prepared in accordance with the Supplement to Planning Policy Statement 1: Planning and Climate Change (PPS1) which states that when preparing local development documents, planning authorities should “*expect a proportion of energy supply of new development to be secured from decentralised and renewable or low carbon energy sources.*”
13. The applicant has applied to vary this condition to allow the 15% reduction to be achieved via means other than renewable or low carbon energy technologies. This approach is not strictly in accordance with Policy SR1, however, the DPD allows some flexibility.
14. It is important to note that the applicant is not claiming that the development would not be feasible or viable as a result of implementing the requirements of Policy SR1, only that an alternative approach to the policy objective would be better suited in this case.
15. It is accepted that the 15% reduction in carbon emissions can be achieved by other means such as building fabric improvements but this approach does not accord with Policy SR1. The applicant has drawn attention to a similar variation of condition application which was approved under the planning application 11/00312/FUL.
16. Under the application 11/00312/FUL, the Inspector took the view that it would be reasonable and necessary to require the use of renewable or low energy carbon sources in the development. As such, the inspector imposed a model condition, which required 10% of the energy supply of the development to be from decentralised, renewable or low energy sources.
17. However, in determining the application 11/00312/FUL, the council took a more pragmatic approach to overcome the condition which was justified through the submission of additional information. The information submitted had to clearly outweigh the weight attached to the Inspector’s appeal decision if a favourable outcome were to be received.
18. For example, in the case of the application 11/00312/FUL, 10% renewables were required through decentralised and renewable or low energy sources, so if the applicant demonstrated that more than 10% renewables could be achieved by other means (i.e. through the fabric of the building(s)), then this could be considered as a material consideration that could be weighed favourable in varying the condition to exclude being specific to decentralised and renewable or low energy sources, provided the alternative approach was in keeping with the overall policy objective.
19. As such, in dealing with this variation of condition application, the applicant has proposed the following condition, having regard to the approach taken with the planning application 11/00312/FUL:

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.*

20. It is considered that the proposed varied condition will ensure the condition achieves the same policy objective but will offer the developer a choice in how to achieve that objective.
21. It must also be taken into consideration that The Central Lancashire Core Strategy was recently examined by an Inspector and as such, is a material consideration on the determination of planning applications. However, this can only be afforded limited weight until the final Inspectors Report is published as it was subject to challenge at the examination.

22. During the Examination, an amended Policy 27 (Sustainable Resources and New Developments) of the Core Strategy was considered the Inspector concluded it appropriate that planning permissions for new built development should only be granted on proposals of 5 or more dwellings when either additional building fabric insulation or appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%.
23. As such, the proposed variation to Condition no. 27 responds to the requirements of Policy 27 of the Core Strategy.

### Overall Conclusion

24. With regard to the above, the specific merits of this case mean that Condition 27 of planning approval 11/00777/FUL can be appropriately varied to read:

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.*

25. As such, the application is consequently recommended for approval subject to conditions.

### 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:

- |   |                         |                                     |
|---|-------------------------|-------------------------------------|
| <b>Ref:</b> 97/00053/COU  | <b>Decision:</b> PERFPP | <b>Decision Date:</b> 21 May 1997   |
| <b>Description:</b> Use of land as training menage,   |                         |                                     |
| <b>Ref:</b> 2008/00493/PREAPP   | <b>Decision:</b> CLO    | <b>Decision Date:</b>               |
| <b>Description:</b> Residential Dev involving demolition of 7 Chorley Old Road and erection of 9 dwellings  |                         |                                     |
| <b>Ref:</b> 09/00145/FUL  | <b>Decision:</b> WDN    | <b>Decision Date:</b> 4 August 2009 |
| <b>Description:</b> 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 |                         |                                     |
| <b>Ref:</b> 09/00960/FUL<br>2010  | <b>Decision:</b> WDLPA  | <b>Decision Date:</b> 20 January    |
| <b>Description:</b> 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 - 11/00777/FUL**

- Application to vary Condition 27 (details of on-site carbon reduction measures) of 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 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:
- 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,
  - 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.***