

## **APPLICATION REPORT – 17/00616/FULMAJ**

**Validation Date: 16 June 2017**

**Ward: Chorley North East**

**Type of Application: Major Full Planning**

**Proposal: Erection of 10 dwellings including access and parking**

**Location: Mind Chorley, South Ribble And Blackburn 208 Stump Lane Chorley PR6 0AT**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr P Andrews**

**Agent: Tony Lawson, LMP Ltd**

**Consultation expiry: 11 July 2017**

**Decision due by: 10 November 2017**

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### **RECOMMENDATION**

1. It is recommended that planning permission be granted subject to conditions.

### **SITE DESCRIPTION**

2. The site was until recently occupied by a rather dilapidated former Lancashire County Council social services building, however, the building has been recently demolished. The site is located within the core settlement area of central Chorley and covers an area of 0.19Ha. There is no significant level change across the site.
3. The building had been empty for some time and had become the target for vandalism and anti-social behaviour. The character of the surrounding area is residential with buildings being of a mainly traditional design style set out in a typically dense urban street pattern.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The proposed development is for the erection of 10 dwellings with a vehicular access from Stump Lane. There would be parking areas to the front of the dwellings and private gardens to the rear. The dwellings themselves would be of traditional design comprising semi-detached and terraced properties.

### **REPRESENTATIONS**

5. A single representation has been received from the local Scout association, who own the adjacent unit. Their comments relate to the following issues:
  - Concerns over damage to the property and boundaries during the construction phase
  - Request appropriate and secure boundaries are installed
  - Concern about developers encroaching onto adjacent land during and after construction

- Concern about drainage arrangements
- Concern about contamination treatment
- Security concerns
- If the site were expanded beyond its current boundaries this would cause problems for vehicle parking and turning areas.

## CONSULTATIONS

6. **Lancashire Highway Services:** The proposed development is acceptable in principle.
7. **United Utilities:** No objection subject to conditions
8. **Waste & Contaminated Land:** No objection subject to conditions
9. **Lancashire County Council (Education):** Seek a contribution towards the provision of one secondary school place.

## PLANNING CONSIDERATIONS

### Principle of the development

10. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
11. Policy 1(b) of the Central Lancashire Core Strategy states that growth and investment will be concentrated in Key Service Centres including Chorley Town, where the site is located, therefore the proposed development is in line with this policy.
12. The application site is not designated within the local plan. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location within easy access of amenities such as shops, schools, churches and community facilities, and of public transport. The Framework also states that development in sustainable locations should be approved without delay.
13. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

### Design and impact on the character of the area

14. The proposed development of 10 dwellings would be arranged with two pairs of semi-detached dwellings facing onto Stump Lane. This would help to create an active street frontage along Stump Lane in this location, which is beneficial to the character of the area and in terms of generating natural surveillance. This part of the development would be the most visible, but would reflect the prevailing residential frontage that exists along Stump Lane.
15. The remaining six properties would be arranged in two terraces accessed via a private driveway from Stump Lane, which would terminate in a cul-de-sac, with no through route. The proposed terraces would be set out perpendicular to Stump Lane and would be positioned to the rear of the proposed dwelling that would face Stump Lane. These dwellings would face onto the access drive, which is an appropriate arrangement in the context of the site.
16. All of the proposed dwellings would be traditional in appearance being faced in red brickwork and grey roof tiles to reflect the prevailing local vernacular and character. Features such as art stone heads and sills, brick detailing, and gables would be applied to

provide diversity and interest. It is noted that there are a range of property types in the area, and the use of a traditional design style is compatible.

17. The properties would all have garden areas providing sufficient space for the storage of bins and allocated parking. The frontages would be open plan contributing to an open and uncluttered street scene, and appropriate boundary treatments would be secured by condition.
18. The overall density of the development would reflect the urban character of the area and density of nearby housing, which consists of terraces to the south and east and semi-detached dwellings to the north and west. There would be a pedestrian only access onto Aniline Street, which would aid integration into the surrounding area and improve percolation through the site.
19. Overall the layout and design of the proposed development is considered acceptable and appropriate to the existing surrounding development and is in accordance with Policy 17 of the Core Strategy.
20. The development is, therefore, considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 – 2026.

#### Impact on neighbour amenity

21. The nearest residential properties are located to the east side of the site and comprise the gable ends of two terraces. Other dwellings are some distance away.
22. The side elevation of the proposed dwelling at plot 4 would be located approximately 8m from the side elevation of an existing dwelling at 210 Stump Lane. Although the dwelling at plot 4 would be offset slightly there would be no facing windows and the dwelling would not be directly visible from one another. There would be no impact on light, outlook or privacy and the dwelling would be located in a position similar to the previous two storey building that occupied the site.
23. The existing dwelling at 34 Aniline Street would have a blank gable end facing the application site at a distance of approximately 18m from the nearest dwelling. The proposed dwelling at plot 4 would be visible at an angle from the windows in the rear elevation of 34 Aniline Street at a distance of approximately 22m, but the properties would not face one another. As such there would be no impact on light, outlook or privacy.
24. Overall the impact on neighbour amenity is considered to be acceptable and the development meets with the Council's interface guidelines.

#### Impact on highways/access

25. The proposed development is for 10 dwellings, four with direct access to Stump Lane and six accessed via a private driveway from Stump Lane.
26. Stump Lane is a secondary distributor road with residential frontages and the site currently has a vehicle access onto Stump Lane. Although there are bends in the highway at this location, vehicles travel slowly due to these physical constraints.
27. A number of amendments have been proposed by LCC highways that would be required to enable adoption of the driveway access, however, the applicant has confirmed that they would not be seeking adoption of the access to the properties.
28. In terms of the parking requirements, off-street car parking would be provided in accordance with the current Chorley Council parking standard set out in Appendix A of the Chorley Local Plan 2012 - 2026, which requires two parking spaces per three bedroomed dwelling.
29. It is noted that the LCC Highways Officer considers that the proposal is acceptable and that the highway authority has no objection to the proposed development.

### Sustainability

30. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1<sup>st</sup> January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

*“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”*

*“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”*

31. Given this change, instead of meeting the code level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

### Public Open Space (POS)

32. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD. The Council’s agreed approach is to only seek contributions towards provision for children/young people on developments of 10 dwellings or fewer. There is currently a deficit of provision in Chorley North East in relation to this standard, and a contribution towards new provision in the ward would therefore be required from this development, however, there are no identified schemes for new provision in the ward.

### Education provision

33. Lancashire County Council (LCC) as Education Authority have requested a contribution towards one secondary school place (£21,432.27). The National Planning Practice Guidance states that tariff style planning obligations contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less. The effect of the new national policy is that although it would normally be inappropriate to require any social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy.
34. It is considered that the benefit of securing an education contribution on the basis of ten dwellings would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is a contribution towards the costs of delivering secondary school education in the borough, however, the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit. The likely success of delivering improvements is also in doubt due to the difficulty of identifying

specific education schemes to pool small amounts of money secured through Section 106 agreements.

35. It is therefore considered that the requirement for an education contribution on the proposed scheme would not therefore meet the tests set out in the CIL Regulations (2010). Therefore an education commuted sum is not requested for this scheme.

#### Community Infrastructure Levy

36. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### Other matters

37. Concerns over damage to the property and boundaries during the construction phase: A developer should not cause damage to property not in their ownership, however, this is a civil matter between parties.
38. Concern about developers encroaching onto adjacent land during and after construction: The proposed plans indicate that the development would be contained within the existing site ownership.
39. Concern about drainage arrangements: Drainage details are to be secure by condition.
40. Concern about contamination treatment: A contamination report is to be secured by condition.
41. If the site were expanded beyond its current boundaries this would cause problems for vehicle parking and turning areas: The proposed development must be carried out within the confines of the red edge location plan, which reflects the extent of the current site ownership.

### **CONCLUSION**

42. The proposed development would have the benefit of providing new housing in a sustainable location, and would regenerate a derelict site. The proposal would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would result in an overall improvement in the appearance of the site and character of the area. In addition there would be no unacceptable impact on highway safety. On the basis of the above, it is recommended that planning permission be granted.

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

### **RELEVANT HISTORY OF THE SITE**

**Ref:** 5/1/02510      **Decision:** REC      **Decision Date:**  
**Description:** Change of use to a coal storage yard

**Ref:** 17/00867/DEMCON      **Decision:** PERDEM      **Decision Date:** 6 October 2017  
**Description:** Application for prior determination for the proposed demolition of former Day Care Centre

**Ref:** 90/00784/FUL **Decision:** PERMIT **Decision Date:** 6 November 1990  
**Description:** Alterations and extensions to provide 40 place day centre for mentally ill

**Ref:** 88/00671/COU **Decision:** PERMIT **Decision Date:** 27 September 1988  
**Description:** Change of use of childrens home to Day Centre/Resource Centre for Mentally Ill

Suggested Conditions

No.	Condition																					
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																					
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="336 779 1321 1003"> <thead> <tr> <th data-bbox="336 779 730 813">Title</th> <th data-bbox="730 779 1023 813">Drawing Reference</th> <th data-bbox="1023 779 1321 813">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 813 730 846">Location plan</td> <td data-bbox="730 813 1023 846">17/035/L01</td> <td data-bbox="1023 813 1321 846">15 June 2017</td> </tr> <tr> <td data-bbox="336 846 730 880">Proposed site plan</td> <td data-bbox="730 846 1023 880">17/035/P01</td> <td data-bbox="1023 846 1321 880">15 June 2017</td> </tr> <tr> <td data-bbox="336 880 730 913">Plots 1 - 2</td> <td data-bbox="730 880 1023 913">17/035/P06</td> <td data-bbox="1023 880 1321 913">15 June 2017</td> </tr> <tr> <td data-bbox="336 913 730 947">Plots 3 - 4</td> <td data-bbox="730 913 1023 947">17/035/P07</td> <td data-bbox="1023 913 1321 947">15 June 2017</td> </tr> <tr> <td data-bbox="336 947 730 981">Plots 5 - 10</td> <td data-bbox="730 947 1023 981">17/035/P08</td> <td data-bbox="1023 947 1321 981">15 June 2017</td> </tr> <tr> <td data-bbox="336 981 730 1003">Single detached garage</td> <td data-bbox="730 981 1023 1003">17/035/P09</td> <td data-bbox="1023 981 1321 1003">15 June 2017</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Location plan	17/035/L01	15 June 2017	Proposed site plan	17/035/P01	15 June 2017	Plots 1 - 2	17/035/P06	15 June 2017	Plots 3 - 4	17/035/P07	15 June 2017	Plots 5 - 10	17/035/P08	15 June 2017	Single detached garage	17/035/P09	15 June 2017
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3.	<p>Prior to the commencement of development, other than demolition and enabling works, samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>																					
4.	<p>Due to the proposed sensitive end-use (residential housing with gardens), the development should 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.</p> <p>The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study and site investigation must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.</p> <p>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.</p> <p><i>Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012). A Desk Study Report should include a desk study and site reconnaissance (walk over) and preliminary risk assessment as defined in 'CLR 11: Model Procedures for the Management of Land Contamination' (Environment Agency, 2004).</i></p>																					
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	<p>in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>{\i Reason: To ensure that the materials used are visually appropriate to the locality.}</p>
6.	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) 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.</p> <p>{\i Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.}</p>
7.	<p>Before the development hereby permitted is first commenced, other than enabling works, full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p>{\i Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.}</p>
8.	<p>Prior to the commencement of any development, other than enabling works, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The development shall be completed in accordance with the approved details.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the National Planning Policy Framework and National Planning Practice Guidance.</i></p>
9.	<p>Prior to the occupation or use of the development hereby permitted a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:</p> <ol style="list-style-type: none"> <li>a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and</li> <li>b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.</li> </ol>

	<p>The development shall subsequently be completed, maintained and managed in accordance with the approved plan.</p> <p><i>Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.</i></p>
10.	<p>Before the development hereby permitted is first commenced, other than demolition and enabling works, full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p>{i Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.}</p>
11.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development, other than demolition and enabling works. These details shall include 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, proposed finished levels, means of enclosure, minor artefacts and structures. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within 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.</p> <p>{i Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.}</p>
12.	<p>The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of the dwelling(s) and first use of the commercial units they serve; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>
13.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p>{i Reason: In the interests of highway safety and to prevent flooding.}</p>
14.	<p>No development shall take place including any works of demolition, until a</p>

	<p>Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. hours of operation (including deliveries) during construction</li> <li>iii. loading and unloading of plant and materials</li> <li>iv. storage of plant and materials used in constructing the development</li> <li>v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>vi. wheel washing facilities</li> <li>vii. measures to control the emission of dust and dirt during construction</li> <li>viii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ol> <p>{\i Reason: in the interests of highway safety and to protect the amenities of the nearby residents.}</p>
15.	<p>Prior to the commencement of the development other than enabling works details of a scheme for the construction of the site access shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In order to satisfy the Local Planning Authority that the final details of the</p>
16.	<p>No part of the development hereby approved shall be occupied until the approved scheme for the construction of the site access has been constructed and completed in accordance with the scheme details.</p> <p>Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.</p>
17.	<p>Facilities shall be provided for the cleaning of the wheels of vehicles leaving the site, before the development hereby permitted is first commenced and thereafter retained at all times during construction of the development.</p> <p>{\i Reason: To prevent the tracking of mud and/or the deposit of loose material on to the highway, in the interests of highway safety.}</p>
18.	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
19.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new</i></p>

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