

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

**APPROVAL**

DATE: 18 JULY 2013

REF: JM/EL

CHECKED BY:

APPLICATION NO: 3/2013/0113/P

(GRID REF: SD 370946 434979)

PROPOSAL FOR 25 NO AFFORDABLE HOMES TO LAND OFF PETRE WOOD CLOSE INCLUDING ASSOCIATED LANDSCAPING AND PUBLIC FOOTPATH DIVERSION AT PETRE WOOD CRESCENT, LANGHO BB6

PARISH COUNCIL: Objects to the application for reasons relating to loss of green space and increased volume of traffic exiting on to an already busy road.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): No objections to the proposal on highway grounds but requests a contribution of £30,000 through a Section 106 Agreement towards improvements to the public transport infrastructure with the funds to be used for the realignment of the junction with Whalley Road, carriageway and existing cycle lane, the build out and curving for the new bus stop and the relocation of the shelter.

LCC (EDUCATION): A financial contribution is sought in order to ensure the provision of education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development.

In relation to primary school places, the latest projections show that there would be a shortfall of 42 places in five years time. With an expected yield of 9 places from this development, the shortfall would increase to 51. A contribution from the developer in respect of the full yield of 9 places is therefore requested.

In relation to secondary schools, the latest projections show that there would be approximately 127 places available in five years time. There are, however, a number of planning applications that have already been approved in this area and these have an impact upon the places available. Additionally, there are a number of housing developments which will impact upon this group of schools which are pending a decision or are pending appeal. These will also, of course, have an effect on the number of places available.

If any of the pending applications are approved prior to a decision being made on this development, the claim for secondary school provision could increase up to a maximum of six places.

The maximum claim that could be requested is therefore as follows:

Primary Places: £11,880.45 x 9 places = £106,924

Secondary Places: £17,901.60 x 6 places = £107,410

Total request: £214,344

Following further negotiation resulting from Committee's decision on 11 April 2013, the education authority has revised its request on the basis of the primary school places requiring a contribution of £47,522.

**ENVIRONMENT AGENCY:**

No objections in principle to the proposed development subject to the imposition of a condition to ensure that a satisfactory site investigation scheme is carried out; its results submitted for the approval of the Local Planning Authority; and any necessary mitigation measures to deal with contaminated ground are fully implemented.

(Such an investigation scheme has been carried out and a report of its findings, recommendations and mitigation measures was submitted to the Local Planning Authority after the receipt of the Environment Agency comments and at the time this report was being finalised. The Environment Agency will be consulted on the report and any response received in time will be reported orally to the Committee).

**ARCHITECTURAL LIAISON  
OFFICER:**

Comments that the development is seeking secured by design accreditation and that she therefore has no comments to make on the application.

**ADDITIONAL  
REPRESENTATIONS:**

Five letters have been received from nearby residents who express objections to the application for reasons that are summarised as follows:

1. Highway safety due to the additional traffic on Petre Wood Crescent. The junction on to the A59 is already busy. The proposal will add to existing problems especially at the start and end of the school day. The existing roads are inadequate to serve this development. There will be problems both during construction and when the development is built and occupied. Some of the existing residents have only one parking space which leads to a proliferation of on street parking. The existing streets would be less safe for the children that play on them both during and after construction.
2. Noise disturbance at both the front and rear of

properties on Petre Wood Crescent.

3. The proposal would cause extra surface water run-off exacerbating an existing problem of water logged gardens in the locality.
4. Loss of privacy as the three bedroomed houses are situated on rising land directly behind Petre Wood Crescent and if land levels are not stringently checked, will most certainly have an overbearing effect on the existing dwellings.
5. The proposed route of the footpath is inappropriate. More houses will mean more use of the footpath to the detriment of the amenities of the existing houses close to the style on the southern side of the site. A simply re-routing of the footpath through the existing Petre Wood Crescent development and then through the new development to the A59 would solve this problem.
6. The properties should be part ownership as there are more than sufficient properties in the area that are 'to let'.
7. The existing development is not properly managed. A monthly maintenance charge is paid but gardens and pavements are untidy and there are weeds growing out of the tarmac in places.

### **Proposal**

The application seeks full planning permission for a development of 25 affordable two storey dwellings comprising 18 semi detached, 6 terraced and one detached houses. All of the dwellings would be affordable, with the following breakdown:

- 6 No three bed five person houses for sale
- 1 No four bed eight person house for sale
- 5 No two bed four person house for rent
- 13 No three bed five person houses for rent

Each property would have private front and rear gardens and two off road parking spaces.

All properties would have pitched roofs with slate grey coloured concrete roof tiles. The walls would be red multi brick work to the ground floor with off white render to the upper floors with some art stone detailing to some of the gable ends.

The properties would be served by an access road leading from the existing cul de sac of Petre Wood Close and forming a Y shape culminating in two cul de sac heads.

### **Site Location**

The application relates to an area of approximately 0.67 hectares (1.6 acre) of open land situated between the recent housing development at Petre Wood Crescent to the south and the A59 to the north.

The western side of the site abuts the steep banking between the A59 close to the roundabout whilst the eastern part of the site is open grazing land.

The banking rises sharply to the roundabout and is planted with trees. The site itself rises from west to east so that on its western edge, the land is beneath the level of the A59 but at its northerly edge, beyond the point where it is crossed by a public footpath, it is level with that highway.

The site is within the open countryside outside the settlement boundary of Langho.

### **Relevant History**

3/2007/0555/P – Permission for an affordable housing development of 45 units on a former garden centre site adjoining the current application site. This development has been completed.

3/2009/1011/P – Outline permission (granted on 12 March 2012) for a development of 24 affordable dwellings on a site of approximately 0.5 hectares comprising the majority of this current application site. No reserved matters application has been submitted, but the outline permission remains extant.

### **Relevant Policies**

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 - Dwellings in the Open Countryside.

Policy H20 - Affordable Housing - Villages and Countryside.

Policy ENV3 - Development in Open Countryside.

Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMH3 – Dwellings in the Open Countryside.

Policy DMH1 – Affordable Housing Criteria.

Policy DME2 – Landscape and townscape Protection.

Addressing Housing Need in Ribble Valley

National Planning Policy Framework (NPPF).

### **Environmental, AONB, Human Rights and Other Issues**

Members will be aware that it was agreed at the April meeting to accept the officer's recommendations but allow for further negotiations and accept any subsequent revised contribution requested by LCC. A revised figure of £47,522 has now been obtained but the

developer is still unwilling to make such a contribution. It is evidence from the Council's Housing Manager that there would be a risk of Great Places pulling out of the scheme, who are committed to deliver the affordable homes by 2015. Committee are no doubt aware of the Council's objective of supplying affordable houses for the borough but it is also important to ensure adequate infrastructure facilities, such as education contribution to meet the demand.

The matters to be considered in the determination of this application relate to the principle of the development in policy terms; the impact of the development in visual terms; the effects upon ecology and trees; the impact on neighbouring residential properties; highway safety; the diversion of the public footpath; the mechanism by which the properties have been made affordable; and the matter of financial contributions requested by Lancashire County Council.

### Principle of Development

As a development of 100% affordable housing, the Council's current situation in relation to housing land supply is not so relevant as it would be in relation to other types of housing development.

In this case, it is perhaps more relevant to look at previous application 3/2009/1001/P that sought outline permission for an affordable housing development on the majority of this current application site. That application (that was submitted by the landowner) was considered by Planning and Development committee in February 2010 when the applicable policies were saved Policies G5, H2 and H20 of the Local Plan. Policy G5 states that outside main settlement boundaries planning permission will only be granted for smallscale developments where they are for local needs housing (subject to Policy H20). Policy H20 sets out the criteria which will be applied to determine which people are eligible to occupy affordable housing. Policy H2 also confirms that affordable housing is one of the categories of housing which will be acceptable in the open countryside. As the proposal was for 100% affordable housing it was considered to satisfy those relevant policies of the Local Plan and it was therefore acceptable in principle. The proposal was also considered to be acceptable in relation to all relevant detailed considerations.

In relation to that previous application, the County Council had suggested that a contribution of £88,250 towards education and £11,520 towards waste management should be required through a clause in the Section 106 Agreement. The County Director of Strategic Planning and Transport, at that time, however said that as the application was for 100% affordable housing, the Borough Council should consider whether the request for a planning obligation in whole or in part would prejudice the viability of the scheme; and that if this was the case, the applicant should be required to demonstrate this. The applicants were preparing an assessment on this at the time the application was considered. A decision on the application was therefore deferred and delegated to approve following the satisfactory completion of a Section 106 Agreement (which would cover the matters of affordable housing and possible the financial contribution towards education provision).

In the event, the applicants did not submit a viability appraisal, and for various reasons, the application was not finally concluded until 12 March 2012 when conditional outline permission was granted following the completion of an appropriate Section 106 Agreement. In view of the lapse of time since their original request, the County Council was asked if it wished to reassess the originally requested contribution. They did carry out such a reassessment and confirmed by email dated 23 November 2011 that as of that date, no education contribution was requested. The Section 106 Agreement was therefore completed on that basis. There is therefore an

extant outline permission for 24 affordable units on this site with no required education contribution.

The matter of an education contribution in respect of this current application will be discussed later in this report. With regards to policy considerations however, the requirements of saved Policies G5, H2 and H20 of the Local Plan are effectively carried forward by Policies DMG2, DMH3 and DMH1 respectively of the Core Strategy Submission Draft. The proposal therefore satisfies the requirements of those emerging policies. With regards to housing need, and the requirements of the document addressing housing need in Ribble Valley, the Council's Strategic Housing Officer has commented as follows:

*The Strategic Housing Working Group has considered this scheme on two occasions in September 2012 and 23 January 2013. The working group fully support Great Places Housing Association development of 25 affordable units on the site. The previously proposed offer on the site was for 100% affordable units, however Great Places Housing Association is the preferred developer. Great Places Housing Association have built out Petre Farm phase 1 which has been very successful and a flagship development of shared ownership units. The units were reserved within weeks of the scheme's completion. Great Places have been a key partner in the delivery of affordable units in the borough over the past 10 years and have an excellent management and development reputation. The scheme's viability has been demonstrated and is supported by the Homes and Communities Agency's grant to deliver the mix of 18 rental and 7 shared ownership units which accurately reflect the demand identified.*

The location of the site adjoining the existing affordable housing development; close to the main traffic route of the A59; on a bus route and relatively close to the facilities of Langho and (slightly more distant) Wilpshire and Whalley is considered to represent sustainable development as required by NPPF. When considered in relation to all relevant current policies and guidance, (and bearing in mind that there is an extant outline permission for a similar development) the proposal is considered to be acceptable in principle.

#### Visual impact

The existing banking and trees provide a screen to the existing development and will also provide a screen to the majority of this proposed development when viewed from the A59. The exception for this is the north eastern corner of the site (which is the land that has been added to the smaller site area of application 3/2009/1011/P) where the rear elevations of a terrace of three dwellings (plots 13, 14 and 15) will be visible from the A59. These three properties have been given feature rear elevations including projecting gables to add visual interest when viewed from the A59. Subject to appropriate treatment to the rear boundary of these plots (which the applicants have confirmed in the submitted documents will be discussed and agreed with the Local Planning Authority) I do not consider that there would be any seriously detrimental effects upon visual amenity when viewed from outside the site.

In more general terms, the design and external materials of the dwellings reflect (but do not strictly replicate) the existing adjoining development. I consider that the proposed development will present an attractive street scene that will compliment the existing adjoining development. Overall, with regards to the matter of visual amenity, I consider the proposal to be acceptable.

#### Residential Amenity

The proposal will undoubtedly affect the outlook and the privacy of the existing dwellings on the north side of Petre Wood Crescent. The rear gardens in the proposed new dwellings are of

similar or longer length than the existing dwellings that they back on to. In my opinion this will provide a satisfactory level of privacy for the occupiers of those existing dwellings. However, due to the respective land levels, I consider it appropriate to impose a condition requiring the precise siting and finished floor slab levels of the dwellings on plots 1 to 5 inclusive to be indicated on site and agreed by the Local Planning Authority prior to the commencement of construction works on those plots.

Subject to such a condition, I do not consider that the proposal would have any seriously detrimental effects upon the amenities of nearby residents (bearing in mind that there is an extant outline permission for a similar development on this site).

### Ecology/Trees

In relation to this consideration, it should be borne in mind that there is an extant outline planning permission for a development on the majority of this application site.

Notwithstanding this, the applicants commissioned an ecological survey of the site and a report of its findings was submitted with the application. A summary of the findings/recommendations is as follows:

- Surveys were conducted to assess the probability of any protected species or habitats being disturbed by the proposed development. Compensation proposals and mitigation measures have been suggested to impose a net biodiversity gain for the area as a whole.
- The site area is currently predominantly wet grassland with areas of young Alder woodland scrub and piles of rubble. A few mature trees on site would require protection throughout any development. There is a small drainage ditch running west to east across the site. There are no ponds within 500m of the site.
- During surveying, a female grass snake was disturbed suggesting the site may be used for breeding. Due to this discovery, it was recommended that, prior to the start of any development, a full population survey be conducted to assess if the site qualified as a Key Reptile Site. It should be noted that even a small population would require mitigation under the Wildlife and Countryside Act 1981. Depending on the findings of the reptile population survey, any disturbance should be treated sensitively and adequately compensate.
- A number of young tree groups will be lost to the development. These trees are of moderate value and their loss could be adequately compensated for by the planting of numerous native trees.
- No other protected species listed under the Wildlife and Countryside Act 1981 Schedule 1 (birds) Schedule 5 (animals) and Schedule 6 (plants) were discovered on the site. However, bats species were detected transecting the area. Adequate mitigation proposals to protect all wildlife and minimise disturbance would therefore need to be followed.
- Any changes in levels of the site should include mitigation measures to protect the mature trees on site and the wooded area to the north.
- Planning of the development should incorporate opportunities to improve the ecological value of the site in compliance with NPPF.

In accordance with the recommendation in the Ecological survey report, a reptile population survey has been carried out (by Survey and Engineering Projects Ltd – SEP) and a report of its findings has also been submitted with the application. Its conclusions are as follows:

*The survey was conducted throughout September 2012 under suitable climatic conditions as per JNCC Herpetofauna Working Manual and Frog Life's Guidelines. No reptiles were discovered throughout the surveying period, therefore the site does not qualify as a 'Key Reptile Site' and it is thought likely that reptiles are absent from the site at the present time. (September 2012). However, as a precaution, mitigation measures should be adhered to and the development treated sensitively throughout the construction phase. All rubble piles and debris that is deemed suitable as reptile refugia should be removed from the site by hand under the supervision of a suitably qualified ecologist. Vegetation should be cut between November to February so as to avoid active periods for reptiles under the supervision of a suitably qualified ecologist. All cut vegetation shall be removed from the site immediately. Once all rubble, debris and vegetation has been removed, the site shall be inspected by a suitably qualified ecologist to ensure no animals are left on site.*

Subject to compliance with the mitigation measures in section 4 of the ecology report and section 5 of the reptile population survey report, the proposed development, in my opinion, is acceptable in relation to ecological considerations.

A Tree Survey and Implications Report has also been submitted with the application. This indicates a number of trees to be felled and a number of trees and woodland to be retained and protected during development. It is concluded in the report that subject to adequate precautions to protect retained woodland and individual trees, as specified in the Outline Arboricultural Method Statement included in the report, the development proposals should have minor arboricultural impact.

One area of concern however, is the turning head that is to be located within the root protection area of an Oak tree that is protected by a Tree Preservation Order. It is stated in the report however, that due to lack of management and possible acts of vandalism, this tree is now in very poor condition and it is scheduled for removal. The comments of the Council's Countryside Officer in respect of this particular tree had not been received at the time of preparing this report. His observations will be reported orally to Committee as will any required alterations to the recommended conditions.

Subject to appropriate conditions, it is not considered that the proposal would have any significant arboricultural impact.

#### Highway Safety/Parking

Access to the site is via Longsight Road from Whalley Road to the south which leads on to Petre Crescent and Petre Close. The properties on Petre Crescent/Close have 100% parking provision but on street parking on these roads is very common. The application proposal therefore has 200% parking such that it is anticipated that no further parking issues would occur.

The County Surveyor has not expressed any objections to the application in relation to highway safety or parking issues. He has, however, requested a contribution of £30,000 towards improvements to the public transport infrastructure. Such a request was not made in relation to the extant outline planning permission 3/2009/1011/P. This particular matter will be discussed later in this report.

#### Diversion of the Public Footpath



A public footpath crosses the site between two existing styles, one close to Petre House Farm at the southern edge of the site and one on to the verge of the A59 at the northern edge of the site. The definitive route of the footpath does not follow a straight line between the two styles. It is proposed that the two styles will remain in their existing position and the footpath will follow the new estate road and a footpath between plots 14 and 15 on the northern edge of the site. This is the subject of a separate application under the Town and Country Planning Act (Section 27) Right of Way Diversion Order. The applicants are aware that, in the event of planning permission being granted, the footpath diversion order will also need to be approved in order for the development to be carried out.

#### Mechanism by which the properties would be made affordable

In the past, the usual mechanism for securing the provision and retention of affordable dwellings has been through appropriate clauses in a Section 106 Agreement. The Council's Strategic Housing Officer, however, has advised that this issue was discussed at length by the Strategic Housing Working Group in November 2012. After considering all the risks of accepting a condition rather than a Section 106 Agreement, it was agreed by the group that a condition would be accepted as this resulted in significant benefits in terms of affordable housing delivery and where delivery is by a Registered Provider, the risk is minimal due to the Homes and Communities Agency regulations. The group however, did not want this to set a precedent for future applications and were clear that a condition would only be accepted where a Registered Provider was delivering a 100% affordable scheme.

As this application relates to a 100% affordable scheme to be provided by a Registered Provider, in this case, the use of an appropriate condition is sufficient and a Section 106 Agreement in relation to this particular matter is not required.

#### Financial Contributions Requested by LCC

The County Council has now requested a total of £47,522 (previously £244,344) towards education provision and public transport improvements.

The applicants still assert that this would make this proposal financially unviable and previously have put forward a viability assessment with supporting comments to explain how they have reached this conclusion. I summarise the case put forward by the applicants below.

The applicants comment that this is a proposal for a 100% affordable housing development giving a mix of affordable rent and affordable home ownership to respond to local need. As they understand it, the scheme is of high strategic importance for Ribble Valley who are keen to see a second phase of affordable housing delivered at Petre Wood in order to build upon the success of phase I. Great Places Housing Association say that the project is meeting local objective by providing new homes to meet need, is delivering tenures to reflect demand and offering additional shared ownership properties to help local people on to the property ladder.

The applicants advise that the scheme has also received funding support from the Homes and Communities Agency (HCA) who are clear in their investment strategy that they do not expect other government bodies to charge for land.

The scheme viability information put forward by the applicants indicates that the scheme would break even in year 40 which is the last permitted year in the appraisal model (this, of course, is without the requested contributions). The applicants point out that the development meets

various standards and is already responding to a number of challenging abnormal issues as follows:

- Code 4 Sustainable Homes Level 3
- Secure by Design
- Diversion of Footpath through the site – via a temporary and permanent route
- Extensive storm water retention
- Piling in specific areas of the site
- Achieving level access to front and rear of properties to satisfy DDA requirements
- Remediation to remove contamination from former farming uses

The applicants are aware that the applicant for the previous application, the current landowner, obtained outline permission for an affordable housing development without any requested contributions in relation to education provision or sustainable transport measures. The applicants comment that this permission was for a private development business with profit built into the appraisals. Great Places, however, are not a profit business but need to ensure a business case is achieved on every project. Any additional spending on this scheme will render it unviable and so, in reality, the scheme will not proceed if these requested contributions are pursued. The applicants add that, unfortunately, given the timescales, the grant funding will be moved out of Ribble Valley if this scheme needs to be aborted at this stage.

The County Council previously considered the case put forward by the applicants and responded as follows and I am of the opinion that although this is a lesser contribution the issues remain the same.

*"There are significant funding constraints in Lancashire and the latest capital allocation is significantly less than has been previously provided against a delivery cost of at least £17,36 per school place. This funding only provides for births led shortfalls and any shortfall in places arising from housing must be funded by developer contributions, as advised by the DfE. If the full contribution requested is not secured against this development, then LCC may not have sufficient funds with which to provide school places and children will have to travel further in order to obtain a school place. This is not a situation that the County Council wants for the children of Lancashire but, if the appropriate funds are not secured, this is the inevitable position that we will find ourselves in.*

#### Planning Balance

It is incumbent of a Local Planning Authority to assess both the harmful and positive elements of any scheme in reaching a decision. The NPPF states that planning permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole;'

It is evident that as the proposal is a Greenfield development it would have an impact on the local landscape. However, I am of the opinion that given its relationship to built form and its non designated status and limited footpath accessibility the impact is not significant. The failure to provide an educational contribution is also an adverse impact on the social infrastructure but I am of the opinion that the contribution is not significant in this instance.

An assessment of the benefits would include:

- The benefits of the delivery of 25 affordable houses.
- The likely jobs created in the construction industry and further down the supply chain;
- The increased expenditure which will take place in the locality, as a result of new housing development;
- The New Homes Bonus that will be delivered to the Council which would equate to £216,618 for the full six years that the New Homes Bonus would be payable (if this funding stream continues).

On this basis I consider that the benefits in this instance outweigh the potential harm and I would recommend, notwithstanding the previous decision by the Planning and development Committee that a recommendation of approval is accepted.

#### Content of Section 106 Agreement

As previously stated, the matter of affordable housing provision and retention can, in this case, be secured by an appropriate condition. There is therefore no need for this particular matter to be included in any Section 106 Agreement.

The County Council did not make any request for a contribution towards sustainable transport measures in relation to previous application 3/2009/1011/P. That request therefore seems to be inconsistent and unreasonable. It is not therefore considered appropriate to include this particular requested financial contribution in a Section 106 Agreement.

As can be seen above, the applicants claim that the required contribution would still make the proposal unviable such that the development would not go ahead. The applicant has also indicated that the land owner is unwilling to reduce the purchase price to allow for the educational contribution. Although no revised assessment has been made on the suggested education contribution of £47,522 the applicant has indicated an unwillingness to offer any contribution.

On the basis of the need to assess the planning balance and I consider that these benefits outweigh any harm and as such there would no longer any need to require a Section 106 Agreement.

#### Other Issues

The proposed dwellings would be level 3 code 4 sustainable homes and the development would follow the Energy Efficiency 'fabric first' approach as detailed in a Code 4 Sustainable Homes Assessment Report (reference LKACC12 1177) that was submitted with the application. A condition requiring compliance with this report would therefore be appropriate in this case rather than a condition requiring 10% of the energy supply of the development to be from renewable or low carbon energy sources.

The applicants have submitted a Phase I (desk study) Preliminary Risk Assessment Report that indicated a need for an intrusive survey across the site to further investigate potential pollutant leakages that had been identified at phase I stage. A Geoenvironmental Investigation and Risk Assessment was then carried out and a report of its findings (Ref LKC12 1001) was submitted to the Local Planning Authority at the time when this report to Planning and Development Committee was being finalised. Section 7 of the applicants report details a number of

recommendations and remediation works that would make the site suitable and safe for residential development. Bearing in mind that there is an existing outline permission for residential development on the majority of the site, it is considered appropriate and sufficient to cover this matter by a condition requiring compliance with the recommendations within the report.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal would result in the provision of 25 affordable dwellings and would not have any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

**RECOMMENDATION:** That planning permission be granted subject to the following conditions:

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

**REASON:** Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall relate to the proposal as shown on drawing Nos 11-1767-P01A, P03B, P04A, P05A, P06A, P07A and P08.

**REASON:** For the avoidance of doubt and to ensure compliance with the submitted plans.

3. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

**REASON:** In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2028 to 2018 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

4. No dwellings shall be occupied until all recommendations and mitigation measures contained in Section 7 of the Geo-environmental Investigation and Risk Assessment report dated 15 March 2013 by LK Consult Ltd (Ref LKC 12 1001) have been fully implemented to the satisfaction of the Local Planning Authority in consultation with the Environment Agency; and the Local Planning Authority has confirmed in writing to the developer that these requirements have been fully satisfied.

**REASON:** To prevent pollution of the water environment and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2028 to 2018 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. The dwellings hereby permitted shall be constructed to the Code for Sustainable Homes Level 3 and the development shall follow the government's preferred hierarchy (first set out in the 2008 Zero Carbon Homes Definition) following an energy efficiency 'fabric first' approach, as detailed in the report by LK Accreditation Ltd (Ref LKACC12 1177) that was submitted with the application.

**REASON:** In order to encourage renewable energy and to comply with Policies G1 of the Ribble Valley Districtwide Local Plan and Policy EM18 of the North West of England Regional Spatial Strategy to 2021 and Policies EN3, DME5 and DMG1 of the Core Strategy 2008 to 2012 Regulation 22 Submission Draft.

6. The development shall be carried out in compliance with all the mitigation and tree protection measures detailed in section 4 of the submitted Ecological Report by SEP Ltd dated 23 May 2012; section 5 of the Reptile Population Survey by SEP Ltd dated September 2012; and section 5 of the Tree Survey and Implications Assessment Report by SEP Ltd dated September 2012.

**REASON:** In order to reduce the impact of the development on biodiversity, and protect those trees that are to be retained from the potential adverse effects of development, and to safeguard the natural habitats of those species of conservation concern in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and EN2 of the Core Strategy 2008 to 2012 Regulation 22 Submission Draft.

7. Prior to the commencement of any construction works on the two storey houses on plots 1 to 5 inclusive, their precise siting and proposed finished floor slab levels shall be marked out/indicated on site to be viewed and agreed in writing by the Local Planning Authority.

**REASON:** To ensure compliance with the submitted plans and in the interests of visual amenity and the amenities/privacy of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2012 Regulation 22 Submission Draft.

8. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever possible the retention of existing trees, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening. The scheme shall, in particular, include précised details of the treatment of the rear boundary of plots 13 to 15 inclusive.

The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted. All approved fencing/boundary treatments shall be erected in accordance with the approved details prior to the first occupation of the respective dwellings to which they relate.

**REASON:** In the interests of visual amenity and the amenities of the future occupiers of the proposed dwellings and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2012 Regulation 22 Submission Draft.

9. The residential units hereby permitted shall only be used for the purposes of providing affordable housing accommodation as defined in the Housing and Regeneration act 2008 to

be occupied by households or individual in housing need. This condition shall not be binding upon any of the following:

- a. A charge or mortgagee of the Registered Provider or any receiver appointed by them in the event of default of the Registered Provider under the terms of the charge or mortgage;
- b. A tenant of a residential unit who exercise any statutory right to buy or right to acquire such residential unit or any person deriving title through that tenant or any mortgagee or charge;
- c. A lessee of a residential unity held under a shared ownership lease who acquire 100% of the interest under that lease or any successor or any successor mortgagee or charge of that lessee.

**REASON:** For the avoidance of doubt as the application is for a development of 100% affordable housing units and to comply with Policy H2 of the Ribble Valley Districtwide Local Plan and Policy DMH3 of the Core Strategy 2008 to 2012 Regulation 22 Submission Draft.