

<b>Item 4i</b>	<b>13/00993/FULMAJ</b>
<b>Case Officer</b>	<b>Mrs Nicola Hopkins</b>
<b>Ward</b>	<b>Chorley North East</b>
<b>Proposal</b>	<b>Section 73 application to vary conditions 1 (approved plans), 13 (Code for Sustainable Homes) and 17 (approved plans) attached to planning approval 11/00871/FULMAJ</b>
<b>Location</b>	<b>Former Initial Textile Services Bounded By Botany Brow And Willow Road Chorley</b>
<b>Applicant</b>	<b>Elmwood Construction LLP</b>

**Consultation expiry: 3 December 2013**

**Application expiry: 5 February 2014**

#### **Proposal**

1. The application is a Section 73 application to vary conditions 1 (approved plans), 13 (Code for Sustainable Homes) and 17 (approved plans) attached to planning approval 11/00871/FULMAJ

#### **Recommendation**

2. It is recommended that this application is granted conditional planning approval.

#### **Main Issues**

3. The main issues for consideration in respect of this planning application are:

- Principle of the development
- Revision of Housing Layout
- Section 106 Obligations and Conditions
- Community Infrastructure Levy

#### **Consultations**

1. **The Environment Agency** has no further comments to add to their previous responses on the previous applications at this site.
2. **The Architectural Design and Crime Reduction Advisor** has made the following comments:
  - The dwellings should be built in accordance with Secured by Design security standards, in particular Part 2 physical security which addresses the security of the dwellings e.g. doors and windows of enhanced security. If the requirements to achieve Code Level 4 are reduced to Code Level 3. It is recommended that the scheme seeks to obtain points in respect of Man 4 Security.
  - Doorsets shown in the side elevation of the bungalows should be doorsets of enhanced security tested and certificated to PAS 24 security standards. Gating and fencing arrangements that restrict access to the side and rear of the bungalows should be positioned so that this doorset is accessible to residents only.
  - The communal car park has been removed from the original plans due to potential security problems. This is supported.
3. **Lancashire County Council (Highways)** has commented on the changes to the proposed junction arrangements and has no objections to the variation of the previously approved plan to allow for residential use of the access.

## **Assessment**

### Principle of the development

4. The principle of developing the site was established as being acceptable with the grant of full planning permission for the erection of 41 new dwellings. A subsequent planning application was also approved on part of the site for 14 new dwellings (12/01015/FULMAJ). The site is also proposed to be allocated (HS1.16) for residential development within the emerging Local Plan, which following the Inspectors Partial Report can be afforded significant weight in decision making. As such the acceptability of the principle of developing this site for housing has been established.
5. This Section 73 application seeks to:
  - Revise the site layout
  - Remove the Section 106 obligations
  - Remove the requirements to construct the dwellings to Code for Sustainable Homes Level 4

### Revision of Housing Layout

6. The proposed amendments to the housing layout are as follows:
  - Reconfiguration of the site layout
  - Introduction of house type E
  - Introduction of windows to kitchens and relocation of bathroom windows (house type A)
  - Retention of existing site entrance

### *Reconfiguration of the site layout*

7. The majority of the changes relate to the reorientation of some of the houses by amalgamating the approved layout for the smaller 14 dwelling scheme into the approved scheme for the 41 dwelling scheme whilst still erecting 41 dwellings. This will enable the part of the scheme which fronts Willow Road to commence without the need for significant infrastructure works.
8. Plots 1-6, 40 and 41 have been re-orientated to face Willow Road.
9. The proposed detached dwellings have been deleted from the scheme and house type D is no longer proposed to be utilised.
10. Plots 30-37 have been re-orientated. The separation distance between the dwellings on plots 32-35 and 22-27 has been increased from 15 metres to 19 metres.
11. The car parking has been reconfigured removing the communal car park. All the parking bays now measure 5.5 metres in length.
12. Plots 38 and 39 have been re-sited to accord with the required spacing standards.
13. All of the proposed dwellings meet the required spacing standards ensuring the continued protection of the amenities of the existing and future residents. It is noted that only 19.9 metres is maintained between plots 20-29 and 30-37 across the proposed new highway. This however creates an improved relationship on site when compared to the approved scheme and the future house owners/ tenants will be aware of this relationship before they occupy the new dwellings.
14. The agent for the application has confirmed that the existing boundary walls along the rear of 143-155 Harpers Lane and 1-29 Botany Brow will be retained, repaired where necessary and reduced to 1.8m high. Additionally the applicant has confirmed that they will carry out repair works to the rear access road to 153-155 Harpers Lane including removing all rubbish and builders' debris and repairing and filling in any pot holes.

### *Introduction of house type E*

15. New bungalows have been included on plots 7, 8 and 9 which the applicants assert will improve choice within the scheme. These replace 4 approved house type D dwellings and 2 house type A dwellings located within this part of the site. Additionally approved plots 1 (house

type C), 40 and 41 (house type A) have been replaced with 6 house type A dwellings, plots 2 and 3 have been deleted and plots 38 and 39 (house type A) have been replaced with a pair of semi-detached B house types.

16. The approved and proposed layout are detailed as follows:



**APPROVED LAYOUT**



**PROPOSED LAYOUT**

17. Generally house type substitutions, which the above changes represent, are dealt with via the submission of a full application where the changes cannot be considered as a minor amendment to the approved scheme (S73 applications, as submitted, address minor material amendments to approved schemes). However the submission of this application follows extensive pre-applications discussions with the view of bringing this sustainable brownfield site forward. In this case it is considered appropriate to deal with this application via a section 73 submission to assist in bringing this site forward as soon as possible.
18. The changes proposed reflect the character and appearance of the approved scheme on this site and are considered to be appropriate.

*Introduction of windows to kitchens and relocation of bathroom windows (house type A)*

19. The kitchen and bathroom windows have been incorporated onto the rear elevation. This is to improve the visual appearance of the properties and to enhance natural light. The windows will be located within the two storey rear outrigger which forms part of house type A and includes a new window at ground floor and a relocated window at first floor level.
20. In the case of a number of plots across the site the rear outrigger on the house type A does not meet the required spacing distances in respect of the neighbours to the rear of the plot however the kitchen window will be screened by the rear boundary treatments, a 1.8 metre high timber fence or the existing boundary wall, and the first floor window will be obscurely glazed, secured by condition, as it serves a bathroom. As such the inclusion of these windows will not result in any loss of privacy to the detriment of the neighbours.

*Retention of existing site entrance*

21. The proposals incorporate the retention of the existing site entrance to enable a phased development of the scheme and minimise upfront infrastructure costs. The applicants have confirmed that this will enable a site compound to be quickly established without the time or costs associated with the creation of a new road junction.
22. This change results in the scheme having 2 road junctions onto Willow Road, which effectively is the junction included as part of the original approved 41 dwelling scheme on this site and the junction included as part of the approved 14 dwelling scheme on this site. The Highway Engineer at LCC has reviewed the proposed changes and confirmed that although close to the junction of Thornhill Road and Willow Road, the proposed second access once served an industrial complex which would have involved long and heavy goods vehicles frequently turning into and exiting the site.
23. The Engineer has confirmed that there hasn't been any history of recorded vehicular accidents at this junction and therefore in respect of vehicular movements and highway safety he does not envisage any adverse issues resulting from the proposed use as a residential access. As such the proposals are considered to be acceptable

Section 106 Obligations and Conditions

Affordable Housing

24. The existing Section 106 Agreement for this site includes an obligation to provide 20% affordable housing on the site (8 units- 6 social rented and 2 intermediate) along with a commuted sum (£7,273) for off-site affordable housing provision which was in compliance with the Local Planning Policy at that time. Policy 7 of the Core Strategy now sets out the requirements for the provision of affordable housing in Central Lancashire to meet the acute need for such housing in the area. In the case of this site there is now the requirement to provide 30% affordable housing (or 12 units) on site.
25. Policy 7 of the Core Strategy does however confirm that the specified percentage is subject to site and development considerations such as financial viability. In the case of the current proposals the supporting Design and Access Statement states that the development is not financially viable if the Section 106 obligations and the Code Level 4 requirements, addressed later within the report, are imposed. However the complete removal of these elements, including all the affordable housing obligations, will render the development financially viable.

### Open Space

26. There is no on-site open space/play space provision provided within the scheme. As part of the previous planning application at this site a contribution towards the upgrading of the existing facilities at the Harper's Lane Recreation Ground was secured (£56,539) in accordance with Policy HS21 of the Adopted Chorley Borough Local Plan Review.
27. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17 September 2013 and as such the proposals would now be required to meet the standards within emerging Local Plan Policies HS4A and HS4B and the accompanying SPD. This would be as follows:

### Amenity Greenspace

28. There is currently a deficit of provision in the Chorley North East ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.07 hectares. A maintenance cost of £28,700 is also required.
29. If the applicant can demonstrate that on-site provision is not appropriate then a financial contribution towards off-site provision in the ward will be required instead. The amount required is £140 per dwelling.

### Provision for children/young people

30. There is currently a deficit of provision in the Chorley North East ward in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling.

### Parks and Gardens

31. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

### Natural and Semi-Natural Greenspace

32. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

### Allotments

33. The site is within the accessibility catchment (10 minutes' drive time) of allotments that are identified as being low quality and/or low value in the Open Space Study (sites 1646 – Worthy Street, Chorley, 1644 – Whittam Road, Chorley, 1648 – Preston Road, Whittle-le-Woods, 1649 – Maybank, Withnell Fold).
34. The site is also within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Sylvesters Farm, Euxton (HW5.2). A contribution towards improving existing provision and new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

### Playing Pitches

35. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.
36. This equates to a total contribution of £77,408 however as with the affordable housing obligation this application seeks to remove the open space obligations altogether on viability grounds.

## Sustainability

37. The previous application on this site secured compliance with Policy SR1 of the Sustainable Resources DPD via the imposition of the following conditions:
13. All dwellings are required to be constructed to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1 January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.  
Reason: In the interests of minimising the environmental impact of the development
14. Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.  
Reason: In the interests of minimising the environmental impact of the development
15. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority.  
Reason: In the interests of minimising the environmental impact of the development.
38. Policy 27 of the Adopted Central Lancashire Core Strategy replaces the DPD document and states that all dwellings will be required to meet Level 4 of the Code for Sustainable Homes from January 2013. This increases to Level 6 in 2016.
39. The Policy also states that subject to other planning policies, planning permission for new built development will only be granted on proposals for 5 or more dwellings where all of the following criteria are satisfied:
- (a) Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;
  - (b) Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures,  
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%;
  - (c) Appropriate storage space is to be provided for recyclable waste materials and composting;
  - (d) If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.
40. As the proposed development exceeds 5 dwelling units both parts of the Policy will need to be satisfied in respect of the proposals. However this application seeks to remove the current Code 4 requirement in favour of a reduction in carbon emissions. In this regard it is considered that a condition requiring the submission of a Carbon Reduction Statement is appropriate in accordance with the second part of Policy 27.
41. The preamble to Policy 27 does confirm that the requirement to meet the higher than national minimum Code Level and all other provisions of Policy 27 will apply unless the applicant can demonstrate, including through the use of open book accounting, that an individual site's circumstances are such that development would not be economically viable if the policy were to be implemented.

Financial Viability

42. As set out above the proposed amendments will result in proposals which are contrary to Policies 7 and 27 of the Core Strategy and Policies HS4A and HS4B of the emerging Local Plan due to the proposed lack of affordable housing, non-compliance with the current Code for Sustainable Homes level and lack of off-site public open space contributions. However this is proposed to be justified on financial viability. The application is supported by a Financial Appraisal which has been assessed by Liberata on behalf of the Council.
43. Liberata have summarised that four viabilities have been submitted. Scheme A showing the development for 50 units in profit but did not gain planning consent. Scheme B is approved for 41 units which include 7 social rents and the Section 106 sum. Scheme C showing the development for 14 Houses with no social housing obligation or Section 106 obligations. Scheme D showing the development for 14 Houses with a social housing obligation and Section 106 obligations. The two smaller schemes demonstrate the first (C) is viable without low cost housing and the Section 106 sum. The final scheme (D) shows the scheme for only 14 units is unviable with the low cost housing and the Section 106 sum.
44. The developer is therefore requesting both schemes be merged (B) and (C) but making a total of 41 units which will not be subject to any low cost housing or Section 106 sums as per the attached viabilities.
45. The submitted information includes the following headline figures:

Element	Scheme	Included figure	Profit	Liberata's comments
Land Value		£1,600,000		This is equivalent to a very low land value of £39,000 per plot.
Costs of Construction		£800 per sq m (£74 per sq ft)		Overall the units are shown to have a net cost approximately in the region of £68,000 to £76,000 to build which is standard.
Abnormals		No figure provided		The developer has indicated that demolition is within the land value
Revenue from House Sales		Between £120,000 and £135,000 per unit.		The full details of types of units are not known but this seems like a fair reflection of prices for urban properties in this location. Comparable evidence has been requested.
Profit	A	£399,000	6.5% on revenue	This scheme does not have the benefit of planning permission.
	B	-£605,400	n/a	
	C	£120,600	7% on revenue	
	D	-£121,400	n/a	

46. Scheme B is what the applicant wishes to progress with but by excluding all of the affordable units (at a cost of £472,500), the Code Level 4 requirements (at a cost of £338,250) and the previously agreed Open Space obligation of £58,000. This equates to a profit of £53,600 or 1% on revenue
47. Liberata have concluded that because of the combination of the relatively large abnormals, decontamination, irregular shape of the site, and an oversupply in the area this has led to a lower land price, lower housing prices and average to higher building costs.
48. The submitted appraisals demonstrate that the schemes are financially unviable with affordable housing, Code Level 4 and POS obligations. As such, in order to secure the development of this allocated brownfield site within a sustainable location, these requirements will be removed from the scheme.

### Community Infrastructure Levy

49. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013.
50. The original planning approval for housing at this site pre-dates the levy and as such was not subject to CIL. A positive recommendation in respect of this application will result in the issuing of a new planning permission at a time when there is an adopted CIL levy. Applications submitted under Section 73 of the Town and Country Planning Act 1990 are included within the transitional provisions of the Community Infrastructure Levy Regulations 2010.
51. The provision within the regulations takes into account the approved 'fallback' position in respect of Section 73 applications and basically subtracts the amount of approved developed from the amount of proposed development. If the amount of proposed development exceeds that approved then CIL is charged on the uplift however if the amount of proposed development is less than the approved development then the CIL levy is nil.
52. In the case of this site the previous planning approval incorporated approximately 3702m<sup>2</sup> of new development whereas the proposed development incorporates approximately 3691m<sup>2</sup> of new development. As the floor area proposed is less than the floor area approved the CIL charge is nil.

### **Overall Conclusion**

53. The proposed amendments to the layout are considered to be acceptable and in accordance with the previous approvals for this site. The submitted viability information demonstrates that this individual site's circumstances are such that development would not be economically viable if Policies 7 and 27 of the Core Strategy and Policies HS4A and HS4B of the emerging Local Plan were to be implemented. As such in this case there will be no affordable housing, no open space obligations and the dwellings will be constructed to Code for Sustainable Homes Level 3 along with a reduction in carbon emissions. As such there will be no associated Section 106 Agreement.

### **Planning Policies**

#### National Planning Policies:

National Planning Policy Framework

#### Adopted Chorley Borough Local Plan Review

- GN1: Settlement Policy
- GN5: Building Design & Retaining Existing Landscape Features.
- EP4- Species Protection
- EP9- Trees and Woodland
- HS4- Design and Layout of Residential Developments
- HS6- Windfall Housing Sites
- HS21- Playing Space Requirements
- TR4- Highway Development Control Criteria

#### Central Lancashire Core Strategy (adopted July 2012)

##### Policies to be given weight are:

- Policy MP clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate otherwise taking into account Policy MP a) and b).
- Policy 1 Locating Growth
- Policy 4 Housing Delivery
- Policy 5 Housing Density



- Policy 7 Affordable Housing
- Policy 17 Design of new buildings
- Policy 22 Biodiversity and Geodiversity
- Policy 27 Sustainable Resources & New Developments

#### Supplementary Planning Guidance

- The Central Lancashire Supplementary Planning Document Design Guide (adopted October 2012) is relevant as it aims to encourage high quality design of places, buildings and landscapes in the Borough. This supersedes the Chorley Design Supplementary Planning Guidance (July 2004)
- Open Space and Playing Pitch Supplementary Planning Document – The purpose of this DPD is to provide guidance on the interpretation and implementation of the Council's open space and playing pitch policies as set out within the emerging Local Plan (Adopted September 2013)
- The Central Lancashire Supplementary Planning Document Affordable Housing (adopted October 2012)

#### Chorley Local Plan 2012 – 2026

The Inspectors Partial Report was published last month and as such the following policies are afforded significant weight in decision making:

Relevant Policies are:

- V2: Settlement Areas
- ST4: Parking Standards
- HS4A: Open Space Requirements in New Housing Developments
- HS4B: Playing Pitch Requirements in New Housing Developments
- BNE1: Design Criteria for New Development. Criteria a, b, c, d, f, g and h are relevant to the proposal.
- BNE9: Trees
- BNE10: Species Protection

#### **Planning History**

**09/00635/DEMCON-** Application for prior determination in respect of the proposed demolition of the former 'Initial Washroom Solutions' site. Approved 4th September 2009.

**10/00834/FULMAJ-** Proposed residential development for 50 two storey houses (20% affordable houses). Withdrawn 2nd December 2010.

**11/00892/FUL-** Proposal to utilise existing former Initial Laundry site entrance and apply for adaptation, to become LCC (Highways) compliant residential access to redevelopment of site. Approved January 2012

**11/00871/FULMAJ-** Proposed residential development of 41 no. 2 storey dwellings (Resubmission of application no. 10/00834/FULMAJ). Approved July 2013

**12/01015/FULMAJ-** Proposed residential development for 14No 2 storey dwellings. Approved August 2013

#### **Recommendation: Permit Full Planning Permission Conditions**

1. The proposed development must be begun not later than three years from 31<sup>st</sup> July 2013. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. Notwithstanding the details shown on the approved plans, the proposed driveways to the dwellings hereby permitted shall be constructed using permeable materials laid on a permeable sub-base, the details of which shall first have been submitted to and approved by the Local Planning Authority prior to the commencement of the development and the development shall be thereafter be carried out using the approved materials and shall be retained and maintained as such at all times thereafter. *Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off.*
3. The development shall be carried out in conformity with the approved finished floor levels detailed on the approved plans. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*
4. 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, walls and railings 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 and to provide reasonable standards of privacy to residents.*
5. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand. *Reason: To safeguard the trees to be retained*
6. All planting, replacement tree 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.*
7. The development hereby approved shall only be carried out using the approved external facing materials, namely Ibstock Calderstone Claret bricks and Marley Modern Dark Grey roofing tiles. *Reason: To ensure that the materials used are visually appropriate to the locality.*
8. The development shall only be carried out in conformity with the approved hard ground-surfacing details, namely concrete paving to the buildings perimeter and permeable driveways (details of which to be provided under separate cover). *Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.*
9. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. If surface water is to discharge to the public surface water sewerage system, details of attenuation measures shall first be submitted to and approved in writing by the Local Planning Authority (in liaison with United Utilities) as United Utilities may require the flow rate to be attenuated to a maximum discharge rate. The attenuation measures (if required by United Utilities) shall be implemented in full accordance with the approved details and retained and maintained as such at all times thereafter. *Reason: To secure proper drainage of the site.*
10. Prior to the first occupation of the dwellings on plots 2, 3, 10, 11, 19, 20, 30, 38 and 39 the car park and vehicle manoeuvring areas shall associated with these dwellings shall be surfaced or paved, drained and marked out all in accordance with the approved plans. The car park and vehicle manoeuvring areas 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.*

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E) (as amended) or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission). *Reason: To protect the appearance of the locality, the amenities of adjacent residents and the amenities of the occupiers of the new dwellings.*

12. All dwellings are required to be constructed to meet Code Level 3 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development*

13. Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification. *Reason: In the interests of minimising the environmental impact of the development.*

14. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development.*

15. No development approved by this planning permission shall be commenced until:

- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site.
- c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority.
- d) A Method Statement and remediation strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the local planning authority: unless otherwise agreed in writing by the local planning authority.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. *Reasons: To identify all previous site uses (a), potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors; b) To enable a risk assessment to be undertaken, refinement of the conceptual model, and the development of a Method Statement and Remediation Strategy; c) & d) to ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.*

16. The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Title</b>	<b>Plot</b>	<b>Drawing Reference</b>	<b>Received date</b>
Location Plan		Drg No. 003 Rev B	16 <sup>th</sup> November 2011
Topographical Survey		Drg No. 002 Rev A	6 <sup>th</sup> December 2011
Site Plan		Drg No. 003 Rev Q	3 <sup>rd</sup> January 2014
House Types A & B	1-6 (inclusive) and 10-41 (inclusive)	Drg No. 10 Rev B	22 <sup>nd</sup> October 2013
House Type E	7, 8, 9	Drg No. 18 Rev A	6 <sup>th</sup> January 2014

*Reason: For the avoidance of doubt and in the interests of proper planning*

17. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and the development thereafter shall be carried out in accordance with the approved details. *Reason: To ensure the suitable redevelopment of the site.*

18. Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating. The development shall only be carried out in accordance with the approved details contained within the Carbon Reduction Statement and the agreed measures retained in perpetuity. *Reason: In the interests of minimising the environmental impact of the development*

19. All windows in the first floor of the rear elevation of the outrigger hereby permitted on house type A shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority. *Reason: In the interests of the privacy of occupiers of neighbouring properties.*