



Appeal Decision

Site visit made on 27 August 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/M2840/W/23/3330633

Land South Of Kettering Road, Weldon, Northamptonshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Wulff Asset Management Limited against the decision of North Northamptonshire Council.
 - The application Ref is NC/22/00464/DPA.
 - The development proposed is described as Full Planning Application for the Erection of an Entry Level Exception Site of 22 Discount Market Sale Dwellinghouses, Associated Infrastructure and Landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for Full Planning Application for the Erection of an Entry Level Exception Site of 22 Discount Market Sale Dwellinghouses, Associated Infrastructure and Landscaping at Land South Of Kettering Road, Weldon, Northamptonshire NN17 3JF in accordance with the terms of the application, Ref NC/22/00464/DPA, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the site address details from the Council's decision notice and note this has been agreed by the appellant within the appeal form.
3. The application describes the development as being an exception site comprising entry-level discount market sale homes. While the Officer report refers to a scheme of 100% affordable housing, with 60% rental properties and 40% shared ownership, there is no substantive evidence before me that a change in description was formally agreed between the parties. Post-decision the appellant sought to amend the description of the proposal to substitute reference to Entry Level Homes with First Homes. This was resisted by the Council. I have had regard to both parties submission regarding the proposed amended description.
4. The Written Ministerial Statement of May 2021 (the WMS) and accompanying Planning Practice Guidance (the PPG)¹ replaced government policy relating to entry-level exception sites with a policy relating to First Homes Exception sites. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Paragraph 73 of the revised Framework relates to the development of exception sites which effectively replaces reference to entry-level exception sites in the previous iteration of the Framework. The revised

¹Paragraph: 002 Reference ID: 70-002-20210524

Framework's exception site policy in paragraph 73 does not replace the First Homes Exception policy set out in the WMS, which remains extant policy². The Council's development plan was adopted before the WMS came out and took effect and hence the development plan does not contain any specific First Homes policies, although the Council does have some affordable housing policies. The WMS is a material planning consideration and I have determined the appeal on that basis.

5. The WMS confirms that First Homes meet the definition of 'affordable housing' in the Framework for planning purposes. First Homes are similar to Entry Level housing, as the product is targeted at first time buyers and offers discounted property. Entry Level housing requires a 20% discount on the market value, whereas First Homes requires a 30% discount. Accordingly, there would be a betterment in creating a more affordable product.
6. Irrespective of the reference to Entry Level Homes in the description, it is clear from the application form that the proposal sought permission for discount market sale dwellinghouses. Accordingly, I do not consider it necessary to change the description of development in respect of substituting Entry Level Homes with First Homes as the proposal would still relate to the provision of discount market homes.
7. Nevertheless, applying the tests in the *Holborn Studios*³ judgment, which refined the long-standing *Wheatcroft*⁴ principles, the reference to First Homes would not result in a fundamental change to the proposed scheme. The Council has had the opportunity to comment on such matters. From the evidence before me, interested parties were consulted on the original description of development which refers to the properties as discount market sale dwellings. As such, to consider the proposal on this basis would not cause unlawful procedural unfairness through depriving those who were entitled to be consulted of the opportunity to make any representations on the proposal. I have therefore considered the proposal before me as a scheme for 22 discount market sale dwellinghouses, as per the original description of development.
8. The appeal is supported with Site Investigations with regards to contamination and an email from the Council's Environmental Health Officer⁵. I am satisfied that I can take these details into account without prejudice to any party as they add information to the proposal rather than seek to change its parameters.
9. One of the reasons for refusal related to the lack of a planning obligation to secure affordable housing and infrastructure. To address this, an obligation has now been submitted as part of the appeal. I address this later in my decision.
10. On 30 July 2024 the Government published a consultation on proposed reforms to the Framework and made a WMS titled "Building the homes we need". These proposed changes can only be given limited weight at this stage. Given that those parts of the draft Framework most relevant to this appeal are not proposed to be amended I consider there is no requirement for me to seek further submissions on the Framework, the consultation or WMS. I am satisfied that no party's interests would be prejudiced by my taking this approach.

² Footnote 36 of the National Planning Policy Framework published 20 December 2023

³ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

⁴ *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

⁵ Council's Senior Environmental Health Officer email dated 20 September 2023

Main Issues

11. The main issues are:

- i) whether the site represents a suitable location for housing, with particular regard to accessibility and local and national policies;
- ii) whether the proposal would make adequate provision for affordable housing, early years, primary education, secondary education, library and a 2-metre-wide footpath; and
- iii) whether the proposal would be a risk to human health of future occupiers with particular regard to landfill gas.

Reasons

Sustainability of location

- 12. The appeal site is undeveloped and consists of undulating pasture located outside the settlement boundary of Weldon. In planning terms, it is located within the open countryside. The site is bound to the north-east by residential properties and agricultural land to the south-east, south-west and west.
- 13. Policy 11 of the North Northamptonshire Joint Core Strategy (2016) (JCS) refers to development in urban and rural areas. It states that Part 2 Local Plans or Neighbourhood Plans may identify sites within or adjoining villages to help meet the local housing requirement. Other development will be resisted unless it constitutes a rural exception scheme or small-scale infilling within villages.
- 14. The appeal scheme is advanced as a rural exceptions site, with 100% of the dwellings secured as affordable housing. Policy 13 of the JCS provides support for rural exceptions sites of affordable housing, stating that development in rural areas may be permitted if a number of criteria are all met, including, but not limited to, adjoining a settlement, such as is the case in this appeal.
- 15. Concerns have been raised with regard to the connectivity with the wider area and the distance future occupiers would have to travel to access day-to-day services, facilities and employment opportunities.
- 16. Local plan policies seek to ensure that housing is delivered in sustainable locations where there is access to a range of facilities and services by walking, cycling and public transport to minimise the reliance on private vehicles. They follow the approach outlined in the Framework to optimise sustainable transport modes.
- 17. Rural Exception sites by their nature, are required to be located at the edge of a settlement. The appeal site adjoins the settlement of Weldon and is proximate to existing built form. Weldon has a range of facilities and services, including a primary school, post office, convenience store, café/coffee shop, medical practitioner, village hall, church, public house and park/open space. Having regard to the Framework the appeal site is not isolated.
- 18. At my site visit, I observed bus stops locally, which I understand the closest to be approximately 560 metres from the appeal site. I have been provided with the details of the frequency of the services which demonstrates regular links between the village and larger settlements, including Corby and Peterborough where a wider array of services, facilities and employment opportunities are on

offer. Additionally, it is understood that a bus service operates between Weldon and the Corby train station, which provides links to other larger settlements including Leicester and London. Furthermore, the appeal site is within a comfortable cyclable distance of the railway station at Corby. The evidence before me suggests that there are cycle links from Weldon to Corby whereby users would not need to cycle on A-roads to access it.

19. In terms of pedestrian access, on the northern side of the road there is an existing footpath which would lead residents into the centre of the village. The appeal scheme would provide a footway extension in the form of a 2-metre-wide footpath between the primary site access up to the junction with Church Street. This would provide a safe, connected footway link and may further encourage the use of alternative modes of travel to access local services and facilities and its connections for larger settlements.
20. Accordingly, taking the above into account, even if future occupiers of the dwellings were to have low car ownership, I am satisfied that the location is not isolated and would be well-related to services and facilities, even when accepting that there is a difference between available solutions in urban locations compared with rural areas.
21. For the reasons stated I find that the proposal would represent a suitable location for housing with particular regard to accessibility and local and national policies. As such it would accord with Policies 1, 8 and 13 of the JCS and the Framework which seek to promote sustainable development.

Planning obligation

22. The appeal proposal is accompanied by a signed and dated Unilateral Undertaking (UU) that would provide for an extensive range of contributions to off-set the infrastructure demands of the proposal and meet the requirements of the respective policies of the local plan in respect of early years, primary education, secondary education, library and the provision of a 2-metre-wide footpath link. I am satisfied that these would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
23. In respect of affordable housing, Policy 13 of the JCS requires rural exceptions sites to secure affordable housing on sites adjoining a development framework boundary, subject to other considerations. Affordable housing tenure would need to be secured. The UU makes provision to secure the dwellings as discount market sales, First Homes.
24. The Council acknowledge that there is a significant shortage of affordable homes in the North Northamptonshire area, and state that there is need for properties for affordable rent. I have not been supplied with a copy of the Council's HENA report, and therefore I have limited information before me as to the need for different types of affordable housing. Nevertheless, First Homes are the government's preferred discounted market tenure to provide homes for first-time buyers at a discount of a minimum of 30% against the market value, and therefore the provision of such housing carries great weight. The continued provision of First Homes housing on the site into the future would be secured by a legal agreement.

25. The UU is modelled on the 'First Homes: Model Section 106 Agreement' guidance⁶, and I am satisfied that it would deliver First Homes. Irrespective of the reference to First Homes rather than Entry level Homes, the UU would secure 22 discount market sale dwellings.
26. I recognise that the WMS states that it is a key priority to enable as many people as possible to enjoy the benefits of home ownership, and First Homes is a way in which this will be achieved. Given the importance of delivering affordable homes, where there is a notable need for affordable housing in North Northamptonshire, I attribute substantial weight to this particular benefit. I am therefore satisfied that the UU would be effective in securing affordable housing that would meet the tests under Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010.
27. Taking all into account, the proposal would make adequate provision for affordable housing, early years, primary education, secondary education, library and a 2-metre-wide footpath. As such the proposed development accords with Policies 7, 10 and 30 of the JCS which, amongst other things, seeks to provide affordable housing for rural exception sites and to secure directly related infrastructure requirements which are fair and reasonable in scale and kind to the development.

Contamination

28. It is understood that a historic landfill site is proximate to the appeal site. A Site Investigation Report⁷ was undertaken which identifies that the overall contamination risk to be low. Potential gas risk has been identified off-site and further investigations are recommended. In evidence, correspondence from the Council's Environmental Services confirms no objection to the proposal.
29. Accordingly, subject to the imposition of a suitably worded condition for further investigations, and mitigation as necessary, the proposal would comply with Policy 8 of the JCS which seeks development to only be approved on contaminated land if it can be established that the site can be safely and viably developed with no significant impact on either future users or ground and surface waters. Furthermore, the proposal would accord with the Framework which requires ground conditions to be taken into account, including any risks associated with contamination.

Other Matters

30. The Framework is supportive of the development of rural exception sites on land which is not already allocated for housing. Although not promoted as community-led, there is no dispute between the parties that the appeal site would be adjacent to an existing settlement, of a proportionate size to it, would not compromise the protection given to areas or assets of particular importance in the Framework, and would comply with local design policies and standards. From the evidence before me, and as observed at my site visit, I have no reason to reach a different view.
31. Whilst the Council is able to demonstrate a five-year housing land supply, this figure is not a ceiling. It is recognised that small and medium sites can make

⁶ Paragraph: 003 Reference ID: 70-003-20211223 Revision date 23 12 2021

⁷ Phase 1 – Contaminative Use Desk Study & Walkover Survey reference JN1707 date 14 September 2022 by ST Consult

an important contribution to meeting the housing requirements of an area as they can generally be delivered quickly. Furthermore, the proposal would provide for affordable housing. I attach substantial weight to this social benefit in the context of the Framework's aim to significantly boost the supply of housing.

32. Further considerations in favour of the proposal include the short-term economic benefits relating to its construction, and future occupiers of the development that would increase local spending in the area and would support the vitality and viability of local services and facilities. New native planting and biodiversity enhancements on the appeal site would enhance the natural environment. I give these benefits moderate weight.
33. The site lies outside of the Weldon Conservation Area (CA). Considering the distance of the appeal site from the CA boundary and the intervening built form and vegetation, I concur with the Council that the appeal proposal would preserve the setting of the CA.
34. I have had special regard to whether the settings of nearby listed buildings⁸ would be preserved. The location of the appeal site and the nature of the proposals relative to these listed buildings leads me to the view that their settings would be preserved.
35. Local residents and the Parish Council have expressed a wide range of concerns, including, but not limited to the following: design and appearance, over-development, environmental impacts, noise and pollution, loss of undeveloped land, flooding and drainage, living conditions, increase in crime, impact on ecology, lack of availability of a similar open space to compensate for the loss, local housing need already satisfied, increase in vehicular traffic locally and parking and that sustainability to eliminate fuel poverty should be a priority for low-income families. However, I note that these matters were considered by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of residents and the Parish Council, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conditions

36. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development, enforceable, precise, and reasonable in all other respects.
37. I have considered the conditions put forward by the Council against the Framework and PPG. I have included those which meet the six tests set out in the Framework and reworded, where necessary, for clarity.
38. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the submitted plans in the interests of clarity.

⁸ Church Of St Mary, Weldon, Haunt Hill House, 13 and 13a, Church Street, Weldon, 20, Church Street, Weldon, Glebe Farmhouse, Weldon, Barn Approximately 30 Metres West of number 10 (Glebe Farmhouse), Group Of 3 Chest Tombs Approximately 10 Metres South Of South Aisle Of Church Of St Mary, Weldon, The Cottage, Weldon, The Old Rectory Lodge, Weldon

39. The Council has not provided clear justification as to why the detailed criteria of their suggested windows and doors condition is reasonable or necessary. I have therefore amended the suggested materials condition which is attached in the interests of preserving the character and appearance of the area.
40. Conditions, including a pre-commencement of works condition, is necessary in respect of contamination to ensure no environmental harm arises. Similarly, conditions regarding noise and to secure a Construction Method Statement are necessary to ensure that the effects of construction are minimised so as to not adversely affect the living conditions of the occupants of nearby residents.
41. A Travel Plan condition is necessary to encourage the use of sustainable forms of transport. In the interest of highway safety conditions would secure an appropriate access, parking and turning arrangements and bin storage. I shall impose a condition regarding bike storage to promote sustainable travel.
42. A condition regarding boundary treatment is necessary to protect living conditions of occupiers of dwellings and to ensure a satisfactory appearance.
43. Conditions regarding a habitat management plan, Construction Environment Management Plan: Biodiversity and a lighting strategy are necessary to preserve and enhance biodiversity.
44. To ensure and safeguard the recording and inspection of matters of archaeological and/or historical importance associated with the site, a programme of archaeological work must be carried out in accordance with a written scheme of investigation.
45. Conditions in relation to trees, including an Arboricultural Method Statement and protective fencing, are necessary for protection during construction to protect features of visual and ecological value. I will impose a condition to secure details of hard and soft landscaping to help assimilate the development into the area and enhance biodiversity.
46. A condition for site levels is necessary to reduce the risk of flooding and in the interests of protecting future occupiers from the effects of flooding. Conditions to manage any risks associated with surface water and drainage are necessary to ensure no environmental harm arises.
47. The Council has suggested a condition to remove permitted development rights in respect of windows to Plots 1 and 19 to safeguard the occupiers of the adjacent properties from overlooking and loss of privacy. Given the relationship of these properties to adjacent built form I consider it reasonable and necessary to include such a condition.
48. Conditions 3-4, 6-15 and 18 are pre-commencement conditions. It is fundamental to have these details submitted prior to the commencement of the development for the reasons stated above. The pre-commencement conditions have been agreed to in writing, by the appellant, as required by the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.
49. The Council suggests a condition for the provision of a Megarider ticket for each residential unit. However, based on the evidence before me, I consider this request to be unnecessary and unreasonable. In respect of a condition for the provision of a fire hydrant no further justification has been provided. In the

absence of clear and precise reason for this condition, having regard to the PPG, I do not consider that this request meets the tests.

50. The Council has suggested a condition for electric vehicle charging. The PPG on Conditions sets out that conditions requiring compliance with other regulatory requirements, such as the Building Regulations, will not meet the test of necessity and may not be relevant to planning. The installation of electric vehicle charging points is now covered by the Building Regulations and so conditions in that respect will generally be unnecessary.

Conclusion

51. As required by s38(6) of the Planning and Compulsory Purchase Act 2004, determination of this appeal must be made in accordance with the development plan unless material considerations indicate otherwise. The Framework and WMS are important material considerations in this instance.
52. For the reasons stated, and taking account of all other considerations, the appeal is allowed.

R. Gee

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing nos:
Site Location Plan, Dwg. No.- 22002-01-002-SLP
Preliminary Site Layout, Dwg. No.- 22002-01-SK102-G
2B4P HOUSETYPE, Dwg. No.- 22002-01-SK210-B
HOUSETYPE 3B5P-V1, Dwg. No.- 22002-01-SK220-B
HOUSETYPE 385P-V2, Dwg. No.- 22002-01-SK230-B
HOUSETYPE 385P-V3, Dwg. No.- 22002-01-SK240-B
HOUSETYPE 385P-V4, Dwg. No.-22002-01-SK250-B
HOUSETYPE 2B4P-V2, Dwg. No.- 22002-01-SK260-B
HOUSETYPE 284P-V3, Dwg. No.- 22002-01-SK270-B
HOUSETYPE MAIS, Dwg. No.- 22002-01-SK280-B
HOUSETYPE 385P-V5, Dwg. No.- 22002-01-SK290-B,
Proposed Streetscene, Dwg. No.- 22002-01-SK150-A
Proposed Streetscene, Dwg. No.- 22002-01-SK170-A
3. No development shall commence until an assessment of the risks posed by any contamination (including gases and water quality) has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.
4. No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out [and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and

approved in writing by the local planning authority before the development is occupied.

5. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development [or relevant phase of development] shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
6. Before development commences a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted for approval to the local planning authority. Once approved the scheme shall be implemented before occupation of the residential units and therefore maintained in the approved state. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers without prior written approval from the Local Planning Authority.
7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction: these shall

- include method statements for bats, great crested newts and invasive non-native species.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

9. No development shall take place on any part of the site until a written 30-year Habitat Management Plan (HMP) for the site has been submitted to and approved in writing by the local planning authority. The approved HMP shall be strictly adhered to and implemented in full for its duration and shall contain the following;

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule, including annual works schedule;
- g) Details of the monitoring needed to measure the effectiveness of management;
- h) Details of the timetable for each element of the monitoring programme; and
- i) Details of the persons responsible for the implementation and monitoring;
- j) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;
- k) Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.

The HMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved HMP shall be strictly adhered to and implemented in full for its duration.

10. No development (including demolition) shall take place until: (i) An archaeological Written Scheme of Investigation (WSI) been submitted to and approved in writing by the local planning authority; and (ii) Any necessary safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the WSI have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority. The development should be carried out in full accordance with the approved details within the WSI.
11. No development shall commence on site until an Arboricultural Impact Assessment has been submitted to and approved by the local planning authority.
12. No development shall commence (including demolition) until a Tree Retention Plan has been submitted to and approved by the local planning authority. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of the same size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
13. No development shall commence on site until an Arboricultural Method Statement (as set out in BS5837:2010) has been submitted to and approved by the Local Planning Authority. The method statement shall be carried out as approved and shall be maintained as such in perpetuity.
14. No work of any kind shall take place on the site until the protective fence(s) has (have) been erected around the retained trees. The local planning authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.
15. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an

assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:

- Undertake infiltration testing in accordance with the BRE Digest 365 Soakaway Design Guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- Where infiltration is demonstrated not to be feasible, the discharge rate show be limited 4.1l/s for all rainfall events up to and including the 1 in100 year (plus an allowance for climate change) critical duration, in line with the approved surface water drainage strategy (ref: Flood Risk Assessment, MAC, revision 0, dated October 2022) and subsequent technical note (ref: Response to LLFA, MAC dated 9th March 2023).
- Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date presents limited consideration with regard to water quality and further multifunctional, source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
- Provide detail drawings including cross sections of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that each of the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - o Suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall), and justification of such criteria where relevant.
 - o Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - o Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - o Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
- Provide plans such as external levels plans, supporting the exceedance and overland flow routing. Such overland flow routing should:
 - o Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - o Consider property Finished Floor Levels (FFLs) and thresholds in relation to exceedance flows.
 - o Recognise that exceedance can occur during any storm event due to a number of factors.

16.No occupation shall take place until a Verification Report for the installed surface water drainage system for the site has been made available. This

should be based on the approved surface water drainage strategy (ref: Flood Risk Assessment, MAC, revision 0, dated October 2022) and subsequent technical note (ref: Response to LLFA, MAC dated 9th March 2023) and information provided to satisfy the relevant discharge of conditions application in relation to surface water drainage. This should be submitted in writing by a suitably qualified, independent, drainage engineer and approved in writing by the local planning authority. This Verification Report shall include:

- o Demonstration that any departure from the agreed design is in keeping with the approved principles.
- o Any As-Built Drawings and accompanying photos
- o Results of any performance testing undertaken as a part of the application process (if required / necessary)
- o Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges/Structures etc.
- o Confirmation that the system is free from defects, damage and foreign objects.

- 17.No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is submitted to and agreed in writing by the local planning authority. Such maintenance plan should:
- o Provide the name of the party responsible, including contact name, address, email address and phone number.
 - o Include plans showing the locations of features requiring maintenance and how these should be accessed.
 - o Provide details on how surface water each relevant feature shall be maintained and managed for the lifetime of the development.
 - o Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

- 18.The development hereby permitted shall not be commenced until such time as a scheme to ensure finished floor levels are set no lower than 150mm above adjacent ground levels has been submitted to and approved in writing by the local planning authority. It must also be demonstrated that no water susceptible development is located within water susceptible/ flood flow route(s).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

- 19.Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.
- 20.No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.

21. Prior to the first occupation of the development full engineering, construction and drainage plans for the offsite works shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.
22. Notwithstanding the submitted details, no building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the local planning authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets to the satisfaction of the council.
23. Prior to first use or occupation, the proposed vehicular access, parking and turning facilities shall be provided in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.
24. Prior to the first occupation of the development hereby permitted details of the proposed enclosed secure bicycle parking and bin storage for each dwelling shall be submitted to and approved in writing by the local planning authority and the scheme approved shall be provided and be retained thereafter.
25. Prior to the occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the building(s) are first occupied and retained thereafter.
26. Prior to occupation, a Lighting Design Strategy for Biodiversity shall be submitted to and approved in writing by the local planning authority. The Strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging, and;
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications: so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy, and they shall be maintained thereafter.

27. No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for protection, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.
28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no windows, other than those shown on the approved plans shall at any time be placed in any elevation of Plots 1 and 19 as hereby permitted without the grant of a separate planning permission from the local planning authority.

*****End of Schedule*****