

**AGREED SCHEDULE OF SUGGESTED CONDITIONS FOR APPEAL**  
**REFERENCE APP/Z2830/W/21/3269904 – LAND EAST OF LOWER ROAD,**  
**MILTON MALSOR**

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission and the development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), with a shorter time frame having been requested by the applicant and agreed with the Local Planning Authority.

2. Details of the layout, scale, appearance, and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

3. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

- Site Location Plan, received by the Local Planning Authority on 16<sup>th</sup> April 2020.
- Proposed site access (drawing ref: 2476-F01 rev C) contained within Appendix 2 of "Response to Local Highway Authority", prepared by Eddisons Transport Planning & Design and received by the Local Planning Authority on 1<sup>st</sup> September 2020.
- Parameter Plan (drawing ref: PARAM01), received by the Local Planning Authority on 1<sup>st</sup> September 2020.

Reason : To clarify the permission and for the avoidance of doubt.

4. The approved vehicular and pedestrian access shall be provided in accordance with the approved plans before first occupation of the development hereby permitted.

Reason : In the interests of highway safety and to comply with Policy SS2 of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

5. At least 5% of the dwellings hereby approved shall be bungalows.

Reason: To meet significant demand for bungalows in accordance with Policy LH10 of the adopted South Northamptonshire Local Plan (Part 2).

6. 50% of the dwellings approved shall be constructed to meet the optional accessibility standards set out in Part M of the Building Regulations. The accessibility standards are as follows:
  - Accessibility Category 1: Mandatory requirement – the current Building Regulation standard
  - Accessibility Category 2: Accessible and adaptable dwellings – Optional
  - Accessibility Category 3: Wheelchair user dwellings – Optional

For open market dwellings the following shall be achieved; 50% of dwellings units to Category 1 and 50% of dwellings to Category 2.

For affordable dwellings the following shall be achieved; 50% of Intermediate tenure dwellings to Category 1; 50% of Intermediate tenure dwellings to Category 2; 50% of rented dwellings to Category 1; 40% of rented dwellings Category and 10% of rented units to Category 3.

Reason: To secure high quality accessible homes to meet people's changing circumstances over their lifetime in accordance with Policy LH10 of the adopted South Northamptonshire Local Plan (Part 2).

7. The development hereby permitted shall be carried out in accordance with the recommendations, mitigation strategy and enhancements set out in section 4 of the Extended Phase 1 Habitat Survey report (Report Ref: 80-061-R1-3) by e3p dated March 2020, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

8. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out and a report submitted to and approved in writing by the Local Planning Authority. Should any protected species be found during this check, the report shall also include full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework.

9. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework

10. A method statement for enhancing the biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

11. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority

Reason : To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

12. Prior to commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required pre-commencement to ensure the LEMP takes account of the site's existing landscape and ecology value and to avoid any harm to this from initial construction works.

13.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 at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;

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

Reason: To ensure the environment is protected during construction in accordance with Policy SS2 of the South Northamptonshire Local Plan (Part 2) and Government guidance contained within the National Planning Policy Framework. This information is required prior to the commencement of the development as it will apply to the works that are necessary to implement the permission.

14.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 as a minimum:

- 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 (may be provided as a set of method statements);
- 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: Biodiversity 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.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to the commencement of the development as it will apply to the works that are necessary to implement the permission.

- 15.No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason : In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as the approved levels will inform the earliest construction stages of the development.

- 16.No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
- (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199. This information is required prior to the commencement of development to avoid harm to archaeological assets from initial construction works.

- 17.No development above slab level shall take place until a scheme and timetable detailing the provision of fire hydrants and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable prior to first occupation of the development.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

18. No development above slab level shall take place until details of all sustainable development measures to be taken in the construction of the homes hereby approved have been submitted to and approved in writing by the Local Planning Authority. These should detail how the development will achieve the following;

1. High standards of sustainable design
2. Improved environmental performance and energy efficiency
3. Use of sustainably sourced materials
4. Maximise use of energy needs from renewable or low carbon sources
5. Minimise resource demand and waste generation
6. Maximise use of solar gain, passive heating and cooling, natural light and ventilation
7. Maximise water efficiency

Reason: The overall aim of the adopted West Northants Joint Core Strategy is to deliver sustainable development. Fundamental to achieving this aim is the contribution West Northamptonshire can make to address the local causes and potential impacts of climate change. This aim reflects national planning policy in the NPPF and is reflected in policies S10 and S11 of the adopted West Northants Joint Core Strategy.

19. Notwithstanding the submitted phase 1 report, prior to the commencement of the development hereby permitted a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development to prevent initial construction works affecting any contamination that may be present.

20. If contamination is found by undertaking the work carried out under condition 19, then no development hereby permitted shall take place until a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been prepared by a competent person and in accordance with DEFRA and

the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development to prevent initial construction works affecting any contamination that may be present.

21. If remedial works have been identified in condition 20, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

22. Before above ground construction commences a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to the local planning authority for approval in writing. The details of the scheme shall include:

a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.

b) Details of the drainage system are to be accompanied by full and appropriately cross referenced supporting calculations demonstrating that there is no surcharge in the system for the 1 in 1 year, no above ground flooding for the 1 in 30 year, and that any above-ground flooding for 1 in 100/200 year storm is limited to areas designated and safe to flood, away from sensitive infrastructure or buildings. c) Infiltration test results to BRE365 d) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy BN7 of the Core Strategy for West Northamptonshire by

ensuring the satisfactory means of surface water attenuation and discharge from the site

23. All subsequent reserved matters applications for the development plots shall make reference to the original approved Flood Risk Assessment and Drainage Management Strategy, document ref. no. HYD374\_LOWER.ROAD\_FRA&DMS, version 1.0, 29.01.2020 (prepared by Betts Hydro Consulting Engineers) and the Drainage Strategy, document ref. no. 30379/SRG, dated March 2020 (prepared by Ironside Farrar Limited) and shall be accompanied by a certificate of compliance with the original approved scheme. In addition, an accompanying revised and updated Flood Risk Assessment with full drainage details shall be submitted with each future reserved matters application, indicating whether any further works are required. Development shall be implemented in accordance with the originally approved scheme or the updated scheme as approved in writing by the Local Planning Authority pursuant to that application.

Reason: In order to ensure that the drainage details are implemented in accordance with the approved Flood Risk Assessment and Drainage Strategy, and to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site.

24. No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used. A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site. Details of expected design life of all assets with a schedule of when replacement assets may be required

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system.

25. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment and Drainage Management Strategy, document ref. no. HYD374\_LOWER.ROAD\_FRA&DMS, version 1.0, 29.01.2020 (prepared by Betts Hydro Consulting Engineers) and the Drainage Strategy, document ref. no. 30379/SRG, dated March 2020 (prepared by Ironside Farrar Limited) has

been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority The details shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) CCTV Confirmation that the system is free from defects, damage and foreign objects. Reason To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

Reason : To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

26. Details of any external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any such works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason : To protect the amenities of nearby residents, to safeguard the visual amenities of the area and to ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policies SS2 and NE5 of the South Northamptonshire Local Plan (Part 2) and Government advice in The National Planning Policy Framework.

27. Prior to the occupation of each dwelling, that dwelling shall be provided with the necessary services to enable the provision of high speed broadband (no less than 100mbs).

Reason : To facilitate home-working and information delivery in accordance with Government guidance contained within the National Planning Policy Framework.

28. No dwelling hereby permitted shall be occupied until it has been provided with electric charging equipment of AC Level 2 (or equipment providing for no lesser standard of efficiency) to serve that dwelling.

Reason : To comply with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy INF4 of the South Northampton Local Plan (Part 2) and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

29. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details

of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core Strategy and Section 15 of the National Planning Policy Framework.

30. Prior to the occupation of any dwellings approved as part of the development, the off-site highways improvements being the traffic calming to be installed on Lower Road (as indicatively shown on drawing ref: 2476-F01 rev C or any subsequent drawing approved in a section 278 agreement with the Local Highway Authority) and Towcester Road (as indicatively shown on drawing ref: 2476-F02 or any subsequent drawing approved in a section 278 agreement with the Local Highway Authority) shall be constructed and completed in accordance with details that are first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

31. The development hereby approved shall be implemented in accordance with the measures detailed in the Residential Travel Plan Framework contained within Appendix 3 of "Response to Local Highway Authority", prepared by Eddisons Transport Planning & Design and received by the Local Planning Authority on 1<sup>st</sup> September 2020.

Reason: In the interests of promoting sustainable transport methods and to ensure a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.