
Appeal Decision

Site visit made on 6 April 2022

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2022

Appeal Ref: APP/K0235/W/21/3284468
124 Rushden Road, Wymington, NN10 9LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Sugars on behalf of Blenheim Realty Ltd against the decision of Bedford Borough Council.
 - The application Ref 20/02825/MAO, dated 26 November 2020, was refused by notice dated 8 April 2021.
 - The development proposed is the erection of up to 13 dwellings and associated works including the demolition of 124 Rushden Road.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 13 dwellings and associated works including the demolition of 124 Rushden Road at 124 Rushden Road, Wymington, NN10 9LH in accordance with the terms of the application, Ref 20/02825/MAO, dated 26 November 2020, subject to the conditions in the annexe at the end of this decision.

Preliminary Matters

2. The above description is taken from the appeal form as the proposal was amended during the planning application, being originally for 16 dwellings.
3. The application was submitted with all matters reserved except for the access. I have therefore considered the submitted layout as indicative only.
4. A unilateral undertaking signed on 28 April 2022 has been submitted which provides 60% of the dwellings as affordable housing. This also gives details of affordable housing delivery, tenure, local connection and the range of house sizes. I have given it consideration accordingly.
5. There are references to another submitted planning application on the appeal site however I have considered this appeal proposal on its own particular merits.

Main Issues

6. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposed level of affordable housing would be excessive for the location and;

- the effect of the proposal on the living conditions of the occupants of 122 and 134 Rushden Road.

Reasons

The effect on the character and appearance of the area

7. Wymington is an extensive village which adjoins the town of Rushden to the north. They are linked by the Rushden Road.
8. The village in general has a linear form, except opposite the appeal site where Cambridge Street, Lancaster Gardens and Oxford Street all project tangentially off Rushden Road. They appear as prominent offshoots to the main road and have a variety of buildings, many fairly new but some appear very long established.
9. Rushden Road is characterised by a wide mix of houses in terms of their architectural styles, materials, extensions and building line. The front gardens have little landscaping, and many frontages are hard surfaced to allow car parking.
10. There are no clear outward views from Rushden Road to the countryside behind. However, there is a footpath to the rear of the properties, including the appeal site, which provides a north-south link along the village edge. This is a well-used walk judging by the eroded surface; there are views of open countryside on one side and the rear gardens of houses to the other. The appeal site boundary has an intermittent hedge with some gaps which allow inward views from the footpath.
11. The Rushden Road frontage of the appeal site includes the adjoining semi-detached dwelling, no.122. The two are not matching having different fenestration, materials and extensions. The majority of the site is to the rear, extending behind the Rushden Road frontage.
12. To the side of no. 124 is a grass track which leads to the rear, the main part of the appeal site. It is a former smallholding with a widespread collection of outbuildings and caravans/vehicles stored on the site. The submissions indicate that the land has been used for rearing chickens and pigs which is evident from the remaining structures. At the time of my site visit the adjoining land shown in blue on the site location plan was being used for grazing sheep.
13. It is proposed to provide a wider access to the rear involving the demolition of no. 124. The submitted elevation shows that the split would leave the neighbouring building with a supporting side wall and chimney. This side wall would appear as functional and logical when seen in conjunction with the side access. A blank side wall has the potential to appear harsh but could be relieved in the detailed treatment of this elevation. Both parties agree that this is capable of being the subject of a condition. In addition, these semi-detached dwellings are not a matching pair, rather they have differing extensions and other alterations, so consequently the demolition of one of the dwellings would be immaterial to the appearance of Rushden Road.
14. The 13 dwellings would be on the rear part of the appeal site. The indicative layout shows that the site is large enough to accommodate 13 dwellings and the access road without appearing cramped. Space would be available for landscaping within the development and along the boundaries. The dwellings

would also be sufficiently distanced from the surrounding houses to avoid a cramped appearance.

15. From the footpath to the rear, the proposed housing would be evident however the existing boundary hedge/shrubs could be reinforced with additional planting. The proposed dwellings would also be seen in conjunction with the existing dwellings to the rear of the Rushden Road. Moreover, the focus of views from the footpath is to the attractive countryside to the east rather than to the rear of the existing dwellings.
16. The adjacent site to the north is used as a storage yard for vehicles and has several outbuildings. This use whilst not appearing to prejudice living conditions nonetheless indicates significant activity behind the frontage. Moreover, the appeal site has its own widespread array of dilapidated buildings. Thus, the appeal site does not appear as undisturbed countryside and therefore development would not appear obtrusive, and the removal of the outbuildings would be beneficial.
17. The proposal would not be a linear extension to the village but would be development in depth. However, given the presence of the three side roads opposite the appeal site, this linearity is not prevalent at this point and the proposal would not look out of place. The precise layout would be a consideration for the reserved matters but in principle a layout could be devised which is in keeping with the village's character.
18. The indicative plan shows that there would be sufficient space for a scheme of 13 houses with new landscaping. I therefore conclude that the proposal would not harm the character and appearance of the area.
19. Policy 7S of the Bedford Borough Local Plan (LP) seeks to protect the form and character of settlements. Policy 28S of the LP expects design to be a high quality and promote local distinctiveness. Development should relate to its context, enhance the landscape and include appropriate landscaping. Policy 67 refers to affordable housing being related to the settlement form and character. The proposal would not be in conflict with the above policies.
20. Paragraph 126 of the National Planning Policy Framework (the Framework) sees the creation of high quality, beautiful and sustainable buildings and places as fundamental to what planning should achieve. Paragraph 130 states developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The proposal would not be in conflict with the above policies.

Whether the amount of affordable housing would be excessive for the location

21. The site lies outside of the settlement policy area (SPA) boundary, which is drawn along the houses and their gardens on Rushden Road, and the Council suggest that the site is in the countryside and is therefore not a suitable location for development. There is also apparent concern that the level of affordable housing is excessive for the needs of the village.
22. The site lies adjacent to the SPA. The village has a primary school and a public house which are both connected to the appeal site by roadside footpaths. Moreover, the site is within 1.6 kilometres of Rushden which has a range of shops, education and facilities associated with a town. In addition, there are

- bus stops opposite the appeal site access on Rushden Road with services to Rushden and other neighbouring settlements.
23. The occupants of the proposed dwellings would be readily able to access facilities by walking or using the bus. They would not be car dependent for everyday living; they would have a choice of transport modes.
 24. The Council acknowledge that the SPA is tightly drawn and there does not appear to be any suitable land within it which could accommodate affordable housing. Whilst the Council suggest that other exception sites may not have been assessed, I find that they would be unlikely to be as well located as this site.
 25. The housing needs survey was carried out by Bedfordshire Rural Communities Charity who found a need for 8 dwellings. Whilst the Council suggest that such surveys may inflate the need and provide corroborating examples elsewhere, this is not necessarily the case here and there is no substantive evidence to indicate that the survey is not sound. Moreover, the appellant submitted other examples whereby such a survey was taken as an accurate reflection of need.
 26. In any event, the housing needs survey was undertaken in March 2019. Subsequently the cost of living and house prices have risen and the need for affordable housing is likely to have increased. On the basis of the available evidence this is a realistic survey of the need within Wymington.
 27. Even if the eight affordable houses exceeded the housing demand for the village when built, and were initially occupied by households outside the village, they would be available for villagers on a longer-term basis. The provision is also over social rented, affordable rented, shared ownership and First Homes across 4 types of dwellings. This variation in tenures and house types would cater for a wide range of need.
 28. In addition, there is a need for affordable housing within the district as a whole and the proposal would help towards it. Also, the survey would have only captured those within the settlement or have family within the settlement, others may have had to move away and may wish to move back.
 29. The supporting text to LP policy 58S highlights the need for affordable housing. Moreover, it refers to the need for provision in smaller settlements.
 30. I therefore conclude that the level of affordable housing would not be excessive and would be based on the local need. Even if all the houses were not occupied by those in local need, they would still be occupied by those in borough wide need. In addition, this is a suitable location for housing in terms of the occupants having access to everyday facilities without reliance on the private car. This supports the provision of affordable housing on the appeal site.
 31. Policy 5S of the LP allows for development in villages with a SPA. The appeal site is excluded from the SPA however it is nonetheless close to facilities, both in the village and the nearby Rushden although this town lies outside the borough, which is not acknowledged by the Bedford Borough Local Plan. Settlement form is another aspect to the SPA strategy, but as I have found above the development would not be out of keeping with the shape and form of the settlement. Policy 7S of the LP 'Development in the countryside' applies which does allow for development in certain situations, to which this site and proposal have some respect, although its tenor is generally against

development and in particular the identifiable community support is lacking. Policy 7S cross references to Policy 67.

32. Policy 67 of the LP allows for affordable housing to meet a local need where evidenced by an up to date survey. Criterion (ii) states this should be immediately adjoining a settlement. 60% of the gross internal floor area of the overall development should be for affordable housing. The UU confirms this provision¹. The proposal should also be well related to the built-up area of the settlement and the scale is appropriate to the structure, character and size of the settlement. As I have found earlier the proposal is adjacent to the settlement and well located to facilities, without harming the character of the area. The proposal would not be in conflict in these respects.
33. Moreover, Policy 67 also allows for development of at least 60% affordable housing outside a SPA, if adjoining the settlement, which would counter the tension with Policies 5S and 7S in terms of the SPA boundary. The Council raised issues about the wording in the unilateral agreement and I consider them latterly.

The effect of the proposal on the living conditions of the occupants of 122 and 134 Rushden Road

34. The proposal involves widening the existing access to facilitate development at the rear of the appeal site. This access would also include pedestrian footways at either side and an enlarged splay on the Rushden Road. The vehicles generated by the proposed 13 houses would use this access and the refusal reason refers to the impact of noise, emissions and vibration.
35. Nos. 122 and 134 Rushden Road are the neighbouring dwellings to the sides of the intended vehicular access. This would traverse close to their grounds before turning into the main element of the appeal site.
36. In terms of no. 134 there is a boundary fence approximately 1.5m high along the common boundary. The dwelling is also distanced from the proposed access by a drive, parking and a garage.
37. No.122 has an aspect to the front and back which would avoid any windows directly facing noise from vehicles using the access. This would be likely to avoid disturbance at times of sleeping.
38. The Planning Practice Guidance (PPG) on noise, advises that there are several factors influencing noise disturbance. These include the background environment, the time of day, the number of occurrences, the duration of the noise and the type of noise.
39. The decision notice refers to a flow of 35+vehicles/day. However, the submitted noise report, dated 22 September 2021, suggests the typical traffic generation from the proposed 13 houses would be 52 movements per day. Even taken as a ballpark, 52 movements when considered over a whole day would be low.
40. Furthermore, the noise emanating from vehicles using the access would be momentary as the access drive would be short. Vehicles would also be likely only to be audible when the occupants were in the garden and may well be

¹ Covenant 1

- more likely to be perceived when the occupants were not pre-occupied with other activities.
41. Traffic speeds would be expected to be slow in the vicinity of both dwellings because of the proximity of the Rushden Road junction. Such slow speeds would logically generate only limited noise. Similarly, such speeds would be likely to have a negligible effect on emissions and air quality. Furthermore, as the proposal is only for 13 dwellings, the queuing of cars waiting to exit the site would be unlikely.
 42. In any event, there is an existing driveway between no.134 and the appeal site access. This provides access to a rear yard which had several vehicles parked at the time of my site visit and would be likely to generate some emissions and disturbance to the neighbouring dwellings.
 43. The submitted noise report involved monitoring noise during 3 hours on an average working day from two points on the access. The results showed that the noise levels emanating from Rushden Road are high. Any increase in noise would be marginal and in any event the noise levels would be below the existing background levels so would not be discernible. In a quiet environment noise from an access would be more likely to be perceptible and disturbing, this is not the case here. Some of the local residents comment that the survey did not cover peak times, leading to a lower background. However, a higher background noise level would mean that noise emanating from the proposal would be less discernible. Furthermore, the methodology was agreed with the Council's specialist officer.
 44. The appeal site is currently part of a smallholding and this together with the adjoining blue edged land is served by the existing access. Such agricultural activities would be expected to generate noise and emissions from various vehicles using the site and could involve heavy machinery as well as the need to visit the site late evening/early morning to oversee livestock. Whilst the proposal would intensify use of the access, the type of vehicles and time of movements would be residential in nature.
 45. There is an existing boundary fence to no.134 which would provide shielding of noise and emissions from the appeal site access, particularly as there is a driveway providing some separation distance. The submitted plans do not specify the boundary to no. 122 and the appeal site. A fence to an agreed height, and specification could be required by condition, and is so confirmed by both parties. Such a fence could have a substantial density (thickness) in its timber construction to absorb noise and similarly block emissions.
 46. The surfacing of the access could be controlled by the submission of details in a condition, so that a hard surface material would limit noise emissions. Similarly, a solid base for the access would reasonably be expected. Such robust new construction should not therefore lead to vibrations, particularly as traffic speeds would be expected to be slow.
 47. Pedestrians would use the access however they would be reasonably expected not to be generally noisy, particularly being local residents themselves.
 48. I note the Council's Environmental Health Officer had no objection. Whilst I acknowledge the submitted High Court case², that does not lead me to a

² *May v Rother District Council* [2014] EWHC 456

different conclusion because there are more considerations here than just reliance on a noise survey.

49. The demolition of no.124, at the front of the appeal site would be likely to have structural implications for the attached neighbour, no.122. However, this is a matter between the parties for consideration outside this appeal.
50. I therefore find that there would not be harm to the living conditions in terms of emissions and vibrations. As I have found above, the proposal would not lead to a significant increase in noise disturbance to no.122, subject to a purposely designed fence.
51. Policy 32 of the LP requires development proposals should minimise and take account of the effects of pollution and disturbance. Noise, vibration, smell and harmful emissions are highlighted. Policy 47 of the LP is similar in terms of seeking to reduce as far as possible potential impacts from vibration, dust and fumes. It also seeks to avoid noise giving rise to significant adverse impacts on the health and quality of life, or where appropriate mitigate and reduce its impact. These policies allow development with a minimal or insignificant amount of noise disturbance. I therefore find that the proposal would not conflict with the policies bearing in mind the existing situation.
52. Paragraphs 174 and 185 of the Framework seek to protect the local environment from unaccepted risk of noise pollution and mitigate and reduce the minimum potential adverse impact from development. The PPG advises on the particular characteristics of noise disturbance. The proposal would not significantly increase disturbance and therefore would not be in conflict with the above policies and guidance.

Other matters

53. Several local residents raise concerns in respect of the highway safety implications of the proposed development, including a blind corner, conflict with the school bus and several accidents in the vicinity. The Transport Statement notes the 85 percentile to be 34mph. Visibility at present falls short of the accepted standard but would be improved, assisted by a new footway, and so would meet the standard. I also note that the Highways Officer had no objection and I concur similarly.
54. I note that a preliminary ecological report was submitted which included results of a walkover survey, which did not find any notable species or habitat. There is no other official record of any protected species on the site held by the relevant organisations. Indeed, the appeal site has been used by livestock and I noted on my site visit that the grass was short, and the trees/shrubs are sparse except towards the boundaries, all of which would limit the ecological value. Consequently, I find that the proposal would not be harmful. There is scope for new planting to improve the boundaries which would be beneficial to biodiversity and the landscape. The above could be covered by conditions.
55. Reference is also made to flooding elsewhere in the village. However, a drainage strategy has been submitted and the Local Lead Flood Authority confirms that in principle water runoff could be suitably attenuated on site. I concur similarly.
56. There is concern about the pressure on doctors and dentists but the additional demand from 13 new dwellings would not be significant.

57. Some medieval and Roman remains have been found in the vicinity. I note that an archaeological survey has been undertaken to an agreed methodology which found that the site had no significant potential remains.

Planning obligation

58. The Council have expressed concern that the UU allows for the shared ownership housing to reach a maximum equity share of 95%, rather than 80% which it considers more typical. The Council argue that 95% would be little different to the cost of a market house and thus would be less orientated towards those in need. The critical issue is whether the affordable housing would remain as such in the longer term.
59. The UU would allow the residents to 'staircase': the provision would allow the movement towards being able to buy a market house and depending upon personal circumstances the occupier may feel inclined to move at this stage.
60. In addition, I find that it would be unlikely that any occupant would buy in at 95% from the outset because the attractiveness of this type of housing is to buy towards the lowest point. Moreover, some owners may wish to remain at a low equity. Consequently, at most times the shared ownership occupants would be likely to be at various points of equity.
61. This 95% share would only apply to the shared ownership units which are 37.5% of the affordable provision with the rest, the majority, being rented and First Homes.
62. The dwellings would still be leased and in the control of the particular housing association, who would also set the valuation figure. It is also evident that a registered provider also finds the 95% share acceptable.
63. The Council also refer to the absence of draft transfer details for the First Homes. However, the UU prevents any registration of the units without a certificate from the Council confirming their acceptance. Moreover, the wording on the First Homes in the UU follows the government advice.
64. The Council also questioned the lack of a specified start date for the six-week determination period on the affordable housing qualification from its waiting list. However, this does not have to have a specified date as it has to happen prior to any occupation.

Planning balance

65. The Council confirms that it is currently meeting its 5-year housing land supply requirements. Paragraph 47 of the Framework confirms the requirement in Section 38(6) of the Planning and Compulsory Purchase Act 2004, that development should be in accordance with the Development Plan unless material considerations indicate otherwise.
66. There is some tension with the Development Plan in terms of policies 5S and 7S as the site is outside the SPA boundary, but the latter has a cross reference to Policy 67 which allows for affordable housing to meet local needs in the rural area. This allows for schemes of at least 60% affordable housing in terms of overall floor area adjacent to settlements, outside the SPA, to which the proposal accords.

67. In addition, I have found that the houses here would be in an accessible location, where there is non-vehicular access to everyday facilities. I have also found no landscape harm and the proposal is adjacent to an established residential area. In these respects, the proposal accords with the intent of the Development Plan.
68. The 95% equity cap would only apply to the shared ownership units. Whilst this cap would be higher than some instances it would still provide affordable housing in the long term. I find that the proposal would not conflict with Policy 67.
69. Taken as a whole I find that the proposal would not conflict with the Development Plan. Moreover, the proposal has planning benefits.
70. The proposal would have economic benefits in the construction and the occupants would be well placed to use and support local services and facilities. Provision of the new homes would be a social benefit. Whilst the Council is meeting its five-year housing land supply requirements, the Framework in paragraph 61 is clear this is a minimum figure. Moreover paragraph 60 confirms the government's objective of significantly boosting the supply of homes.
71. The provision of affordable housing, to meet local needs, would be a notable benefit particularly in an area of good accessibility and amongst an established community.
72. The proposal would remove the unsightly structures on the site, would reflect the form of the village in the vicinity of the appeal site and the potential landscaping would help the appearance of the site and would improve the biodiversity value of the site. Consequently, the proposal would be an environmental benefit albeit only slight.
73. Taking the above collectively, I therefore find that the proposal would meet the objectives of sustainable development in accordance with paragraph 8 of the Framework.
74. The scheme accords with the Development Plan and material considerations do not indicate otherwise. Indeed, the benefits of the scheme warrant its support.

Conditions

75. Paragraph 56 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. The Council has suggested conditions and the appellant has no objections. However, the NPPF is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly.
76. Conditions are required on the submission of reserved matters details and time limits with which the development must accord in the interest of certainty. I have removed the reference to access since that is not a reserved matter. The conditions on the submissions on parking and turning, as well as the site access are needed in the interest of safe provision, albeit the parking wording removes the reference to the 2014 standard for simplicity.

77. The suggested condition for a road safety audit is not necessary as the safety of the access is a matter for consideration at this stage, to which the highway authority had no objection. The condition requiring the bonded finish of the access prior to any occupation would be necessary to minimise noise disturbance as I found earlier.
78. The suggested condition 9 requiring M4(2) accessible dwellings is necessary to provide suitable homes for the use and dignity of both occupiers and their visitors. Similarly, the condition requires adaptable homes as physical challenges may occur at any time and would allow the residents to remain in their own home.
79. The conditions on the approval, implementation and retention of landscaping are necessary to ensure the appearance of the scheme, in terms of views and character within the site as well as the views from the footpath to the east. Similarly, the conditions on ecology are necessary to enhance the biodiversity of the site, particularly the interface with the countryside to the east. The control of lighting is necessary to avoid disturbance to bats and maintain a dark landscape in accordance with paragraph 185 of the Framework. Such a condition is imposed, but this wording is amended to require submission of details to the Local Planning Authority.
80. The requirement for the submission of boundary treatments is not felt to be necessary as the surroundings have a variety of boundaries and this is not within a designated area. It would also be onerous on future occupiers and the most sensitive boundary to the countryside would be reasonably expected to be the subject of the reserved matters landscaping.
81. The condition on external finishes is unnecessary as this would be expected to be part of the consideration at reserved matters stage in conjunction with appearance. Similarly, the suggested condition on architectural details is unnecessary as the reserved matters submission would provide the design for the Council's consideration. However, a condition requiring approval of the details of the side elevation resulting after demolition would avoid a harsh appearance as I found earlier.
82. A condition on floor levels is necessary to ensure a satisfactory appearance and ensure that living conditions are respected. The suggested condition on contamination is necessary as chemicals may have resulted from use and storage arising from the sites agricultural use. A condition on construction management is necessary to maintain living conditions of the neighbouring dwellings which are close by and potentially affected by noise, dust and general disturbance. Several criteria however are adjusted to reflect the scale of this proposal. The condition on SUDs is needed to ensure that the proposed development does not increase water run-off which could affect the neighbouring dwellings. The future management is also included in this condition. The floor levels condition is worded to avoid a pre-commencement trigger, but this is retained for the construction management out of necessity. The SUDS condition is worded as pre-commencement submission of details out of necessity to ensure that provision is not prejudiced by any other structure or planting. The implementation is changed to the thirteenth dwelling rather than overall completion in the interests of clarity. The condition on waste bin provision is unnecessary as the development would be likely to be houses, rather than flats which would necessitate a communal arrangement. In

addition, the dwellings would be off an access with an adequate turning area, which being a cul-de-sac there would be no conflict with through traffic.

83. Conditions on the energy and water efficiency are necessary in the interest of protecting scarce resources. The suggested condition requiring energy efficiency and an audit would duplicate the intent and is not felt to be necessary. The electric car charging points would help the wider environment by promoting low carbon transport and are particularly necessary given the limited range of a charged car. The first two are however re-worded to require submission and approval of details. The suggested cycle parking condition is imposed also to promote such non carbon emitting transport, albeit re-worded for clarity.
84. The suggested fibre optic connection is not considered necessary as it would be at the behest of the providers, and it is not known where the nearest connection point would be which may not be economic for such a small development.
85. Conditions are warranted on the surfacing of the access and the boundary to no.122 in the interests of mitigating noise from the access. A condition on the demolition process as suggested by the appellant is not necessary as the dwelling is on private land and therefore contained away from a public right of way. The resulting noise and dust measures are included in the construction management condition.

Conclusion

86. I therefore conclude that the appeal should be allowed subject to the conditions in the annexe below.

John Longmuir

INSPECTOR

Conditions annexe

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "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.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority in writing before the expiration of 3 years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of 2 years from the date of the last of the reserved matters to be approved.
4. A scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling (or scheme for shared provision if apartments) within that phase shall be submitted to and approved in writing by the Local Planning Authority. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first

occupation of each dwelling hereby permitted. Thereafter these facilities shall be retained.

5. Prior to the first occupation of each dwelling the access, turning area and parking facilities serving that dwelling approved as part of the reserved matters or subsequent conditions shall have been laid out, consolidated, surfaced and drained in accordance with the approved details. Such areas shall thereafter be retained and kept available for those uses at all times.

6. The submission of reserved matters for appearance and layout shall include a scheme demonstrating the provision of 49% of the total number of dwellings are to be built in accordance with the Building Regulations 2010, Volume 1, M4(2) (accessible and adaptable dwellings) or such replacement document or policy which exists at the time of the development commencing. The submitted details shall specifically indicate which dwellings are to be built to these standards and the relevant dwellings shall be built and retained in accordance with the approved details.

7. The submission of reserved matters for landscaping shall include details of the following: a) Planting proposals giving location, species, number, density and planting size. b) The relationship of new planting to buildings, roads, footpaths, drains and location of all underground and over ground services. c) Areas of grass turfing or seeding and other surface materials d) Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period. e) Details of all hard works, paving materials etc. f) Details of the long-term management and maintenance proposals for the new planting. g) A scheme for works for protective fencing of the retained trees and hedges including the appropriate working methods in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations; or similar replacement standard); j) A timetable for implementation of the landscape works. The development shall thereafter be carried out in accordance with the approved details or particulars and all planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, (or state other period). Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

8. The submission of reserved matters for landscaping shall be submitted with a Landscape and Ecological Management Plan for written approval by the Local Planning Authority, which shall include a detailed scheme of ecological enhancement together with a timetable for implementation. The proposed ecological enhancement measures shall be implemented in accordance with the approved scheme and in accordance with the approved timetable for implementation and shall be retained thereafter.

9. The development shall be carried out in accordance with the recommendations set out in the submitted Ecological Survey report carried out by AA Environmental Limited dated 3 August 2020.

10. No external illumination of the site shall be installed unless in accordance with the details that have been firstly submitted and approved by the Local Planning Authority.

11. No development shall take until a contaminated land assessment and, if necessary, associated remedial strategy, together with a timetable of works, has been submitted to the Local Planning Authority for approval. The assessment shall comprise the following:

a) The Contaminated Land Assessment shall include a desk study and site reconnaissance exercise to produce a conceptual model of the site. This shall be used to propose a site investigation strategy, which shall be approved by the Local Planning Authority prior to the investigations commencing on the site.

b) The site investigation shall include relevant soil, soil gas, surface and groundwater sampling, in accordance with the quality assured sampling and analysis methodology of the Contaminated Land Reports as well as other appropriate guidance where necessary. This shall include risk assessment based on the Contaminated Land Exposure Assessment Model or where appropriate other guidance providing adequate justification can be provided for such use.

c) The site investigation report shall detail all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remedial strategy. The Local Planning Authority shall approve this remedial strategy as proposed prior to any redemption commencing on site. The work shall be of such a nature so as to render harmless the identified contamination, given the proposed end use of the site and surrounding environment including any controlled waters. Any laboratories used for sampling shall be compliant with United Kingdom Accreditation Service or an equivalent approved accredited quality control scheme.

d) The remediation work as outlined in the approved strategy shall be carried in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during any works, contamination is encountered which has not previously been identified, including new hotspots uncovered by demolition; then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval. All works will be made available for witnessing by an appropriate Council Officer. Upon completion of works, this condition shall not be discharged until a validation report has been submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post remediation sampling to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. No part of the development shall be occupied until such works have been completed.

12. No walls shall be constructed above ground shall take place until detailed drawings showing the existing ground levels and the proposed ground and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

13. No development shall take place until a surface water drainage scheme for the site which accords with the Council's adopted Sustainable Drainage Systems (SuDS) SPD 2018, including details of its ongoing management, has been submitted to and approved in writing by the Local Planning Authority. The scheme

shall be subsequently implemented in accordance with the approved details before occupation of the thirteenth dwelling and thereafter managed in accordance with the approved details.

14. No development shall take place, including any works of demolition until a Construction Management Plan, has been submitted and approved in writing by the Local Planning Authority. The Construction Management Plan shall provide for:

- a) The parking of vehicles
- b) Loading and unloading of plant and materials used in the development
- c) Storage of plant and materials used in the development
- d) The erection and maintenance of security hoarding / scaffolding affecting the highway if required.
- e) Measures on site to control the deposition of dirt / mud on surrounding roads during the development.
- f) Any footpath needing diversion during the development period
- g) Traffic management needed at the interface with the public highway during the development period.
- h) Times, routes (to include specific measures such as delivery ticket instructions and location of signage) and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site).
- i) Measures to prevent noise and dust.

The approved Construction Management Plan associated with the development of the site shall be adhered to throughout the construction period for the development.

15. The proposed junction of the access with the public highway shall not be brought into use until visibility splays have been provided at the junction as shown in the 'Proposed site plan' in part 2 of the appendix of the Transport Statement dated 16 July 2020. All parts of the splays shall thereafter be kept free of all obstructions above the adjacent carriageway level.

16. The proposed junction of the access with the public highway shall not be brought into use until detailed plans of the proposed footway build out and pedestrian crossing points, together with a timescale for implementation, have been submitted to the Local Planning Authority for approval and then subsequently implemented as in the approved details.

17. Prior to occupation, all the new dwellings shall be constructed in accordance with details of water and energy efficiency measures which have first been submitted to and approved by the Local Planning Authority.

18. As part of the reserved matters application for layout, a scheme detailing the provision of electric vehicle charging points for the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the points have been provided and are operational. The charging points shall thereafter be retained.

19. Details of a fence around the boundary of no.122 shall be submitted to the Local Planning Authority for approval. The fence shall be wholly implemented in accordance with the approved details prior to the first occupation of any of the houses hereby permitted.

20. Within 12 months of the demolition of no.124 Rushden Road, the northern side elevation of no.122 Rushden Road, remaining after the demolition of no.124 Rushden Road, shall be restored and finished in accordance with details first submitted and approved by the Local Planning Authority.

21. No building which is the subject of this permission shall be occupied until the access has been surfaced in accordance with a bonded material submitted to approved in writing by the Local Planning Authority beforehand.

End of conditions