



Appeal Decision

Hearing Held on 13 September 2022

Site visit made on 13 September 2022

by S Edwards BA MA TCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Appeal Ref: APP/Y3940/W/22/3299290

Land North of Webbs Court, Lyneham

- 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 John Smith (Gleeson Land Limited) against the decision of Wiltshire Council.
- The application Ref PL/2021/11175, dated 26 November 2021, was refused by notice dated 13 April 2022.
- The development proposed is outline planning application (all matters reserved except means of access only in relation to a new point of access into the site) for residential development for up to 56 dwellings, including the creation of a new vehicular access, public open space, landscape planting, pumping station, surface water attenuation and associated infrastructure.

Decision

1. The appeal is allowed and outline planning permission is granted for outline planning application (all matters reserved except means of access only in relation to a new point of access into the site) for residential development for up to 56 dwellings, including the creation of a new vehicular access, public open space, landscape planting, pumping station, surface water attenuation and associated infrastructure, at Land North of Webbs Court, Lyneham, in accordance with the terms of the application, Ref PL/2021/11175, dated 26 November 2021, and the plans submitted with it, subject to the attached Schedule of conditions.

Preliminary Matters

2. The application was submitted in outline. The application form indicates that approval is only sought for access. Appearance, landscaping, layout and scale are reserved for subsequent determination. I have had regard to the drawings showing the illustrative layout of the scheme insofar as they indicate how the site could be developed, and show that the quantum of development can be accommodated on the site.
3. The appellant has submitted a Planning Obligation in the form of a Unilateral Undertaking (UU), signed and dated 15 September 2022, pursuant to Section 106 of the Town and Country Planning Act 1990. The Undertaking, which would take effect should planning permission be granted, is intended to address the Council's third reason for refusal, though there are some disagreements between the main parties, which I shall return to later in this decision.

Main Issues

4. The main issues are:

- The effect of the proposal on the Council's spatial development strategy;
- The effect of the proposal on the character and appearance of the area; and
- The effect of the proposal on the setting of the Grade II listed building known as the Old Rectory.

Reasons

The effect on the spatial development strategy

5. Core Policies CP1 and CP2 of the Wiltshire Core Strategy¹ (CS) define the settlement and delivery strategies for the area administered by the Council. They establish a hierarchy based on four tiers of settlements, which sets out the way towns and villages will develop over the plan period, having regard to the individual characteristics and functional relationships with their surrounding area.
6. Amongst other things, the delivery strategy sets minimum housing requirements for the different Housing Market Areas and identifies a number of strategically important sites. It seeks to ensure that development is implemented in the most sustainable manner, by encouraging the use of previously developed land and limiting the need for development on greenfield sites. Core Policy CP19 details the amount of development expected to be delivered in each Community Area. The site forms part of the Royal Wootton Bassett and Cricklade Community Area, within which approximately 385 homes are expected to be constructed outside the town of Royal Wootton Bassett.
7. The appeal site comprises agricultural land located outside the defined settlement boundary for Lyneham, which the CS identifies as a large village, characterised by a limited range of employment, services and facilities. As detailed in CS Core Policy 1, development in large villages such as Lyneham will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. Development outside the defined limits of settlements is strictly controlled and only permitted for specific types of development.
8. Settlement boundaries can only be reviewed through the identification of sites, as part of the plan-making process. At the Hearing, the parties confirmed that settlement boundaries have previously been reviewed as part of the Wiltshire Housing Site Allocations Plan², the Chippenham Site Allocations Development Plan³ and the preparation of Neighbourhood Plans, including the recently made Lyneham and Bradenstoke Neighbourhood Development Plan⁴ (NDP). The NDP, seeks to ensure that proposals occur within the villages of Lyneham and Bradenstoke, and does not support proposals for residential development of more than 10 dwellings. No changes have been made to the settlement boundary of the village. Furthermore, the proposal would not meet the criteria set within any of the exception policies which, whilst permitting development

¹ Adopted January 2015.

² Adopted February 2020.

³ Adopted May 2017.

⁴ Made October 2021.

outside defined settlement boundaries, seek to do so to respond to local circumstances and national policies.

9. Saved Policy H4 of the North Wiltshire Local Plan⁵, which still forms part of the development plan, restricts development in the countryside, other than in specific circumstances, none of which are of relevance to the proposal before me. As the appeal site lies outside the settlement boundary for Lyneham, it is therefore, for planning policy purposes, in the countryside. However, this policy is more restrictive than the National Planning Policy Framework (the Framework) and therefore not entirely consistent with national policy, thus limiting the weight which can be ascribed to it.
10. Defined settlement boundaries play a major part in the Council's overall spatial strategy and also help with protecting the countryside, which is consistent with the Framework's aim to recognise its intrinsic character and beauty. Given the above, it is clear that the scale and location of the proposal are not supported by local planning policy. The proposal would conflict with the Council's development strategy and fail to accord with Core Policies 1, 2 and 13 of the Wiltshire CS, Saved Policy H4 of the North Wiltshire Local Plan, the Lyneham and Bradenstoke NDP as well as the aims of Section 2 and paragraph 47 of the Framework.

Character and appearance

11. As noted above, the appeal site lies on the edge of Lyneham and forms part of two agricultural parcels of land contained by hedgerows. The undeveloped character of the fields and established vegetation provide a pleasant rural setting to the village. The site is widely visible within the public realm, particularly as the parcel of land abutting South View remains relatively open. This contrasts with the landscape extending beyond the site, from which it remains generally well contained.
12. The effects of introducing new development on the adjacent site have been considered as part of a previous appeal⁶ in 2017. In his decision, the Inspector noted that this part of the village is here "primarily demarked by residential curtilages enclosed by standard fences, producing a relatively stark and unmediated urban edge", a view which I concur with. A subsequent residential scheme known as 'Pound Farm' has recently been approved by the Council⁷ on this site and is currently under construction. The proposal subject to this appeal would be contiguous with the 'Pound Farm' development and the properties forming part of the existing Webbs Court estate.
13. The proposed development would to some extent be screened by the permitted scheme at Pound Farm. Nevertheless, the current proposal would extend the village of Lyneham further eastwards and result in the introduction of a residential estate comprising up to 56 units, which would inevitably change the character of the fields. Despite being set back from the road frontage, the appeal scheme would consolidate development along South View and erode the visual gap which currently exist with the Old Rectory.
14. The proposal would include new buildings and domestic gardens, as well as large areas of hardstanding, resulting in the creation of a new housing estate

⁵ June 2006.

⁶ APP/Y3940/

⁷ Local Planning Authority Ref. 20/02387/OUT (outline) and PL/2021/09817 (reserved matters).

on the edge of the settlement, which would urbanise and thus significantly alter the undeveloped character of the site. By reason of the sprawling nature of the development, this means that the site's contribution as an area of transition between the built form of the village and the surrounding countryside would be greatly diminished.

15. That said, and despite the inevitable harm which would be caused by the development, there would be opportunities to improve and soften the edge of the village. In particular, the density of the development and the provision of landscaped areas of open space would improve the suburban feel which presently characterises the edge of the village, and to some extent reduce the visual impact of the proposed development.
16. The area includes a network of public rights of way, some of which pass through the appeal site. Footpath LYNE4 crosses through the southern field, and presently enables users to appreciate the site's rural surroundings. The illustrative layout suggests that the proposed development would be sited within proximity to LYNE4. Users of the footpath would essentially walk on the outer edge of a residential estate, and their experience would be adversely affected as a result of the development.
17. Though the presence of the development would remain evident, the experience for users of footpath LYNE1 would change to a lesser extent, as the proximity of the estate would only affect a short section of the footpath. Users would cross an informal area of open space before leaving the site and reaching the countryside beyond. The illustrative layout also suggests that they could be mitigation in the form of additional landscaping, to preserve a more rural setting for users of this PROW.
18. Overall, the urbanising effect of the proposal would adversely affect the rural character and appearance of the area, though the harm in that respect would remain localised. There would also be harm caused to the experience for users of footpaths LYNE1 and LYNE4. The appeal scheme would therefore fail to accord with Core Policies 51 (i, ii, vi) and 57 (i) of the Wiltshire CS. These notably seek to ensure that development enhances local distinctiveness, having particular regard to the local distinctive pattern and species composition of natural features, the locally distinctive character of settlements and their landscape settings, but also important views and visual amenity. The proposal would also fail to recognise the intrinsic character and beauty of the countryside, contrary to paragraph 174b) of the Framework.

Listed Building

19. The proposed development would be sited within relative proximity of the Old Rectory, a Grade II listed building dating from the 19th century located on the outer edge of the village of Lyneham. The property, which is formally enclosed by a wall, presents a brick gable to the road frontage, whilst its principal elevation is constructed in ashlar limestone and retains much of its gothic intricate detailing.
20. The significance of this designated heritage asset does not solely reside in its architectural and historic interest as a building reflecting the standard of living accommodation designed for members of the clergy, but also historic association with the parish church and Lyneham, despite its degree of separation from the village. Whilst there are limited views of the listed

property, which is partly screened by mature trees and vegetation, the open and spacious nature of the appeal site makes an important contribution to the rural setting of this designated heritage asset.

21. The appeal scheme would not adversely affect the listed building itself or its curtilage. However, and though the illustrated layout shows that an open landscaped area would be retained between the Old Rectory and the nearest residential properties, the appeal scheme would considerably reduce the gap with the village of Lyneham. The largely rural and open surroundings in which the designated heritage asset is presently experienced would as a consequence be harmfully diminished. The appeal scheme would also erode the ability to appreciate the historic relationship between the Old Rectory and the village.
22. The proposal would cause less than substantial harm to the special interest of the listed building, as derived from its setting, to which I ascribe considerable importance and weight. In such circumstances, the harm should be weighed against the public benefits of the proposal, in accordance with paragraph 202 of the Framework. The appeal scheme would support the local economy and increase the choice of homes available in the area. Moreover, the provision of 40% affordable units would assist in meeting the housing needs of the community. The appeal scheme also includes the provision of additional open space and play facilities, as well as improvements to public rights of way. These all constitute public benefits, to which I give significant weight. Overall, the identified harm would be outweighed by the presented benefits associated with the proposed development.

Other Matters

Concerns raised by interested parties

23. Various concerns have been raised by interested parties regarding the effect of the development on the village of Lyneham and the pressure that the development would have on local infrastructure, which I have noted. However, and as detailed below, the proposed development includes a number of mitigation measures and financial contributions to minimise the effect of the development on the village and the local community. Having regard to the available evidence, I am satisfied that these matters can be resolved as part of the development and planning obligations.

Planning obligations

24. The Council is of the view that an additional land owner should be signatory to the UU which has been submitted as part of this appeal, as the roads providing access from South View to the proposed development would be sited on land within the ownership of this third party. The implementation of the appeal scheme is therefore wholly dependent on the use of this land.
25. As detailed in Annexe N of the Procedural Guide: Planning appeals - England, "normally all persons with an interest in land affected by a planning obligation (...) must sign the obligation". However, the appeal proposal seeks to use the access arrangements which were approved as part of the outline application for the adjacent Pound Farm⁸ development, and the Council has subsequently approved the Reserved Matters application⁹ for this scheme. As noted above,

⁸ Local Planning Authority Reference 20/02387/OUT.

⁹ Local Planning Authority Reference PL/2021/09817.

the appellant also confirmed after the hearing that construction of the development has recently commenced on site.

26. Furthermore, the planning obligations included within the UU solely relate to the site's development areas and green infrastructure areas identified on the parameters plan which, in the absence of substantive evidence to the contrary, do not fall within the control or ownership of the third party.
27. The third party land owner is already bound by the planning obligations included within the Section 106 Legal Agreement and the conditions imposed as part of the Pound Farm development. No substantive evidence has been presented to demonstrate that the third party has an interest of the land affected by the UU submitted during the course of this appeal. Due to the particular circumstances of this case, I am satisfied that the submitted planning obligation is effective in its current form and carries full weight in favour of the appeal proposal.
28. The UU would secure the on-site provision of 40% (up to 22 units) of the residential properties as affordable housing units. It would comprise a mix of affordable rented and shared ownership units. This obligation would accord with the requirements of Core Policies CP43 and CP45 of the WCS regarding the provision of affordable homes designed to address local housing need, paragraph 65 of the Framework and the Council's Revised Planning Obligation¹⁰ Supplementary Planning Document (SPD).
29. The UU would also secure the provision of on-site open space and children's play area which would be retained as such for the enjoyment of the public in perpetuity, as well as mechanisms for the management and maintenance of the open spaces. The appeal scheme would increase the use of PROW crossing the site and the Undertaking therefore includes financial contributions to upgrade the junction of PROW LYNE1 and LYNE3. The provision of these planning obligations is appropriately supported by Core Policies 3 and 52 of the WCS, which set out the Council's requirements for place-shaping and green infrastructure, Saved Policy CF3 of the North Wiltshire Local Plan 2011, which deals more specifically with the provision of open space.
30. The UU seeks to secure the provision of Sustainable Urban Drainage Systems (SUDS) infrastructure, which are required to reduce the rate of rainwater runoff and improve rainwater infiltration to soil. The planning obligation also includes SUDS management and maintenance measures, to ensure that the infrastructure remains effective and operational. I am satisfied that this obligation accords with the aims of Core Policy CP3 of the WCS and the Council's Planning Obligations SPD.
31. Furthermore, the UU would secure the payment of financial contributions towards additional secondary school places, off site sports facilities improvements, off-site improvements, upgrading or provision of play space facilities. The development is likely to give rise to increased demand for places at the local secondary school, and the Council has explained in detail why such a contribution needs to be provided prior to commencement of the development. Additional information has been submitted to justify the contributions needed to enhance existing sport and play space facilities. I find

¹⁰ October 2016.

that these planning obligations support the aims of Core Policy 3 of the WCS, the Council's Playing Pitch Strategy, and supporting evidence.

32. The evidence presented by the Council also explains clearly why financial contributions towards waste recycling facilities, which fall among the essential infrastructure required as part of the development. This planning obligation therefore meets the requirements of Core Policy 3 of the WCS and the Planning Obligations SPD.
33. There is a disagreement between the appellant and the Council regarding the justification provided for the requested financial contribution towards public art, which has therefore been included within the UU in the form of a "blue pencil clause". In that respect, the appellant has referred to an appeal decision where the Inspector took the view that the obligation seeking a financial contribution towards public art did not comply with the Community Infrastructure Levy (CIL) Regulations. However, my attention has also been drawn to other decisions, where the Inspector reached a different view. My findings here therefore focus on the justification provided as part of the CIL Compliance Statement.
34. The supporting text to Core Policy 3 of the WCS identifies public art among the necessary on-site and, where appropriate, off site infrastructure requirements arising from new development proposals. The need to provide public art is also emphasised by Core Policy 57xii) of the WCS, which makes reference to the integration of art and design in the public realm.
35. Whilst no specific project appears to have been identified, the planning obligation states that the contribution would be used to engage a public art specialist to devise, manage and deliver a project as part of the development. Accordingly, and having regard to the support provided by development plan policies and the level of detail included within the UU, it is my view that sufficient justification has been provided for the requested public art contribution, which would accord with Regulation 122 of the CIL Regulations.
36. The UU includes another "blue pencil clause", in respect of whether or not the planning obligation should be enforceable against any future owner occupier or tenant of the individual units or their mortgagee or successor in title (Clause 5.1(m)(ii)). I share the Council's view that the exclusion wording may affect its ability to use its enforcement powers with regard to the planning obligations. Furthermore, the presented evidence does not provide sufficient justification for the sought exclusion. Accordingly, and as detailed in Clause 3.4 of the UU, sub-clause 5(m)(ii) does not form part of the reasons for which I am granting planning permission.
37. The Council's submissions are supported by a CIL Compliance Statement, which provides justification for the planning obligations sought as part of the development. I have also had regard to the requirements of Regulation 122 of the CIL Regulations 2010 (as amended), as well as national policy and guidance on the use of planning obligations. Having regard to the available evidence, I am satisfied that the obligations are 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.
38. Whilst the third reason for refusal made reference to the lack of contribution towards a travel plan, the parties have agreed that this matter could be

addressed by condition. I see no reason to reach an alternative view in this respect.

Planning Balance

39. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the Act) requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
40. There is no dispute between the main parties that the Council is presently unable to demonstrate a five-year supply of deliverable housing sites, though there is some disagreement regarding the extent of the shortfall. The evidence presented by the appellant and the Council indicates that the supply lies in the range of 4.56 years to 4.72 years. The difference between the parties is not considerable, and even if I was to use the appellant's figure as a benchmark, the housing land supply shortfall remains relatively modest.
41. Nevertheless, in such circumstances, paragraph 11d) of the Framework, as directed by Footnote 8, indicates that the policies which are most important for determining the application have to be considered out-of-date. The Framework also states that permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
42. In situations where the presumption set out by paragraph 11d) applies to proposals involving the provision of housing, paragraph 14 of the Framework adds that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, subject to a number of criteria being cumulatively met. As noted above, Lyneham and Bradenstoke NDP was made in October 2021, and has therefore become part of the development plan less than two years ago. However, the NDP does not include housing allocations. The criterion b) of paragraph 14 is therefore not met, and the tilted balance is consequently engaged in this instance.
43. For the reasons detailed above, adverse impacts would arise from the grant of planning permission, as the appeal scheme would be at odds with the Council's spatial strategy for the location of residential development and have a detrimental effect on the rural character and appearance of the area. It would also cause less than substantial harm to the special interest of the Grade II listed Old Rectory. Though, in this respect, the harm would be outweighed by public benefits, it nevertheless needs to be added to the overall adverse impacts weighing against the proposed development.
44. The appeal scheme would therefore conflict with Core Policies 1, 2, 13, 51 and 57 of the Wiltshire CS, Saved Policy H4 of the North Wiltshire Local Plan, and the Lyneham and Bradenstoke NDP. The grant of planning permission would undermine the development plan and the strategy that has been established to achieve a sustainable pattern of development across the county. These are important considerations in the context of a plan led system, as emphasised by Section 38(6) of the Act and the Framework. However, the weight that can be ascribed to the conflict with these policies is reduced by reason of the housing land supply situation. In respect of the conflict with Saved Policy H4, the afforded weight is also diminished, as it is not fully compliant with the Framework.

45. I note that planning permission has recently been granted for the construction of 50 dwellings on the adjacent site. An appeal for a mixed use scheme comprising up to 200 dwellings was also allowed elsewhere in the village. My attention has been drawn to the number of dwellings that have been approved within the North and West Wiltshire area. However, this does not necessarily mean that there is no longer an established need for market and affordable housing in this location, especially in a situation where the Council has no overall five-year supply of deliverable housing sites.
46. The appeal scheme would bring a range of benefits, notably by delivering a range of market and affordable homes. This would make an important contribution towards housing supply and choice and help with reducing the extent of the shortfall in the area. In the context of the area's current issues with housing delivery, these benefits would carry significant weight in favour of the development. Additionally, there would be economic benefits derived from the proposal, firstly during the construction phase, and then in supporting local facilities. These are afforded moderate weight. Furthermore, the provision of public open space would be of benefit to future occupiers of the development and the wider community, to which I ascribe moderate weight.
47. At the hearing, representations made by interested parties argued that residential development proposals in a rural location such as this become car reliant and encourage commuting towards larger centres such as Swindon. There was some suggestion from the appellant that working patterns have changed significantly since the pandemic, with many people working from home, but this is not supported by detailed evidence. Arguably, it is also too early to ascertain the long term effects of work practices which have been established in response to the pandemic.
48. Notwithstanding the above, I note that Lyneham has the highest self-containment index in the Community Area. The village comprises a relatively varied range of services and facilities which are located within walking or cycling distance of the site and would support the day-to-day needs to future residents. I also understand that there are regular bus services connecting the village to Chippenham and Swindon, which would provide suitable alternatives to private motor vehicles.
49. The harm which would be caused to the character and appearance of the area the Grade II listed building, together with the identified conflict with the Council's spatial strategy are afforded significant weight. Nonetheless, the collective weight of the adverse impacts associated with the proposed development would not significantly and demonstrably outweigh the considerable benefits, when assessed against the policies in the Framework taken as a whole. This justifies a decision other than in accordance with the development plan

Conditions

50. The Council has provided a list of conditions which were discussed and to a large extent agreed with the appellant prior to the Hearing. The appellant has also confirmed his agreement to pre-commencement conditions. I have considered the suggested conditions, making minor amendments where necessary, to ensure compliance with the tests as set within the Framework and the National Planning Practice Guidance.

51. I shall impose conditions setting out the time limit for the submission of the reserved matters application, and a shorter implementation period, to ensure swift delivery of the development, which would assist with meeting the required housing need. A condition regarding the details of the reserved matters is needed to provide clarity and certainty. A condition requiring that the development is carried out in accordance with the approved plans is also necessary to provide certainty in respect of the matters that would not be reserved for future consideration.
52. Pre-commencement conditions requiring the submission of a Construction Environmental Management Plan (CEMP) and a Landscape and Ecology Management Plan (LEMP) are considered necessary to preserve the landscape character of the area and in the interests of biodiversity. Additionally, pre-commencement conditions requiring the submission of details for surface and foul water drainage are needed to protect the environment and reduce flood risk.
53. A pre-commencement condition requiring the submission of a Construction Method Statement is also considered necessary in the interests of highway safety and to minimise any detrimental effects on neighbouring amenities and the environment. Furthermore, I shall add conditions regarding lighting details and biodiversity enhancement measures, to protect wildlife and their habitat, but also secure Biodiversity Net Gains. A landscaping condition is deemed necessary to protect the character and appearance of the area.
54. I shall also impose conditions to control the formation of the proposed access and associated works, which are considered necessary in the interests of highway safety. Conditions to secure the implementation of the Framework Travel Plan and rights of way works are needed to reduce car travel and improve pedestrian access to and from the development.
55. Given recent changes to the Building Regulations, which require the provision of electric charging points for new dwellings, a condition seeking to ensure that ultra-low energy vehicle infrastructure is included as part of the development is not necessary.

Conclusion

56. For the above reasons, the appeal succeeds.

S Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Smith	Appellant (Gleeson Land Limited)
Jacqueline Mulliner	Managing Director Terence O'Rourke
Simon Ible	Associate Director Terence O'Rourke
Harvey Wingfield	Planner Terence O'Rourke
Chris Enderby	Enderby Associates
James Smith	Solicitor acting on behalf of the appellant

FOR THE LOCAL PLANNING AUTHORITY:

Lee Burman	Team Leader, North Wiltshire, Wiltshire Council
Chris Roe	Spatial Planning Manager, Wiltshire Council
Steven Corbin	Planning Officer, Wiltshire Council

INTERESTED PERSONS:

Anne Henshaw	CPRE
Councillor Allison Bucknell	Councillor for Lyneham division

DOCUMENTS

- 1 Map showing Public Rights of Way

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) No development shall commence until details of the following matters (in respect of which approval is expressly reserved) for that part of the site have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;The development shall be carried out in accordance with the approved details.
- 3) An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise varied by details submitted to and approved in writing by the local planning authority in accordance with the conditions of this planning permission:

Site Location Plan 1317.01

1648-KC-XX-YTREE-TPP01 RevA Tree Protection Plan (Received November 2021)

Revised Parameters Plan 1317.04 dated 12 April 2022 (Received April 2022)
- 5) The development will be carried out in strict accordance with ecological mitigation and enhancement measures set out the following documents: Ecological Appraisal, Aspect Ecology, November 2021.
- 6) Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - (a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 - (b) Working method statements for protected/priority species, such as nesting birds and reptiles.
 - (c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts,

dormice or bats; this should comprise the pre-construction and construction related elements of strategies only.

- (d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- (e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- (f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

The development shall be carried out in strict accordance with the approved CEMP.

- 7) Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

- 8) No new external artificial lighting shall be installed at the site until agreed in writing by the local planning authority in accordance with an approved lighting strategy submitted pursuant to this condition and approved prior to the commencement of development. Any lighting strategy submitted must include a lux plot which demonstrates that a level of 0.5Lux can be achieved at the edges of sensitive ecological features. No new extremal lighting within individual residential properties shall be installed unless otherwise agreed in writing by the local planning authority and which shall be in accord with the approved lighting strategy.
- 9) Details of all Biodiversity Net Gain will be shown on the scaled Landscaping Plans, together with measurements of area and specific habitat type being created. The scaled plan will be referenced to the relevant habitat types and areas detailed within the Biodiversity Metric 3.0 (or current version).
- 10) No development shall commence on site until the following drainage details have been submitted to and approved by the Local Planning Authority:

Site-specific groundwater flood risk assessment that includes all available information and data from local sources such as historical records, parish councils, flood action groups and borehole records. In areas susceptible to groundwater flooding infiltration SuDS is not permitted unless it can be demonstrated to be appropriate. The groundwater assessment must include/consider the following:

- Groundwater level monitoring (taking into account seasonal variations);
- The interaction between different sources of flooding;
- How groundwater will impact on the proposed drainage system.
- The interaction between groundwater, groundwater recharge and aquifers;
- Infiltration tests in accordance with British Research Establishment (BRE) Digest 365 – Soakaway Design, and undertake Groundwater level monitoring (taking into account seasonal variations) to confirm whether disposal of surface water via infiltration is feasible on the site. The Wiltshire Council's Surface Water Soakaway Guidance, which sets out the standards that must be met for planning approval and adoption. (It is accepted that through carrying out a more detailed assessment of groundwater flood risk / groundwater levels on site, this may demonstrate that disposal of surface water via infiltration will not be feasible).
- A blockage assessment of the ordinary watercourse culvert, to establish the flood risk to the development posed. This should include assessment of variable levels of culvert blockage, and details of how any resultant overland flood flows will be managed in order to mitigate the risk to people and property.
- Detailed drainage calculations and drawings for the full surface water drainage system. These calculations shall demonstrate:
 - The 1 in 30 year rainfall event is contained within the drainage system without causing flooding to any part of the site.
 - The 1 in 100 year plus 40% climate change rainfall event does not cause flooding to any building (including a basement) or utility plant.
 - The site has been designed to ensure that flows in excess of the 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

The calculations should set the MADD factor / additional storage value to 0m³/ha to prevent an over-estimation of attenuation storage available on site. Calculations should include an allowance for increased surface water runoff, as a result of urban creep, in accordance with LASOO guidance. Due to the outfall to an ordinary watercourse, the calculations should also be simulated with a surcharged outfall, to ensure that this does not cause flooding on site. The applicant should provide detailed drainage drawings which use the same pipe / node numbers as the hydraulic modelling in order to link the designs.

- Revised water quality calculations based on the detailed SuDS design, which factors the mitigation indices as per the guidance in the SuDS Manual.

The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

- 11) No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.
- 12) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwellings hereby permitted or the completion of the development whichever is the sooner.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping on the site shall also be carried out in accordance with the approved details prior to the occupation of any dwelling or in accordance with a programme which shall first have been approved in writing by the Local Planning Authority.

- 13) No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction and prohibition on burning of materials;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) measures for the protection of the natural environment.
 - i) hours of construction, including deliveries; and
 - j) drainage arrangements during the construction works;
 - k) vehicle routing for construction vehicles including site access management strategy to manage access during construction works;
 - l) Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts.

has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried

out otherwise than in accordance with the approved construction method statement.

- 14) Prior to first occupation of any dwelling hereby permitted, the 30/40 speed limit on A3102 South View shall have been relocated as detailed on plan number ITB10092/GA/006/E.
- 15) Prior to first occupation of any dwelling hereby permitted the proposed access junction with South View the A3102 road shall be provided, including visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 90 metres to the east, and 59 metres to the west.
- 16) Prior to first occupation of any dwelling hereby permitted, the street lighting of the A3102 shall have been upgraded to BS5489-1;2013 BS EN123202-2 2003 for a distance of 60 metres to either side of the access position, in accordance with details to be first submitted to and approved by the Local Planning Authority unless the upgrade has already been implemented by planning permission 20/02387/OUT.
- 17) Prior to first occupation of any dwelling hereby permitted, the access road and any associated footways alongside, between South View the A3102 road, and the dwellings hereby permitted, shall have been provided to base course surfacing level.
- 18) Within three years of the first occupation date the access road and any associated footways alongside, between South View the A3102 road, and the dwellings hereby permitted, shall have been finally surfaced in wearing course.
- 19) No part of the development shall be occupied prior to the implementation of the Framework Travel Plan, (or implementation of those parts capable of being implemented prior to occupation). Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein.
- 20) Prior to occupation of the 20th dwelling footpath LYNE4 shall be planed off, resurfaced and street lit between the development and The Green, including new dropped kerbs where it crosses Pound Close, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority, unless the upgrade has already been implemented by planning permission 20/02387/OUT.
- 21) Prior to first occupation of any dwelling hereby permitted, new sets of dropped kerbs shall be provided at the end of Farthing Lane and at 2 locations on Pound Close in accordance with details to be first submitted to and approved in writing by the Local Planning Authority, unless the upgrade has already been implemented by planning permission 20/02387/OUT.
- 22) Prior to occupation of the 20th dwelling, a 3.5 metre wide bollarded, emergency, pedestrian and cycle access link shall have been provided between the development and Webbs Court in accordance with details to be first submitted to and approved in writing by the Local Planning Authority, unless the upgrade has already been implemented by planning permission 20/02387/OUT.

- 23) Prior to occupation of the 20th dwelling, footpath LYNE57 shall have been planed off and resurfaced between the point where it joins LYNE4, to the point where it connects with the proposed pedestrian link to Pound Close near 71 Pound Close, in accordance with details to be first submitted to and approved by the Local Planning Authority, unless the upgrade has already been implemented by planning permission 20/02387/OUT.

END OF SCHEDULE

Richborough Estates