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## Appeal Decision

Site visit made on 28 November 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 5<sup>th</sup> March 2024

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Appeal Ref: APP/Y3940/W/23/3317252

Land to the East of Waitrose, A429, Malmesbury, Wiltshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (The Act) against a refusal to grant outline planning permission.
  - The appeal is made by Rob Stewart of Malmesbury Self Build Ltd against the decision of Wiltshire Council.
  - The application Ref PL/2021/09852.
  - The development proposed is self build residential development with associated infrastructure works, landscaping, open space and a minor variation of the route of footpath MALM19. For the purposes of the Community Infrastructure regime (and any other relevant purpose), the application is for a phased development. Phase A comprising the construction of the infrastructure works, landscaping, open space and a minor variation of the route of footpath MALM19. The construction of each self build dwelling is an individual phase.
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### Decision

1. The appeal is allowed, and outline planning permission is granted for self build residential development with associated infrastructure works, landscaping, open space and a minor variation of the route of footpath MALM19. For the purposes of the Community Infrastructure regime (and any other relevant purpose), the application is for a phased development. Phase A comprising the construction of the infrastructure works, landscaping, open space and a minor variation of the route of footpath MALM19. The construction of each self build dwelling is an individual phase at Land to the East of Waitrose, A429, Malmesbury, Wiltshire in accordance with the terms of the application, Ref PL/2021/09852, subject to the conditions set out in the attached schedule.

### Preliminary Matters

2. The application was made in outline form with all matters reserved apart from access. As part of the application indicative plans were submitted to show how the site could be laid out for up to 26 dwellings. The plans are marked as illustrative, and I shall treat them as such.
3. An updated version of the National Planning Policy Framework (Framework) was published on 19 December 2023. The main parties have been given the opportunity to make extra representations on this matter, and any comments received have been considered in my determination of the appeal.
4. **The Council's fourth refusal reason** refers to noise mitigation. It confirmed in its appeal statement that it is content that the additional information submitted by the appellant as part of the appeal is sufficient to overcome this matter, subject to the use of a condition if the appeal is allowed. I am satisfied that I should agree with this position; accordingly, matters relating to noise

mitigation and the living conditions of future residents should not form a main issue of the appeal.

5. The Wiltshire Local Plan and Malmesbury Neighbourhood Plan are both at an early stage of review. Both should attract little weight in the decision making process at this stage.

### Main Issues

6. The main issues are:

- 1) Whether the site is suitably located for the development proposed, with regard to the development plan, and
- 2) The effect of the proposal on the character and appearance of the area, including the setting of the Grade 1 Abbey Church of St Mary and St Aldhelm<sup>1</sup> and St Pauls Bell Tower<sup>2</sup>, and the Malmesbury Conservation Area.

### Reasons

#### *Location*

7. The appeal site is a field that adjoins the developed edge of the market town of Malmesbury. It is outside **the Council's** development boundary, which is close to **the site's** western boundary on the other side of the main road, and more distant to the south. Core Policy 1 of the Wiltshire Core Strategy 2015 (WCS) establishes that market towns have the ability to support sustainable patterns of living and the potential for significant development. There can be no dispute that Malmesbury is a thriving settlement with a range of services and facilities that can meet the day to day needs of its residents and provide an attractive living environment.
8. Core Policy 2 of the WCS establishes that unless in circumstances permitted by other Policies, development will not be permitted outside the limits of development. There are no other development plan Policies that would permit the proposal. The appeal site is within the Malmesbury Community Area as defined by Core Policy 13 of the WCS, which ties development proposals back to Core Policy 1 and 2. The Council advises that the indicative requirement for housing in the area has been exceeded. Saved Policy H4 of the North Wiltshire Local Plan 2011 provides further exceptions for new dwellings outside development limits. The proposal would also not accord with these exceptions.
9. The Malmesbury Neighbourhood Plan 2015 (MNP) allocates land for housing development. Whilst there are no specific policies that restrict residential development in other areas, the allocated sites are considered sufficient to **meet Malmesbury's housing need for the plan period**, and it is suggested that this need has been exceeded.
10. In summary, the site is not suitably located for the development proposed as it does not accord with Policies of the development plan referred to above that establish the location of new development.

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<sup>1</sup> List Entry Number 1269316

<sup>2</sup> List Entry Number 1269428

*Character and appearance*

11. The site is close to the boundary of the Malmesbury Conservation Area (MCA). The eastern edge of the MCA aligns with the western side of the A429, and the closest part of the MCA to the appeal site is occupied by the Waitrose supermarket and carpark. The MCA boundary was drawn before the supermarket site was developed. The supermarket itself does not have any apparent special architectural or historic interest. From the adjacent areas of the A429 the area beyond the supermarket site is not visible, and to the casual passerby it would not be clear that the historic edge of the settlement was close by to the west. Indeed, the A429 corridor in the vicinity of the site has a character and appearance that is typical of many suburban ring roads.
12. The appeal site is elevated significantly above the level of the A429 at its southern end. From this area it is easy to gain wide open views to the west towards the historic core of Malmesbury. **The MCA covers the town's** hilltop core and extends to its defining river valleys to the north and south. It enjoys a dramatic hilltop setting as an elevated medieval defensive settlement that is crowned by the distinctive form of the Abbey and Bell Tower. Its tight urban form is owing to the two branches of the river Avon that almost fully encircle it, and provided a natural defence that would have strongly influenced its early development. Consequently, the core of the town is tightly defined and densely formed. Roads are often narrow and steep, and many buildings occupy small and steeply sloping sites. These overall spatial and landscape characteristics are key contributors to the significance of the MCA.
13. These are also matters that are highly relevant to its setting. The interplay between the densely developed historic core of the town and the surrounding rural landscape are highly significant. As is its prominent hilltop and in particular the distinctive silhouette of its highly graded historic assets that are **mounted on the town's highest ground** and visible from many local vantage points. Despite the presence of a significant spread of more modern development to the west and northwest of its historic core, the relationship between the town, the river valleys to the north and south and the surrounding rural landscape are largely retained and free from the usual spread of modern suburban development. Thus, the wider landscape setting of the MCA, and the lack of modern suburban extensions to the historic core of the town are characteristics of its setting that contribute significantly to the character and appearance of the MCA.
14. There are many listed buildings close to the appeal site to the west. These primarily stand within the historic core of the town and are not individually discernible from the appeal site. However, the Abbey and Bell Tower are visible from the site. Their historic and architectural interest is recognised by their status as grade 1 listed buildings. The Abbey is reported to be one of the oldest and most important religious sites in England and dates from the 7<sup>th</sup> century, though the current buildings date from the 12<sup>th</sup> century. They have a dramatic hilltop setting and form a highly distinctive and unique skyline to the town, which was particularly discernible at the time of my visit when the late afternoon sun was behind the buildings.
15. It is suggested that the Abbey building would not have been designed or sited to take advantage of a particular view or landscape position. However, its development at the centre of the settlement would have been intentional, and

it is highly likely that its prominent siting on the highest ground would have been deliberate to highlight its importance to the community and with the aim of drawing people skyward or towards the heavens. Therefore, whilst the celebrated views of the Abbey and Bell Tower that are enjoyed today may not have been deliberately conceived as part of a formal or planned landscape, it is highly likely that their prominent hilltop siting was deliberate. For these reasons I find that these are important characteristics of the setting of both buildings that contribute to their special interest.

16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
17. The appeal site slopes down to the north, and at its southern end is considerably higher than the level of the adjacent road. The higher parts of the site allow views towards the upper parts of the MCA and Abbey and Bell Tower. On the basis that the proposed dwellings would be detached such views would still be possible between dwellings and along any roads that run east to west. The roof of the adjacent supermarket is highly prominent in views to the west from the site, especially through the leafless winter trees, and is a detracting feature.
18. The footpath extends from the southern part of the site to the east and the land rises in this direction. From the footpath in the adjacent field to the east of the site a greater depth of view towards the heritage assets is achieved. At my visit I saw that the view was clearer and more generous than that suggested by image EDP6 of the heritage appeal statement<sup>3</sup>, partly because the intervening trees were without leaf at the time.
19. From these perspectives the skyline is much more discernible than from the site, and the Bell Tower and Abbey more prominent. The supermarket roof is still visible, but at a lower level and is thus less noticeable. The hilltop form of the settlement and its crowning heritage assets can be easily appreciated from this perspective. Additionally, its undeveloped rural setting in the foreground and to the northwest can be appreciated and the site can be seen to form part of a swathe of agricultural land that extends away from the settlement.
20. From this perspective existing development either comprises the historic settlement as demarcated by the MCA, of which its easterly limit is defined by the A429 and its maturing tree lined edges, or the linear and more modern development that extends away from the roundabout and along B4042. The Landscape and Visual Impact Assessment<sup>4</sup> clarifies that the tree belts that run alongside the A429 ensure that the modern road corridor, roundabout and supermarket are contained, and they significantly reduce the impact of these elements on the rural landscape to the east. Therefore, although the road is a modern construct, its vegetative boundaries offer some landscape mitigation and help to maintain the long-established interplay between the historic settlement and the surrounding agricultural land.

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<sup>3</sup> Report Ref edp5049\_r004b

<sup>4</sup> Ref: ACLA/BMO

21. The proposal would extend the developed area of the settlement beyond the boundary of the A429 into the open countryside on land that is higher than the adjacent supermarket site. The visual impact of many dwellings in place of the natural appearance of the existing field would be considerable. The proposal would thus represent a suburban extension of the historic settlement, in a direction that would dilute its tight historic form and thus cause considerable harm to the setting of the MCA.
22. Similarly, the development of the site for housing would draw out development within the setting of the Abbey and Bell Tower and dilute the strong and long-established interrelationship between the extent of the historic town and its rural surrounds. Its impact would be readily felt from the elevated land to the east of the site. I accept that this is only one of the many vantage points from where the heritage assets can be experienced, and development here would have little impact on other views; however, given the high grade of the listed buildings at the core of the MCA, a lessening of such a relationship from any perspective is likely to cause considerable harm.
23. Additional landscaping along the eastern boundary of the site would help to lessen the landscape impact to a degree. However, much of the site is significantly higher than the adjacent supermarket and the proposed planting would be limited to the thickness of a linear hedged boundary. It would soften the developed edge of the proposal but would not be sufficient to meaningfully lessen the overall harm that would arise from extending the settlement in this direction, and in any case such planting would take many years to establish.
24. In summary, in accordance with the LBCA, **the duty to have 'special regard' is discharged.** The proposal would not accord with Core Policies 51, 57 and 58 of the WCS and Policy 13 of the MNP, which together seek to ensure that development proposals do not harm the locally distinctive character of settlements and their landscape settings, and conserve the historic environment.

#### Heritage Balance

25. The impact of extending the settlement in this direction would be considerable. In addition to the general landscape harm the proposal would harm the special interest of the listed buildings identified by eroding a characteristic of their setting that contributes to their significance. There would also be some harm to the setting of the MCA. In terms of the Framework, the harms would be less than substantial, but would nevertheless be of considerable importance and weight. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
26. The proposal is for up to 26 self-build dwellings. There are lengthy submissions **before me relating to this. The government's support for self-build and custom-build housing is clear.** The Self-Build and Custom Housebuilding Act 2015 (SBCHA) requires planning authorities to establish and publicise a register of **those who are seeking to acquire serviced plots of land in the authority's area** for their own self-build and custom housebuilding. The Housing and Planning Act of 2016 provides that planning authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand identified. The Planning Practice Guidance (PPG) provides guidance on what methods a planning authority may wish to consider to determine whether an application or development is for self-build or custom housebuilding.

27. The Levelling Up and Regeneration Act 2023 (LURA) amended the SBCHA and recently came into force. This reinforced the view that self-build plots should only be counted in relation to development that is brought forward that is genuinely carried out as a self-build project.
28. The Council accepts that demand for self-build plots is advancing at a faster rate than is met by current supply. However, based on the evidence before me the situation would appear to be graver than the Council is willing to accept. Many of the schemes that the Council considers to be self-build development it does so with reference to the submission of the Community Infrastructure Levy Form (CIL) 7 Part 1, which does not require the submission of any evidence. Only a small number of developments recorded by the Council appear to have been sincerely built out as self-build development, as evidenced by the completion of CIL Form 7 Part 2. Reaching this further stage is a more robust means of demonstrating that a development has been realised as a genuine self-build scheme. An alternative means of securing this would be by a S106 agreement.
29. Without this evidence the Council has not satisfactorily demonstrated that it has granted enough permissions to meet the demonstrated demand for self-build development in its area, and the level of self-build delivery in its area is far worse than that suggested by its data.
30. Given what would appear to be a considerable level of under deliverability against a high level of demand for self-build development, I find that I should give substantial weight to the self-build nature of the proposal. The delivery of such is a clear public benefit that attracts significant weight in the heritage balance.
31. There would also be economic benefits delivered during the construction process, and this would be more than for a comparably sized housing development as it is recognised that a higher proportion of local spending is associated with self-build development. There would be additional long term benefits as future occupiers make the use of local services and facilities. These public benefits attract considerable weight.
32. Together the public benefits carry significant weight. I need to weigh this against the harm to heritage assets that would arise from the proposal, and take into account Paragraph 205 of the Framework, which states that great weight should be given to the conservation of a heritage asset. The harm relates to the special interest of the listed buildings identified and the character and appearance of the MCA. Whilst the level of harm would be considerable, I am satisfied that the public benefits of the proposal would be sufficient to outweigh the harm.

#### Other Matters

33. I have found that the site would not be suitably located for the development proposed and would not accord with the **Council's approach to the location of** new development, as established by the WCS.
34. However, for the reasons already given, its self-build characteristics weigh heavily in favour of the proposal. Additionally, the proposed dwellings would be well located, with good access to the town and its wide range of services and facilities and would not be spatially isolated from the spread of existing



**development at the town's edge.** It would be feasible for future occupiers to live at the site without depending on a private car to meet their day-to-day needs. Furthermore, the proposal would help to address the identified matter of in-commuting to Malmesbury, where the growth in jobs has not been matched by a growth in housing provision. I find that the failure of the proposal to accord with the development plan in respect of the location of new development is outweighed by these material considerations.

35. Numerous objections to the proposal are before me, which I have carefully considered. Matters relating to biodiversity net gain, disruption during the construction process, the need for the detailed design stage to be carefully managed, pressure on local services, surface water flooding, light pollution, landscaping and tree protection are all addressed by the conditions and planning obligation.
36. Potential further development to the east of the site would be considered on its own merits and is not a factor that should weigh against the proposal.
37. The highways impacts of the proposal have been carefully considered by the Council, requiring the submission of amended information so that the Council could be satisfied that the proposal would not harm highway safety. Based on my own assessment of the submissions and my observations on site I can see no reason to take a contrary view.
38. **Although there is little evidence before me relating to this, the Council's second** refusal reason also states that the proposal precludes future viable agricultural use/s for the adjoining farmland to the west and south, which would not represent an efficient use of land. A portion of land would be isolated by the proposal to the south of the application site area. This area of land is modest and is already separated from the rest of the field by a hedge. Whilst I accept that the proposal would prevent this portion of land being put to agricultural use in the future, its potential to serve a useful agricultural purpose is limited given its size, shape and proximity to existing dwellings. I do not therefore consider the layout to be inefficient and thus contrary to this aspect of Policy 57 of the WCS.
39. There are therefore no other matters before me that weigh against the proposal.

#### Planning Obligation

40. A Unilateral Undertaking (UU) pursuant to Section 106 of the Act is before me, dated 25 October 2023. The UU contains various provisions related to waste and recycling, early years education, primary school education, sports, open space, off site place space, off site biodiversity off-setting, management company provisions, and self-build and custom build housing. There is no dispute between the parties relating to the provisions of the UU.
41. I am satisfied that its content is fit for purpose and secures various necessary contributions, as well as securing the self-build nature of the proposal. With reference to Paragraph 57 of the Framework, the UU is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.

## Conditions

42. I have had regard to the planning conditions suggested by the Council and the alternative wording suggested by the appellant. I have considered these against the tests in the Framework and the advice in the PPG.
43. Conditions 1-6 cover the phasing for the development and the submission of the reserved matters. They are worded such that the submission of individual details for each self-build plot can be made, to allow the development to be brought forward as a genuine self-build scheme.
44. Condition 7 is necessary to ensure that the design of the dwellings can be considered holistically, and the individual design of each dwelling responds appropriately to the context of the site, the relationship with neighbouring plots, and delivers a level of consistency necessary to minimise harm to the character and appearance of the area.
45. Condition 8 is necessary to safeguard any archaeological interest at the site.
46. Condition 9 is necessary to ensure that the development is adequately drained and does not lead to an increased rate of surface water run off from the site that would increase the potential for flooding elsewhere.
47. Condition 10 is necessary to ensure that adequate protection and mitigation for ecological receptors is in place prior to and during the construction process. This needs to cover the whole process, not just Phase A, to ensure that adequate measures and mitigation cover the entire development period.
48. Condition 11 is necessary to manage the impacts of the construction process to minimise harm to those who live nearby or use the adjacent roads. I have used the wording suggested by the Council as it is reasonable to expect that a statement could be prepared to cover the whole development through to completion, to which all would adhere to. This condition includes a requirement to submit details of hours of construction; so an additional separate condition relating to this is not necessary.
49. Conditions 12 and 13 are necessary to ensure the long-term management of landscape and ecological features to minimise harm to the character and appearance of the area, and **the site's biodiversity interests**.
50. Condition 14 is necessary to ensure that the acceptable living conditions are secured for future occupants of the development.
51. Conditions 15 and 16 are necessary to minimise harm to the character and appearance of the area **and the site's biodiversity interests**.
52. Conditions 17-22 are necessary to manage the highways impacts of the development, to ensure that it does not harm highway safety and encourages future occupants to make journeys by means other than a private car.
53. A separate condition to require the submission of details of a scheme of ultra low energy vehicle infrastructure is not necessary, as such provision is now secured through other legislation.



## Conclusion

54. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*A Tucker*

INSPECTOR

Richborough

## Schedule of Conditions

- 1) Phase A of 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 the approval of the last of the reserved matters related to Phase A is approved, whichever is the later.

The development of each self-build plot hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters related to that plot is approved, whichever is the later.

- 2) An application for the approval of all of the reserved matters related to Phase A shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3) An application for the approval of all of the reserved matters related to each self-build plot shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: L02, R-21-0068-002 Rev A, and R-21-0068-007 Rev B.
- 5) No development of Phase A shall commence on site until details of the following matters in relation to Phase A (in respect of which approval is expressly reserved) 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.

- 6) No development of any self-build plot shall commence on site until details of the following matters in relation to that self-build plot (in respect of which approval is expressly reserved) 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.

- 7) No development shall commence until a Development Design Code for the entirety of the development and a Plot Passport for each self-build plot have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the reserved matters for any individual self-build plot shall accord with the approved Development Design Code and Plot Passport.
- 8) No development shall commence on site until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority. The approved programme of archaeological work has been carried out in accordance with the agreed details.
- 9) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access), incorporating sustainable drainage details that include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.
- 10) No development shall commence on site, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. 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/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.

Development shall be carried out in strict accordance with the CEMP.

- 11) No development shall commence on site including demolition, ground works/excavation, site clearance, vegetation clearance and boundary

treatment works, until a Construction Management Statement, together with a site plan, has been submitted to and approved in writing by the Local Planning Authority, which shall include details of 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,
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works,
- h) Measures for the protection of the natural environment, and
- i) Hours of construction including deliveries.

The approved statement shall be adhered to through the construction period including the construction of the individual self-build plots. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written agreement of the Local Planning Authority.

- 12) No development shall commence on site including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall 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.

- 13) The development shall be carried out in strict accordance with the biodiversity enhancement recommendations made in Section 5 of the Preliminary Ecological Appraisal of the site by Ecology by Design dated December 2021.
- 14) Any Reserved Matters application for residential development shall provide details (including calculations and reasoning) of the architectural sound mitigation, relevant to the control of external noise in accordance with the recommendations made in noise assessment Pro: PG Noise Assessment for Planning Application dated 31 January 2023. The assessment scheme shall demonstrate that the indoor noise criteria of BS 8233:2014 for all new residential accommodation can be achieved and identify noise attenuation and alternative ventilation measures, where necessary. Development shall be implemented in accordance with the agreed measures and shall be maintained thereafter.

- 15) 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 building(s) or the completion of the development, whichever is 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 shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.
- 16) No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the Local Planning Authority.
- 17) No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.
- 18) No part of the development shall be first occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the internal road layout, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.
- 19) No part of the development shall be first occupied until a scheme for the future maintenance of the roads and other communal areas has been submitted to, and approved in writing by, the Local Planning Authority.
- 20) No part of the development shall be first occupied until the offsite footway provisions and crossing point on the A429 with connection to the existing footway on the B4042 (High Street) shall be provided in line with approved drawing R-21-0068-007 Rev B.
- 21) No self-build plot shall be first occupied until details of secure covered cycle parking related to that self-build plot has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with dimensions, access, location, design and security principals laid out in Appendix 4 of **Wiltshire's LTP3 Cycling Strategy**. **These facilities** shall thereafter be provided in accordance with the approved details and made available for use prior to the first occupation of that Self Build Plot hereby permitted and shall be retained for such use thereafter.
- 22) No dwelling shall be first occupied until those parts of the Travel Plan/Residential Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied. The Travel Plan/Residential Travel Plan Co-ordinator shall be appointed (within a month of occupation) and carry out the identified duties to implement the Residential Travel Plan for a period

from first occupation until at least 2 years following the first occupation of the last dwelling.

END OF SCHEDULE

Richborough