



## Appeal Decision

Hearing Held on 4 October 2023

Site visits made on 3 & 4 October 2023

**by Hollie Nicholls FdA MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 November 2023**

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### **Appeal Ref: APP/Y3940/W/21/3275053**

#### **Land at Purton Road, Swindon**

- 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 Beachcroft Land Ltd, Carole Ann Lindsey, John Webb & Sally Ballard against the decision of Wiltshire Council.
  - The application Ref 20/10523/OUT, dated 25 November 2020, was refused by notice dated 9 April 2021.
  - The development proposed is an outline application for a residential development of up to 79 dwellings and associated infrastructure with all matters reserved with the exception of access on land at Purton Road Swindon.
  - This decision supersedes that issued on 13 July 2022. That decision on the appeal was quashed by order of the High Court<sup>1</sup>.
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#### **Decision**

1. The appeal is allowed and planning permission is granted for outline application for a residential development of up to 79 dwellings and associated infrastructure with all matters reserved with the exception of access on land at Purton Road Swindon in accordance with the terms of the application, Ref 20/10523/OUT, dated 25 November 2020, subject to the conditions in the attached schedule.

#### **Procedural Matters**

2. As above, the original Decision was quashed owing to a procedural fairness issue. I refer to that decision as the 2022 Decision. An earlier appeal decision<sup>2</sup> for a similar scheme on the appeal site was issued in 2020 which I refer to as the 2020 Decision.
3. In view of the outline nature of the application with only access detailed at this stage, all plans, save for the site location plan<sup>3</sup> and access arrangement plan<sup>4</sup>, have been treated as indicative.
4. A S106 agreement dated 8 February 2022 (the Principal S106) had previously been submitted to address the third reason for refusal (RfR). A supplementary unilateral undertaking (UU) (Supplemental UU) was submitted shortly after the close of the hearing and is dated 12 October 2023. I deal with these further below.

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<sup>1</sup> High Court Order dated 4 October 2022

<sup>2</sup> APP/Y3940/W/18/3202551

<sup>3</sup> Plan Ref P18-1721\_06-2 dated 20/11/2020

<sup>4</sup> Plan Ref 2900.07B dated 15/02/2021

5. Since the 2022 Decision, a zone of influence (ZoI) has been designated around the *North Meadow and Clattinger Farm Special Area of Conservation* (SAC). Through its position within the outer ZoI (i.e. within 9.4km) and the additional residents that would be drawn to the development, the proposal would be likely to result in harm to the integrity of the SAC. Thus, it has been necessary to consider this as a main issue in the appeal.
6. Due to a number of material changes of circumstance that arose in between the original hearing and the resumption, the parties submitted an updated *Statement of Common Ground – Housing Need and Supply* (SoCGH) and updated statements pertaining to their respective positions on this topic. The original *Statement of Common Ground* (SoCG)<sup>5</sup> was also taken into consideration.

## **Main Issues**

7. The main issues in this appeal are:
  - whether the location of the development accords with the development plan;
  - the effects of the proposal on the character and appearance of the area;
  - whether the Council can demonstrate an adequate supply of housing land; and
  - the effects of the proposal on the SAC.

## **Reasons**

### *Location of development*

8. The residential estates around the Cowleaze area and Mustang Way on the western edge of Swindon are the closest settled areas to the site. Whilst the site closely adjoins the urban area of Swindon, it falls within the unitary authority area of Wiltshire Council. Swindon falls under the jurisdiction of Swindon Borough Council. In this context, any housing delivered on the site would contribute to that required by Wiltshire Council, but any future residents would have a greater reliance on Swindon for its employment opportunities and day-to-day facilities. The points about the housing more likely serving Swindon and the reliance by future residents on Swindon was made in both the 2020 and 2022 Decisions and my opinion is that these are logical conclusions to reach given the site's proximity to the same.
9. The Wiltshire Core Strategy (2015) (CS) and the Purton Neighbourhood Plan (Made 2018) (NP), the Wiltshire Housing Site Allocations Plan (WHSAP) (2020) and the saved policies of the North Wiltshire Local Plan (LP) are the key documents forming the development plan for the area.
10. Policy CP1 of the CS sets out the settlement strategy for the area, identifying a hierarchy of settlements to which development will be directed with the aim of achieving sustainable development. The closest Wiltshire-based settlement of Purton, some distance from the site, is classified in the CS as a 'Large Village' which offers a limited range of employment, services and facilities and where developments will be limited to that which will meet the housing needs of the settlements.

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<sup>5</sup> Signed November 2021

11. CS Policy CP2 provides a more detailed delivery strategy for at least 42,000 homes, disaggregated into a minimum housing requirement across four identified Housing Market Areas (HMAs). The HMA relevant to the site, the North and West Wiltshire HMA, is to receive the largest proportion of the housing growth over the plan area. Policy CP19 sets out the target for housing in the *Royal Wootton Bassett and Cricklade Community Area*, apportioning the greater amounts to the main named settlements, and leaving a residual figure of 345 dwellings for the remainder of the Community Area for the plan period.
12. The NP makes various allocations for at least 94 dwellings over the plan period to 2026 through Policies 13 and 14, including on sites outside of the defined settlement as part of a proactive plan-led approach despite the targets in the CS for the Community Area having been achieved. In any event, when read as a whole, it is clear that the NP is not supportive of development outside of its allocations.
13. Some exceptions apply to housing in the countryside provided for within CS (paragraph 4.25) and saved Policy H4 of the LP, though none are relevant to the appeal proposal. It is on the above basis that the SoCG sets out that the appeal site falls outside of any defined development limits identified within the CS, WHSAP and NP, constitutes open countryside in planning policy terms and is in conflict with the spatial strategy and distribution aims of the development plan.
14. The CS adoption was premised upon an early review that would seek to address the objectively assessed need for housing, which was at that time a figure of around 2,000 homes greater than the 42,000 homes included within the CS. Though the WHSAP, the Chippenham Site Allocations Plan and a number of neighbourhood plans have been adopted, the review of the CS has only recently led to the publication of the Regulation 19 draft Wiltshire Local Plan (eWLP) in September 2023, the consultation on which was ongoing throughout September and October of 2023. Though the parties note that the site would move into the presently untested Swindon Housing Market Area under the eWLP, there is agreement that the eWLP can only attract limited weight at the present time.
15. Consequently, the agreed position of the parties and a view that I have also reached independently is that the appeal proposal is in conflict with the strategy of the NP, Policies CP1, CP2, CP13 of the CS and Policy H4 of the LP.

#### *Character and appearance*

16. The site itself has a pastoral nature and connects with the wider countryside beyond, turning into a woodland backdrop in views from the appeal site. It is separated from the village of Purton by some distance, whereas the closest adjoining urban edge of Swindon exists on the other side of the railway at Cowleaze and across the other side of Purton Road at Mustang Way. It does not display any particularly valuable features and its sense of tranquillity is disrupted by the presence of housing and the busy road network nearby.
17. I noted on my visit that the undulating topography of the area and the existence of areas of woodland and trees means that the site is relatively enclosed in a visual sense and that views towards it are limited to areas from the railway, the railway bridge along Old Purton Road, in glimpses from Old Purton Road and the Cowleaze area. From all of these respective viewpoints,

despite the enclosure by trees along many hedgerow boundaries, viewers are aware of the urban fringe context in which they are positioned or are passing through.

18. The appeal proposal would change the scene from one of an open, undeveloped pastoral field to an urban form of development. It would also create an impact from the highly engineered access onto Purton Road, necessitating an area of Old Purton Road being realigned as well.
19. In the SoCG, the parties agreed with the Inspector's conclusions in the 2020 Decision that the urbanisation of part of the route along Old Purton Road and the breaking through of the field boundary would be detrimental to users' experiences of it and that there would be a degree of harm from the views of housing on currently open fields. The magnitude and extent of harm is agreed between the parties as limited and very localised.
20. I have reviewed the respective cases before the Inspector in the 2022 Decision and the reasoning behind the findings of considerable harm affecting more than a very localised area in that Decision. My assessment of the site and its surroundings is that the urbanisation of the appeal site would still appear logical and would not undermine the appreciation of the countryside beyond Purton Road and the railway. The landscape character and appearance effects would be localised, though there would be a degree of harm from the engineering works and opening up of Purton Road and Old Purton Road to facilitate the access. Otherwise, I envisage the housing would take on a character much like that of surrounding neighbourhoods, within which landscaping would have an important role to play in providing an appropriate transition between the development and adjoining countryside.
21. By reason of the harm to the character and appearance of the area, albeit limited, the proposal is in conflict with, in particular, Core Policy 51 CP51. This Policy requires development to protect, conserve and where possible enhance landscape character.

#### *Housing land supply*

22. The *SoCGH* sets out the parties' agreement that the Council can demonstrate somewhere between a 4.22 year land supply with a shortfall of 1,677 homes and a 4.58 year land supply with a shortfall of 900 homes against the minimum local housing need across Wiltshire in the context of paragraph 74 of the National Planning Policy Framework (the Framework). Neither party considers it necessary to further narrow the difference between their respective positions and nor do I.
23. To provide context to the 5 year supply position, the *SoCGH* also sets out that the Council has been unable to demonstrate a five-year land supply since February 2020. An Action Plan (2020) sought to tackle the issue by encouraging the positive consideration of "*speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated*".
24. It is also agreed in the *SoCGH* that a five-year land supply will not be able to be restored at least until the eWLP is adopted, which according to the latest Local Development Scheme, would be the final quarter of 2024 at the earliest.

25. I have seen and heard evidence about the housing land supply position in Swindon and the incomparability of the supply position statements on a like-for-like basis. Whilst any housing delivered on the site would adjoin Swindon and its occupiers would inevitably look to it for employment and facilities, it would not contribute to the supply on which Swindon Borough Council could rely.
26. In view of the above, a key agreement between the parties is that given the Council's inability to demonstrate a 5 year supply of housing land, paragraph 11 d) of the Framework is engaged in this case. I carry this into the planning balance below.

#### *Effects on the SAC*

27. The SAC is split into two units; North Meadow and Clattinger Farm. It is designed under the Habitats Regulations<sup>6</sup> for its lowland hay meadow land cover (*Alopecurus pratensis*, *Sanguisorba officinalis*), and is also notable for its high proportion of snake's head fritillary, *Fritillaria meleagris*, which is characteristic of damp lowland meadows.
28. Much of the North Meadow unit of the SAC is accessible to the public as Common Land, with the Thames Valley Path and North Meadow National Nature Reserve offering extensive recreational walking routes. The reported increases in visitor numbers from an increase in the local population and increased propensity to visit the countryside has threatened the condition of the SAC through increased trampling and associated soil and vegetative changes, littering and nutrient changes from dog fouling. As the proposal would result in an increase in the population within the outer ZoI, it has the potential to result in likely significant effects in the absence of mitigation when considered either alone or in combination with other projects. An Appropriate Assessment under the Habitats Regulations is consequently required.
29. The *North Meadow and Clattinger Farm Special Area of Conservation Interim Recreation Mitigation Strategy* (May 2023) (Interim Strategy) sets out an agreed strategy across the authority areas of Swindon, Wiltshire and the Cotswolds in order to mitigate the potential in-combination impacts of new housing development in the vicinity of the SAC over the next five years. Within the outer ZoI, i.e., 4.2 – 9.4km from the North Meadow component of the SAC, all new residential development will be expected to provide mitigation in the form of contributions towards *Strategic Access Management and Monitoring* (SAMM) measures. The SAMM contribution amount has been set at £323 per net additional dwelling towards measures such as: employment of an on-site warden; awareness raising campaigns; temporary walk boards and other similar infrastructure, and monitoring. Such contributions are required by way of S106 agreement or similar deed constructed as such under S106 of the Town and Country Planning Act.
30. Schedule 5 of the completed Supplemental UU secures the payment of the mitigation contribution to the Council prior to the commencement of development. The definition of the mitigation contribution sets out that it is to be used for expenditure on environmental and ecological mitigation measures for the impact of the development on the SAC which will be in the control of

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<sup>6</sup> The Conservation of Habitats and Species Regulations 2017, as amended

the Council in accordance with the Interim Strategy which it intends to adopt imminently, following the precedent set by the partner authorities.

31. I have consulted Natural England (NE) as the appropriate nature conservation body. NE has confirmed that the relevant Protected Site and qualifying features have been appropriately identified and that it is satisfied that the avoidance and mitigation measures secured are appropriate to avoid an adverse effect.
32. As competent authority, subject to the terms of the Supplemental UU, I am satisfied that the proposed development would not adversely affect the integrity of the SAC and would thus accord with the expectations of the Habitats Regulations.

## **Other Matters**

### *Ecology*

33. The findings in the 2020 Decision in relation to ecology and the County Wildlife Site (CWS) within which the site sits were based on surveys previously undertaken and encapsulated in a report dated 2019<sup>7</sup>. The SoCG outlines the parties' agreement that the comprehensive surveys completed in 2019 remained valid until the start of the 2022 survey season. The resumed hearing took place in October 2023 and was attended by the project ecologist who had previously undertaken the comprehensive surveys. He offered his view that the characteristics of the site and its ecological value have not changed in the intervening period and that the conclusions of the original surveys remain valid.
34. The agreed suggested conditions set out the requirement for the approval of a Landscape and Ecological Management Plan (LEMP) which shall be informed by up to date ecology surveys prior to commencement of development. Therefore, I can be satisfied that the design, ecological enhancement and management measures proposed to be secured by way of condition would outweigh the loss of part of the CWS and provide protection for priority species and habitats. Whilst the parties agreed to attach significant weight to the potential ecological benefits, my view is that these attract limited positive weight.

### *Highways Access*

35. It is common ground between the parties that the scheme would not result in unacceptable highways impacts in relation to the capacity of the surrounding road network or the operation of any particular junctions. Despite that concerns have been raised locally in connection with the waiting times to emerge onto Purton Road (B4534) in the vicinity of the site, my view having regard to the evidence is that there would not be a materially harmful effect on the surrounding road network. The Local Elected Member requested a set of traffic lights in the vicinity of the access, but the requirement for such has not been raised by the Council's highways specialist and I find no reason to reach an alternative conclusion.
36. In respect of the proposed access arrangement, a local resident that lives adjacent to the site in *Elborough Bridge Cottage* has raised concerns. He runs a business that involves the use of unusually large vehicles, i.e., a 'Hummer

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<sup>7</sup> 2019 Ecology Surveys



Limousine' and other limousines. The vehicles access his dwelling and business premises through Old Purton Road and into a walled and gated entrance accessed from it.

37. As depicted in the submitted access arrangement plan<sup>8</sup>, the access to the site would involve cutting through Old Purton Road, both realigning it on a curve and providing a crossing point and altering levels so that the junction arrangement ties in with Purton Road at an elevated level. These works would adjoin the access to Elborough Bridge Cottage. Evidence<sup>9</sup> submitted on behalf of the local resident indicates that the works would force changes to the way that the business currently operates. It also asserts that limousines would be forced to partially encroach onto the opposite carriageway on exiting Old Purton Road and taking up the entire width of the realigned Old Purton Road on navigating the proposed bend.
38. My site visit involved looking at the area to the side of Elborough Bridge Cottage where the business's vehicles are stored, which is large enough to allow for vehicle manoeuvring to facilitate exiting in forward gear. Whilst vehicles are initially washed and maintained in front of the Cottage, it was indicated that vehicles have to exit the Cottage gates and make a return trip up and down Old Purton Road to access the hardstanding parking area to the side. This to me seems rather illogical and increases the instances of vehicles and pedestrians and cyclists coming into contact along a route which currently has relatively limited vehicle use.
39. It appeared to me that there is sufficient space on the hardstanding to the side of the Cottage for washing and maintenance to be undertaken and I do not consider it unreasonable to suggest that such an adjustment could be made if necessary. The widening of the Cottage access through partially realigning one side of the stone boundary wall would be an alternative solution, should it be required.
40. In terms of overrunning into the opposite carriageway on exiting Old Purton Road, I consider that a similar scenario already likely occurs when the Hummer Limousine is used to exit Old Purton Road and turn left to join the roundabout connecting Purton Road with Sparcells Drive, Mead Way and Cowleaze. Though it would be a suboptimal arrangement, the relative infrequency of trips involving this vehicle suggest to me that the instances of conflict would be minimal, such as to equate to negligible highway safety effects. Similarly, the instances of an opposing vehicle needing to pass limousines whilst navigating the bend are unlikely, given that Elborough Bridge Cottage is the only dwelling served by Old Purton Road.
41. My overall conclusion on the access arrangement with Elborough Bridge Cottage is that there would be negligible effects on highway safety as a result of the development. The detailed engineering solution for the access would be prepared at a future stage and could optimise the available space and level change to simplify the access and egress manoeuvres.
42. I have also had regard to the potential disruption that would occur during any construction phase. There would be a need for arrangements to be made for

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<sup>8</sup> Plan Ref 2900.07B dated 15/02/2021

<sup>9</sup> Technical Note – 6036/02 (dated March 2023)

continued access during the construction phase which could be managed by way of construction method statement condition. Any inconvenience of this nature would be of a temporary duration until such time as the permanent access were complete and available for use.

*Other matters raised for consideration*

43. I have taken account of the views of local residents and elected representatives in connection with the appeal, covering a range of topics, including the main issues as addressed above. The request made at the hearing for contributions towards local facilities and services administered by the Parish Council and Local Elected Member would be collected through the Community Infrastructure Levy charging regime which is in operation, in addition to any financial contributions to mitigate the effects of the development to be secured by way of a planning obligation.
44. I heard from a local resident at the hearing that a five year supply of housing land could be demonstrated by the Council, contrary to the acceptance otherwise in the SoCG. Though he referred to evidence he had offered to substantiate this in connection with two other appeals, that has not been provided to be in writing or detailed more beyond that offered at the hearing. In the absence of robust evidence to the contrary, my view is that a five year supply of housing cannot be demonstrated.
45. A number of local residents raised concerns that developing the site would diminish their enjoyment of it and adjoining areas of countryside. However, it was made clear to me that the site is not a publicly open space and that any access to it by walkers has been tolerated, rather than granted formally. The loss of a public space is therefore not a consideration of relevance.

**Planning obligations**

46. The Principal S106 provides for 40% affordable housing distributed in clusters on site, with a 60/40 tenure split between affordable rent and shared ownership; the provision of 8 self-build/custom build plots; financial contributions towards early years education facility provision; waste recycling facilities; public open space, play equipment and ongoing maintenance of the same. With particular regard to the affordable housing, the Principal S106 requires that said dwellings are allocated in accordance with the 'Allocations Policy' in the administrative area of Wiltshire. This will mean that the 40% affordable housing could assist in meeting the area's affordable housing need which the SoCGH notes has been described in various recent appeal decisions<sup>10</sup> as '*demonstrable*', '*pressing*', '*pronounced*' and '*substantial*'.
47. I am satisfied that the terms of the Section 106 agreement are necessary in order to make the development acceptable in planning terms. It therefore accords with the test for obligations set out in the Framework.
48. The supplemental UU provides specifically for the financial contribution towards mitigating the effects of increased recreational pressures on the SAC. For reasons set out above, I also consider that this obligation is necessary to make the development acceptable in planning terms. The two planning obligations

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<sup>10</sup> Including appeal Refs: APP/Y3940/W/22/3312268, APP/Y3940/W/21/3275477, APP/Y3940/W/19/3236860, APP/Y3940/W/21/3278256, APP/Y3940/Q/21/3278923 & APP/Y3940/W/21/3282365



would serve independent functions, but both would be equally binding on the Appellant company and any successors in title. I therefore take them both into account.

### **Planning Balance**

49. In view of its location outside of any defined settlement or specifically allocated site, the appeal proposal is in conflict with the NP, Policies CP1, CP2, CP19 of the CS and Policy H4 of the LP. Whilst these policies are the most important policies for determining the appeal, the conflict with them attracts reduced weight on the basis of the absence of a five year housing land supply.
50. There would also be harm to the character and appearance of the area in conflict with Policy CP51 of the CS, tempered by the localised and limited degree of harm that would occur.
51. I acknowledge the agreement that the site is in a sustainable location on the edge of Swindon with good accessibility to services, facilities and employment opportunities. This attracts positive weight in favour of the scheme, though to the extent that it would reduce the acknowledged problem of out commuting from the area is less clear.
52. In my view, the agreed shortfall in supply of between 900 and 1,677 homes is compelling. The key benefit of the scheme and one which attracts substantial weight is therefore the delivery of up to 79 dwellings which would contribute to redressing the housing land supply deficit. Given the agreement of the Appellant to a condition requiring reserved matters applications to be submitted within 18 months of the grant of any outline planning permission, and absence of apparent constraints to early delivery, it appears to me that the delivery of housing on the site could commence without undue delays.
53. The scheme would also make a valuable contribution towards meeting the area's compelling affordable housing needs, offering two tenure options and at agreed affordability levels. This is also a benefit of the scheme that attracts substantial weight. The provision of self-build/custom build plots is another positive aspect of the scheme, although proportionately less so given the modest numbers of plots that would be provided.
54. There would be economic benefits from the construction phase of the scheme and also from the subsequent occupation of the dwellings. Whilst I acknowledge that the construction phase economic benefits would be temporary in duration, when taken together with the longer-term economic advantages to the area from additional residents, they are collectively capable of attracting great weight. I also attach limited weight to the ecological benefits of the scheme.
55. The use of planning conditions and obligations to secure mitigation measures would offset the impacts of the development, but they are of overall neutral effect on the planning balance. I place the provision of drainage infrastructure into this category of being of overall neutral effect.
56. In my view, the totality of the considerations and benefits that would be generated by the development significantly and demonstrably outweigh the adverse impacts when assessed against the policies in the Framework taken as a whole. My conclusion is, therefore, that the appeal should be determined

other than in accordance with the development plan and should therefore succeed.

### **Conditions**

57. I have considered the suggested planning conditions in the context of the Framework and the Planning Practice Guidance. Editing has been undertaken where necessary in the interests of clarity and precision.
58. As the scheme is in outline form, conditions are necessary to secure the specified reserved matters and within the agreed shortened timeframe of 18 months to expedite delivery. A condition is also necessary to set out the standard time period for commencement after approval of the reserved matters and to specify which are the approved plans, in the interests of certainty.
59. In the interests of the ecological value and character and appearance of the area, a condition requiring a LEMP is necessary. Similarly, in order to protect existing trees during the construction phase, a condition is necessary to secure the provision of protective measures for existing trees. On the same vein, a landscape phasing plan is necessary to secure by way of planning condition to ensure a high quality of development.
60. Given the potential of the site to contain archaeological features, a condition is required to secure an archaeological investigation throughout the construction phase.
61. In order to protect the environmental quality and amenities of local residents during the construction phase, conditions are required to secure a construction environmental management plan. For reasons of protecting the ecological value of the site, a condition is necessary prohibiting the installation of any external lighting unless a strategy is submitted and approved.
62. To maintain the safety and efficiency of the highway network, a condition is necessary to secure the construction detail of the access. A condition is also required to secure a method statement detailing construction phase arrangements, including for residents of Elborough Bridge Cottage.
63. In order to minimise the carbon impacts of the development, a condition is necessary to secure ultra-low energy infrastructure within the scheme. For similar reasons, a condition requiring the approval and implementation of a residential travel plan is also necessary.
64. A condition is necessary to ensure that surface water drainage works are undertaken to avoid flooding or other related environmental effects.
65. Lastly, in the interests of securing the satisfactory living conditions of future occupiers, a condition is necessary to ensure the employment of appropriate noise minimisation measures where necessary.

### **Conclusion**

66. For the foregoing reasons, the appeal is allowed.

*Hollie Nicholls*  
INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr Killian Garvey	Kings Council
Mr Neil Tilley	Pegasus Planning
Mr Guy Wakefield	Ridge and Partners Planning
Mr Ian Thomas	Appellant

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Piers Riley-Smith	Kings Council
Mr Adrian Walker	Wiltshire Council
Mr Christopher Roe	Wiltshire Council

### **INTERESTED PARTIES:**

Mr Darren Smith	Local resident and business owner
Mr Frances Molland	Local resident

### **DOCUMENTS:**

Document 1	Report on the examination into the Wiltshire Core Strategy (1 December 2014)
Document 2	S106 Unilateral Undertaking (draft)

### **DOCUMENTS SUBMITTED AFTER THE HEARING:**

Document 3	Updated list of suggested planning conditions
Document 4	Completed unilateral undertaking

## **SCHEDULE OF PLANNING CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Applications for the approval of reserved matters, namely Appearance, Landscaping, Layout and Scale, shall be submitted before the expiration of 18 months from the date of this decision.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan ref. P18-1721\_06-2
  - Proposed Access Plan ref. 2900.07B
4. Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:
  - a) Include and take account of the results of up to date ecology surveys;
  - b) Description and evaluation of features to be managed;
  - c) Landscape and ecological trends and constraints on site that might influence management;
  - d) Aims and objectives to maintain and avoid any harm / damage to features of ecological interest, in addition to safeguarding populations of protected species and providing for significant ecological / biodiversity enhancements within the proposed site as outlined in red and blue on Site Location Plan P18-1721\_06-2, including long term objectives to ensure management in perpetuity;
  - e) Appropriate management options for achieving aims and objectives as set out in points a)-c) above;
  - f) Prescriptions for management actions for the site outlined in red and blue on Site Location Plan P18-1721\_06-2;
  - g) Preparation of a work schedule for implementation and management (including an annual work plan capable of being rolled forward over a 5 year period);
  - h) Details of the body or organisation responsible for implementation of the plan;
  - i) Ongoing monitoring and remedial measures which shall include measurable target;
  - j) Details of the legal and funding mechanisms(s) by which the long term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery;
  - k) Where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed, and implemented;

- l) Timescales for implementation, delivery, monitoring and any contingencies and/or remedial measures.

The LEMP shall be implemented in full in accordance with the approved details with the timescales set out in the approved details.

- 5. Prior to commencement of development above slab level, details of all external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6. Prior to commencement of development a written programme of archaeological investigation including a timeframe for onsite work and offsite work such as the analysis, publishing and archiving of the results, shall be submitted to and approved in writing by the Local Planning Authority. The programme shall be carried out in accordance with the approved timeframe.
- 7. Prior to commencement of development the protective fencing as detailed on the Tree Protection Plan Reference 190802-2.0-PR-AIA-MW contained within the Arboricultural Impact Assessment (AIA) by Treework Environmental Practice shall be erected on site in accordance with the Tree Protection Plan. The protective fencing shall remain in place for the entire development and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance with British Standard 3998.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

- 8. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not necessarily be limited to, the following:
  - a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'biodiversity and tree protection zones';
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements;
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- h) Use of protective fences, exclusion barriers and warning signs; and
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

9. Prior to commencement of development, 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;
  - 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 piling (if required) and deliveries; and
  - j) drainage arrangements during the construction works;
  - k) vehicle routing for construction vehicles including site access management strategy to manage access within Old Purton Road during construction works and arrangements for access to Elborough Bridge Cottage;
  - l) Name of responsible person to be contacted in case of emergency, which shall be advertised on signage within sight of the public highway.

The approved Construction Method Statement shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

10. Prior to commencement of development full details of a right hand turn lane shall be submitted to and approved in writing by the Local Planning Authority in line with drawing 'Proposed Access Plan' ref. 2900.07B. As part of the package of full details to be submitted this shall include full construction details, safety audit, visibility splays (2.4m x 120m), deceleration / turning length provision, swept path analysis, provision for footways and pedestrian crossing facilities in Purton Road (B4534). No part of the development shall be commenced until the works within the agreed scheme of works to the highway has been completed, surfaced and laid out in accordance with the approved details. It shall be maintained in the approved form.
11. Prior to commencement of development full details of geo-technical and construction details of the access in line with drawing numbered 2900.07B which includes the provision of the site access, the Old Purton Road realignment, the proposed crossing point in Purton Road (B4534), including swept path analysis including vehicles contained within Appendix AJK8



(Proposed Site Access) of the PEP 'Appeal Statement' (dated December 2021). No part of the development shall be commenced until the access has been completed, laid out in accordance with the approved details and surfaced to base course level. It shall thereafter be maintained in the approved form without modification.

12. Prior to commencement of development a scheme of Ultra Low Energy Vehicle infrastructure shall be submitted to the Local Planning Authority, including details of which dwellings shall be afforded access to the Ultra Low Energy Vehicle infrastructure, has been submitted to the Local Planning Authority for its approval in writing. Thereafter, the scheme shall be completed in strict accordance with the approved details and no dwelling occupied until it's allocated Ultra Low Energy Vehicle infrastructure has been provided and made available for use. Thereafter the Ultra Low Energy Vehicle infrastructure shall be permanently retained.
13. Prior to commencement of development above slab level, a landscape phasing plan shall be submitted to the Local Planning Authority for its approval in writing. Thereafter, the landscaping shall be completed in accordance with the approved timescales.
14. No external lighting shall be installed on the site until an external lighting strategy is submitted to and approved in writing by the Local Planning Authority. This will include details on the type of light appliance, the height direction and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publications "Guidance Notes for the Reduction of Obtrusive Light (ILE, 2005)" and Guidance Note 08/18 Bats and Artificial Lighting in the UK (which shall take precedence) have been submitted to and approved in writing by the Local Planning Authority. The submission shall:
  - a) Identify those areas / features on the whole site that are particularly sensitive for foraging / commuting bats;
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
  - c) Specify luminaries, heights and positions of fittings, direction and other features, e.g., cowls, louvers or baffles.

The development shall thereafter be retained in accordance with the approved details.

15. Prior to the completion of development or in the first planting and seeding season within or following first occupation of the approved dwellings, all soft landscaping comprised in the approved details of landscaping, as required by the reserved matters applications and details required by conditions within this decision notice shall be carried out.

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.

Prior to completion of the development all hard landscaping shall also be carried out in accordance with the approved details or in accordance with a programme to be agreed in writing with the Local Planning Authority.

16. Prior to occupation of the development a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented in accordance with the approved details.
17. Prior to occupation of the development, surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority in consultation with the lead local flood authority. Before any details are submitted to the Local Planning Authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) Include a timetable for its implementation; and,
  - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Upon implementation, the scheme shall thereafter be permanently retained in accordance with the approved details.

18. Prior to occupation of residential dwellings, the design recommendations and mitigation measures specified in the Noise Impact Assessment Report AS9441.170717.NIA2.1 shall be implemented and attained in full and, thereafter maintained in perpetuity.

----- END OF SCHEDULE -----