

<b>Date of Meeting</b>	26 October 2016
<b>Application Number</b>	16/05959/OUT
<b>Site Address</b>	Land to the South East of South View & North of Webbs Court, South View, Lyneham, Wiltshire
<b>Proposal</b>	Outline planning application for residential development of up to 60 dwellings; including the creation of new vehicular access, public open space, natural children's play area, landscape planting, pumping station, surface water attenuation and associated infrastructure (all matters reserved except means of access only in relation to a new point of access into the site) (Resubmission of 15/12487/OUT)
<b>Applicant</b>	Mr Mark Jackson
<b>Town/Parish Council</b>	LYNEHAM AND BRADENSTOKE
<b>Electoral Division</b>	LYNEHAM – Allison Bucknell
<b>Grid Ref</b>	402274 179372
<b>Type of application</b>	Outline Planning
<b>Case Officer</b>	Mathew Pearson

### Reason for the application being considered by Committee

Cllr Bucknell has called the application in as it is a major housing development outside the built area of Lyneham that has created a substantial amount of community interest

#### 1. Purpose of Report

To recommend that authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing, Open Space and Education and is therefore contrary to Policies CP3 & CP43 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

#### 2. Report Summary

The proposed development is considered to broadly conform to the sustainability principles of national policy and the acknowledged conflicts with the Wiltshire Core Strategy policies is considered to be outweighed by the benefits of scheme. The site specific impacts of the

scheme are limited and the application will provide an uplift in housing and affordable housing in accordance with the specific aims of national policy. Lyneham Parish Council supports the proposals and the only technical consultee to raise an issue is the Council's Conservation Officer. Initially there have been 68 letters of objection with 5 in support, following re-consultation there have been another 60 letters of objection. There have been petitions both for and against the development.

The main issues for consideration are:-

- Principle of the Development and Status of Development Pla
- Archaeology
- Flooding and Drainage including Foul and Surface Water
- Conservation, Heritage Assets and Design
- Landscape
- Ecology
- Transport and Access
- Rights of Way
- Sustainability
- Other Matters
- S106 contributions

### 3. Site Description

The application site is located to the north east of Lyneham to the south of the A3102 (South View). The site is outside the defined settlement framework boundary of Lyneham and therefore is in the open countryside. The site comprises two medium sized fields which are bounded by mature hedgerows with existing housing along the western edge. The site is criss-crossed by a network of footpaths, a small stream and overhead electricity cables. There are no ecological or landscape designations on the site. To the north and east of the site is the Old Rectory, a Grade II Listed Building on the A3102. Cowleaze Copse woodland lies just beyond the eastern edge of the site and Bailey's Hill Woodland, a County Wildlife Site, is within 500m.

### 4. Planning History

15/11047/SCR	Screening Opinion Request Relating to Proposed Residential Development of 111 Dwellings	No EIA required
15/12487/OUT	Outline Planning Application for up to 111 Dwellings, Vehicular Access, Public Open Space, Natural Children's Play Area, Landscape Planting, Pumping Station, Surface Water Attenuation & Associated Infrastructure (All Matters Reserved Except Means of Access Only in Relation to a New Point of Access into the Site)	Refused

### 5. The Proposal

The applicant is seeking outline planning permission (with all matters reserved except means of access) for residential development of up to 60 dwellings; including the creation of new vehicular access, public open space, natural children's play area, landscape planting, pumping station, surface water attenuation and associated infrastructure at land to the south east of South View and north of Webbs Court. The application is resubmission of a previous

scheme under 15/12487/OUT for 111 dwellings that was refused in April 2016. However, this application has made a number of significant alterations by reducing the number of dwellings proposed and only using two existing fields, amending the processed access, to which detailed consent is sought, and, including further measures in terms of screening the development.

The application is accompanied by an;

- Archaeological Desk Based Assessment (including assessment of Heritage and Conservation) and On-Site Archaeological Evaluation;
- Ecological Assessment;
- Design & Access Statement;
- Flood Risk Assessment;
- Landscape and Visual Impact Assessment;
- Planning Statement (including subsequent submissions following Consultee responses);
- Transport Assessment;
- Tree Survey; and;
- Waste and Recycling Audit.

## **6. Local Planning Policy**

### Wiltshire Core Strategy

Core Policy 1: Settlement strategy

Core Policy 2: Delivery strategy

Core Policy 19: Spatial Strategy: Cricklade and Royal Wootton Bassett Community Area

Core Policy 41: Sustainable construction and low carbon energy

Core Policy 43: Providing affordable homes

Core Policy 45: Meeting Wiltshire's housing needs

Core Policy 50: Biodiversity and geodiversity

Core Policy 51: Landscape

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the conservation of the historic environment

Core Policy 60: Sustainable transport

Core Policy 61: Transport and new development

Core Policy 62: Development impacts on the transport network

Core Policy 63: Transport strategies

Core Policy 67: Flood Risk

### National Planning Policy Framework

Paragraph 14 – Decision Making

Paragraph 17 - Core Planning Principles

Section 4 – Promoting sustainable transport (Paragraphs 32, 34, 35, 36, 37 & 38)

Section 6 – Delivering a wide choice of high quality homes (Paragraphs 47, 49)

Section 7 – Requiring good design (Paragraphs 63, 64, 65 & 66)

Section 8 – Promoting healthy communities (Paragraphs 73)

Section 11 – Conserving and enhancing the natural environment (Paragraphs 118)

Section 12 – Conserving and enhancing the historic environment (Paragraphs 131, 132 & 134)

## 7. Summary of consultation responses

**Lyneham and Bradenstoke Parish Council** – The Parish Council response can be read in full on the internet. The Parish Council have set out that they believe that the Neighbourhood Plan has stalled beyond their control and that despite various differing opinions between residents, the local member and themselves the application should be supported. They have set out a series of factors which they believe provide for this conclusion.

1. Lack of understanding in the local community about land ownership, public rights of way, and different types of planning process. The background notes describe some of the mixed messages and conflicting interpretations of the meaning of parts of Wiltshire's Core strategy and spatial planning calculations. All countryside is owned by someone – some of it close to the village is owned by a major housing developer.
2. Small group of residents oppose any housing development on green fields, especially fields nearest to their homes. Most of the objectors are those who live close to the proposed development site. A general disagreement with building outside the village boundary should apply equally to other sites being put forward as alternatives.
3. Different reasons for opposing housing development:
  - a. no evidence of housing need  
This depends very much on how evidence is gathered – not an exact science
  - b. fear that one development would lead to more uncontrolled building  
While this is an understandable fear, it is not a material consideration in planning terms
  - c. Lyneham described as a rural village  
Lyneham has been dominated by the RAF for 70 years and now contains a growing Army garrison. Lyneham grew as a ribbon development along a main road – a road which is getting busier – and then had added a huge amount of Service quarters. These are not the characteristics of a rural village.
  - d. misleading statements published by the Wiltshire Councillor for Lyneham  
The background notes describe the flaws in statements published on Wiltshire Council's website. The Parish Council is disappointed in the lack of co-operation from Lyneham's representative on Wiltshire Council.
4. Concerns about highway safety at proposed new road junction. The Parish Council agrees with most of the objections made about the positioning, layout and signage proposed in the plans and intends to endorse those objections.
5. Empty quarters cannot be counted as available dwellings. The management of Service Family Accommodation, including the release of houses onto the open market is not within the control of either the Parish Council or Wiltshire Council.
6. Local infrastructure problems caused by growth of housing in Calne and Royal Wootton Bassett – shortages of GP services, school places, employment opportunities – growth in Lyneham is needed to cause demand for services for all residents. The problems are there for all to see. The Parish Council sees growth as a potential solution.
7. Using brown field sites for infill housing development is not an answer:  
Each of the factors described is self-explanatory...

- a. piecemeal building on small sites adds to infrastructure problems without solving them
  - b. development of sites with ten or fewer dwellings does not require any affordable homes to be included
  - c. unused brownfield sites in the village have been commercial premises; change of use to residential a short sighted approach
  - d. no evidence that owners of sites wish to develop them for housing
8. Evidence of demand for new housing in Lyneham for:  
Again, each of the factors described is self-explanatory...
- a. older residents wishing to downsize but remain in the village
  - b. younger residents wishing to remain in the village in a new home
  - c. local workers wishing to live nearer their work
  - d. retirees becoming ineligible to remain in quarters wishing to remain living locally
  - e.

In summary the Parish Council resolved there was no objection from the Parish Council for building 60 dwellings, however the Parish Council feel a better, safer solution for the access to the proposed new housing site needs to be found.

#### **MoD Defence Infrastructure Organisation – No Objection**

**Wiltshire Council Archaeology** – The archaeological evaluation previously requested has now been completed. It has indicated the presence of archaeological remains in two of the three fields making up this proposed development site. Archaeological mitigation is required to further investigate and record these remains by means of an archaeological strip map and record excavation in fields 2 and 3 (as indicated in the archaeological report).

**Wiltshire Council Conservation** - This is a revised proposal to erect houses on the land at the northern end of Lyneham when heading out towards Royal Wootton Bassett. The site is close to The Old Rectory, which is a grade II listed building.

Although the spread of development has reduced since the last scheme was submitted, I still feel that there is harm caused to the views to and from the listed building by bringing a road across the water course and filling field 2 with houses. I suggest that halving the area of land to be developed on field and continuing the road from Webbs Court instead of bringing the new road over the water-course would address my concerns.

**Wiltshire Council Ecology** –The proposals are considerably reduced in scale from the previous submission through the removal of areas of housing and road infrastructure, however the remaining elements are largely the same. Officers are therefore satisfied that observations on the previous application (15/12487/OUT, see memo dated 25/01/16) remain valid consequently it is recommended the same set of conditions are attached to any permission granted (see below) and no objection is raised.

**Wiltshire Council Drainage** – Support subject to conditions. Note that there is no change to proposed foul drainage strategy from original submission. There are various details that need to be finalised and will form either part of the discharge of conditions. These include:

- FRA indicate an intention to connect to public foul system but does not give any indication of how or where this connection will be made.
- Submitted illustrative layout drawing (and FRA) shows that it is believed that a pumping station is required to reach a potential discharge point

- Clearly point of discharge, if available will be off-site and may require crossing third party land
- Storm drainage strategy layout drawing shows a mix of attenuation ponds and underground storage to deal with storm flows with a number of discharge points to an ordinary water course – this plan needs to show the FRZ 2/3 area and surface water flood risk zones for 1 in 30 and 1 in 100 events.
- Any attenuation needs to be in FRZ 1 and not in any area at risk of surface water flood risk (or pond enlarged to cater for the existing surface water flood area/volume – various drainage feature appear to conflict with this requirement.

**Wiltshire Council Education** – Support subject to securing required contributions.  
Designated schools are Lyneham Primary and Royal Bassett Academy

#### Lyneham Primary Assessment

- Capacity = 422 places.
- May 16 number on roll = 304 pupils.
- Forecasts (including approved housing completed & underway) peaking at 370 pupils.
- Additional places required in housing already registered/approved but not yet built out & so not yet in forecasts = 33
- No primary infrastructure contribution is required as the school has sufficient places to accommodate the pupil product of this

#### Royal Wootton Bassett Academy Assessment

- PAN years 7 – 11 capacity = 1400 places.
- May 16 Years 7 -11 number on roll = 1436 pupils.
- Forecasts peaking at = 1469 this year (including approved housing completed & underway)
- Additional places required in housing already registered/approved but not yet built out & so not yet in forecasts = 143.
- As a result, we require a developer contributions here towards the provision of the 11 places that this development requires.
- Using the current capital cost multiplier of £21,747 per place =  $11 \times £21,747 = £239,217$  (to be index linked). There are 2 S106s currently pooled towards the planned secondary expansion

**Wiltshire Council Highways** – Support subject to conditions

#### Transport sustainability

There are a reasonable range of local facilities in Lyneham and the development will achieve good access by walking and cycling to these facilities. Nearby accessible facilities include: library, café, place of worship, hairdresser, florist, takeaway, charity shop, Tesco Express, Co-op supermarket, petrol station, hardware shop, recreation ground, primary school, and the Defence College.

The development is well served by public transport with main line rail stations at Chippenham and Swindon, and a frequent bus service past the site which connects to the rail station at Chippenham, and terminates only 300m from the Swindon rail station. The bus

service is frequent with a service at 20 minute intervals during the working week 06.00-18.00 and an hourly service at evenings and weekends. The rail stations at both Chippenham and Swindon have reasonable provision of parking spaces for those wishing to access the rail network by car. The local bus stops have shelters, seating and high access kerbs, and are 400m or 500m from the centre of the development.

For the above reasons the development is considered sustainable in transport terms.

The application includes a framework travel plan which sets out proposed targets for reductions in non-sustainable travel, proposes a travel co-ordinator for the correct timescale of five years, and proposes suitable measures including the offer of a £50 voucher for cycle purposes and a £50 voucher for public transport taster tickets to each household.

### Traffic impact

The Transport Assessment takes a robust approach to trip generation of the development using trip rates 110% greater than the surveyed rates for the nearby Webbs Court in the am peak and 59% greater than the Webbs Court rate for the pm peak. Using these rates the development is calculated to generate up to 40 trips in each peak hour where a trip is a one-way vehicular movement. The nearby relevant main road junctions have been assessed for a future growth year and been found to operate satisfactorily without undue (development generated) delay.

### Proposed vehicular access

The application seeks permission for a simple priority give way junction to the A3102. The junction can operate satisfactorily to cater for the proposed level of development subject to the required visibility splays being achieved, and the position of the speed limit being adjusted eastwards so that the access is more within the 30 limit.

In summary Highways officers have raised no highway objections subject to a set of conditions controlling the access arrangements, implementation of 30 MPH zone and phased implementation of cycle and pedestrian links

**Wiltshire Council Landscape** - This re-submitted application is supported by a revised 'Landscape and Visual Appraisal and landscape strategy' (May 2016) and a new 'illustrative site layout plan' Dwg. 11189/03c. The overall landscape recommendation has not altered following the resubmission of this reduced scheme for up to 60 dwellings and the previous informative landscape advice stands and remains relevant for the current. This set out the following

*'This is a green field site on the edge of the settlement. The principles of the landscape strategy in providing a robust landscape framework for the development must be carried through to the detailed design stages. Officers suggest that more street trees within the public realm are proposed throughout the layout, and the distinctive hierarchy of streets with choice of planting and hard materials reflects the rural setting and local vernacular. The individual gardens should be well designed with adequately sized planting beds and garden trees.'*

*The following will need to be addressed in the reserved matters:*

1. *Detailed layouts for all areas of open space;*
2. *Details of proposed soft landscape scheme, to include planting species, sizes and densities, and specification;*

3. *Details of proposed hard landscape scheme including SuDs;*
4. *Landscape and Ecology Management Plan outlining the aftercare and maintenance for a 5 year period;*
5. *Details of proposed lighting scheme; and*
6. *Details of play areas and management plans'*

**Wiltshire Council Public Art** – Requirement for a public art contribution. It is considered that this is covered by CIL/on-site installations.

**Wiltshire Council Public Open Space** – In the absence of a dwelling mix, an estimated POS requirement is provided. The requirement would be 3420m<sup>2</sup> of POS to include 270m<sup>2</sup> of equipped play.

The POS/Play will need to be secured and maintained in perpetuity, either by the Parish Council (if they so wish) or through a management company. The development proposed to secure this onsite.

**Wiltshire Council Spatial Planning** – The majority of the statement is included below in the discussion around the principle of development.

Conclusions - The proposal is not in accordance with the development plan, in that it lies outside of the limits of development currently defined for Lyneham, and it has not been brought forward through the plan-led process outlined in policy Core Policy 2 of the Core Strategy. Furthermore the scale of development proposed is in conflict with Core Policy 1 in the context of growth at large villages; and it would likely to result in increased levels of out-commuting to higher order settlements which is something the development plan seeks to address through its delivery strategy. On the other hand the proposal would make a significant positive contribution to the delivery of the residual requirement of 63 dwellings identified in the 2015 HLSS for the remainder of the Royal Wootton Bassett and Cricklade Community Area; including affordable housing.

The NPPF requirement for a 5 year supply of deliverable housing sites is a material consideration. While in terms of the principle of development there are a number of concerns associated with this proposal as outlined above, these will have to be considered in the planning balance taking together all relevant planning matters, including the latest position in relation to the 5 year supply of housing.

**Wessex Water** - The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's S104 adoption of new sewer guidance DEV011G for further guidance. There are a number of existing sewerage apparatus crossing the site, particularly in the western section of Catchment Area 2 (Drainage Strategy Layout GLE/E4389/202B).

Appropriate easements must be observed from the existing 100 and 150mm diameter rising main and 375mm surface water sewer. These sewers must be accurately located on site and marked on deposited drawings. There must be no building within 3 metres and no tree planting within 6 metres. Build over or within easements will not be permitted under Building Regulations. Our engineer has provided additional detail concerning our requirements during pre-application discussions which must be adhered to.

Furthermore there are two existing public pumping stations close to the eastern boundary. There must be no habitable buildings within 15 metres of the pumping station; to lessen the risk of smell/ noise issues for potential residents. It also appears that proposals also inhibit access arrangements to Pumping station 17344 which is currently via Webbs Court. Twenty

four hour access is required to this pumping station to enable Wessex Water to undertake statutory duties. Appropriate access will be required for tanker deliveries. The applicant will need to contact this office to agree arrangements.

Drainage Strategy layout GLE/E4389/202B

The applicant has indication a SuDs solution for the disposal of surface water from the site with an attenuated discharge to the existing watercourse crossing the site. Arrangements will need to be agreed with the LLFA.

The applicant has indicated that on site foul water will drain to a new on site pumping station noted: "Discharge from pumping station to be conveyed to the existing Wessex Water Foul Water network subject to details and agreement with Wessex Water."

This strategy has not been agreed with Wessex Water and there may be opportunity to consolidate local arrangements, there is limited available capacity within the existing public foul network to accommodate additional foul flows. In view of these circumstances please consider the use of a planning condition should the application receive approval:

## **8. Publicity**

Initially there have been 68 letters of objection with 5 in support, following re-consultation there have been another 60 letters of objection. There have been petitions both for and against the development. The petition in support totaled 283, although a number of commentators noted that these gather from people outside the village. The petition in support totaled 284.

The clear main issues highlighted by objectors were the number of houses and the need to build on greenfield land, and the safety of the proposed access.

### Principle of the development

The majority of objections highlighted that the total number of houses proposed was in excess of those required at Lyneham. It was considered that this was against planning policy and delivery strategy of the Wiltshire Core Strategy and would mean the loss of green fields and agricultural land.

A number of responses highlighted that other brownfield sites existed in the area and also noted that there was a large number of empty MoD houses in the village. It was also noted that a number of objectors thought that the housing.

Comments also noted the impending housing sites DPD and the Neighbourhood Plan should decide the location of development with Origin Planning on behalf of Barrat Homes providing an assessment of the alternative sites in the SHLAA. It should be noted that there are errors in the information used for this assessment.

### Highway Safety

Concerns were raised over highway safety and the proposed access to the north of site. Comments noted that the location was between two blind bends and that it was likely to cause accidents. A large number of commentators raised issues around congestion and the impact of the development on the transport network.

### Character of the Village

The area is noted as being valued for recreation and the loss of green fields and agricultural land will have a negative effect on the character of the village.

### Developer Intensions

Comments noted that both the outline nature of the application and the intension of the developers mean that this should be refused. It is clear that further phases of development will take place and that the intension will be to developer further fields behind this development

## **9. Planning Considerations**

### Principle of Development and Status of Development Plan

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the development Plan, unless material considerations indicate otherwise. The development plan for this area is the Wiltshire Core Strategy (WCS) and limited saved policies in the North Wiltshire Local Plan. The main policies considered relevant to the consideration of the principle of this development are Core Policy 1, Core Policy 2 and Core Policy 19 of the WCS. Government guidance is set out in the policies of the National Planning Policy Framework (NPPF) (paragraphs 18 – 219).

Core Policy 1 and 19 set out that Lyneham is a large village in the Cricklade and Royal Wootton Bassett (C&RWB) Community Area. The designation of Lyneham as a large village is based on an analysis of its role and function. During the examination of the WCS, the designation of Lyneham was specifically explored with a number of objectors contending that Lyneham was a higher order settlement, perhaps a local service centre expected to have a more significant role in rural areas. The WCS Inspector saw no reason to disagree with the categorisation of Lyneham as a large village. He concluded in his report that “*on such a basis there is insufficient robust evidence to support either settlement (Purton was also being assessed) being designated as Local Service Centres.*” (paragraph 321 in the Inspectors report).

However, for reasons set out later in this section, it is necessary to assess the individual characteristics of Lyneham. In the 2011 census the total population of Lyneham Parish is over 4,900 with total dwellings over 1,800 (This is the total for the whole Parish and includes smaller outlying settlements. The majority of this is located at Lyneham). The town has two small convenience stores, a library, pub, pre-school and primary school facilities and village and church halls and does cater for a range of local business, including the Defence Training College on the former airbase. Further permissions have been granted for new facilities in Lyneham including a GP surgery, pharmacy, veterinary surgery, a new convenience store/A1 retail Unit, extra care accommodation and 2 Restaurants. (Application Refs 14/10434/FUL 14/10444/FUL & 14/10431/FUL) Currently these permissions are in the process of discharging of conditions although further evidence has submitted that no GP surgery will be moving to Lyneham. It is considered that Lyneham is a settlement of some scale and significance in comparison to other larger villages, and that MoD Lyneham means that the urban form of the village is significantly over and above that of normally associated with a village type settlement.

The strategy for the C&RWB Community Area states that the majority of development will be located at Royal Wootton Bassett, with a modest level of development directed toward Cricklade, a local service centre. Lyneham, as a large village is expected to deliver housing in line with the indicative requirements for remainder of the C&RWB Community Area, as set out in Core Policy 19. There is an indicative housing requirement of 385 dwellings identified for the rural community area remainder (outside Royal Wootton Bassett). The Council’s 2015 Housing Land Supply Statement demonstrates that there is a residual indicative housing requirement of 63 to be met within the community area outside Royal Wootton Bassett.

As a large village, Core Policies 1, 2 and 19 recognise that Lyneham has a role to play in the delivery of housing during the plan period. However, this will be limited '*to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities*'. Core Policy 2 sets out specific criteria that directs new housing development within defined settlement boundaries and only allows development outside boundaries to come forward through plan-led mechanisms or under a number of exception policies (listed in paragraph 4.25).

The Council's Spatial Planning team have concluded that the development is out of a scale and inconsistent to the general sustainable patterns of growth promoted through the settlement hierarchy established in Core Policy 1. Additionally they note that the development of 60 homes at Lyneham will not be matched by employment provision and is likely to result in commuting to higher order settlements. This is specifically noted in the WCS in the strategy for the C&RWB Community Area (at paragraph 5.101) as a crucial issue for this community area. It is clear that the site does not meet the requirements of Core Policies 1, 2 and 19 and would normally be refused in principle.

However, material to the consideration of this principle of this application is both the previous application (15/12487/OUT) refused in March and the requirement in the NPPF to assess whether the Council can demonstrate a five-year housing land supply plus necessary tolerances.

The NPPF is an important material consideration in any decision making. The Council accepts that it currently cannot demonstrate a five year housing supply. The most up to date position, as determined by the Planning Inspector at the Shurnhold, Melksham public inquiry in October is that the Council has a 4.25 year supply. Paragraph 49 of the NPPF is clear that where a local planning authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. The weight that can be attached to Core Policies 1 & 2 and 19, the principle policies in the WCS that set out housing policy for Lyneham, is reduced in light of the lack of a five-year housing land supply, although not eliminated (as was demonstrated at the appeals at both Arms Farm, Sutton Benger (APP/Y3940/W/15/3028953) and more recently at Shurnhold, Melksham, (APP/Y3940/W/15/3132915) where both were dismissed despite an acknowledged shortfall of housing land supply). It is for the decision maker to determine the weight to be given to these policies taking into account the government guidance in the NPPF.

Therefore, the application should be considered on its individual merits against the context of the policies within the adopted development plan (the WCS) and the guidance of the NPPF. Paragraph 14 of the NPPF, sets out that where policies are not considered up-to-date LPAs should be granting permission 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; or,
- specific policies in this Framework indicate development should be restricted.

In these circumstances it is considered reasonable to assess this application for housing in the context of the presumption in favour of sustainable development and the benefits of the development compared with any demonstrable adverse impacts and the significance of these impacts.

The previous larger application on this site was assessed in similar circumstances and was refused for 4 reasons; an unsustainable level of housing in a rural area; harmful impact on the rural character and appearance of the locality and urbanisation of the existing rural

entrance and setting to the village of Lyneham; harmful impact upon the setting of a designated heritage asset and; lack of planning contributions.

The applicants have made significant changes to the resubmitted application which has sought to address these refusal reasons. The scheme has been reduced from 111 to 60 dwellings and the access, including a proposed roundabout at the site entrance, has been amended and moved away from a designated heritage asset. In terms of the refusal reasons it is also worth noting that the revised scheme has enhanced the screening to the north adjacent to the designated heritage asset.

As such, it is considered that significant material changes have been made to the revised scheme in order to address the Council's previous refusal reasons and a revised assessment of these and all other aspects of the scheme is necessary. The following paragraphs summarise onsite and any relevant off site impacts of the scheme and then weigh the planning balance in order to assess the application in accordance with the NPPF. It should be noted that much of the assessment is very similar to that contained in the previous delegated report on the application.

#### Archaeology

The submitted archaeological evaluation has indicated the presence of archaeological remains in one of the fields making up this proposed development site. Archaeological mitigation will be required to further investigate and record these remains by means of an archaeological strip map and record excavation in field 2 (as indicated in the archaeological report). Although, there are potential for some archaeological remains on the site there is no indication that this is likely to be significant. The Council's Archaeological Officer is satisfied that this can be dealt with by condition to secure mitigation site. Therefore while there is slight impact on archaeology this is suitably mitigated by the proposal and is not considered to have a detrimental impact.

#### Flooding and Drainage

The site is within Flood Zone 1, the lowest flood risk area, although the area is identified as at risk to surface water flooding. The applicant has confirmed that infiltration on the site is not possible and proposes attenuation basins to achieve the uplifts in storm water drainage and site run-offs required by Core Policy 67. Foul water drainage will be connected to a public sewer but is likely to require a pumping station.

Neither the Council's Drainage Team nor Wessex Water are objecting to the proposals and are satisfied that required storm water and foul drainage can be achieved on the site but have provided a series of issues and points of clarity that need to be addressed.

In regards to foul water drainage further investigation should be carried out to understand whether there is scope to consolidate existing foul water facilities in the area. Wessex Water have suggested a specific condition which the Council's Drainage Team have suggested is a sound approach but have recommended the condition is strengthened by adding "any such scheme will need to include agreed proposals on rationalisation of the existing/proposed systems".

In terms of storm water the Council's Drainage Team did have some queries about specific parts of the indicative plans but are satisfied that the plans are achievable. The final design will in a large part dictate storm drainage plans, and while agreement still needs to be sort for the final scheme with Wessex Water, again it is clear that the foul drainage can be transported off the site as required. Therefore, the final details of these schemes will be conditioned but it should be clear that there are no technical barriers to the development in terms of providing sufficient foul and storm water infrastructure and alleviating flood risk. In so

far as these matters are concerned the application is in accordance with Core Policy 3 and 67

### Conservation

The Council's Conservation Officer has raised concerns and is minded that the revised proposals will cause harm to the views to and from the designated heritage asset by bringing a road across the water course; and filling field 2 with houses. The NPPF is clear that where the impact of a proposed development will affect the significance of a designated heritage asset, great weight should be given to the asset's conservation. Further it states where that harm is less than substantial this should be weighed against the public benefits of the scheme.

However, the harm is significantly less than that resulting from the previous application proposals which formed one of the crucial refusal reasons. The previous application proposed major infrastructure development on the boundary of the Old Rectory (the designated heritage asset) and brought residential development along the western edge which spread south and would have obscured views in perpetuity. The harm now identified by the Council's Conservation mainly revolves around views of the rectory from the village. In this regard the proposed parts of the development that will impact on this view are significantly removed from the boundary of the Old Rectory, unlike the previous application. This still leaves a large area of open countryside between the physical boundary and residential development and the Old Rectory. As such it is considered that the harm identified is much reduced and now is at the lower end of the scale of "less than substantial".

Nevertheless, it is the Conservation Officers opinion that there would be harm to the setting of a listed heritage asset even if that harm is less than substantial. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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.

The ways in which to apply these principles have been set out in a recent court of appeal decision (*Barnwell Manor Wind Energy Ltd v E. Northants DC, English Heritage, National Trust & SSCLG*). This judgement outlines that there is 'strong statutory presumption against granting planning permission for development which would cause harm to the settings of listed buildings', even if that harm is less than substantial. The decision maker must also give this harm 'considerable importance and weight' when carrying out the balancing exercise. Therefore any balancing exercise under the NPPF must adhere to the duty of Section 66(1) and paragraph 134 of the NPPF. This issue is explored in more detail in the planning balance section and conclusions. It is acknowledged that by creating a level of harm the proposed development would be contrary to Core Policy 58 of the Wiltshire Core Strategy and the NPPF (paragraphs 131, 132).

In terms of the general design of the site, while it is noted that these matters are reserved the site has distinct blocks of housing with the main bulk of the housing in the larger field 1 to the north, with a central access road running down past the water course to field 2 where a smaller block of housing lies adjacent to Webbs Court. A number of objectors have noted that the access proposals remain similar to those previously submitted and highlight the likelihood of this eventually leading to further development and the Council's Conservation Officer has specifically noted that the road over the water course could impact on the setting of the Rectory. While it is noted that access to the smaller section of the development could be better served from Webb's Court the location of the road and the proposed landscape treatments will retain a linear feature which will serve both blocks of housing. As noted later speculation on future phases of development cannot form part of the assessment of this

application. Assessment of this application must be limited to the development proposed and it is considered that the location of the road would not be so detrimental as to warrant a refusal of the scheme. At detailed matters stage appropriate landscaping will limit the impact of the road on wider views to and from the site. In terms of the general detailing of the indicative plans these provide a suitable mix of dwelling types with a logical hierarchy of dwellings and local vernacular and materials. Overall the indicative design is fairly standard but can be considered broadly in accordance with Core Policy 57 as the scheme is appropriate to its context and will provide dwellings that in keeping with the general character and vernacular of the area.

### Landscape

The indicative design plans show the retention of a number of key features on the site, including in particular the watercourse, hedgerows and mature woodland belt to the north eastern boundary. This will retain green corridors/open spaces, and to some extent mitigate potential visual impacts. Hedgerow planting/native planting is proposed along site boundaries with existing properties and the plans include public open space to the north of the site.

The Council's Landscape Officer has re-confirmed the advice provided on the previous application. It was previously noted that the site is visually contained in the wider landscape and that the potential visual impacts are limited to adjacent residential properties and the site, with the impact on wider views limited. The Council's Landscape Officer previously made some specific recommendations with regard to detailed design matters and again has commented that these remain relevant and will need to be incorporated at detailed design stage.

Overall, the loss of a greenfield site in agricultural use would result in some harm to the character and appearance of the area. There would be adverse visual effects, particularly for nearby residents and to this extent the proposed development would not accord with Core Policy 51 which seeks to protect and conserve landscape character. On the other hand the negative impacts would be mitigated as far as possible, as required by the policy, through the inclusion of structural landscape features. The management of the public open space will be controlled by a Landscape management plan with contributions via a S106 agreement to the ongoing maintenance of the area. Comments regarding the location of the public open space are noted. However, there is existing public pen with a short distance from that proposed and clearly the improvements in access will make the area available for a wider section of the village

### Ecology

In terms of habitat the Council's Ecologist has confirmed that the majority of the site is of negligible ecological value. A small area of neutral grassland to the west of the site is considered species poor and does not qualify as priority habitat. The features of greatest ecological value is the watercourse which traverses the site, species rich hedge rows in the south of the site and an area of mature broadleaved woodland on the eastern boundary.

These features are largely retained, apart from small sections of the linear features (hedge and watercourse) which need to be removed for vehicular access. The Council's Ecologist is satisfied the fragmentation/loss of these species rich areas of value will be buffered by areas of open space and any will be compensated by the inclusion of new areas of species rich grassland, native tree/scrub planting and a SUDS feature which would be managed/maintained favourably. Appropriate protection will need to be included as part of the Construction Environmental Management Plan (CEMP).

In terms of species the site is home to a number of species including great crested newts, bats, breeding birds and badgers. The development would not result in the loss of any core

terrestrial habitats for newts and the major foraging areas that support roosting bats are proposed to be retained and buffed. The existing breeding bird population, which is noted as having a relatively low number of priority species, will be replaced by a more urban population. Again impacts will be restricted and the Council's Ecologist has not objected to the scheme

### Transport and Access

Access is a detailed matter for determination at this stage and the Council has received revised plans in terms of main vehicular access which have satisfied previous issues identified by the Highways team with regards to visibility. The proposal includes a single point of vehicular access to the north of the site from the A3102 and pedestrian and cycle links to the existing developed area of Lyneham to the west including a significant link via Webbs Court.

Overall, the Council's Highways team have noted that in the development is sustainable in terms of transport. There are a good range of facilities and services within a short distance from the site and that they consider Lyneham to be well served by public transport. The development proposes three points of pedestrian access to the south and a single access by the A3102.

In terms of vehicular access the Highways team are satisfied that the priority junction is a suitable means of providing access to the development. A number of objectors have stated that traffic generation will be an ongoing issue and have highlighted safety issues on this stretch of road. The Highways team are satisfied that the traffic impact on the highway network is acceptable and has been thoroughly assessed with Defence College traffic taken into account as a committed development. The Highways team are also satisfied that the access can operate safely and that the required visibility splays are being achieved, and the position of the speed limit being adjusted eastwards so that the access is more within the 30 limit.

### Right Of Way

Several footpaths run through the site LYNE1, 4 and 5, LYNE57 meets the edge of the site. The indicative plans seek to accommodate the footpaths on their existing legal lines. Any further revisions could be addressed at reserve matters stage.

### Sustainability

The application is supported by a Sustainability Statement which confirms that the site will look to achieve Code Level 4 in line with the requirements of Core Policy 41. The statement acknowledges that further work is required to meet this standard but has taken the approach of ensuring that early design and layouts, in line with the level of detail to be provided at outline stage, will help achieve Code Level 4.

### Other Matters

- Loss of agricultural land  
This land is not within the NPPF recognised categories of best and most versatile agricultural land.
- Prematurity and alternative smaller sites/brownfield in area  
A number of comments have been received regarding the Council's Housing Sites DPD, the Neighbourhood Plan and other available brownfield sites. However, neither of the two plans are at a sufficiently advanced stage where they could be given any significant weight as a material consideration at this time. While the SHLAA (Strategic Housing Land Availability Assessment) does indicate other brownfield sites could be available, none of these have come forward at this time and their delivery cannot be guaranteed or be a reason to refuse other sustainable development.

- MoD Housing  
Comments regarding the subletting of military housing are noted. However, there is no indication that the MoD will be looking to dispose of this housing in the short to medium term and therefore it cannot be seen as contributing to any open market housing supply
- Outline planning permission  
Comments regarding the nature of the application have cast doubts on the likely implementation of the scheme and the nature of the outline applications. The indicative scheme is considered acceptable and the planning system and relevant legislation and guidance allows for these types of applications. All detailed matters will be subject to a reserved matters application which will be consulted on and provide opportunity to comment on those proposals.
- EIA  
The larger site was subject to a screening opinion prior to the refusal of the earlier application. This screening opinion is considered applicable to this development and no EIA is required.

## 10. Section 106 contributions

The applicant has committed to providing contributions for;

- The provision of 40% percentage affordable housing units,
- The phasing, management and maintenance arrangements for the delivery of the public open space
- Any arrangements for the transfer of land to Wiltshire Council or its nominee(s)
- The financial contribution towards the provision of secondary school places arising from the proposed development

These are in line with the requirements of the Council and the applicant has confirmed in writing their acceptance of these terms prior to the report being put before committee.

## 11. Conclusion (The Planning Balance)

As stated above, in the determination of planning applications the first issue to consider is whether or not the proposal accords with the relevant provisions of the development plan (the WCS). If it does not then the issue arises as to whether material considerations, including relevant policies in the NPPF, mean that the development can be regarded as sustainable and that permission should be granted despite conflict with these policies. Ultimately it will be up to the Council as decision-maker to judge the particular circumstances of each application and how much weight should be given to conflict with policies for the supply of housing that are 'out-of-date', and the NPPF guidance intended to boost housing land supply where the development can be judged sustainable.

Importantly, paragraphs 14 and 49 of the NPPF do not make 'out of date' housing policies irrelevant to the determination of applications and the weight given to such policies is not dictated by the NPPF and, as noted above, will vary according to circumstances on a case by case basis. It is also important to consider the extent to which the land available for housing in the housing market area falls short of providing for the five-year supply of housing land and the action being taken by the local planning authority to address the shortfall. In this regard and since the refusal of the last application the Council has continued to promote development in the housing market area at sustainable locations and recent committee approvals has seen further housing sites approved subject to signing of S106 agreements over and above those minimum indicative targets. Nevertheless, there is a remaining housing allocation to be developed in the C&RWB Community Area from the Council's most

recent Housing Land Supply Statement and the Spatial Planning team recognise that this development would make a significant contribution to meeting that outstanding requirement.

In the assessment of the previous application it was considered that the degree of conflict with the key development policies (Core Policies 1, 2 and 19) alongside site specific impacts, particularly the identified harm to heritage assets was considered to outweigh any benefits of the scheme. However, this revised application is materially different, with significantly fewer houses, a smaller area and different access and this means that a re-assessment of the degree of conflict with these housing policies is necessary.

Fundamental to any re-assessment of this judgement is an understanding of characteristics of Lyneham, the facilities it possesses as a large village, and its likely future development in particular in regard to MoD Lyneham. At the most recent census the Lyneham and Bradenstoke Parish population was over 4,900 with 1,800 dwellings, but it is noted that the area has been subject to significant changes caused by the use of MoD Lyneham. It is probable that the population will change further in the next years and indications are that the sections of the MoD housing are currently under used. Nevertheless, and despite the Core Strategy recommending that sites in rural areas be generally less than 10, a further 60 dwellings at Lyneham would not be a significant increase in the housing stock nor likely preclude further development at Lyneham. Furthermore recent permissions have granted consent for a range of new facilities at Lyneham. In the recent appeal at Sutton Benger the inspector considered a development of 28 dwellings to be of a suitable scale broadly in line with spatial strategy of the Core Strategy in comparison to the size of Sutton Benger as a settlement. A further 60 dwellings at Lyneham must be seen in this context.

The adverse site specific impacts of the proposal are limited to conservation and landscape matters. As noted above, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission. The impact of this proposal will encroach on views of the setting of the Old Rectory, a Grade II listed building. The significance of the Old Rectory is derived from its historic relationship to the village and its separation away from the main body of the settlement is vital to the appreciation and preservation of this building. While this proposal will bring development closer to the Rectory, it will maintain a degree of separation and open fields to the south, the most obvious view of this building from the village. The western boundary of the Rectory is already heavily screened and this will be enhanced. Thus the impact is considered very much toward the lower end of less than substantial harm as an impact and the immediate setting of the Rectory will be broadly retained. This is very different from the previous refusal and is a fundamental difference between the previous applications. This less than substantial harm is still harm and must be given serious weight in accordance with the Act, but must also be weighed in the balance with any public benefits of the scheme. In terms of the landscape harm, again as noted above, would result in some harm but the site is well contained in the wider landscape and those can be mitigated by the retention and buffering of key features.

In terms of these benefits there will be an uplift in economic activity for the village in terms of use of local facilities and employment, particularly during the construction phase. Furthermore there is unmet affordable housing need in the village and the proposal will provide 40% affordable housing, (24 affordable houses) in line with Core Strategy Policy. The delivery of affordable housing is a clear benefit of the scheme that weighs in favour of the application, as does the fact that the scheme will make a contribution towards meeting the current under provision of housing land in the housing market area. The representation from the Parish in support of the application is noted, albeit caveated, and gives further limited weight in favour of the application. It is noted that the Parish response specifically

favours growth of the village to drive demand for services. The proposal is also providing open space and secondary school contributions

Given the conflict with the policies of the development plan, the key test is whether the adverse impacts of granting permission significantly and demonstrably outweigh the benefits. Normally, the construction of a scheme of this size on an unallocated site outside the limits of development of a settlement identified in the Core Strategy as a 'large village' would not be considered sustainable, and a proposal for 75 dwellings on the edge of another 'large village' in the same housing market area has recently been refused planning permission. However, Lyneham is unusual and can be distinguished from many other villages by the wide range of services and facilities already available; the larger size of the village in terms of population and dwellings; and the existence of the adjacent MoD base, which gives both a more urban feel to the settlement and a range of employment opportunities. In this context, it is not considered that the delivery of 60 dwellings on this site would undermine the character or role of the village, but would support it in its aspirations to seek to retain existing services and attract new ones.

The site is acceptable in terms of ecology, transport and flooding, and no other site constraints are identified that make this site unsuitable for development. The Housing DPD and Neighbourhood Plan are both at early stages in their preparation and it is considered that the granting of permission on this site would not undermine the development of these documents or the promotion of other sites in Lyneham. The latest housing requirements for the C&RWB Community Area show a residual requirement that will in part be met by this development and an affordable housing need in the village which will be directly addressed by this development. Although there is some harm identified to both the landscape and the historic environment, these harms are considered limited and would by so significant as to outweigh the benefits of the scheme. Although Lyneham is a large village an assessment of the individual characteristics of the village lead to the conclusion that further housing in a wider context of the spread of urban development of Lyneham can help sustain and support growth of facilities without causing harm that is so significant that the application should be refused.

On balance, it is considered that the adverse impacts identified do not significantly and demonstrably outweigh the benefits that the development would provide.

## **RECOMMENDATION**

It is recommended that authority is delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing, Waste and Education and is therefore contrary to Policies CP3 & CP43 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012. conditions.

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The layout of the development;
- (b) The external appearance of the development;
- (c) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No: 1189.01 (26/05/2016) Site Location Plan  
Drawing No: ITB10092-GA-00 Rev B (21/04/2016) Access Plan

Archaeological Evaluation by Cotswold Archaeology (March 2016)  
Arboricultural Method Statement and Tree Protection Plan by Tree Research (May 2016)  
Design and Access Statement by Richards Urban Design (June 2016)  
Ecological Impact Assessment By ead ecology (June 2016)  
Flood Risk Assessment and Surface Water Drainage Strategy by Rogers Cory Partnership (June 2016)  
Landscape and Visual Appraisal and Landscape Strategy by Enderby Associates (May 2016)  
Sustainability and Energy Statement by DAEDALUS (June 2016)  
Transport Assessment by i-Transport LLP (June 2016)  
Framework Travel Plan by i-Transport LLP (June 2016)

REASON: For the avoidance of doubt and in the interests of proper planning.

- 5 The development hereby permitted is limited to up to 60 dwellings.

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development

- 6 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be

limited to, the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(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.

The plan shall also set out (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.

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority

7 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been 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 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 specialists 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.
- 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.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to

their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 8 The development hereby permitted shall not commence until a Construction Traffic Management Plan providing details of the management of construction traffic carrying excavated material or delivering materials to the site, including their routes approaching and leaving the site, and measures to keep the public highway free from mud and dust, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the existing highway links that serve the site from damage by large goods vehicles, to assist in the environmental protection of the interests of nearby residents, and in the interests of highway safety.

- 9 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.

Reason: In the interests of reducing the amount of private car movements to and from the development.

- 10 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, 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.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 11 The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. Any such scheme will need to include agreed proposals on rationalisation of the existing/proposed systems and include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property

- 12 No development shall commence within the area indicated Field 2 until:

a) 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 by the Local Planning Authority; and  
b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

- 13 Prior to first occupation the 30/40 speed limit on A3102 South View shall have been relocated as detailed on plan number ITB10092/GA/006/B.

Reason: In the interests of highway safety.

- 14 Prior to first occupation 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.

Reason: In the interests of safe and convenient operation of the site access during the hours of darkness.

- 15 Prior to first occupation of any dwelling hereby permitted the access shall be provided with 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.

Reason: In the interests of highway safety.

- 16 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 by the Local Planning Authority.

Reason: In the interests of improving pedestrian accessibility to and from the development.

- 17 Prior to first occupation 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 by the Local Planning Authority.

Reason: In the interests of improving pedestrian accessibility to and from the development.

- 18 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 by the Local Planning Authority.

Reason: In the interests of improving emergency, pedestrian and cycle accessibility to and from the development.

- 19 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.

Reason: In the interests of improving pedestrian accessibility to and from the development.

- 20 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 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 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.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 21 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

- 22 **INFORMATIVE TO APPLICANT:**  
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

- 23 **INFORMATIVE TO APPLICANT:**  
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

- 24 **INFORMATIVE TO APPLICANT:**  
The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 25 **INFORMATIVE TO APPLICANT:**  
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on

land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

26      **INFORMATIVE TO APPLICANT:**

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

27      **INFORMATIVE TO APPLICANT:**

The applicants should be advised that the Traffic Order for the relocation of the speed limit will be funded by the site developers.

28      **INFORMATIVE TO APPLICANT:**

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).