Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/06595

Decision Date: 02 November 2023

Applicant:	Marlborough College c/o Agent
Particulars of Development:	Replacement of existing four-lane cricket nets with nine-lane cricket nets including framework and winter, seasonal cover over three of the lanes.
At:	Marlborough College, Bath Road, Marlborough, SN8 1NW

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

Conditions: (9)

1 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Elevations – MC/CN/E/02;
- Foundation Plan General Arrangements – Drawing No. 07001 Rev.P3;
- Location Plan – CN/LP/03.

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

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3. The site planting scheme, as set out within the submitted Biodiversity Net Gain Report (Author: Abricon Ltd. Dated: 7th September 2023), shall be implemented in full within the first planting season (being September to March the following year) following substantial completion of the construction in accordance with the details of a Landscape Environmental Management Plan (LEMP) that shall first be submitted to and approved in writing by the local planning authority. As a minimum the LEMP shall provide prescriptions for the habitat creation and management to ensure that the targeted habitats and their respective conditions can be delivered and maintained thereafter.

REASON: To ensure the development provides sufficient net gains to the biodiversity value of the site in accordance with the aims of Core Policy 50 of the Wiltshire Core Strategy (adopted January 2015), policy MARL14 of the Marlborough Area Neighbourhood Plan (made in March 2023) and the planning policy advice of the National Planning Policy Framework.

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4. The development hereby approved shall be implemented in accordance with the tree protection details set out within Appendix 2 of the submitted Arboricultural Report (Author: Certhia Consulting Ltd. Dated: April 2023).

REASON: To ensure the development does not cause harm to nearby mature trees in the interests of preserving the landscape character of the area and special characteristics of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with the aims of Core Policy 51 of the Wiltshire Core Strategy (adopted January 2015), policy MARL14 of the Marlborough Area Neighbourhood Plan (made in March 2023) and the planning policy advice of the National Planning Policy Framework.

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5. The development hereby approved shall be implemented in accordance with the recommendations/mitigation measures set out within Section 3 of the submitted Preliminary Ecological Appraisal (Author: Abricon Ltd. Dated: 7th September 2023).

REASON: To ensure the development does not cause harm to protected species or nearby mature trees in the interests of preserving the landscape character of the area and special characteristics of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with the aims of Core Policies 50 and 51 of the Wiltshire Core Strategy (adopted January 2015), policy MARL14 of the Marlborough Area Neighbourhood Plan (made in March 2023) and the planning policy advice of the National Planning Policy Framework.

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6. The lighting hereby permitted shall not be illuminated unless the external cover has first been put in place and, at no time shall the external cover be removed whilst the lighting is in use.

Reason: To protect the special landscape characteristics, dark skies and habitat value of the North Wessex Downs Area of Outstanding Natural Beauty and in the interests of preserving the residential amenities of nearby occupiers in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy, policies MARL17 and MARL18 of the Marlborough Area Neighbourhood Plan (made in March 2023) and the planning policy advice of the National Planning Policy Framework.

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7. The lighting hereby permitted shall not be illuminated between the hours of 10pm and 8am the following day.

Reason: To protect the special landscape characteristics, dark skies and habitat value of the North Wessex Downs Area of Outstanding Natural Beauty and in the interests of preserving the residential amenities of nearby occupiers in accordance with the aims of Core Policies 50, 51 and 57 of the Wiltshire Core Strategy, policies MARL17 and MARL18 of the Marlborough Area Neighbourhood Plan (made in March 2023) and the planning policy advice of the National Planning Policy Framework.

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8. The seasonal cover hereby permitted shall be finished externally in a dark green colour and maintained in that state thereafter.

Reason: To prevent an unacceptable visual impact from occurring in the interests of protecting the special landscape characteristics of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with the aims of Core Policies 51 and 57 of the Wiltshire Core Strategy, policy MARL17 of the Marlborough Area Neighbourhood Plan (made in March 2023) and the planning policy advice of the National Planning Policy Framework.

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9. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

Reason: In the interests of preserving the residential amenities of nearby occupiers in

accordance with the aims of Core Policy 57 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

Informatives: (1)

10 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 landowner's 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.

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.

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Parvis Khansari - Corporate Director, Place

NOTES

1 **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**

1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);

1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;

1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).

2 **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - http://www.planningportal.gov.uk/planning/appeals).

3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk