Wiltshire Council

The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions
Application Reference Number: PL/2023/06976
Decision Date: 2nd May 2025

Applicant:	Frontier Estates (San) Ltd 25 Oldbury Place, London , W1U 5PR
Particulars of Development:	Construction of a care home (within Class C2), parking, access, hard and soft landscaping and other associated works.
At:	Land at Verbena Court, Melksham, SN12 7GG

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 39 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

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 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Site Location Plan ref: 2782-HIA-01-ZZ-DR-A-0100 rev. P3
Proposed Ground Floor Plan ref: 2782-HIA-01-00-DR-A-0201 rev. P3
Proposed First Floor Plan ref: 2782-HIA-01-01-DR-A-0211 rev. P3
Proposed Second Floor Plan ref: 2782-HIA-01-02-DR-A-0221 rev. P3
Proposed Refuse and Cycle Enclosure Elevations and Plan ref: 2782-HIA-01-00-DR-A-9010 rev. P2
Transport Statement ref: PC5019-RHD-ZZ-XX- RP-R-0001
Travel Plan ref: PC5019-RHD-ZZ-XX- RP-R-0002
Noise Assessment H3917 – NV - v2
Ground Condition Assessment ref. 5017068-RDG-XX-ST-DOC-C-00-GCA01-B

All received by the Council 31 August 2023

Proposed Southwest and South East Elevations ref. 2782-HIA-01- 00-DR-A-0301 rev. P4.

Proposed Northwest and North East Elevations ref. 2782-HIA-01-00-DR-A-0302 rev. P3.
Proposed Roof Plan ref. 2782-HIA-01-ZZ-DR-A-2701 rev. P3.
Proposed Site Plan ref. 2782-HIA-01-XX-DR-A-0101 rev. P9.
Proposed Wider Site Plan ref. 2782 HIA 01 XX DR A 0104 rev. P1.
Landscape Proposals ref. 101B.
Sustainable Energy Strategy
Ecological Impact Assessment. The Landscape Partnership. September 2023.
Biodiversity Net Gain Report. The Landscape Partnership. August 2023.
Biodiversity Metric 4.0 – Calculation Tool
Landscape Proposals. Drawing no: 101B A. The Landscape Partnership. June December 2023
Tree Survey and Arboricultural Impact Assessment. The Landscape Partnership. June July 2023

All received 22 December 2023

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

3 No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location.
ii. A description of management responsibilities.
iii. A description of the construction programme.
iv. Site working hours and a named person for residents to contact.
v. Detailed Site logistics arrangements.
vi. Details regarding parking, deliveries, and storage.
vii. Details regarding noise and dust mitigation.
viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network including a construction lighting plan and details.
ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.
x. Details of how surface water quantity and quality will be managed throughout construction.
xi. Details of the safeguarding measures to deal with the following pollution risks:
• the use of plant and machinery
• wheel washing and vehicle wash-down and disposal of resultant dirty water
• oils/chemicals and materials
• the use and routing of heavy plant and vehicles
• the location and form of work and storage areas and compounds
• the control and removal of spoil and wastes
xii. Details of safeguarding measures to highway safety to include:
• A Traffic Management Plan (including signage drawing(s))
• Routing Plan
• Details of temporary/permanent Traffic Regulation Orders
• pre-condition photo survey - Highway dilapidation survey
• Number (daily/weekly) and size of delivery vehicles.
• Number of staff vehicle movements.

xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
• Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
• Working method statements and mitigation strategies for protected/priority species, such as nesting birds, reptiles, bats and other small mammals.
• Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site in relation to species and/or habitats.
• Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

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

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

4 No development shall commence on site until a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP will include:
a) Long term objectives and targets in accordance with the Calculation of Biodiversity Net Gain using Defra Metric 4.0 report (The Landscape Partnership, August 2023).
b) Management responsibilities and maintenance schedules for each ecological feature within the development as identified in the Ecological Impact Assessment (The Landscape Partnership, September 2023) and the Landscape Proposals (Drawing no: 101B).
c) The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).
d) A procedure for review and necessary adaptive management in order to attain targets.
e) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.
The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

5 No development shall commence beyond ground floor slab level until details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

6 No external lighting shall be installed until details of the proposed new lighting have been submitted to and agreed in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations agreed with the local planning authority, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: In the interests of conserving biodiversity, protecting residential amenity and highway safety

7 No development shall commence pursuant to the construction of the care home, including vegetation removal, until details of the number, design and locations of features for bats and birds in accordance with the Ecological Impact Assessment (The Landscape Partnership, September 2023) has been submitted to the local authority for approval and agreed in writing by the LPA. The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

8 No development shall commence above ground slab level on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: -

• location and current canopy spread of all existing trees and hedgerows on the land.
• full details of any to be retained, together with measures for their protection in the course of development.
• a detailed planting specification showing all plant species, supply and planting sizes and planting densities.
• finished levels and contours.
• means of enclosure.
• car park layouts.
• other vehicle and pedestrian access and circulation areas.
• all hard and soft surfacing materials.
• minor artefacts and structures (e.g. furniture, shaded resting areas, refuse and other storage units, signs, lighting etc).
• proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

9 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.

10 No development shall commence pursuant to the construction of the care home until the applicant has demonstrated that the finished floor levels above the maximum predicted 100-year flood level or if no flooding is predicted, at a sufficient height above the SW drainage cover levels.

REASON: To ensure that there is no risk to persons or properties during extreme events.

11 No development shall commence pursuant to the construction of the care home until a surface water drainage strategy has been submitted and agreed in writing with the LPA. The surface water drainage strategy shall include:

i) if the proposed surface water drainage strategy is to discharge surface water into the ditch, details of hydraulic modelling into the ditch and culvert have been undertaken to demonstrate that they both have capacity to take existing flows and flows from the development. This modelling should inform any changes to flood extents around the ditch due to the development.

ii) calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events. To demonstrate compliance, the applicant must provide pre and post development runoff rates for a range of return periods (1, 30 and 100 year), and pre and post development runoff volumes for the 100-year, 6-hour rainfall event. This takes account of national policy, as outlined in the SuDS Technical Standards.

iii) overland exceedance routes on the drainage plan for flows in excess of the 1 in 100 years plus climate change (40%) rainfall event.

iv) evidence that urban creep been accounted for the hydraulic calculations in line with LASOO guidance.

v) cross-section and long-section drawings through the proposed attenuation features.

The development shall be undertaken in accordance with the approved details and shall be implemented prior to first occupation of the development and shall remain as such for the lifetime of the development.

REASON: To ensure that there is no risk to persons or properties during extreme events and that the development can be adequately drained with no runoff on to the highway or increase flooding elsewhere. Wiltshire Council requires post development discharges to provide 20% betterment over predevelopment (greenfield) discharges for both peak flow and volume.

12 No development shall commence above ground slab level until final details of solar PV panels and air source heat pump(s) has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

13 No development shall commence above ground slab level until a scheme for the provision of at least one electric vehicle charging point in an accessible parking area or bay shall be submitted to and improved in writing by the local planning authority. The electric vehicle charging point shall be installed and be ready for use prior to the first occupation of the approved development. The electric vehicle charging point shall thereafter be retained and shall always remain operational (other than when under-going reasonable maintenance).

REASON: In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

14 No development shall commence above ground slab level until an Air Quality Assessment of the proposed development has been undertaken and details of the proposed extraction and ventilation equipment to be used in the scheme hereby approved has been submitted to and approved in writing by the LPA.

REASON: In the interests of the amenity of the future occupiers of the development.

15 No development shall commence on site until scaled plans showing the visibility splays at the entrance to the proposed care home access have been submitted to the LPA and have been agreed in writing. These details shall show the visibility splays between the edge of the carriageway and a line extending from a point 2.4metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 25 metres in both directions from the centre of the proposed care home access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

16 The development hereby permitted shall not be first brought into use, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

17 No part of the development hereby permitted shall be first brought into use until the turning area & 24 parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

18 The development hereby permitted shall not be first brought into use until those parts of the Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied. The Travel Plan Coordinator shall be appointed (within a month of occupation) and carry out the identified duties to implement the Residential Travel Plan for a period from first occupation until at least 2 years following occupation of the development.

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

Informative

19 INFORMATIVES
Highway works
The developer/applicant may be required to enter into a S278 Highways Legal Agreement with the Highway Authority before commencement of the highway/access works hereby approved. Submissions should be made to highwaysdevelopment@wiltshire.gov.uk with an anticipated approval time of 6-12 weeks.

SW Drain
It is noted that the proposed surface water management would discharge to a private surface water drain – the applicant would need to confirm this is within their ownership or provide evidence of the written permission from the respective landowner(s).

Nesting Birds
All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August, but some species are known to breed outside these limits.

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

4 **CIL.** 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. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website Community Infrastructure Levy (CIL) - Wiltshire Council