The Town and Country Planning Act 1990

Approval of Full Planning Permission

Application Reference Number: PL/2023/10490

Decision Date: 09/06/2025

Applicant:	Mark Lovelace Ltd Cocklebury Farm, Wilcot, Pewsey, Wiltshire, SN9 5PD
Particulars of Development:	Demolition of all buildings on the site and erection of 13 dwellings, a new office building and associated works
At:	Elm Tree Motor Company, Pelhams Court, Marlborough, SN8 2AG

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.

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.

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:

- Dwg Ref: Site-1747-Planning 2 Site.dwg - Proposed Site Layout.
- Dwg Ref: P4-1747-Planning2.dwg - Proposed design for office building
- Dwg Ref: P1-1747-Planning2.dwg - Proposed Design – PLOTS 1-6
- Dwg Ref: P3-1747-Planning2.dwg - Proposed Design – PLOT 9 and car port

- Dwg Ref: Drawing no: P2-1747-Planning2.dwg - Proposed Design – PLOTS 7-8, 10-12
- Bat Survey Report. September 2023. Stark Ecology.
- River Corridor Appraisal. 3 July 2024. Malford Environmental Consulting.
- Biodiversity Net Gain Report. 27 June 2024. Malford Environmental Consulting.
- Biodiversity Metric. Completed 20 May 2024.
- Lighting Report. Rev A. 3 May 2024. Alan Tulla Lighting.
- Tree Survey, Arboricultural Impact Assessment and Tree Constraints Plan. November 2023. WH Landscape Consultancy.

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

3 No development shall take place including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- 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 for protected/priority species, such as nesting birds and otter.
- 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.
- Sensitive lighting strategy
- Pollution safeguarding mitigation details including
    - the use of plant and machinery
    - wheel washing and dirty water disposal
    - 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 waste.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- Construction methods.
- Any necessary pollution prevention methods including:
    - the use of plant and machinery
    - wheel washing and dirty water disposal
    - oils/chemicals and materials
    - the use and routing of heavy plant and vehicles includung numbers and size of delivery/construction vehicles
    - the location and form of work and storage areas and compounds

    - the control and removal of spoil and waste.
    - measures to control the emission of dust and dirt during construction
    - a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- Details of how the river bank and riparian zone will be restored and enhanced following construction
- Hours of construction, including deliveries.

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

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, to ensure that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable, and to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

4 No development shall take place until a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- details of any new habitat created on-site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities and maintenance schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme as identified in River Corridor Appraisal (3 July 2024) and Proposed site layout (Drawing no: Site-1747-Planning 2 Site.dwg).
- Long term objectives and targets in accordance with the River Corridor Appraisal (3 July 2024) and Biodiversity Net Gain Report (27 June 2024).
- The mechanism for monitoring success of the management prescriptions.
- A procedure for review and necessary adaptive management in order to attain targets.
- Details of the 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 approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

a) all previous uses

b) potential contaminants associated with those uses

c) a conceptual model of the site indicating sources, pathways and receptors

d) potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. This will include soils and groundwater.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

6 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

REASON: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments also enables more growth with the same water resources.

7 Prior to the commencement of development a BREEAM Pre-Assessment shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the non-residential development is targeting the relevant BREEAM "Excellent" standard (or any such equivalent national measure of sustainable building which replaces that scheme).

REASON: To ensure that the objectives of sustainable development set out in policy CP41 and CP57 of the Wiltshire Core Strategy are achieved.

8 No development shall commence within the area indicated by application PL/2023/10490 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: To enable the recording of any matters of archaeological interest.

9 No development shall commence on site above ground floor slab level 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:-

• 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, play equipment, refuse and other storage units, signs, lighting etc);

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

10 No development shall commence on site above ground floor slab level until details and samples 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.

11 Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

13 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: To prevent pollution of controlled waters.

14 No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

15 Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed piling does not harm groundwater resources in line with paragraph 180 of the National Planning Policy Framework

and Position Statement N of the 'The Environment Agency's approach to groundwater protection'.

16 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

REASON: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 180 of the National Planning Policy Framework and Position Statement A8 of 'The Environment Agency's approach to groundwater protection'.

17 The development shall be carried out in accordance with the submitted flood risk assessment (Flood Risk Assessment and Drainage Strategy [May 2024 Issue No.4 Parts 1 and 2) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 126.573 metres above Ordnance Datum (AOD) for Plots 1-6 in accordance with section 3.9 of the submitted Flood Risk Assessment.

REASON: To manage flood risk appropriately.

19 The Ground investigations show that ground water has been encountered at a level that could interact with the

attenuation. The applicant should provide flotation calculations prior to the installation of any attenutation features.

REASON: To demonstrate that the interface with groundwater has been safely managed.

20 The proposed tanked permeable sub base SUDS shall not be installed until the applicant has provided cross sectional drawings of them to the Local Planning

Authority for its written approval. Development shall be carried out in accordance with the approved details.

REASON: To ensure the SUDS features are designed appropriately.

21 Within 6 months of the development being first brought into use, a final Certificate shall have been submitted and approved in writing by the Local Planning Authority certifying that the relevant BREEAM "Excellent" standard (or any such equivalent national measure of sustainable building which replaces that scheme) has been achieved by the non-residential development.

REASON: To ensure that the objectives of sustainable development set out in policy CP41 and CP57 of the Wiltshire Core Strategy are achieved.

22 Prior to the first occupation of each dwelling the electric vehicle charge point for that property shall be provided and made available for use in accordance with the commitment made in the Sustainable Energy Strategy by PKA Architects dated November 2023, and the Technical Note – 7327/01 Highways Appraisal by Cole Easdon dated November 2023.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

23 Prior to the first occupation of each dwelling the cycle parking shall be provided and made available for use in accordance with the approved plans.

REASON: To ensure that the objectives of sustainable development set out in policy CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

24 No part of the development hereby permitted shall be first occupied until the access, turning area and parking (including EV) spaces as outlined in the submitted information have been completed in accordance with the details shown on the approved plans. Each space shall be marked out and allocated with the number of the property. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

25 Development shall be carried out in accordance with the Sustainable Energy Strategy by PKA Architects dated November 2023.

REASON: To ensure the benefits within this document are capture in the planning permission so that objectives of sustainable development set out in policy CP41 and CP57 of the Wiltshire Core Strategy can be achieved.

26 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.

Informative

18 Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the developer receives (or rejects) any hazardous waste, they must send a report to the Environment Agency. These are known as 'returns'. If hazardous waste is disposed of at the premises where it's produced a return may also be required. Please find additional guidance here: Hazardous waste: consignee returns guidance

Informative

27 This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated 03/06/2024.

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