Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/08746

Decision Date: 26 April 2024

Applicant:	Chippenham Borough Lands Charity Bank House, Bath Road, Chippenham, Wiltshire, SN15 2SA
Particulars of Development:	Variation of Condition 4 of 21/00472/VAR - to extend opening hours of the approved skatepark from 8pm to 10pm daily
At:	The Arc, Land Adjoining Wessex Water, Westmead Lane, Chippenham, Wiltshire, SN15 3HZ

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for variation or non-compliance with a condition or conditions imposed on an earlier permission in accordance with the application and plans submitted by you.

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 compliance with the following conditions:

Conditions: (7)

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

Site context plan 493/PL/7B; proposed activity zone site plan 493/PL/6B; location plan 493/PL/4A; proposed site context plan 493/PL/35B; landscaping plan 493/PL/18B; skate park drainage plan 493/PL/11B received 11th March 2020 (under reference 20/01280/VAR) together with :-
237-S501 Civil Detail.pdf
237-P702 Visual.pdf
237-P701 Visual.pdf
Bike shelter plans
Bins store plans
Example BBQ plans
Ground Floor Plan 493/PL/8
1st Floor Plan 493/PL/9
237-P401 Proposed Site Plan.pdf

237-S501 Civil Detail.pdf
237-P702 Visual.pdf
237-P701 Visual.pdf
Ground Floor Plan 493/PL/8
1st Floor Plan 493/PL/9
Site in Context Plan 493/PL/35 received 23/07/2019
(all submitted 30/11/2018 under 18/11596/FUL)
493-CO-104 Hard Landscaping - Site Plan
493-CO-110b Ground floor plan S
493-CO-111c Ground Floor N
493-CO-112a First Floor Plan S
493-CO-113a First Floor Plan N
493-CO-115a Roof plan N
493-CO-116a Roof Plan S
493-CO-130b West and North Elevations S
493-CO-131c East and South Elevations N
493-CO-132a West Elevation N
493-CO-133b North Elevation N
493-CO-134b East Elevation N
493-CO-135c South Elevation N
received 15th January 2021

Reports :
Acoustic -
Updated report - 30/05/19 Ref - 7412 Westmead Climb and Skate Park RevD.pdf; and
Environmental Noise Assessment: Proposed extension of hours - 10700/DO dated 07/02/24

Transport -
Updated statement and travel plan submitted 17/06/19 - Ref - Wmd Hub TS v3-3A

Drainage -
FRA - 08/02/19 - Ref 657-RO1-2 Westmead
Sustainable drainage - 06/02/19 -657-D03-B Sustainable Drainage StrategyA1.pdf
Updated Sequential Test - 20/02/19
Update Exception test issued 13/03/2019 - 657-R02-1 Westmead Hub Phase 1 Exception Test[1].pdf

Soil Investigation - (PART 1 - 5) - 30/11/19
Site Waste Audit - 30/11/19
Landscape and visual impact assessment - 30/11/18
Statement of Community Involvement - 30/11/18
Design and Access Rev B - 20/02/19
Arb Statement - 18/01/19
Westmead Playing Fields Assessment PART 1&2.pdf
J765 Westmead Playing Fields mag survey report.pdf
J765 Westmead Playing Fields geophysics WSI.pdf
Archaeological statement - Mike Stone.pdf
EEL120R171222SP Westmead Hub Extended Phase 1 Survey Report CIC v1.0.pdf
EEL120 - Areas to avoid for bats.pdf
(As approved under 18/11596/FUL)

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

2 The development shall be carried out in accordance with the details approved for conditions 2, 6, 9, 10, 14, 15, 16, 17, 18 & 19 of 18/11596/FUL under application 19/12105/DOC; condition 7 of 21/00472/VAR under application PL/2022/02558 and condition 8 of 21/00472/VAR under application PL/2021/10706.

REASON: To define the permission.

3 All soft landscaping comprised in the approved details of landscaping (shown on plan dwg. no. 493/PL/18 rev: A) 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.

4 The use of the outdoor climbing wall and skate park hereby permitted shall only take place between the hours of 08:00 in the morning and 22:00 in the evening on any day.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

5 The development shall be carried out in complete accordance with the Arboricultural Method Statement and Tree Protection Plan received on 18th January 2019. Any changes necessary as a result of addressing the requirements of condition 10 on 18/11596/FUL shall have been submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the development hereby granted planning permission.

REASON: To protect the trees on site, including those trees adjacent to the proposed area of flood water compensation.

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

REASON: To ensure the safe retention of existing trees on and adjoining the site.

7 Noise from skate park activity (LAeq 60min) Shall not exceed the prevailing Background level (LA90) as measured at the boundary of the nearest sensitive dwelling.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Informatives: (6)

8 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.

9 Tree roots are normally located in the first 600mm of soil. Roots that are exposed should be immediately wrapped or covered to prevent desiccation and to protect them from rapid temperature changes. Any wrapping should be removed prior to backfilling, which should take place as soon as possible. Roots smaller than 25mm diameter can be pruned back making a clean cut with a sharp tool. Roots occurring in clumps or over 25mm should be severed only following consultation with a qualified arboriculturist, as such roots might be essential to the tree's health and stability. Prior to backfilling retained roots should be surrounded with topsoil or un-compacted sharp sand (builders sand should not be used because of its high salt content, which is toxic to tree roots).

10 Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

11 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.

12 Due to the facilities and activities being brought to the town by the development, it is requested that the developer and/or operator engage with the Chippenham Town Council so as to ensure the development presents and maintains the greatest potential enhancement to the town and its community whilst minimising the potential for unsociable behaviour to occur at the site.

13 The Applicant is strongly encouraged to undertake dialogue with interested neighbours and local residents to ensure that any unsociable behaviour which is within the operators control is minimised and effectively managed both on, and as far as is practicably possible, off site.

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