Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/06725

Decision Date: 21 August 2024

Applicant:	Aspire LPP Ltd Castle Court, 41 London Road, Reigate, Surrey, RH2 9RJ
Particulars of Development:	Construction of elderly care home (Use Class C2) with associated access works, landscaping and drainage. Improvements to site access and Longleaze Lane/Snowberry Lane junction.
At:	Land at Longleaze Lane, Melksham, Wilts, SN12 6QJ

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: (15)

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:

Location Plan ref: ASP-CH-034-PL001A
Site Plan ref: ASP-CH-034-PL002C
Proposed Block Plan ref: ASP-CH-034-PL011B
Proposed First Floor Plan ref: ASP-CH-034-PL008B
Proposed Ground Floor Plan ref: ASP-CH-034-PL007B
Proposed Second Floor Plan ref: ASP-CH-034-PL009B

Proposed Roof Plan ref: ASP-CH-034-PL010B
Proposed North & West Elevations Plan 1 of 2 ref: ASP-CH-034-PL003C
Proposed South & East Elevations Plan 2 of 2 ref: ASP-CH-034-PL004C
Street Scene Plan 1 of 2 ref: ASP-CH-034-PL005A
Arboricultural Impact Assessment ref: DAA AIA 02B
Transport Statement ref: 2023-11-21 TS01 6804
Sustainability Statement Rev 5
Energy Statement Report 2315- Rev C
BREEAM Pre-Assessment
Travel Plan ref: 2023-11-21 TP02 6804
Ecological Assessment and Biodiversity Net Gain. July 2023.
Ecology Solutions;
Briefing Note: Biodiversity Net Gain Assessment. July 2023.
Ecology Solutions and;
Briefing Note: Ecology Response. December 2023. Ecology
Solutions Unlocked Metric V4
Archaeological Evaluation Report ref: 282202

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

3 No development shall commence on site 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.

4 The development hereby approved shall not 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. 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;

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))
 Details of proposed temporary access improvements during the construction period
 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.
 A tree protection plan, showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations in compliance with the approved Arboricultural Report and tree protection plan, prepared by David Archer associates and dated July 2023
 Working method statements for protected/priority species, such as nesting birds and reptiles.
 Mitigation strategies already agreed with the local planning authority prior to determination, such as for
GCN; this should comprise the preconstruction/construction related elements of strategies only.
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).
 Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

shall be no burning undertaken on site at any time.

The 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.

5 No development shall commence 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);

REASON: In the interests of the visual amenity of the site

6 All soft landscaping comprised in the approved details oflandscaping shall be carried out in the first planting and seedingseason following the first occupation of the building(s) or thecompletion of the development whichever is the sooner; All shrubs,trees and hedge planting shall be maintained free from weeds andshall be protected from damage by vermin and stock. Any trees orplants which, within a period of five years, die, are removed, orbecome seriously damaged or diseased shall be replaced in thenext 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 withthe approved details prior to the occupation of any part of thedevelopment or in accordance with a programme to be agreed inwriting with the Local Planning Authority.

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

7 No development shall commence until the applicant has

i. provided detailed calculations which demonstrates the postdevelopment discharge rate achieves the required 20% betterment on greenfield rates for all storm events between the 1 in 1 year and the 1 in 100year return period storm events. The applicant proposes to use a flow control device, these can limit the discharge rate to 1l/s with appropriate maintenance. The applicant must outline the locations of the three catchment areas as per table 6-3 within the FRA with detailed drawing and calculations for each catchment area.
ii. provide detailed drawing and calculations of each proposed rain garden; and
iii. confirmed the outfall point from the attenuation crate system and the proposed connection point into the surface water sewer to the Local Planning Authority and the Local planning Authority has approved the details in writing. The development shall be undertaken in accordance with these approved details.

REASON: To ensure adequate drainage of the site.

8 The development hereby approved shall not be brought into first use until the access improvements, including the pedestrian crossing on Snowberry Lane, all as generally shown on RGP drawing ‘Proposed Access Arrangements’ 2022/6804/002 Rev P6, have been completed in accordance with the approved details.

Reason: In the interests of highway safety.

9 No development shall commence until details of the number, design and locations of bird and bat boxes shall be submitted to the local authority for approval. These details should be clearly shown on a siteplan/elevations drawing. The approved details shall be implemented before occupation of the final works.

REASON: In the interests of biodiversity on site

10 No part of the development hereby permitted shall be first brought into use until the turning area & parking spaces [27] 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.

11 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.

12 No development shall commence above ground slab level until a scheme for the provision of at least one 'rapid charging' point in an accessible parking area or bay shall be submitted to and improved in writing by the local planning authority. The rapid charging point shall be installed and be ready for use prior to the first occupation of the approved development. The rapid charging point shall thereafter be retained and shall remain operational at all times (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).

13 Prior to occupation a lighting scheme must be submitted for the approval of the Local Planning Authority in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone XX in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Before commencement of operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E2 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals. . The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

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

14 The development will be carried out in strict accordance with the following documents:

 Briefing Note: Ecology Response. December 2023. Ecology Solutions

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity

15 No development shall commence above ground slab level until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority. The HMMP will include long term BNG objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The HMMP shall also include details of the legal and funding mechanism(s) by which longterm implementation of the plan will be secured. The HMMP 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.

Informatives:

INFORMATIVES:
The developer/applicant will be expected 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.

GCN
There is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as. If

these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)

Bats
There is a low risk that bats may be encountered at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact Natural England's Batline through the internet.

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 containnests/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 www.wiltshire.gov.uk/planninganddevelopment/planningpolicy