

The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2021/03889

Decision Date: 22 May 2023

Applicant: Angel Care plc
116 Headstone Drive, Harrow, HA1 4UH

Particulars of Development: Erection of a two storey 62 bed care home (Class C2)
together with access and parking provisions

At: Land North of Grovelands Way, Warminster, BA14 8JN

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: (22)

- 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:

Drawing no. A4706 86B Site Location Plan
Drawing no. A407 0092 A Proposed Site Plan
Drawing no. A407 0081 A Proposed Ground Floor Plan
Drawing no. A407 0082 A Proposed First Floor Plan
Drawing no. A407 0083 A Proposed Second Floor Plan
Drawing no. A407 Proposed Roof Plan
Drawing no. A407 00885 A Proposed Elevations 1 of 2
Drawing no. A407 00886 A Proposed elevations 2 of 2 Plan

Drawing no. A407 00887 A Sections AA, BB, CC & DD
Drawing no. A407 0088 A Sections EE, FF & GG
Drawing no. A407 92E Proposed Boundary Treatment
Drawing no. m407 202 P1 Landscaping Scheme 1
Drawing no. m407 201 P1 Landscaping Scheme 2
Drawing no. m407 100 P1 Landscaping Scheme 3

REASON:

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

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- 3 The development shall be carried out in strict accordance with the following documents:

- Preliminary Ecological Appraisal (Report Number: RT-MME-159179-01) (Middlemarch, November 2022).
- Biodiversity Metric Assessment (Report Number: RT-MME-159179-02) (Middlemarch, December 2022).
- Landscape and Ecology Management Plan (Report Number: RT-MME-159179-03) (Middlemarch, December 2022).
- Landscape Masterplan Drwg. No. M407-100 R1 (IJLA, September 2022).

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

- 4 No development shall commence on site above dpc level until the exact 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 5 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 buildings 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.

- 6 No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proper management of the landscaped areas in the interests of visual amenity.

- 7 No development shall commence on site until a detailed drainage strategy and design for the discharge of surface water from the site including surface water from the roads/access/driveway and use of sustainable drainage details incorporating:

- a) Phasing of storm water drainage works, with changing of ground levels, including provision of any compensation flooding areas;
- b) All required third party permissions for drainage works from the Lead Local Flood Authority and Environment Agency;
- c) Reduction in total discharge from the site by 20% over current discharge rate.

has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and the Environment Agency. The development shall not be occupied until surface water drainage has been fully constructed in accordance with the phasing within the approved detailed drainage strategy and design.

REASON:

To ensure that proper provision is made for surface water drainage so as to confirm that the development can be undertaken in an acceptable manner to allow it to be adequately drained during and post construction without increasing flood risk to the site and others.

- 8 The development shall not be commenced until a foul water drainage strategy has been submitted and approved in writing by the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker.
- a) a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development;
- b) the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the Local Planning Authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

- 9 The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment (HR Wallingford, 31 May 2017, Rev.03, Ref: MAM7812-RT001-R03-00) as amended by the Flood Risk Technical Note (MJA Consulting, 27 November 2021) and the following mitigation measures as detailed in paragraph 6.2:

1. Provision of appropriate compensatory flood storage within the site.
2. Raised ground and floor levels.

The above mitigation measures shall be implemented before the construction of the development commences.

REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants.

- 10 The development hereby approved shall be designed to ensure it does not exceed 110 litres per resident per day water consumption levels (which includes external water usage). Within 3 months of the development being completed and the care home being brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON:

To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

- 11 No external lighting shall be installed on site until plans showing the type of light

appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed. The lighting design will also be designed in line with R2 in the Updated Preliminary Ground Level Bat Roost Assessment of Trees (Middlemarch Environmental 19 December 16)

REASON: In the interests of the amenities of the area, to protect bats and to minimise unnecessary light spillage above and outside the development site.

- 12 The vehicle turning, vehicle parking and cycle parking areas for the development shall be brought into use prior to that use coming into operation and shall thereafter be maintained and kept available for the turning and parking of those vehicles or cycles.

REASON: In the interests of the safe and convenient operation of the development.

- 13 No development shall commence until a full Travel Plan based on the submitted Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied prior to the implementation of the Travel Plan, (or implementation of those parts capable of being implemented prior to occupation). Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied.

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

- 14 Prior to first occupation of any part of the development, the access to Grovelands Way shall have been provided, as detailed on plan number 4629_P01H.

REASON: In the interests of safe and convenient access to the development.

- 15 Prior to first occupation of the development hereby permitted, the access junction with Grovelands Way shall be provided with visibility with nothing to exceed the height of

600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 45 metres to the west and 45 metres to the east.

REASON: In the interests of highway safety.

- 16 The required culvert, headwalls and guard-railing shall be constructed in accordance with the details approved under discharge of condition consent ref. 20/06231/DOC.

REASON: In the interests of safe and proper construction of the development access.

- 17 No construction work shall be undertaken before 0730 hours nor after 1800 hours on weekdays and before 0800 hours nor after 1300 hours on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

REASON: In the interests of the amenities of neighbouring properties.

- 18 No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the construction phase of the development. It shall include details of the following:

- (a) Pollution prevention measures
- (b) The movement of construction vehicles;
- (c) The cutting or other processing of building materials on site;
- (d) Wheel washing and vehicle wash down facilities;
- (e) The transportation and storage of waste and building materials;
- (f) The recycling of waste materials (if any);
- (g) The loading and unloading of equipment and materials;
- (h) The location and use of generators and temporary site accommodation;
- (i) Pile driving (if it is to be within 200m of residential properties).

The construction phase of the development will be carried out in accordance with the Construction Environmental Management Plan at all times unless otherwise approved in writing by the Local Planning Authority.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to prevent pollution of the water environment and to minimise detrimental effects to the neighbouring amenities.

- 20 No development shall commence on site until a scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from all building services plant associated with the development (i.e. air conditioning units/ ventilation/ extract fans/ refrigerator units/ generators/ deliveries to or from commercial units etc). The approved scheme shall be implemented in full before the development is occupied and maintained at all times thereafter.

In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with BS4142:1997 (or any subsequent version) and demonstrate that the rating noise level is at least 5dB below the background noise level.

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.

- 21 No deliveries shall be made to or collections made from the development hereby approved except between the hours of 0730 hours and 1800 hours Monday to Saturday, with no deliveries or collections on Sundays/ Public/ Bank Holidays.

REASON: In the interests of the amenities of neighbouring properties.

- 22 No materials shall be burnt on the development site during the construction phase of the development.

REASON: In the interests of the amenities of neighbouring properties.

- 23 No development shall commence on site until a scheme of works for the control and dispersal of atmospheric emissions, and in particular odours and fumes from commercial kitchens has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

In discharging this condition it is recommended that the applicant consults the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA 2005).

REASON: In the interests of the amenities of neighbouring properties.

Informatives: (7)

- 19 Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
 - (a) The use of plant and machinery
 - (b) Wheel washing and vehicle wash-down
 - (c) Oils/chemicals and materials
 - (d) The use and routing of heavy plant and vehicles
 - (e) The location and form of work and storage areas and compounds
 - (f) The control and removal of spoil and wastes.
- 24 This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated 4 May 2023.
- 25 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. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.
- 26 There are ordinary watercourses within or in close proximity to your site. If it is intended to obstruct the flow in the watercourse (permanently or temporarily, including culverting) prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority will be required. Please contact the Drainage Team to discuss their requirements:
<http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageorordinarywatercourseconsent.htm>

- 27 In addition to any other permission(s) that may have already been obtained, e.g. planning permission, an environmental permit for flood risk activities (formerly known as Flood Defence Consent prior to 6 April 2016) may be required to carry out work:
- (a) in, under, over or near a main river (including where the river is in a culvert)
 - (b) on or near a flood defence on a main river
 - (c) in the flood plain of a main river
 - (d) on or near a sea defence

For further information and to check whether a permit is required please visit:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

For any further advice, please contact your local Environment Agency FRA Permitting Officer.

- 28 Food Business Registration: Under Article 6 of EC Regulation 852/2004 all businesses who prepare, store, transport or sell food must register their food business with the local authority. This obligation also applies to any organisations who donate food (such as charities and homeless shelters), those who produce food in their homes for members of the public and those who use vehicles to transport or serve food from a vehicle. Food businesses must register with their local authority at least 28 days before they begin to operate. Food business operators in Wiltshire can register their food businesses free of charge through the following web page:
<http://www.wiltshire.gov.uk/communityandliving/publicprotection/foodsafety/foodsafetyinformationforbusinesses/foodbusinessregistration.htm>

- 29 This development may require a licence, issued under the Licensing Act 2003 by the local authority, in order to legally operate. The operator should ensure they have obtained any legal authorisations required before they begin operating. Further information can be found on the following web page:
<http://www.wiltshire.gov.uk/businesssupportandadvice/licencestreettrading/applyforallicence/licensingact2003.htm>

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