

The Town and Country Planning Act 1990

Approval of Outline Planning Permission (Some Matters Reserved) with Conditions

Application Reference Number: PL/2022/08744

Decision Date: 30 January 2025

Applicant: Ms Rowan Gilbert
10 South Colonnade, Canary Wharf, London, E14 4PU

Particulars of Development: Outline application (all matters reserved except for access) for part conversion and part redevelopment of the Devizes Community Hospital site to provide up to 58 no. residential dwellings (Use Class C3) and circa 67.7sqm flexible commercial unit (Use Class E), including the retention and conversion of two original buildings to the east of the site, with associated landscaping and parking.

At: Devizes Community Hospital, New Park Road, Devizes, Wilts, SN10 1EF

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: (24)

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or, where relevant, before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;

(d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made in part for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Drg Ref: DH- AFA - XX - RF - DR - A - 1000 Rev P2 Location Plan
- Drg Ref: DH- AFA - XX - ZZ - DR - A - 1151 Rev P3 - Heritage & Urban Design Parameter Plan
- Drg Ref: DH- XX - ZZ - DR – 1150 Rev P3 - Ecological Parameters Plan

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

- 5 The development shall be carried out in general accordance with the design principles set out in the Outline Planning Design and Access Statement Rev P1 (01/11/22).

REASON: The Design and Access Statement sets out clear and positive requirements (in line with Core Policy 57 of the Wiltshire Core Strategy) for designers at Reserved Matters to take forward.

- 6 No development shall commence within the area indicated within the red outline 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: 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 enable the recording of any matters of archaeological interest.

- 7 No development shall commence on site until an intrusive phase II ground investigation has been carried out over the site. The investigation shall be in line with the recommendations set out in Section 7.3 of the Phase 1 Desk Study Report by Jubb Consulting Engineers Ltd. dated August 2022.

A report detailing the phase II investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

If the report submitted indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

- 8 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. Site working hours and a named person for residents to contact including telephone number;
 - v. Detailed Site logistics arrangements;
 - vi. Details regarding parking, deliveries, and storage;
 - vii. Details regarding 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 (notably upon the Kennet & Avon Canal);

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 and vehicle log and means to submit log to the Highway Authority upon request
- 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:

- Pre-development species surveys including but not exclusively roosting bats, otter, water vole and birds.
- Phasing plan for habitat creation and landscape works including advanced planting proposals including pre-development provision of TBMS zones A and B and predevelopment provision of hedgerow mitigation/ translocation along Firs Hill A361.
- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
- Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice.
- 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.
- 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.

xiv. Details of safeguarding measures for the Kennet & Avon Canal including excavation, earth movement and foundations, piling risk assessments and method statements.

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

Construction and demolition hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 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, detriment to the natural environment through the risks of pollution, dangers to highway safety and to prevent damage and pollution to the Kennet & Avon Canal, during the construction phase and in compliance with Core Strategy Policy 62.

INFORMATIVE TO APPLICANT:

The applicant is advised to take account of the comments from the Wiltshire Council Ecologist to the Local Planning Authority dated 30th November 2023 when updating the CEMP document.

- 9 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long-term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring the success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include 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.

INFORMATIVE TO APPLICANT:

The applicant is advised to take account of the comments from the Wiltshire Council Ecologist to the Local Planning Authority dated 30th November 2023 when updating the CEMP document.

- 10 No development shall commence on site until a final drainage strategy incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the drainage strategy has been constructed in accordance with the approved details.

REASON: To ensure that surface water runoff from the site can be adequately drained with no flooding on site for a 1 in 100 year plus climate change rainfall event,

to ensure that the flood risk from all sources will be managed without increasing flood risk to the development itself or elsewhere and to ensure the development will have an acceptable impact on the integrity of the Kennet and Avon Canal waterway structure and its water quality.

INFORMATIVE TO APPLICANT:

The details within the strategy should address the comments contained within the Lead Local Flood Authority's consultation response letter to the Local Planning Authority dated 23rd December 2022 and those of the Canal & Riverside Trust in their letter to the LPA dated 16th December 2022.

- 11 Prior to commencement of development a walking and cycling movement framework plan shall be submitted to and approved by the Local Planning Authority. The walking and cycling movement framework plan shall include full details of route design, construction and material treatment, with all cycle and pedestrian routes complying with current national and local guidance as appropriate. All routes shall be designed to accommodate all abilities, with change of level, including steep ramps or steps avoided unless agreed by the Local Planning Authority. The walking and cycling movement routes, as identified in the approved plan, shall be completed in all respects in accordance with the approved plan and maintained as such thereafter prior to first occupation.

REASON: To ensure safe and convenient walking and cycling routes to the site are provided in the interests of highway safety and sustainability in compliance with Core Strategy Policy 60, 61 and 62.

- 12 No development shall commence on site until a strategy for Electric Vehicle charging points has been submitted to and approved by the Local Planning Authority. The strategy shall seek to avoid delivering dwellings that may not be directly served by a charging point. Prior to first occupation of each individual dwelling unit allocated a charging point, the dwellings charging point shall be made operational and ready for use.

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

- 13 The dwellings shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change in the

interests of sustainability, and to use natural resources prudently in accordance with the National Planning Policy Framework.

INFORMATIVE

The development should include water-efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

- 14 No new signage or wayfinding shall be erected until details 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 the visual amenities of the area, preserving the character, appearance and setting of heritage assets subject to and/or affected by this proposal, and in the interests of promoting active travel.

- 15 Prior to occupation of the flexible commercial unit, a schedule of opening hours shall be submitted to and approved in writing by the Local Planning Authority. The unit shall be operated in accordance with the approved schedule of opening hours.

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.

- 16 Prior to use commencing in any non-residential building that requires mechanical air extraction or ventilation systems, a scheme of works for the control and dispersal of any atmospheric emissions from them, including odours, fumes, smoke & other particulates, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development.

The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ "Control of odour and noise from commercial kitchen exhaust systems" Guidance (Gibson, 2018).

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.

INFORMATIVE:

In discharging this condition we recommend the applicant ensures that the ventilation

system discharges vertically at a height of at least 1m above the heights of any nearby sensitive buildings or uses and not less than 1m above the eaves.

- 17 No works shall be undertaken to the existing accesses unless full construction details have been submitted to and approved in writing by the local planning authority. Prior to first occupation, any proposed works to the accesses shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To ensure a safe and sufficient vehicular access is provided in the interests of highway safety and in compliance with Core Strategy Policy 60, 61 and 62.

- 18 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 have been submitted to and approved in writing by the Local Planning Authority. The plans will be 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), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area, the character, setting and appearance of the heritage assets, to minimise unnecessary light spillage above and outside the development site and to ensure lighting will not have an adverse impact on ecology and the Kennet & Avon Canal.

- 19 Deliveries and collections for the flexible commercial unit shall be restricted to 08:00 – 21:00 Monday to Sunday (including Bank Holidays). No deliveries or collections shall take place outside of these hours.

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.

- 20 The first reserved matters application will include a revised Biodiversity Metric Calculation in accordance with the Green Infrastructure and Ecology Parameters Plan (Drg Ref: DH- XX - ZZ - DR – 1150 Rev P3) using the latest calculation methodology and recalculated to reflect the details of the reserved matters application. The calculation will be supported by a revised plan for Habitat creation

and enhancements demonstrating the extent and area of each habitat in ha / m2. Accurate development boundaries will be overlaid on the plan to allow accurate scaling and location of mitigation measures. The calculation will demonstrate for both habitats and hedgerows that the development will achieve 100% mitigation (i.e. no net loss) for land lost to development. Development shall be carried out in accordance with the approved details.

REASON: To comply with Core Policy 50 of the Wiltshire Core Strategy which requires no net loss of biodiversity and paragraph 180 d) of the National Planning Policy Framework which seeks to secure net gains for biodiversity to enhance the natural and local environment.

- 21 No reserved matters application will be determined until an updated Bat Survey (including hibernation studies) and Assessment Report has been submitted to and approved in writing by the local planning authority. The report shall contain details of updated survey work to establish the current status of the site for roosting bats, as well as an updated assessment of the development on bats and all necessary mitigation measures.

REASON: To ensure the development incorporates appropriate and up-to-date mitigation for protected species.

- 22 The development shall be carried out in strict accordance with Section 5 of the Wildwood Ecology Ecological Impact Statement (dated September 2023) and Table 6.1 and 6.2 of the JH Ecology Ecological Impact Assessment (Document ref: 21/1437).

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

- 23 The development hereby permitted shall not be first occupied until cycle parking and bin storage facilities have been provided in full and made available for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking and bin storage facilities shall be retained for use at all times thereafter.

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

- 24 No dwelling shall be occupied until the parking spaces together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

Informatives: (5)

25 REFERENCE TO SECTION 106 AGREEMENT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 24th January 2025.

26 COMMUNITY INFRASTRUCTURE LEVY (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. 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 <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

27 MATERIALS AND ARCHITECTURAL DETAILS:

Core Policy 57 point xii. requires the use of a high standard of building materials and finishes in all new developments. The site in question forms a key part of the Devizes Wharf regeneration project and contains as well as adjoins a number of heritage assets. As a result of this, the applicant is advised that the local planning authority would expect to see details of all external materials as well as large-scale details of architectural features including parapets, windows, (including elevations and sections of the windows, head, sill and window reveal details), external doors, vents and extracts, rainwater goods submitted as part of a reserved matter 'appearance'.

28 EUROPEAN PROTECTED SPECIES LICENSE REQUIRED:

Under the Conservation of Habitats and Species Regulations 2017, it is an offence to harm or disturb bats or damage or destroy their roosts.

Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected

Species Licence will be required before any work is undertaken to implement this planning permission.

29 CANAL AND RIVERSIDE TRUST:

The applicant's attention is drawn to the comments from the Canal & Riverside Trust in its letter to the Local Planning Authority dated 16th December 2022. Notably that:

- A canalside landscaping and boundary treatments scheme shall be included in the reserved matters submissions. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, and the treatment of hard surfaced areas. No trees shall be planted within 5 metres of the waterway; and that,
- The applicant is advised to contact David Wilson, Works Engineer by email to Enquiries.TPWSouth@canalrivertrust.org.uk to discuss which elements of the proposal should comply with the Canal & River Trusts 'Code of Practice for works affecting the Canal & River Trust'.

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