



The Town and Country Planning Act 1990
Approval of Wiltshire Council Regulation 3 Application
Application Reference Number: PL/2024/08255
Decision Date: 11 December 2024

Applicant: Wiltshire Council
COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE,
BA14 8JN

Particulars of Development: Construction of a Leisure Centre and Ancillary Works
At: Land at former East Wing Site, Bythesea Road,
Trowbridge, 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: (25)

- 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:

Arboricultural Impact Assessment (Tyler Grange, 4th September 2024), Statutory Biodiversity Metric completed by Tyler Grange (Vicky King-Cline) 4th September 2024, Construction Environmental Management Plan (Tyler Grange, 19th August, 2024), Ecological Impact Assessment (Tyler Grange, 4th September, 2024), Drawing Nos. 16262_TSS01, 16262_P02 received on 6th September 2024

Application Forms, External Services, External Lighting. Drawing. No. 31436-HYD-ZZ-ZZ-DR-E-9000. Rev 01. (Hydrock, 03/09/2024), Drawing Nos. 31436-HYD-00-ZZ-DR-C-7000 Rev P03, 31436-HYD-00-ZZ-DR-C-7010 Rev. P03, 31436-HYD-ZZ-ZZ-DR-E-9001 Rev. P01, 31436-HYD-00-ZZ-DR-C-7200-P01, 31436-HYD-00-ZZ-DR-C-7011 Rev P03, 31436-HYD-ZZ-ZZ-DR-E-9000 Rev. P01, 31436-HYD-00-ZZ-DR-C-7201-P02, 11120-RL-XX-ZZ-DR-A-P0401-A3-C02, 11120-RL-XX-ZZ-DR-A-P0002-A3-C01, 11120-RL-XX-ZZ-DR-A-P0001-A3-C01, 11120-RL-XX-ZZ-DR-A-F0008-S2-C01, 11120-RL-XX-ZZ-DR-A-P2300-A3-C02 received on 10th September 2024

Drawing Nos. TLC-HYD-00-ZZ-DR-C-7410 P01, SoP Plan - received on 4th November 2024

Construction Phase Plan (Issue 3) – received on 7th November 2024

Trowbridge Leisure Centre Flood Risk Assessment, Hydrock now Stantec, dated 15/11/2024, doc ref: 31436-HYD-XX-XX-RP-WENV-0001, Landscape Masterplan. Drwg.no. RL.XX.ZZ.DR.L. Rev. C03 (Roberts Limbrick, 10.09.24), Drawing Nos. 11120_P8001-C03, 11120-RL-XX-ZZ-DR-A-P2201-A3-C03, 11120-RL-XX-01-DR-A-P2102-A3-C03, 11120-RL-XX-01-DR-A-P2100-A3-C03, 11120-RL-XX-01-DR-A-P2101-A3-C03, 11120-RL-00-ZZ-DR-A-P2001-A3-C02 - received on 15th November 2024

Document 16262_R03b_AMS_19112024_RM_WS (including drawings) - received on 19th November 2024

Drawing Nos. TLC-HYD-00-ZZ-DR-C-7001 P04 - received on 22nd November 2024

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

- 3 Prior to the commencement of the hereby approved development a Biodiversity Gain Plan must be submitted to and be approved by the Local Planning Authority demonstrating the 10% biodiversity net gain would be achieved, including the details of any secured off-site credits.

REASON: To ensure the government target for biodiversity net gain is achieved.

- 4 Prior to any demolition, site clearance or development on site, and prior to any equipment, machinery or materials being brought on to site for the purpose of the hereby approved development, the mitigation measures set out in the approved Tree Protection Plan (drawing No. 16262_P04 Rev. B) shall be fully implemented to the area of works, and;

The protective fencing shall be erected to the construction site where works are being carried out in accordance with the approved details. The protective fencing shall remain in place for the period of the construction works and until all equipment, machinery and surplus materials have been removed from the area of the site where works are being carried out. Such fencing shall not be removed or breached during construction operations.

No retained trees shall be cut down, uprooted or destroyed, nor shall any retained trees be topped or lopped other than in accordance with the approved plans and particulars unless agreed otherwise in writing. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place unless agreed otherwise in writing, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

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 within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To ensure the retention of trees on the site in the interests of visual amenity and biodiversity.

5

No development shall proceed above slab level until the exact 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: 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.

- 6 No development shall proceed above slab level until an assessment of the acoustic impacts arising from the operation of all mechanical plant associated with the development including condensers, ventilation systems and air source heat pumps shall be undertaken in accordance with BS 4142: 2014+A1:2019. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall be: 5dB below background and is protective of local amenity.

Background levels are to be taken as detailed in Table 4 of the Hydrock Environmental Noise Assessment (doc ref 31436-HYD-XX-XX-RP-AC- 0002) dated 30th August 2024.

The scheme shall be submitted to and been approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of commissioned plant being operational within the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 7 No development shall proceed above slab level until a Landscape and Ecology Management Plan (LEMP) has been prepared in accordance with the Statutory Biodiversity Metric completed by Tyler Grange (Vicky King-Cline) 4th September 2024 (or as per a revised and approved version of this document), and submitted to and been approved in writing by the Local Planning Authority.

The LEMP shall include long term 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 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.

8 No development shall proceed above slab level until details of the following have been submitted to, and been approved in writing by, the Local Planning Authority in relation to the surface water drainage strategy:

a) The applicant has stated flows from the western catchment will be restricted to greenfield rates, while the eastern catchment will not be restricted, just treated. To mitigate the eastern catchment of the development being detrimental in the future accounting for climate change, the applicant must ensure the eastern catchment will attenuate the effects of climate change.

b) The applicant must provide detailed cross and long section drawings of each proposed SuDS intervention, including the attenuation tank, permeable paving, rain garden, tree pits, swales, to ensure they are designed appropriately, and in line with the Ciria C753 (SuDS Manual).

c) Observing Drainage Layout – Sheet 2, as these SuDS interventions are included in water quality calculations and the drainage calculations, the applicant must confirm that SuDS interventions will be proposed as per submitted plans, or if not, resubmit all drainage and water quality calculations omitting SuDS, and provide revised surface water drainage strategy details in accordance with Wiltshire Council policy.

d) The applicant must provide details of how, in an extreme rainfall event, the surcharging from the culverted watercourse, or from a 1-in-100 year storm, will be managed safely.

e) The applicant must provide a Flood Evacuation Plan to demonstrate how safe egress and access to the building can be maintained during such an event.

REASON: To mitigate any impact from the development onto flooding and drainage infrastructure.

9 No development shall proceed above slab level until details of the swift boxes, that shall be incorporated into the north-west elevation of the building, have been submitted to, and been approved in writing by, the Local Planning Authority. The boxes shall be installed in accordance with the approved plans and details.

REASON: In order to support the local swift population.

10 The development shall not be brought into operational use until final details of the low-

carbon and renewable energy technologies (such as air source heat pumps and roof-mounted solar PV) have been submitted to and been approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. Thereafter, 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 WCS policies CP41, CP55 and CP57.

- 11 All soft landscaping comprised in the approved details of landscaping (drawing No. P8001 Rev. C03 and the Arboricultural Method Statement) shall be carried out in the first planting and seeding season following the first occupation of the building 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 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

- 12 The development shall not be brought into operational use until the electric vehicle charging infrastructure has been provided and made available for use in accordance with the approved details.

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

- 13 The development shall not be brought into operational use until the on-site access, turning areas and parking spaces (112), as well as the cycle parking facilities, have been completed in accordance with the details shown on the approved plans. Thereafter, the areas shall be maintained for those purposes for the lifetime of the development.

REASON: In the interests of highway safety.

- 14 The development shall not be brought into operational use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. Thereafter, the cycle parking facilities shall be retained for use in accordance with the approved details for the lifetime of the development.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car in accordance with the objectives of sustainable development set out in WCS policies CP41, CP55, CP57 and CP60.

- 15 The development hereby permitted shall not be brought into use until the associated connections to the public water and sewer infrastructure have been completed following an agreement being reached with Wessex Water as the statutory undertaker.

REASON: To ensure that the development is provided with a satisfactory water and waste drainage connections.

- 16 The Hydrock document Sustainability Statement and Energy Strategy (ref. 31436-HYD-XX-ZZ-RP-ME-0002 - P02) explaining the low-carbon approach of the scheme taken in the technical design stages shall be complied with and, where necessary, updated/finalised.

This shall include but not necessarily be limited to consideration of operational carbon, embodied carbon, climate change adaptation and sustainable transport. Thereafter, the development shall be carried out in accordance with the agreed details.

Any update to this document shall be submitted to the local planning authority for approval in writing.

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

- 17 The development hereby permitted shall be carried out in strict accordance with the following documents:

REASON: To protect and maintain highway safety and to encourage sustainable travel modes.

- 18 Notwithstanding the submitted details, the proposed development shall not be brought into use until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

- 19 During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Mon-Fri 07:30 to 18:00 (no machinery to be used prior to 08:00), Saturday 08:00 to 13:00, nor anytime on Sundays or public holidays.

REASON: In the interest of neighbouring amenity.

- 20 The approved Construction Phase Plan shall be implemented on site and fully adhered to at all times unless agreed otherwise in writing.

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

- 21 The Hydrock document Phase 2 Ground Investigation Report (Ref. 31436-HYD-XX-XX-RP-GE-1001-S02-P01) shall be complied with in full. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development [or relevant phase of development] shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The remediation and verification report(s) 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: WCS Core Policy 56, To reduce the risks associated with land contamination and 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.

22

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, lamp post details, 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 GN01/21, "Guidance for the Reduction of Obtrusive Light" (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night" (ILP, 2023), issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted and approved in writing to demonstrate the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy (adopted February 2020) are met.

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

This condition would only be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

23

The development hereby permitted shall achieve a BREEAM (Building Research Establishment Environment Assessment Method) rating of 'Excellent'. Within 12 months of the development hereby approved first being brought into use a BREEAM Certificate certifying that 'Excellent' status has been achieved shall be submitted to the Local Planning Authority unless agreed otherwise in writing.

REASON: In the interests of the conservation of energy resources.

- 24 No new tree planting within 8 metres of the main river (River Biss).

REASON: To allow ease of access to the River Biss for maintenance.

- 25 Oil and Petrol separators or appropriately approved pollution prevention measures should be applied to any drainage scheme to minimise risk of pollution from surface water.

REASON: To prevent pollution of the water environment in line with paragraph 174 of the National Planning Policy Framework.

Informatives:

Highways informative:

The proposal may require a separate s278 legal agreement to secure all the associated highway works. The applicant would normally be required to enter into a S.278 Highways Agreement for the proposed highway works. However, as the developer in this case is Wiltshire Council, discussions will need to be held internally about how these works will be secured.

Drainage informatives:

In addition, a separate Land Drainage Consent is required for the discharge into an ordinary watercourse and works within an ordinary watercourse. The proposal also requires an agreement to be reached with Wessex Water for a foul water discharge rate from the site.

The applicant should also be mindful of the Wiltshire Council Flood Evacuation Guidance: <https://www.wiltshire.gov.uk/civil-emergencies-planning-for-anemergency-plan>

Environment Agency Informatives:

Flood risk:

This development has been proposed within an area identified as being at risk of flooding and includes the provision of car parking. The applicant should be aware that vehicles can start to float in flood depths of less than 60cm – less if it is fast-flowing. The applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding, would not jeopardise its structural stability.

In addition, the applicant should ensure that any sensitive infrastructure such as gas and water pipes or electrical cabling are located and designed to withstand the potential impacts of floating or displaced vehicles.

Movement of waste off-site:

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes.

The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: https://www.gov.uk/government/attachment_data/file/69403/pb13530-waste-duty-care-code-practice-2016.pdf

If the applicant needs to register as a carrier of waste, please follow the instructions here: <https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales>

If the applicant needs flood risk advice or guidance please contact your local Environment Agency office.

Characterisation and classification of waste:

In order to meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments.

Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: <https://www.gov.uk/how-to-classify-different-types-of-waste>

Waste hierarchy:

The developer must apply the waste hierarchy as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf

Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice.

Where applicable the Definition of Waste Code of Practice (DoWCoP) principles should be

followed. If using this code of practice send a copy of their statement and any relevant documents to Wessex.Waste@environment-agency.gov.uk

Parking informative:

As a further informative, within 12 months of the development hereby approved being brought into use, the respective owner of the site is encouraged to undertake an on-site car parking review with specific reference to the use of the identified number and location of the disabled parking spaces associated to the said leisure centre, and to make any reasonable adjustment should there be no requirement or regular take-up of the full disabled parking provision.

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