Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/07503

Decision Date: 09/10/2026

Applicant:	Backhouse (Westbury) Ltd Office B2, Methuen South, Methuen Park, Chippenham, SN14 0GT
Particulars of Development:	Variation of conditions 5, 6, 7 of 15/11604/OUT - To become compliance conditions relating to the installed surface water drainage scheme and its associated maintenance regime.
At:	Westbury and District Hospital, The Butts, Westbury, Wiltshire, BA13 3EL

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

In accordance with policy DM3 (1)(a) of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to compliance with the following conditions:

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

Outline application 15/1104/OUT:

Site Location Plan Dwg. No 1134.S.001, Demolition Plan Dwg. No 1134.S.002 and Access Design Dwg. No SK001 - all received 26th November 2015 and;

Parameters Plan Dwg. No 1134.P.002 received 19th July 2016

Reserved Matters application 17/12513/REM:

For the avoidance of doubt, all plans approved pursuant to Reserved Matters permission 17/12513/REM, as amended by the Non-Material Amendment approved by letter dated 27 May 2020, shall continue to apply save insofar as they relate to the surface water drainage basin(s) and associated drainage infrastructure, which shall be carried out in accordance with the plans approved pursuant to this permission.

Variation of Condition application PL/2023/07503:

Planning Statement – received 6 September 2023

Callaway Gardens All Pond Sections 1 and 2 (BH/CGPS/01 & BH/CGPS/02) – received 2 May 2024

Silverback Arboricultural Consultancy Ltd – Cedar Tree Reports dated 11 June 2024 and May 2025 – received 12 June 2024 and 2 June 2025

Validation Report (Ruddlesden Geotechnical (TN/SR/17497/VR/01 - December 2018) – received 19 November 2025

Re-located headwall topographical survey (SS-14021-A-RO) – received 17 December 2025

Headwall Relocation Technical Note - Rev D dated 17 November 2025 – received 16 January 2026

Drainage Maintenance Plan (awp) and Rainwater Garden Proposed Planting Plan (074-022 P1) – both received 26 March 2026

Drainage Technical Note (awp – dated 7 July 2026); Rainwater Garden Note; Headwall Relocation Plan (0654-SK-301-E); Basin Cross Section Plan (03-SK-1101-Rev D) and Preliminary Drainage Layout Plan (0654-PDL-101- Rev K) – all received 7 July 2026

Non Material Amendment application PL/2025/0456:

Boundary Treatments Plan (TI-BH001-001 rev D) - received 20 May 2025

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

2 The development shall be retained and managed in accordance with the scheme of surface water drainage detailed within the AWP Headwall Relocation Technical Note, the AWP 7 July 2026 Technical Note, Drainage Plan (Drawing No. 0654-PDL-101-K) and AWP Drainage Maintenance Plan; and any associated drainage drawings and technical information approved pursuant to this permission.

REASON: To ensure that the development is adequately drained and to minimise the risk of flooding in accordance with Core Policies 50 and 67 of the Wiltshire Core Strategy.

3 The development shall be retained and managed in accordance with the approved scheme for the collection and disposal of off-site surface water flows as detailed within the AWP Headwall Relocation Technical Note, the AWP 7 July 2026 Technical Note, Drainage Plan (Drawing No. 0654-PDL-101-K) and AWP Drainage Maintenance Plan and any associated drainage drawings and technical information approved pursuant to this permission.

REASON: To ensure that the development is appropriately protected from off-site surface water flooding and to minimise flood risk.

4 The approved drainage infrastructure pursuant to this permission shall hereafter be managed and maintained in accordance with the approved Drainage Maintenance Plan and associated maintenance arrangements for the lifetime of the development.

REASON: To ensure the drainage infrastructure remains effective in managing surface water and reducing flood risk throughout the lifetime of the development.

5 The concrete headwall shall be fully enclosed with an impermeable liner, isolating all surfaces of the headwall from contact with existing sub-soils. Prior to backfilling or otherwise concealing the liner, photographic evidence demonstrating the full extent of the liner following installation, together with details of the liner specification demonstrating that it is of an appropriate composition and thickness to permanently isolate the concrete headwall from contact with existing sub-soils, shall be submitted to and approved in writing by the Local Planning Authority. The liner shall thereafter be retained and maintained for the lifetime of the development.

REASON :To safeguard the rooting environment and long-term health of the adjacent protected tree.

NOTE: For the avoidance of doubt, the headwall referred to in this condition is that identified on drawing SK-301 Rev E

6 Subject to the discharge of condition 5 and within 3 months of the date of this permission the following drainage works shall be completed in accordance with the approved plans and technical information:

- Installation of the relocated headwall;

- Installation of the French drain in the attenuation basin

The works shall thereafter be retained and maintained in accordance with the approved details.

REASON: To ensure completion of the approved drainage scheme in the interests of flood risk management and the proper operation of the site's drainage infrastructure.

7 For the next three years (2026-2028) annual assessments of the Cedar Tree (the tree subject to the Tree Preservation Order) shall be undertaken by an independent qualified Arboriculturist and a report of its findings submitted to the Local Planning Authority for approval.

This will be reviewed at each annual report to determine if it is necessary to continue, or if remedial works are required.

REASON: In the interests of assessing the potential long term impacts on the Cedar Tree (subject to TPO) that may have been affected by the development on the site.

NOTE: The next report is due in by the end of 2026 to correspond a year after the last Arboricultural report from Silverback Surveys

8 Within 3 months of the date of this permission, a compliance statement shall be submitted to and approved in writing by the Local Planning Authority demonstrating the extent to which the approved Landscape and Ecological Management Plan (LEMP), approved pursuant to Condition 10 of planning permission 15/11604/OUT and discharged on 10 April 2018, has been implemented.

Where the compliance statement identifies that any element of the approved LEMP has not been implemented, has not been maintained, or is not functioning as intended, details of remedial measures and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority.

The approved remedial measures shall be carried out in accordance with the approved timetable and the ecological mitigation and enhancement measures contained within the approved LEMP shall thereafter be retained and maintained for the lifetime of the development.

REASON: To ensure the approved ecological mitigation and enhancement measures have been implemented and remain effective in the interests of biodiversity.

9 Within 3 months of the date of this permission, the revised Rainwater Garden Planting Scheme, including its details of drought-tolerant planting and wildflower seeding, shall be implemented in accordance with the approved plans.

Any trees, shrubs, plants or seeded areas which, within a period of five years from the date of implementation, die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the successful establishment and long-term appearance of the rainwater garden and to secure biodiversity and landscape benefits in accordance with Core Policies 50 and 57 of the Wiltshire Core Strategy.

10 The development shall continue to comply with the lighting design strategy as discharged on 25 October 2018.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To minimise light spillage into retained hedgerows and trees as part of the mitigation requirements for roosting bats (to maintain dark corridors for bats commuting to and from roosts).

11 The development shall continue to comply with the water efficiency scheme as discharged on 25 October 2018.

REASON: In the interests of sustainable development and climate change adaptation.

12 The development shall continue to comply with the scheme for public art as discharged on 16 March 2020.

REASON: To ensure the proposal complies with the relevant public art policies.

Informative

13 INFORMATIVE 1: This permission shall be read in conjunction with the deed of variation Agreement made under Section 106 of the Town and Country Planning Act, 1990 dated 1 October 2026.

Informative

14 INFORMATIVE 2: With regard to refuse collection, the council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption

Informative

15 INFORMATIVE 3: Common pipistrelle and Brown long-eared bats were found to be roosting in the main hospital building and a licence was required from Natural England before the demolition of the hospital. Please note that this consent does not override the statutory protection afforded to any such species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not.

Informative

16 INFORMATIVE 4: The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the applicant and/or contractors liable to prosecution. Further information about badgers and licensing can be found at https://www.gov.uk/badgers-protectionsurveys- and-licences

Informative

17 INFORMATIVE 5: The applicant is reminded that all reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and that it is an offence to remove, damage and destroy a nest of any wild bird while that nest is in use or being built under Section 1 of this Act. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and 31st August. Suitable vegetation is present on the application site and should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Nic Thomas **- Director of Planning, Economy and Climate**

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