

Application Reference Number 08/00133/FUL

*North
Wiltshire
District
Council*

**NOTIFICATION OF PLANNING
PERMISSION**

**Name of Local Planning Authority: NORTH WILTSHIRE DISTRICT COUNCIL
Monkton Park, Chippenham, Wiltshire, SN15 1ER**

Brief Details of Application in the Parish of: Corsham/Box

Applicant

Lunney Assets Corp
Bridge House
Bridge Street
Castle Town
Isle of Man
IM9 1AX

Agent

Paul Comerford
EDAW
The Johnson Building
77 Hatton Garden
London
EC1N 8JS

Location

Royal Arthur Park, Westwells Road, Corsham,
Wiltshire, SN13 9SF

Proposal

Continuing Care Retirement Community,
Comprising a 75 Bed Care Home; 221 Extra Care
Apartments; Health Treatment and Hydrotherapy
Complex; Pavilion Housing Dining; Recreation and
Supporting Retail Facilities; GP Surgery;
Associated Outdoor Recreation Facilities; 283 Car
Parking Spaces

Registration Date: 22 January 2008

Permission Granted: 11 November, 2008

PERMISSION GRANTED FOR THE FOLLOWING REASON:

The site has a lawful use as a residential training centre (Class C2). The proposal overcomes the reasons for dismissal of the previous appeal. The s106 Agreement secures the nature of the use, sustainable travel and highway improvements. The design respects the character of the site and provides significant landscape improvements. The proposed buildings are innovative, high quality and sustainable. Traffic generation compares favourably with the lawful use and will be lower than alternatives. The biodiversity of the site, including protected species, will be preserved and enhanced. The proposal complies with policies C1, C2, C3, NE5, NE9, NE11, NE14, NE15, NE17, NE29, T1, T2, T3 and T4 of the North Wiltshire Local Plan 2011.

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out strictly in accordance with the approved plans and documents subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

- 3 The approved landscaping scheme shall be implemented in accordance with a phased scheme of implementation to be submitted to and approved by the local planning authority before development commences. The landscaping shall be maintained thereafter for a period of not less than five years from the implementation of each phase. This maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity.

- 4 Prior to the commencement of the development hereby permitted and before any equipment, machinery or materials are brought onto the site for the purposes of the development, details of fencing to be erected for the protection of retained trees/hedges/shrubs shall be submitted to and approved in writing by the local planning authority.

Fencing for the protection of retained trees/hedges/shrubs shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In the interests of protecting the existing trees/hedges/shrubs on the site.

- 5 No service trenches, pipe runs or drains shall be sited within the root protection zone defined in the submitted arboricultural survey tree without the prior written approval of the local planning authority.

Reason: To maintain a vigorous and healthy root system to ensure the retention of trees in a safe and healthy condition.

- 6 Before any development commences, other than that approved under conditions 9, 10 or 11, details of walls, fences or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with a timescale to be approved by the local planning authority.

Reason: In the interests of amenity.

- 7 Before development commences a scheme for remediation of ground contamination shall be submitted to and approved by the local planning authority. The approved scheme shall be completed in accordance with timescales to be contained within the scheme.

A remediation validation report shall be submitted to and approved by the local planning authority within three months of completion of the approved remediation works.

Reason: To avoid risk of contamination.

- 8 The development shall be carried out and completed wholly in accordance with the mitigation measures and landscape management plan contained within the Protected Species Survey, dated September 2008, received on 16th September 2008, prepared by Applied Ecology Ltd, including any timescales contained within the measures unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of nature conservation and biodiversity.

- 9 Buildings 2, 8 and 9 shall not be partially or wholly demolished until the bat houses(s) approved under condition 11 have been provided and any demolition shall be carried out in accordance with a timescale which shall first be submitted to and approved by the local planning authority.

Reason: In the interests of nature conservation and biodiversity.

- 10 Before development commences details of the wildlife ponds, owl box(es) and bat house(s) proposed in the mitigation measures approved under condition 9 shall be submitted to and approved in writing by the local planning authority. The ponds, box(es) and bat house(s) shall be provided in accordance with a programme to be first submitted to and approved by the local planning authority.

Reason: In the interests of nature conservation and biodiversity.

- 11 Before any external lighting (including any lighting installed for security purposes or used during construction) is installed details, including positioning, levels of luminance and hours of illumination, shall be submitted to and approved in writing by the local planning authority. The lighting shall thereafter be installed and operated in accordance with the approved details, unless otherwise first approved in writing by the local planning authority.

Reason: In the interests of amenity and nature conservation.

- 12 Prior to the erection of any building (except any structures approved under condition 11), details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

- 13 On first occupation of the site, a demand responsive bus service for the use of residents and staff shall commence and be provided in perpetuity. Specific details of type of bus, days / hours of operation and area to be covered by the service shall be agreed in writing with the local planning authority prior to commencement of the service.

Reason: In the interests of highway safety and accessibility.

- 14 Prior to the commencement of any development on site, other than that approved under conditions 9, 10 or 11, detailed schemes for the access road, junctions and footways along the access road (to include the installation of street lighting on the access road), shall be submitted to, and agreed in writing, by the local planning authority. For the avoidance of doubt, this shall include any necessary Traffic Regulation Orders. Development shall be carried out in accordance with those details approved.

Reason: In the interests of highway safety and accessibility.

- 15 Prior to the commencement of any development, other than that approved under conditions 9, 10 or 11, detailed schemes for the upgrading of rights of way Box 49, Box 50, Box 51 and Corsham 63 within 1500m of the site shall be submitted to, and agreed in writing by the local planning authority. For the avoidance of doubt, this shall include any necessary Traffic Regulation Orders. Development shall be carried out in accordance with those details approved.

Reason: In the interests of highway safety and accessibility.

- 16 Prior to first occupation of any of the buildings, the access road, access road footway, access road street lighting, junctions and rights of way improvements shall be completed.

Reason: In the interests of highway safety and accessibility.

- 17 Before development commences a construction method statement including phasing of development in relation to nature conservation interests shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.

Reason: In the interests of nature conservation.

INFORMATIVES:

1. Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers.
2. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Red Line OS map 1624 PL 00 A1/1:1250 x
Existing Site Plan 1624 PL 01 A0/1:500 x
Proposed Site Plan - ground level & levels 1624 PL 02 A0/1:500 x (part superseded by 1624 PL 100 received by the Local Planning Authority 03/06/08)
GP Surgery 1624 PL 04 A1/1:100 x
Gate House & Contemplation Space 1624 PL 05 A1/1:100
Tree retention and removal plan 264/110
Lighting Plan 264/120
Landscape Layout (except as amended by 264/102A and 264/116A) 264/100

Plan - Level 00 1624 PL 10 A1/1:200 x
Plan - Level 01 1624 PL 11 A1/1:200 x
Plan - Level 02 1624 PL 12 A1/1:200 x
Plan - Level 03 1624 PL 13 A1/1:200 x
Plan - Level 04 1624 PL 14 A1/1:200 x
Plan - Roof 1624 PL 15 A1/1:200 x
Long Elevations 1624 PL 20 A0/1:200 x
Short Elevations 1624 PL 21 A1/1:200 x
Sectional Elevations 1624 PL 30 A1/1:200 x
Sectional Elevations 1624 PL 31 A1/1:200 x
Bay Study 1 1624 PL 50 A1/1:50 x
Bay Study 2 1624 PL 50 A1/1:51 x

Plan - Ground Floor 1624 PL 60 A1/1:200 x
Sectional Elevations 1624 PL 61 A1/1:200 x
Elevations 1624 PL 62 A1/1:200 x
Unit Plan Type A & B - ground flr 1624 PL 63 A1/1:50 x
Unit Plan Type A & B - first flr 1624 PL 64 A1/1:50 x
Unit Plan Type A & B - roof 1624 PL 65 A1/1:50 x
Unit Plan Type C - second flr 1624 PL 66 A1/1:50 x
Unit Plan Type C - roof 1624 PL 67 A1/1:50 x
Unit Plan Type D & E - ground flr 1624 PL 68 A1/1:50 x
Unit Plan Type D & E - first flr 1624 PL 69 A1/1:50 x
Unit Plan Type D & E - second flr 1624 PL 70 A1/1:50 x
Unit Plan Type D & E - roof 1624 PL 71 A1/1:50 x
Unit Type A - Elevations 1624 PL 72 A1/1:50 x
Unit Type B - Elevations 1624 PL 73 A1/1:50 x
Unit Type C - Elevations 1624 PL 74 A1/1:50 x
Unit Type D - Elevations 1624 PL 75 A1/1:50 x
Unit Type E - Elevations 1624 PL 76 A1/1:50 x
Bathroom Layouts 1624 PL 80 A1/1:20 x

All received by the local planning authority 22/01/2008

Dated: 11 November, 2008



Development Control Manager

NORTH WILTSHIRE DISTRICT COUNCIL
Town and Country Planning Act 1990

PERMISSION FOR DEVELOPMENT

1. The Local Planning Authority HEREBY GRANT PLANNING PERMISSION subject to the scheduled conditions (if any) for the development proposed by the applicant in the application, which is expressly incorporated herewith and is briefly described in the Schedule forming part of this permission.
2. The scheduled conditions (if any) have been imposed for the reasons set out in the Schedule.
3. "The Local Planning Authority", "the scheduled conditions", and "the application" referred to above are those described in the Schedule.

NOTES

1. **Time Limits on Planning Permissions.** By virtue of Section 91 - 96 of the Town and Country Planning Act 1990, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits (as appropriate) will apply:-
 - 1.1 **Where planning permission is given in outline** subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made within 3 years from the date of the outline planning permission and further the development to which the permission relates must be begun either within 2 years from the final approval of all the matters reserved.
 - 1.2 **Where the planning permission is complete and is not in outline** then the development must be begun not later than the expiration of 3 years from the date on which permission was granted.
2. **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 district 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.

In particular the applicant is reminded of the following matters:-

- 2.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. You are advised to contact Building Control before considering work on site);**
- 2.2 the need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath;
- 2.3 The need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
- 2.4 the need to make any appropriate arrangements under the Highways Act 1971, in respect of any works within the limits of a public highway. The address of the Highway Authority is Wiltshire County Council, County Hall, Trowbridge.

(It is the responsibility of the applicant to ascertain whether his development affects any public right of way or listed building.)

3. **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. (Appeals must be made on a form which is obtainable from the Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

4. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
5. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.