Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2022/05505

Decision Date: 16 May 2023

Applicant:	Kellaway Building Supplies Ltd Olympus House, Britannia Road, Patchway, Bristol, BS34 5TA
Particulars of Development:	Erection of 3 no. Commercial Units (Class E(g)/B2/B8) with Associated Service Yard, Parking and Landscaping.
At:	Land at Methuen Park, Chippenham

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: (23)

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:

Site location plan 2727 P 100
Site plan 2727 P 101 rev.J
Elevations – Unit 1- Kelleway Builders Merchant 2727 P 400 rev.D
Elevations – unit 2 & 3 2727 P 405 rev.C
Floor Plan – Unit 1 – Level 0%1 2727 P 200 rev.C
Floor Plan – Unit 2&3 – Levels 0&1 2727 P 205 rev.C
Landscape proposals 992-02

Arboricultural Methood Statement (Wharton Natural Infrastructure Consultants, reference 220405 AMS V2, dated July 2022)
Preliminary Ecological Appraisal (Focus Environmental, reference: 0602, dated 11/05/22)
Swept path analysis 22205 001 rev.P4
Section through acoustic fence 2727 P 410
Sales drawing (with capping) Jackoustic fenc 4m high J7/01047
Jakoustic fencing specification (Jacksons Fencing, ref: JF49/Q40/1119/v1)
Updated Drainage Technical Note - 13902-CRH-XX-XX-RP-C-0001-P4 (prepared by Campbell Reith)

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

3 Notwithstanding the provisions of the Town and Country Planning (General permitted development) Order 2015 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), the buildings hereby granted planning permission shall be used for uses falling into use classes E(g)(i), (ii) or (iii) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification) and for no other purpose or use.

REASON: In light of the location of the application site, parking requirements and proximity of residential properties, whilst the proposed use is acceptable, but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

4 The development hereby permitted shall not, at any time, be subdivided into a larger number of units than that shown on the submitted plans.

REASON: In light of the location of the application site and level of on street parking in the locality, so as to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional units on the site.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending this Orders with or without modification there shall be no additions (including no additional floorspace), extensions or other external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans unless planning permission has been specifically granted following receipt of a planning application by the local planning authority.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for

additions/extensions or external alterations, or the installation of any outdoor plant/machinery.

6 No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

7 No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

8 Notwithstanding the details submitted, all externally located cycle parking shall be of an undercover design, details of which shall have been submitted to and agreed in writing by the Local Planning Authority prior to the first use of the development hereby permitted.

REASON: To ensure that the facilities for the parking of cycles is of a type that accords with the Wiltshire Council LTP3 Cycling Strategy.

9 Each respective employment unit shall not be first occupied until such time as its respective cycle and Powered Two-Wheeler parking and facilities (including any and all internal parking and changing/washing facilities), as shown on the approved plans, have been provided in full and made available for use. All cycle and Powered Two-Wheeler parking and facilities shall be retained and made available for use in accordance with the approved details at all times thereafter.

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

10 No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 07:00 or after 23:00 Monday to Saturday, or before 09:00 or after 16:00 on Sundays and public

holidays.

REASON: To protect the amenity of the locality, especially for people living nearby, in accordance with Core Policy 57.

11 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To protect the amenity of the locality, especially for people living nearby, in accordance with Core Policy 57.

12 Noise emissions attributable to both internal and external operations of each commercial unit shall be limited to a level not exceeding 44dB (LAeq, 1 hour) during the daytime period of 07:00-20:00 hours, 39dB (LAeq, 1 hour) during the daytime period of 20:00-23:00 hours, and 32 dB (LAeq 5 mins) during the night-time period of 23:00-07:00 hour. The sound level is to be determined by way of direct measurement at a height at 1.5 metres above ground height at the boundary of any noise sensitive premises that is accessible by the applicant or their consultant as well as the Local Planning Authority.

REASON: To protect the amenity of the locality, especially for people living nearby, in accordance with Core Policy 57.

13 Prior to the first occupation or use of any of the employment units hereby granted planning permission, and in accordance with the submitted details (drawings: Section through acoustic fence 2727 P 410, sales drawing (with capping) Jackoustic fence 4m high J7/01047, Jakoustic fencing specification (Jacksons Fencing, ref: JF49/Q40/1119/v1) and site plan 2727 P 101 rev.H) details of an acoustic barrier shall have been submitted to and agreed in writing by the Local Planning Authority. Such an acoustic barrier shall be installed in along the South Eastern boundary of the application site (fronting Easton Lane) at a height of at least 4 metres above the ground and shall be of solid construction with a density of at least 25 kg per M2 with no gaps present. The acoustic barrier shall be erected in accordance with the details so agreed and shall be maintained in the required position for the lifetime of the development.

REASON: To protect the amenity of the locality, especially for people living nearby, in accordance with Core Policy 57.

14 No industrial processes of any type, plant or machinery shall be carried out or installed outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

15 No external lighting of any kind shall be installed on the site or on any building hereby grant planning permission until such time as the location and detailed specification of that lighting has been submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of securing a form of development which does not incorporate external lighting that causes an unacceptable impact upon the amenities and living conditions of those persons living in existing and to be constructed residential development or upon the landscape from inappropriate sky-glow as well as in the interests of conserving biodiversity.

16 Notwithstanding the submitted documents and approved plans, no development above slab level shall take place on site until a scheme to demonstrate how the development will achieve the relevant BREAM Excellent Standard, has been submitted to and approved in writing by the Local Planning Authority

A BREEAM As Built Excellent Certificate for the completed development shall be submitted to the Council within 6 months of the occupation of the development hereby approved. Once completed the requirements as set out in the report shall be retained and maintained in the approved form without modification.

In the event that the site circumstances are deemed such that the costs of complying with BREEAM to an 'Excellent' level would undermine viability of the development, then a lower standard must be clearly justified within a financial viability appraisal carried out by a suitably qualified practitioner. In this case, no development shall commence on site until the financial viability appraisal has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of sustainable development.

17 No development shall commence above ground floor slab level until details of a scheme of the intended method of the storage and management of refuse and recycling (including details of location, size, means of enclosure and materials) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use or occupied until the approved scheme for refuse and recycling storage and management has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety and collection by the Council where appropriate.

18 No development above slab level shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

19 Prior to the installation of the required acoustic barrier along the South-Eastern boundary of the site, a dedicated scheme for the retention and protection of existing trees as well as a planting and soft landscaping along and facing the roadside verge so as to mitigate the appearance of the barrier shall have been submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall include the planting of some mature species so as to provide immediate relief to the appearance of the barrier along with climbing plants (and method of affixing to and up the barrier itself) as well as other planting which will grow and provide long term visual softening and mitigation. The agreed details of the planting, soft landscaping and method of affixing climbing plants to the acoustic barrier shall be implemented at the same time as the acoustic barrier being erected and shall be maintained in that condition in accordance with other conditions imposed on this planning permission thereafter.

REASON: In view of the height and nature of the acoustic barrier required to be installed and its presence to Easton Lane, so as to provide planting and soft landscaping that will mitigate that visual impact in the immediacy but also for the longer term.

20 Other than where required as part of a separate condition imposed on this planning permission, a 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 building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting (including those installed in front of the acoustic barrier) shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants (including those installed in front of the acoustic barrier) 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.

21 Other than the racking and bulk storage areas shown on the layout plan (2727 P 101 rev.J),

no materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site. The heights of the racking and bulk storage areas shown on the approved plans shall not exceed 4.0m and 1.8m respectively.

REASON: In the interests of the appearance of the site and the amenities of the area.

22 The development will be carried out in strict accordance with the following documents:

Preliminary Ecological Appraisal (Focus Environmental Consultants, May 2022)
Landscape Proposals Drawing No. 992-02 ((Bridge Design Associates, 12/07/2022)
Biodiversity Metric 3.1 07/12/2022
Biodiversity Net Gain Assessment (Focus Environmental Consultants, 01/12/2022)

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

23 The development shall be carried out in complete accordance with the recommendations set out in the Arboricultural Method Statement (Wharton Natural Infrastructure Consultants, reference 220405 AMS V2, dated July 2022).

REASON: To protect the trees on site and at the boundary.

Informatives: (8)

24 The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

25 The applicant is requested to engage with and support the local community in their aim to ensuring the hedgerows and the immediate vicinity of the site is kept clean and well maintained.

26 With respect to drainage conditions specified above, hydraulic models should set the MADD factor / additional storage volume factor to 0m3 / ha in order to prevent an overestimation of storage capacity in the proposed drainage network.

The applicant should note that if the intention is to offer the roads for adoption, the LLFA does not provide for the approval of drainage suitable for adoption by the Highway Authority. Further approval should be ascertained from the Highway Authority. To find out more about the processes required to secure road adoption, contact the Highway Authority at HighwaysDevelopment@wiltshire.gov.uk.

27 The application states that foul drainage will discharge to a public sewer. This requires consultation with the sewerage undertaker for the area, Wessex Water (WW). It is noted that WW have confirmed that there is capacity for domestic flows but have not yet confirmed capacity for trade effluent. The applicant is advised to seek confirmation from WW that there will be sufficient capacity for trade effluent prior to commencing detailed design.

28 With regard to condition relating to refuse and recycling, the applicant should note that non-residential premises will require suitable storage space for waste containers that is accessible to a refuse collection vehicle. Applicants should estimate the type and quantity of waste generated by the commercial premises and plans should demonstrate that the space is suitable for the waste generated, preferably with containers drawn in situ. Any tracking provided should show that the refuse collection vehicle can access the storage point or a designated collection point. Details and guidance for appropriate arrangements can be found on the Councils website.

29 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

30 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

31 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.

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