Wiltshire Council

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 20/08577/FUL

Agent JMS Planning & Development Ltd Build Studios 203 Westminster Bridge Road Lambeth London SE1 7FR United Kingdom	**Applicant** Shell UK Oil Products Limited C/o Agent
Particulars of Development: Application for Full Planning Permission for the redevelopment of the existing petrol filling station; including the demolition of the existing sales building, jet wash and forecourt including removal of the underground fuel tanks; and erection of new sales building, forecourt and canopy; provision of new underground tanks and associate pipe work; provision of electric vehicle charging hub and associated plant; provision of car parking and bin storage area; and associated works.	
At: 129-133 (Shell Bemerton), Wilton Road, Salisbury, SP2 7JB	

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:

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:

Existing Layout - drawing no. 10019043 PLNG-01 2020 - dated June 2020
Existing Elevations - drawing no. 10019043 PLNG-02 2020 - dated June 2020
Proposed Layout - drawing no. 10019043 PLNG-03 2020 Rev A - dated 18 December 2020
Proposed Elevations - drawing no. 10019043 PLNG-04 2020 Rev A - dated 18 December 2020

Proposed Building Elevations - drawing no. 10019043 PLNG-05 Rev A - dated 18 December 2020
Block Plan- drawing no. 10019043 PLNG-06 - dated June 2020
Site Location Plan - drawing no. 10019043 PLNG-07 - dated June 2020

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

3 No above ground construction work shall commence on site until details of the brick to be used on the development 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 order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4 Prior to the commencement of the development hereby permitted a construction management plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England). The plan shall include as a minimum:

i. An introduction consisting of demolition & construction phase environmental management plan, definitions and abbreviations and project description and location;
ii. A description of management responsibilities;
iii. A description of the demolition and construction programme;
iv. Site working hours and a named person for residents to contact;
v. Detailed site logistics arrangements;
vi. Demolition and construction vehicle movements;
vii. Demolition and construction operation hours;
viii. Demolition and construction delivery hours (to not exceed 0800 to 1800 hrs Monday to Friday, 0800 to 1300hrs Saturday and no working on Sundays or Bank Holidays);
ix. Expected number of construction vehicles per day;
x. Car parking for contractors;
xi. Arrangements for on-site off-loading and storage of construction plant and materials as no parking or off-loading will be permitted from the A36;
xii. Details regarding dust and noise mitigation;
xiii. Details of other measures to mitigate the impact demolition and construction on the amenity of the area and safety of the highway network; and
xiv. Communication procedures with the LPA and local community regarding key construction issues - newsletters, fliers etc.

Construction shall be carried out in accordance with the approved plan.

REASON: The information is required prior to commencement because the application contained insufficient detail in this regard to ensure that the development is undertaken in a manner that is in the interests of the safe and efficient operation of the A36 trunk road and in the interests of the amenity of the area.

5 Prior to the commencement of the development hereby permitted a surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England). Surface water drainage shall be implemented in accordance with the agreed plan and maintained as such thereafter.

REASON: The information is required prior to commencement because the application contained insufficient detail in this regard to ensure that the development is undertaking in a manner that is in the interests of the safe and efficient operation of the A36 trunk road and to protect the integrity of the highways drainage asset.

6 Prior to the first use of the development hereby permitted, details of an acoustic boundary treatment along the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be carried out in accordance with the agreed details before the building first comes back into use following the redevelopment works hereby approved.

REASON: In the interests of the amenity of the neighbouring residential properties from undue noise disturbance in accordance with Core Policy 57 of the Wiltshire Core Strategy 2015.

7 In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed be a written verification report that confirms what works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 Prior to occupation a lighting scheme must be submitted for the approval of the Local Planning Authority in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone XX in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011.

Before commencement of operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E2 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:2011. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

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

INFORMATIVE TO APPLICANT:

The applicant is advised that the operators of the PFS will need to update the Environmental Permit held by the site under reference WC EP/190 to reflect the changes proposed (number of tanks / installation of S2 vapour recovery). Further advice is available from the Public Protection office who can be contacted on 0300 456 0107 or via publicprotectionwest@wiltshire.gov.uk

Signed

Sam Fox

Director Economic Development & Planning
Dated: 7th January 2021

Town and Country Planning Act 1990

PERMISSION FOR DEVELOPMENT

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.

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

   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). 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.

   Appeals where an enforcement notice has been issued. Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

   'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or
   expiry of the specified period;
   'Type B appeal', 28 days from the date on which the enforcement notice is served;
   ['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—
   (a) was served no earlier than 2 years before the application is made;
   (b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and
   (c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);
   'Type B appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—
   (a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the

appeal, or (ii) the expiry of the specified period;
(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d)of the Order; and
(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]"

3. **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 Communities and Local Government, 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 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.

4. **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.

5. **Discharge of Conditions.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council's website. The fee is payable per request and not per condition. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

   You are advised that the as local planning authority has up to 12 weeks to consider the request, that you apply well in advance of when you intend to start work

6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at **http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming** or you can contact the Address Information Team on 01225 770508 or by email at **streetnaming@wiltshire.gov.uk**

7. **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.