Wiltshire Council

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Prior approval Part 3 Class R: Agricultural buildings to a flexible commercial use - Prior Approval Granted

Application Reference Number: PL/2023/06558

Decision Date: 28 September 2023

Applicant:	Ms Mary Askew Priory Farm, Axford, Marlborough, Wiltshire, SN8 2HA
Particulars of Development:	Prior approval under Part 3 Class R for Change of Use from Agriculture to Flexible Commercial Use
At:	Building at Harrow Farm, Froxfield SN8 3HT

The local planning authority has determined in this case that its prior approval will be required and that this prior approval is **GRANTED** subject to the following condition(s):

Conditions: (4)

1 1. The development hereby approved shall be implemented in accordance with the details of approved plan numbers:
- Location Plan (RW Planning dated 3rd August 2023).

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

2 The change of use hereby permitted shall not take place until details of the end use have been submitted to and approved in writing by the local planning authority. As a minimum, the details shall include:

- description of the intended end use, relative to the uses set out within the schedules of the Town and Country Planning (Use Classes) Order 1987 (as amended);
- hours of operation;
- details of any processes that could generate noise, vibration, smell/odour, fumes, smoke, soot, ash, dust or grit;
- number and location of car parking spaces within the curtilage;
- site access arrangements (to confirm no site access from the A4).

Thereafter, the use of the building shall be operated in accordance with the approved details.

REASON: To ensure the end use of the building is appropriate to the site location and that future use(s) do not give rise to excessive noise or harm to highways safety in accordance with the aims of paragraphs 110, 183 and 185 of the National Planning Policy Framework.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any future order revoking or reenacting that order, the flexible use hereby permitted shall be limited to:
- Class C1 (hotels) of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended);
- the below uses of Class E of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended);
Use, or part use, for all or any of the following purposes—
(a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
(b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
(c) for the provision of the following kinds of services principally to visiting members of the public—
(i) financial services,
(ii) professional services (other than health or medical services), or
(iii) any other services which it is appropriate to provide in a commercial, business or service locality,
(e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
(g) for—
(i) an office to carry out any operational or administrative functions,
(ii) the research and development of products or processes, or
(iii) any industrial process,
being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

REASON: To ensure the traffic and highways impacts of the development are appropriate to the individual circumstances of the site and to prevent harm to highways safety in the locality in accordance with the aims of paragraph. 110 of the National Planning Policy Framework.

4 The change of use hereby permitted shall not commence until a (other than such works required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

(i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
An assessment of the potential risks to:
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- groundwater and surface waters,
- ecological systems.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

(ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all

works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

(iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

(iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

(v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

(vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

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, to ensure that risks from land contamination to the future users of the land are minimized and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims of paragraph 183 of the National Planning Policy Framework.

Informatives: (2)

5 INFORMATIVES

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 landowner's consent before such works commence. Nor does the permission authorise the commencement of any use that may require a license, permit or any other such permission to be granted by other authorities.

The applicant's attention is drawn to the standard conditions set out within Schedule 2, Part 3 Class R and paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The change of use granted planning permission under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) relates only to the use of the building and does not confer any permission for the carrying out of building, engineering, mining or other operations (required to convert the building into the flexible commercial use) in, on, over or under land as defined by Section 55 of the Town and Country Planning Act. 1990 (as amended).

6 The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Parvis Khansari **- Corporate Director, Place**