Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2024/00301

Decision Date: 05 March 2024

Applicant:	- C/O Agent, -, -, -, -, -
Particulars of Development:	Variation of condition 2 for application PL/2023/03931 "Change of use of former agricultural buildings to provide two warehouses (Use Class B8), one of which to include a ground-floor ancillary reception and trade counter, with upper-floor office space (E(g)(i)); two business start-up units (Use Class E(g)(i)); repositioned access; and associated car and cycle parking, drainage works and landscaping."
At:	PRY FARM, 4 THE PRY, PURTON, SWINDON, SN5 4JP

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 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 compliance with the following conditions:

Conditions: (25)

1 The development hereby permitted shall be begun by 08th December 2026.

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 and to reflect the terms of consent ref. PL/2023/03931.

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

- Location plan ref. 22102-100-C.
- Topographical survey ref. 24955-200-01 Rev A.

- Existing site block plan ref. 22102.101.
- Existing floorplans sheet 1 of 3 ref. 24955-100-03FP Rev A.
- Existing floorplans sheet 2 of 3 ref. 24955-100-03FP Rev A.
- Existing floorplans sheet 3 of 3 ref. 24955-100-03FP Rev A.
- Existing building elevations ref. 24955-100-02E.
- Proposed site layout ref. 22102-109-G.
- Warehouse 1 existing and proposed roof plans ref. 22102-115-A.
- Warehouse 1 proposed elevations and floorplan ref. 22102.110-D.
- Warehouse 2 elevations and floorplans ref. 22102-111-D.
- Office and business units existing and proposed roof plans ref. 22102-117.
- Office proposed floorplans ref. 22102.102-A.
- Office proposed elevations ref. 22102.103-B.
- Business starter units proposed elevations and floorplan ref. 22102.112-B.
- Construction Management Plan and Waste Audit ref. 9107 Issue 2.
- Transport Statement ref. 9107 issue 2.
- Surface water drainage strategy ref. 9107 issue 2.
- Warehouse 2 existing and proposed roof plans ref. 22102-116.
- Landscape plan ref. C406-P-01.
- Ecological Impact Assessment ref. PRI24166_EclA_C rev C.
- Ecological enhancement plan ref. PRI24166.
- Biodiversity metric calculator dated 13/03/23 and received 31/10/23.
- Swept path analysis estate car ref. 9107-204 rev A.
- Swept path analysis articulated HGV ref. 9107-203 rev A.

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

3 Before the commencement of the development hereby approved, excluding any demolition works, the applicant is required to submit to the Local Planning Authority for written approval:

- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 30 year rainfall event and
- Calculations and drawings for the drainage system design showing designated holding areas and conveyance routes based on no flooding on site for a 1 in 100 year plus climate change rainfall event in respect to a building (including basement) or utility plant susceptible to water within the development.

REASON: to demonstrate that runoff from the 1 in 30-year rainfall would be contained within the drainage system without causing flooding to any part of the site; and in order that runoff from a 1 in 100-year plus climate change rainfall event would not cause flooding to any building (including a basement) or utility plant.

4 Before the commencement of the development hereby approved, excluding any demolition works, the applicant shall submit to the Local Planning Authority for written approval a

sensitivity analysis on the network considering surcharged outfall conditions.

REASON: to ensure that any flooding resulting from a surcharged outfall would not affect people or property.

5 Before the commencement of the development hereby approved, excluding any demolition works, the applicant shall submit to the Local Planning Authority for written approval details of finished floor levels that demonstrate they would be above the maximum predicted 100-year flood level or if no flooding is predicted, at a sufficient height above the surface water drainage cover levels. The LLFA recommends 150mm, but this can be lower if it can be proved that the property would be safe from overland flows during extreme events.

REASON: to ensure that there is no risk to persons or properties during extreme flood events.

6 Owing to the presence of asbestos onsite, before the development hereby approved commences, a written remedial statement shall be submitted for approval in writing by the Local Planning Authority. This shall subsequently be followed by a written verification report to confirm what works 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.

7 Prior to the commencement of development, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
b) Working method statements for protected/priority species, such as, badgers, nesting birds and bats.
c) Mitigation strategies already agreed with the Local Planning Authority prior to determination, such as for bats. This should comprise the preconstruction/construction related elements of strategies only.
d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present onsite.
e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
The development shall be carried out in strict accordance with the approved CEMP.

REASON: to ensure adequate protection and mitigation for ecological receptors prior to and

during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

8 Prior to any of the development hereby approved being brought into first use, a scheme of Ultra Low Energy Vehicle infrastructure shall be submitted to the Local Planning Authority for written approval. The scheme shall thereafter be permanently retained.

REASON: in the interests of air quality and to respond to the Council's declared climate emergency.

9 Prior to installation, the applicant shall submit to the Local Planning Authority an assessment of the acoustic impact arising from any process/plant(s) associated with the development, which shall be undertaken in accordance with BS 4142: 2019. The assessment shall include a scheme of attenuation measures to demonstrate the rated level of noise shall be 5dB below background for new plant and is protective of local amenity.

Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptors.

The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post-installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: in the interests of neighbour amenity.

10 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should encompass the onsite and off-site mitigation areas and will include:

a. Long-term objectives and targets in accordance with the approved Biodiversity Metric calculator.
b. Management responsibilities and maintenance schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme as identified in the approved Ecological Impact Assessment
c. The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).
d. A procedure for review and necessary adaptive management in order to attain targets.
e. Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: to ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

11 Notwithstanding the approved plans, no development shall commence onsite until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 160 metres to the right and left from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900 mm above the level of the adjacent carriageway.

REASON: in the interests of highway safety.

12 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture to those detailed on the application form and approved plans.

REASON: in the interests of visual amenity and the character and appearance of the area of visual amenity and the character and appearance of the area.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), as per the labelling on the approved layout plan ref. 22102-109-G, the buildings shall be used only as follows and for no other purposes:

- Warehouse 1: B8 storage and distribution.
- Office: ground-floor ancillary reception and trade counter in connection with Warehouse 1 and with E(g)(i) upper-floor office space.
- Warehouse 2: B8 storage and distribution.
- Business units: E(g)(i) offices.

None of the B8 floorspace shall be brought into use until the E(g)(i) office floorspace has been completed.

REASON: the development is considered acceptable on the basis that there is an identified need for the specific proposed uses. A condition is therefore justified in order to ensure the retention of the approved uses, as well as ensure the prior delivery of the office floorspace, in order to avoid a scenario where no office floorspace is provided.

14 There shall be no other trade counter within the site beyond that identified on plan ref. 22102-102-A. The floor area of the approved trade counter shall not be enlarged.

REASON: to ensure that the trade counter remains of an ancillary scale and does not develop into a retail use, which could risk drawing trade away from town and local centres.

15 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.

REASON: in the interests of the appearance of the site, the amenities of the area and the setting of heritage assets.

16 The uses hereby permitted and the delivery and dispatch of goods shall only take place between the hours of 0800 in the morning and 1800 in the evening from Mondays to Fridays. The use shall not take place at any time on Saturdays, Sundays and Bank or Public Holidays.

REASON: to ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

17 The development hereby approved shall be undertaken in accordance with the approved landscaping plan ref. C406-P-01. All soft landscaping shall be carried out in the first planting and seeding season following the first occupation of any of the buildings or the completion of the development, whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants 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.

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), the following shall not be installed at the site, unless agreed in writing by the Local Planning Authority:

- Security fencing.
- Gates.

REASON: in the interests of visual amenity.

19 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: to ensure that adequate provision is made for parking within the site in the interests of highway safety.

20 Prior to the first use of any part of the development hereby permitted, the developer shall provide a consolidated access ensuring that the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: in the interests of highway safety.

21 The existing vehicular accesses shall be stopped up and returned to highway verge concurrently with the provision of the new access hereby approved being first brought into use. Within six months of the completion of the development hereby approved, the sole means of vehicular access shall be the one identified in the agreed plans.

REASON: in the interests of highway safety.

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

REASON: in the interests of neighbour amenity.

23 An odour assessment shall be submitted for approval in writing by the Local Planning Authority and any necessary mitigation measures shall be implemented before the first use of any of the buildings hereby approved. Any mitigation measures shall be retained in effective working condition thereafter.

REASON: in the interests of neighbour amenity.

24 No external lighting shall be installed on site unless approved in writing by the Local Planning Authority.

REASON: in the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and in the interests of biodiversity.

25 The approved ecological mitigation and enhancement measures shall be carried out in accordance with the approved plans and documents, or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of the biodiversity mitigation features will be supervised by a professional ecologist and this part of

the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These measures will continue to be available for wildlife for the lifetime of the development.

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

Informatives: (5)

26 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.
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.

27 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.

28 The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence 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 our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application.

29 Should the applicant be minded to apply to instal lighting at a later date, it must be installed so as to not adversely impact nearby residential properties and to conform to the recommendations for environmental zone E2 or better in the ILP document "Guidance Notes for the Reduction of Obtrusive Light - Guidance Note 01:20.

30 The Council's EV charging requirements go further than The Building Regulations Approved Document S 'Infrastructure for the charging of electric vehicles' (AD-S) in that the Council requires the number of commercial EV charging points to be 1 in 5 spaces (20%) at a minimum. As nitrogen dioxide is created as a waste product of combustion engines, these EV requirements are considered paramount in meeting the objectives of the council's Air Quality Action Plans and the requirements of section 83A of the Environment Act 1995 (as amended by Schedule 11 of the Environment Act 2011). The Council does not consider the mechanism

of Building Regulations as a method of requiring EV charge points sufficiently reliable enough given the importance of the issue, particularly as there are a number of caveats within Approved Document S which could lead to EV charge points not being installed where they are needed.

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