Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/11126

Decision Date: 26 July 2024

Applicant:	Norbeck Ltd, UNIT 1, NORBECK ENTERPRISE CENTRE, FURNAX LANE, WARMINSTER, WILTSHIRE, UK, BA12 8FT.
Particulars of Development:	107 additional storage units.
At:	Norbeck Enterprise Centre, Furnax Lane, Warminster, BA12 8FT

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: (14)

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 and documents:

Drawing numbers: 1250 A130A Site plan & drive up layout, 1250 A211E Site elevations as proposed received on 10.04.2024. 1250 003 Location plan received on 21.12.2023. BC00426 101 Rev I Proposed drainage strategy Dated October 2023 received 06.11.2023.

Documents: Earth, Environmental,& Geotechnical combined Environmental Investigation report. Norbeck, Furnax Lane, Warminster. Ref: B2211/22 Sept 2022

received on 21.12.2023. Norbeck Enterprise Centre, 107 Additional units, Landscape Ecology Management Plan (LEMP) 1436 Version 10 Date 08 April 2024 received on 10.04.2024. Norbeck Enterprise Centre, 107 Additional units, Construction Environment Management Plan (CEMP) 1436 Version 10 Date 08 April 2024 received on 10.04.2024. Design & Access Statement December 2023 by David Brain Partnership; Waste Management Policy & Planning Application Form received on 21.12.2023.

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

3 The materials to be utilised within this development shall accord with the schedule of materials as described within the planning application form and accompanying plans received on 23.12.2023.

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

4 If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination until steps (i) and (ii) have been complied with in full in relation to that contamination.

Step (i) Unexpected Contamination
In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised in writing 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.

The remediation report shall be submitted to and approved in writing by the Local Planning Authority.

Step (ii) Verification of remedial works:
Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

The verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of ground or water pollution from previously unidentified contamination sources at the development

site. This is in line with paragraph 180(F) of the National Planning Policy Framework.

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

- Drawing: Site Elevations, No: A211E, Rev: E, Date: 20.03.2024 by David Brain Partnership
- Drawing: Site Plans & Drive-Up Layout, No: A130A, Rev: A, Date: 20.03.2024 by David Brain Partnership
- Construction Environmental Management Plan (CEMP), 107 additional on-site storage
units, 1436/ Version 1.0, Date: 08 April 2024 by Johns Associates
- Landscape & Ecology Management Plan (LEMP), 107 additional on-site storage units, 1436/ Version 1.0, Date: 08 April 2024 by Johns Associates

The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and 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.

6 Within three months of the completion of the works photographic evidence of the installed biodiversity mitigation and enhancement measures as detailed in the below drawings must be submitted to and approved in writing by the local planning authority:

- Drawing: Site Elevations, No: A211E, Rev: E, Date: 20.03.2024 by David Brain Partnership
- Drawing: Site Plans & Drive-Up Layout, No: A130A, Rev: A, Date: 20.03.2024 by David Brain Partnership

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

7 No additional external light fixture/s or fitting/s shall be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on the bat habitat compared to the existing situation.

Any such lighting details within the plans shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP)

Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: To avoid illumination of habitat used by bats

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the development hereby approved shall be used solely for the purposes of:

i) Offices as defined by Use Class E(g)(i) as set out by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020;
ii.) General Industrial - as defined by Use Class B2 the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting or amending that Order with or without modification), and
iii.) Storage or distribution - as defined by Class B8 the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting or amending that Order with or without modification.

REASON: The proposed uses are acceptable, but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

9 The detached garage building as permitted and shown on plan drawings AO01, A104A, A105, A106, A107, 185/PA/01 and A204A within planning permission reference 19/12156/FUL, shall be used for the purposes of housing an existing borehole and associated mechanical and electrical equipment, including a pump and tank and for general ancillary storage purposes associated to the hereby approved uses on the site, with no other use(s) whatsoever.

REASON: In order to define the use of the garage building.

10 No burning of waste or other materials shall take place on the development site during the construction phase of the development.

REASON: In the interests of amenity.

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: In the interests of amenity.

12 All the soft landscaping proposals as shown on approved drawing No.185/PA/01 titled Landscape Proposals dated 16.12.2019 within planning permission reference 19/12156/FUL shall be carried out in the first planting and seeding season following the bringing into use of phases 2 and 3 or upon the completion of the development whichever is the sooner. All the 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.

13 The proposed scheme shall be carried out in accordance with the proposed site drainage measures as highlighted within plan reference BC00426 101 Rev I Proposed drainage strategy Dated October 2023.

REASON: For the avoidance of doubt and in the interests of site drainage measures.

14 No drainage system for the infiltration of surface water to the ground are hereby permitted. Any proposal for such systems must be supported by an appropriate assessment of the risks to controlled waters. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: To protect the water environment and ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution.

Informatives: (1)

15 The applicant is advised that (i) no construction/demolition vehicle access may be taken along footpath reference: WARM15 without prior consultation with the Wiltshire Council Countryside Access Officer. Where appropriate any safety /mitigation /reinstatement measures must be approved by the Wiltshire Council Countryside

Access Officer, so that the public right of way remains available and convenient for public use. (ii) No materials, plant, temporary structures or excavations of any kind shall be deposited or undertaken which would obstruct or adversely affect the public right of way, whilst development takes place, so that the public right of way remains available and convenient for public use.

The applicant is advised that in relation to artificial lighting, many species of wildlife are active at night such as bats and badgers and are sensitive to light pollution. The introduction of uncontrolled artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbances can constitute an offence under the relevant wildlife legislation.

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2017) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. 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.

The applicant's attention is drawn to the comments made by Network Rail

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

4 **CIL.** 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. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy