Wiltshire Council

The Town and Country Planning Act 1990
Approval of Variation of Conditions
Application Reference Number: PL/2023/10211
Decision Date: 19th September 2024

Applicant:	Mr Peter Gibson-Barnfather 188 Hanworth Road, Hampton on Thames, TW12 3EY
Particulars of Development:	Variation of condition 2 of 20/04104/FUL - To allow changes to units G, H and I providing three smaller units; an enlarged visitor and overflow parking area north of units J to N; removal of parking to the north of units A, F and G; and to agree details for conditions 4, 16, 17. 18, 19, 21 and 22 previously required by 20/04104/FUL
At:	Unit 8, South Newton Industrial Estate, Warminster Road, South Newton, SP2 0QW

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: (17)

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

Application Form & Certificate
Ref: OS – Site Location Plan. Received – 09.01.2024
Ref: LBP-01-P7 – Proposed Ground Floor Plan. Received – 09.07.2024
Ref: LBP-02-P4 – Roof & Site Plan. Received – 09.07.2024
Ref: LBP-03-P4 – Outer Elevations. Received – 09.07.2024
Ref: LBP-04-P5 – Unit Elevations. Received – 09.07.2024
Ref: LBP-05-P4 – Sections. Received – 09.07.2024
Ref: LBP-06-P4 – 3D View 1. Received – 09.07.2024

Ref: B&E-PP-01-A Rev B – Garden Master Plan. Received – 19.09.2024
Ref: GL Planting Details. Received – 23.11.2023
Ref: 50526/PJ/C – Lighting Plan. Received – 19.09.2024
Ref: 2022EQ0284-HBL-XX-XX-DR-D-0501 Rev P03 – Proposed Drainage Plan. Received – 09.07.2024
Ref: X:\Projects\262431\Geomatics\Setup – Site & Proposed Trench Location Plan. Received – 23.11.2023

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

2 The development hereby approved shall be carried out in accordance with the approved material details that were identified and agreed by letter dated 20.07.2021 (considered under ref: PL/2021.05620).

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

3 All soft landscaping comprised in the approved details of landscaping and approved plans 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 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.

4 No part of the development hereby permitted shall be first occupied 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.

5 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), there shall be no additions / extensions / 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.

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 The development hereby permitted shall not, at any time, be subdivided into a larger number of units or combined into larger units.

REASON: To enable the Local Planning Authority to consider individually whether planning permission should be granted for additional units on the site in the interests of highway safety.

7 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 site shall be used solely for Light Industrial purposes within Class E(g) of the Schedule to the Town
and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re- enacting that Order with or without modification).

REASON: The proposed use is 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, having regard to the circumstances of the case and in the interests of highway safety.

8 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 and the amenities of the area.

9 No industrial processes, plant or machinery shall be carried out/installed outside any building on the site.

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

10 All building services plant (including air conditioning units and any air handling plant etc) shall be so sited and designed in order to achieve a Rating Level (BS4142:2014) of at least 5dB below the measured background noise level (LA90T) determined at the nearest noise sensitive receptor, when the plant is intended to operate.

REASON: In the interests of the neighbouring residential amenities

11 The use hereby permitted shall only take place between the hours of 08:00 and 18:00 from Mondays to Fridays; and between 08:00 and 13:00 on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

REASON: In the interests of neighbouring residential amenities

12 No deliveries shall be made to or collections made from the site except between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturdays.

REASON: In the interests of neighbouring residential amenities

13 No construction or demolition work of the development hereby approved 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 neighbouring residential amenities

14 The external lighting shown on the approved plans shall be installed and maintained in accordance with the approved details. Any further external lighting installed at the site shall be designed to the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication “Guidance Notes for the Reduction of Obtrusive Light” (ILE, 2005)” and be installed and maintained in accordance with these standards.

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

15 The development hereby approved shall be carried out in accordance with the approved infiltration, drainage and surface water drainage strategies for the site.

REASON: To prevent contamination; water pollution; and to ensure that the site can be adequately drained without increasing flood risk to others.

16 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

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

17 The development hereby approved shall be carried out in accordance with the approved foundation details.

REASON: To ensure that the proposed development does not harm groundwater resources

Informatives: (5)

1 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.

2 The applicant’s attention is drawn to the advice and guidance provided by the Environment Agency for this application in their letter dated 18th December 2020

3 The surface water discharge from the site cannot be any more than 2l/s

4 The Applicant will need to apply for Wiltshire Council Land Drainage Consent to discharge into any nearby ordinary watercourses or the EA for discharge into any main rivers

5 Please note that as the application is proposing the use of a blanket soakaway within the drainage design, it should be ensured that impermeable liners are employed to prevent water ponding around building foundations

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