Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: 21/00081/FUL

Decision Date: 21 February 2025

Applicant:	Lidl Great Britain Ltd Mr D Preece, Central Park, Palmer Avenue, Severn Beach, Bristol, BS35 4DF
Particulars of Development:	Phased development to comprise: erection of a Class E(a) retail store, car parking and servicing areas, access, landscaping and associated works (Phase I); and erection of 10 employment units for use within Classes E(g), B2 and/or B8, car parking and external areas, access, landscaping and associated works, including a balancing pond (Phase II).
At:	Land to the east of Oxford Road, Calne

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 39 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:

Implementation

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.

Approved plans

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

AD 100D - SITE LOCATION PLAN
AD 101D – EXISTING SITE PLAN

AD 110L - PROPOSED LIDL SITE PLAN
AD 111B – PROPOSED LIDL BUILDING PLAN
AD 112A – PROPOSED LIDL ROOF PLAN
AD 113E – PROPOSED LIDL ELEVATIONS
AD 114K - PROPOSED LIDL BOUNDARY TREATMENTS
AD 115K - PROPOSED LIDL SITE FINISHES
AD 116L - PROPOSED LANDSCAPE DESIGN & SPECIFICATION
AD 117N - PROPOSED LANDSCAPE DESIGN & SPECIFICATION
AD 118J - PROPOSED LIDL SITE TOPO OVERLAY PLAN
AD 119G - PROPOSED LIDL SITE SECTION
AD 120G - PROPOSED LIDL STREET SCENE
AD 125P - PROPOSED COMBINED SITE PLAN
AD 130K - PROPOSED EMPLOYMENT UNITS STREET SCENE A&B
AD 131K - PROPOSED EMPLOYMENT UNITS STREET SCENE C&D
AD 132H - PROPOSED EMPLOYMENT UNITS SITE SECTION
AD 160N - PROPOSED EMPLOYMENT UNITS SITE PLAN
AD 161C - PROPOSED EMPLOYMENT UNITS 1-10 BUILDING PLANS
AD 162C - PROPOSED EMPLOYMENT UNITS 1-10 ROOF PLANS
AD 163L - PROPOSED EMPLOYMENT UNITS 1-4 ELEVATIONS
AD 164J - PROPOSED EMPLOYMENT UNITS 5-10 ELEVATIONS
AD 168L - PROPOSED EMPLOYMENT UNITS SITE TOPO OVERLAY PLAN
AD 170L - PROPOSED EMPLOYMENT UNITS SITE BOUNDARY TREATMENTS
AD 171L - PROPOSED EMPLOYMENT UNITS SITE FINISHES
AD 175H - PROPOSED PHASING PLAN
AD 176B - PROPOSED EMPLOYMENT UNIT SITE SECTION - BALANCING POND
5012803-RDG-XX-ST-PL-C-PO4– MAIN ACCESS DRAWING
5012803-RDG-XX-ST-PL-C-PO4-LAYOUT– TOUCAN CROSSING DRAWING
5012803-RDG-XX-ST-PL-C-PO4-2201 - UNIT 1 TO 10 TRACKING
5012803-RDG-XX-ST-PL-C-PO4-2200 – MAIN ACCESS DRAWING CAR TRACKING
D-448690 – REV 1 – LIDL CAR PARK LIGHTING PLAN

SD_701 rev.J – PROPOSED SITE LEVELS PLAN SHEET 1-2
SD_702 rev.H – PROPOSED SITE LEVELS PLAN SHEET 2-2

20-0833.08_REP_ECOLOGY_TN_2022-04-21
20-0833.08 – BIODIVERSITY METRIC 3.0
20-0833.08_REP_OXFORD-ROAD-CALNE_BNG_220706
20-0833.08_REP_OXFORD-ROAD-CALNE_BAT_2022-07-08
20-0883.01_CALNE_LLFALETTER_210305
20-0883.01_CALNE_LLFALETTER_220217
20-0833.02_REP_AIR QUALITY ASSESSMENT_15JAN2020
20-0833.01_REP_FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY_2021-12-15
20-0833_REP_HERITAGE STATEMENT_20200625
20-0833.04_REP_PRELIMINARY ECOLOGICAL APPRAISAL_201222-V2

ARBORICULTURAL ASSESSMENT UPDATED JULY 2022
DESIGN & ACCESS STATEMENT NOVEMBER 2021
FLOOD RISK SEQUENTIAL ASSESSMENT – DECEMBER 2021
L009 RETAIL UPDATE LETTER AND TABLES
L010 RESPONSE TO HIGHWAY, LANDSCAPE AND URBAN DESIGN COMMENTS
MARKET STATEMENT SEPTEMBER 2020
NOISE ASSESSMENT 8592 REVB
PHASE I SITE INVESTIGATION DESK STUDY REPORT
PLANNING RETAIL AND WASTE AUDIT STATEMENT
RESPONSE TO HIGHWAY COMMENTS (INCLUDING APPENDICES) HIGHWAYS (PREPARED BY RIDGE) - 15-02-22
RETAIL TECHNICAL NOTE 16 06 2021
STATEMENT OF COMMUNITY INVOLVEMENT V2
STATEMENT OF COMMUNITY INVOLVEMENT ADDENDUM
TECHNICAL NOTE – LIDL CALNE – ISSUED 22-04-21
TECHNICAL NOTE 02 (INCLUDING APPENDICES) HIGHWAYS (PEPARED BY RIDGE) – 19-08-21
TRANSPORT ASSESSMENT 22-12-20
TRAVEL PLAN – UPDATED DECEMBER 2021

108373_608698_NOTE_Oxford Road Calne_Air Quality_12 JAN 2024
105723_REP_Calne_Ecology_Addendum_23 12 20
Highway Letter – Lidl, Calne – D1 13 12 23
Land East of Oxford Road Calne – Market Statement – December 2023
Retail Technical Note 28 11 2023
LVIA 310124_Oxford Road Calne
LVIA – 404.064049.00001 OR-4 – Baseline Figures
LVIA – 404.064049.00001 Photosheets low-res
Flood Risk Assessment and Drainage Strategy 20-0833.01_REP_2023-12-15
Landscape Technical Note - 404.064049.00001
Species Enhancement Plan – Rev A – 07/04/22

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

Uses - employment

3. 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 employment floorspace element of the proposed development shall be used solely for purposes within Class E(g) or Classes B2 or B8 of Schedule 2 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 application site is allocated for employment uses and the proposed

development would be unacceptable if the employment floorspace element were to switch to other town centre use classes without prior consideration via a separate planning application in that regard.

4. Office floorspace (Use Class E((g)i) in the development shall be no greater than 2,499sqm.

In order to not harm the vitality and viability of nearby centres and to comply with Core Strategy Policy CP34 to the Wiltshire Core Strategy.

Uses – retail element

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), the retail element of the proposed development shall be used solely for purposes within Class E(a) 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(es), having regard to the circumstances of the case and its potential impact upon the town centre.

6. The retail element of the development shall not at any time be sub-divided to create more than one unit and the maximum net sales area of the retail unit hereby permitted shall not exceed 1414 sqm.

REASON: To enable the Local Planning Authority to consider individually or cumulatively whether planning permission should be granted for additional units and to protect the vitality and viability of the town centre.

7. No more than 20% of the approved net sales area of the retail unit shall be used for the sale of comparison goods.

REASON: To protect the vitality and viability of Calne Town Centre.

8. The retail element of the development shall not be first brought into use until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved in writing by the Local Planning Authority; and the approved scheme has been brought into operation. The approved scheme shall thereafter be maintained in operation in accordance with the approved details.

REASON: In the interests of the character, appearance and amenities of the area.

Permitted development rights

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2 Part 7, Classes A, C, D, E, F, G, H, I, J and K shall take place on the buildings or within the curtilage of any of the buildings hereby granted planning permission.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider whether planning permission should be granted for additions, extensions or enlargements.

Appearance and landscaping

10. Unless otherwise agreed in an alternative timetable beforehand, all soft landscaping comprised in the approved details of landscaping within each respective element (ie. employment and retail elements) shall be carried out in the first planting and seeding season following the first occupation/commercial use 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/first commercial use of each respective element 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 both components of the development (employment and retail) and the protection of existing important landscape features.

11. Prior to the commencement of the construction of each respective car parking areas, final details of the final design/specification of the urban tree pit/s proposed for the 9 (nine) number trees located in the food store car park and for the 14 (fourteen) number trees located in the employment unit car park (as illustrated by drawings; AD_116 Rev L (Proposed Landscape Design & Specification – Lidl Store) & AD_117 Rev N (Proposed Landscape Design & Specification – Employment Site) shall be submitted to and agreed in writing by the Local Planning Authority. The design of the tree pit/s shall include details of tree pit dimensions / available rooting volume for tree root growth; details of tree planting soil/tree growing medium; details of tree grilles & frame supports or other alternative measures to prevent tree pit soil compaction from traffic and pedestrian loading; details of tree pit watering system; details of tree

support; and details of protective bollards or tree guards; to prevent physical damage to tree stems arising from vehicle movements and vehicle over run. The finally approved details of the tree pits in hard surfaced areas shall be implemented/constructed prior to the first commercial use of the car park within each respective element 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 application contained insufficient information to enable this technical matter to be fully considered as part of the detailed approval of the detailed landscaping scheme prior to granting planning permission.

12. Prior to each respective element (ie. employment and retail elements) of the development being occupied, full and complete details of all climbing plants together with their required plant support system/s (Green Blue Urban – Urban Series or similar approved) as illustrated on drawings; AD_113 Rev E (Lidl Elevations) & AD_163 Rev J (Employment Units 1-4 Elevations) shall be submitted to the LPA for its final written approval. The finally approved details of climbing plants and their associated plant support system/s shall be implemented as part of each respective element taking place and in the first planting and seeding season following the first occupation or use of the respective buildings or the completion of each respective elements, whichever is the sooner.

REASON: To ensure a satisfactory landscaped setting for the development and the application contained insufficient information to enable this technical matter to be fully considered as part of the detailed approval of the detailed landscaping scheme prior to granting planning permission.

13. All retaining walls across the development shall be constructed of reconstituted stone, the final details of which shall have been submitted to and agreed in writing by the Local Planning Authority beforehand.

REASON: The development will result in substantial retaining walls being created and their construction and finish should be appropriate to the development and context within which they will be seen.

14. Notwithstanding the submitted plans and prior to development above slab level within the employment phase, details of the access path to the balancing pond shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with those details so agreed.

REASON: So as to ensure access to the balancing pond as an amenity feature is possible.

<u>Sustainable construction</u>

15. Notwithstanding the submitted documents and approved plans, and unless otherwise agreed with the Local Planning Authority, no development above slab level within any phase shall take place on site until a scheme to demonstrate how the development within that phase will achieve the relevant BREEAM Excellent Standard, has been submitted to and approved in writing by the Local Planning Authority

A BREEAM As Built Excellent Certificate for the completed phase of development shall be submitted to the Council within 6 months of the occupation of the phase of development hereby approved. Once completed the requirements as set out in the report shall be retained and maintained in the approved form without modification.

In the event that the site circumstances are deemed such that the costs of complying with BREEAM to an 'Excellent' level would undermine viability of the phase of development, then a lower standard must be clearly justified within a financial viability appraisal carried out by a suitably qualified practitioner. In this case, no development within that phase shall commence on site until the financial viability appraisal has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of sustainable development and so as to address the requirements of policy CP41 to the Wiltshire Core Strategy.

Access and parking

16. No part of the development shall be first brought into use, until the visibility splays shown on the approved plans ('Proposed Landscape Design and Specification, 20017, AD_117 Rev N in the north direction (2.4m x 120m) have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

17. No part of the employment element of the development hereby permitted shall be first brought into use until the access, parking spaces, and turning area have been completed in accordance with the details shown on the approved plans 'Proposed Combined Site Layout, 20017, AD-125 Rev P. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

18. Unless otherwise agreed as part of another condition attached to this planning permission, no part of each respective element (ie. employment and retail) of the development shall be first occupied or used until the vehicular and pedestrian access and routes, turning area and parking spaces within that element of development have been completed in accordance with the details

shown on the approved plans and made available for use. The areas shall be maintained for those purposes at all times thereafter.

REASON: To ensure that adequate provision is made for parking within each respective element of the development (both employment and retail) in the interests of highway safety.

19. Prior to the first opening or use of the retail element of the development, the cycle parking facilities, comprising six stainless steel Sheffield-type cycle stands positioned under the canopy adjacent to the shopfront (as shown on drawing number: 20017, AD110 Rev L shall be provided in accordance with the approved details and made permanently available. That cycle parking shall be retained and made available for use at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles at the retail element of the development are provided and to encourage travel by means other than the private car.

20. Prior to the first use or occupation of each respective element (ie. employment or retail) of the development and notwithstanding the car parking layout details shown on the submitted plans, a scheme for the parking of cycles at the employment element of the development and the parking of Powered Two Wheelers at both the employment and retail elements of development shall have been submitted to and agreed in writing by the Local Planning Authority. The agreed cycle and Powered Two-Wheeler parking arrangements shall be implemented and made permanently available for their intended use prior to the first use of each respective element of the development.

REASON: To render a sustainable form of development and so as to ensure the development is provided with an appropriate level of parking for cycles and Powered Two Wheelers in accordance with the Wiltshire Local Transport Plan 2011 – 2026, Cycling and Powered Two-Wheeler strategies.

21. Prior to the commencement of each respective element of the development, a scheme of Ultra Low Energy Vehicle (ULEV) infrastructure for that element shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme for the ULEV infrastructure shall be implemented and made available for use prior to the first use or occupation of each of the respective elements of the development and shall remain in that condition and available for use thereafter.

REASON: Core Policy 55. Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

22. Prior to the first use or occupation of the retail store a full and updated travel plan (based upon that prepared by Ridge Associates, dated December 2021) shall be submitted to and approved in writing by the Local Planning Authority. The full travel plan when approved shall be implemented (including the appointment of a travel plan co-ordinator) immediately at store opening.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

Servicing of retail store

23. No deliveries to or collections from the retail development hereby permitted shall be made outside the hours of 06:00am and 23:00pm Monday to Saturday and 07:00am and 18:00pm Sundays and Bank Holidays.

REASON: So as to ensure that the amenity and living conditions of surrounding residents, particularly at High Penn, Dew Way and Weston Close are not unacceptably affected.

24. The retail store development shall not be occupied until a service yard management scheme has been submitted to and approved by the local planning authority. Such a scheme shall include the method of ensuring reversing beepers from delivery/collection vehicles do not disturb surrounding residential occupiers. The development shall be operated in full accordance with the provisions of the agreed service yard management scheme.

REASON: So as to ensure that the amenity and living conditions of surrounding residents, particularly at High Penn, Dew Way and Weston Close are not unacceptably affected.

Servicing of employment element

25. No deliveries or collections from the employment element of the development hereby permitted shall be made outside the hours of 07:00am and 23:00pm Monday to Saturday, with no deliveries or collections on Sundays or Bank Holidays.

REASON: So as to ensure that the amenity and living conditions of surrounding residents, particularly at High Penn, Dew Way and Weston Close are not unacceptably affected.

Construction phase

26. No part of each relevant element (ie. the employment and retail elements) of the development shall commence on site (excluding demolition), until a Construction Method Statement, which shall include the following:

a) the parking of vehicles of site operatives and visitors;
b) loading and unloading of plant and materials;
c) storage of plant and materials used in constructing the development;
d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
e) wheel washing facilities;
f) measures to control the emission of dust and dirt during construction;
g) a scheme for recycling/disposing of waste resulting from construction works;
h) measures for the protection of the natural environment (taking account of those measures recommended within the submitted Ecology Addendum (dated 20/12/23));
i) hours of construction, including deliveries; and
j) Means of access for construction traffic

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Method Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved Construction Method Statement.

REASON: In the interests of highway safety and residential amenity, particularly for the nearest residents at High Penn, Dew Way and Weston Close.

27. No site preparation, construction, or internal fitting out of buildings 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: So as to ensure that the amenity and living conditions of surrounding residential occupiers are not unacceptably affected, particularly for the nearest residents at High Penn, Dew Way and Weston Close.

Drainage

28. No development shall commence within any phase of development until a scheme for the discharge of surface water for that phase, including SuDS (sustainable drainage systems) and all third-party approvals, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that all elements of the development can be adequately drained without increasing flood risk to others.

29. No development shall commence on any phase of development until details of the works for the disposal of sewerage including the point of connection to the existing public sewer for that phase have been submitted to and approved in writing by the Local Planning Authority. No building within that phase shall be occupied until the approved sewerage details for that phase have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that all elements of the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

Noise – employment element

30. Prior to the employment element of the development hereby permitted first being brought into use, an assessment of the acoustic impact arising from the operation of any B2 and/or B8 activity shall be undertaken in accordance with BS 4142: 2019. The assessment shall be submitted to and approved in writing by the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise from any plant, machinery or process shall be 5dB below background 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.

A post installation noise assessment shall be carried out within 3 months of completion of the employment element of the development so as to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary.

The development shall at all times thereafter be operated in accordance with the approved assessments and mitigation measures remain in place in perpetuity.

REASON: So as to ensure that the amenity and living conditions of surrounding residential occupiers are not unacceptably affected, particularly for the nearest residents at High Penn, Dew Way and Weston Close.

Noise – retail element

31. Prior to the retail element of the development hereby permitted first being brought into use, a noise-mitigation scheme shall be submitted in writing and approved in writing by the local planning authority detailing measures that will be implemented to demonstrate the rated level of noise from plant is 5dB below background levels so that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

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 development shall at all times thereafter be operated thereafter in accordance with the approved assessments and mitigation measures remain in place in perpetuity.

REASON: So as to ensure that the amenity and living conditions of surrounding residential occupiers are not unacceptably affected, particularly for the nearest residents at High Penn, Dew Way and Weston Close.

Odour

32. Prior to the first use or operation of the in-store bakery within the retail store, a scheme of works for the control and dispersal of atmospheric conditions (in particular emissions from cooking or baking of food) shall have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before any on site cooking or baking takes place and shall be maintained in effective working condition at all times thereafter.

REASON: So as to ensure that the amenity and living conditions of surrounding residential occupiers are not unacceptably affected, particularly for the nearest residents at High Penn, Dew Way and Weston Close.

External lighting

33. Prior to first use or occupation of each respective element of the development the applicant shall prepare and submit a validation report (and in the case of the retail element, based on the external lighting scheme set out in the submitted LiAS design notes & luminaire schedule and proposed lighting layout drawing (reference DWG 01, dated 04/03/22)). Such a validation report shall have been prepared by a suitably qualified member of the institute of lighting professionals (ILP) and shall validate that the lighting scheme as installed conforms 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. All external lighting at the retail element of the proposal, as validated, shall be implemented in accordance with the agreed details and shall thereafter be permanently retained in that condition.

REASON: So as to ensure that the amenity and living conditions of surrounding residential occupiers are not unacceptably affected, particularly for the nearest residents at High Penn, Dew Way and Weston Close.

Trees

34. The development shall be carried out as specified in the approved Arboricultural Assessment prepared by Tim Pursey dated December 2021 and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

Ecology

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

- Proposed Landscape Design and Specification Drawing No:AD_117 Revision N (One Design Architects, submitted July 2022)
- Proposed Landscape Design & Specification, AD-116, Rev: L (Date: 28.06.22 by Desing Architects)
- Bat Survey Report (Delta-Simons Limited, July 2022)
- Species Enhancement Plan (Delta-Simons, April 2022)
- Biodiversity Net Gain Assessment (Delta-Simons, July 2022)
- Preliminary Ecological Appraisal Technical Note (April 2022)
- Ecology Addendum (Delta-Simons, 20/12/23)

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

36. Prior to the start of construction within any phase, a Landscape and Ecological Mitigation and Management Plan (LEMMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The LEMMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets. The LEMMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMMP 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.

37. Other than shown on the approved plans, no additional external lighting shall be installed within the site unless previously agreed with the LPA. Any lighting plan must include details of all lighting units and a lux plot which demonstrates that a level of 0.5Lux or less can be achieved at the boundary features of the site.

The plans will 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 ensure protection of sensitive wildlife within the zone of influence of the site.

Storage and refuse

38. Prior to the first use or occupation of each respective element of the development (ie. the employment and retail elements), details of the intended arrangements for the storage of refuse and recycling, including details of location, size, means of enclosure and materials, within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling storage arrangements shall be implemented prior to the first use of occupation of each respective element for the development and made available for use for that purpose thereafter.

REASON: In the interests of public health and safety.

39. Except within the delivery yard of the retail store, there shall be no external storage of any description unless otherwise agreed in the form of a separate planning permission in that regard.

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

Archaeology

40. No development shall commence (excluding demolition) within the area indicated on the site location plan until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; the investigation should take the form of a phase programme of mitigation works, starting with a desk assessment, and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

INFORMATIVES TO APPLICANT:

This permission shall be read in conjunction with an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), dated 21/02/25.

This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may 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.

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.

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 landowners 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.

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. This is 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.

In discharging conditions 30-32 to this planning permission, the applicant is recommended to consult EMAQ Guidance - Control of odour and noise from commercial kitchen exhaust systems https://ee.ricardo.com/downloads/air-quality/control-of-odour-and-noise-from-commercial-kitchen-exhaust-systems

The applicant should note that the costs of carrying out a programme of building recording and/or watching brief and/or archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question. The applicant should also note the consultation representations of Wessex Water as to its infrastructure and existing capacity and potential requirements and liaise with them accordingly.

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.

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

Wiltshire Council's land drainage bylaws can be downloaded here. The land drainage consent application form and guidance notes can be found on our website here.

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.

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 Community Infrastructure Levy (CIL) - Wiltshire Council