Wiltshire Council

The Town and Country Planning Act 1990

Approval of Outline Planning Permission (Some Matters Reserved) with Conditions

Application Reference Number: PL/2023/10388

Decision Date: 01/08/2025

Applicant:	The Long Field (Market Lavington) Limited 42 London Road, Newbury, RG14 1LA
Particulars of Development:	Outline planning permission (matters to be considered: Access only) for up to 14 dwellings (Use Class C3) and a food store (Use Class E(a)), together with open space, drainage, parking and associated access, infrastructure, landscaping and removal of bus shelter.
At:	Land South of The Spring, Market Lavington, Devizes

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:

1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

(a) The scale of the development;

(b) The layout of the development;

(c) The external appearance of the development;

(d) The landscaping of the site.

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

Informative:

Landscaping - a detailed planting plan setting out species, planting locations, densities, and specification (to National Plant Specification) and all tree pits shall be sized to provide enough soil volume for the tree species specified to allow it to reach its mature spread and

height (as required in the Wiltshire Design Guide Supplementary Planning Document).

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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

- Site Location Plan, Dwg No. 50990-XX-P1-01 v2
- 'Illustrative Layout Plan', Dwg No. 50990-XX-P1-02 v8
- Parameter Plan, Dwg No. 50990-XX-P1-03 v3
- Landscape Parameter Plan, Dwg No. 310_GLA_00_00_DR_L_1001 P1

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

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

(a) Ecological Assessment (Pro Vision, October 2023 Report Reference: Ecology 8009 Version 05)

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

6 The development hereby permitted shall be carried out in accordance with the broad principles set out in Appendix G of the Ecological Assessment (Pro Vision, October 2023) titled 'Proposed Habitats and Enhancement Plan.' Drwg. No. 8009-xx-E0-05. V2. This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys.

REASON: To protect the ecology on the site.

7 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveways), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local

Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

8 No development shall commence on site, including clearance of vegetation, until a revised metric calculation (Biodiversity Metric 4.0) has been submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of any part of the development hereby approved a report, which demonstrates that the development has been completed in accordance with the approved metric calculation, shall be submitted to and approved in writing by the Local

Planning Authority. The report will demonstrate for habitat, hedgerow and watercourse that the development will achieve at least 1% biodiversity net gain.

REASON: To meet the requirements of CP 50, Policy 1 of the Market Lavington Neighbourhood Plan and the NPPF (2023) in delivering biodiversity net gain on the site.

9 Prior to the commencement of works, 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 nesting birds and reptiles.

(c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or 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 on site.

(e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

(f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences 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.

10 Prior to the commencement of development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The

LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development site, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken 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 Any extraction and refrigeration plant shall be so sited, designed and maintained so that the sound level does not exceed 5dB below the existing background level as measured and assessed in accordance with BS4142:2014+A1:2019. Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptor.

Prior to first use, a post installation acoustic assessment shall be carried out to confirm compliance with the noise criteria and any 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 the amenity of the area.

12 Prior to the commencement of development, including site clearance, a plan (including details) for the selection, siting, positioning and installation of integral nesting/roosting features (ratio of 1 feature: 1 building) for birds and bats shall be submitted to, and approved in writing by, the local planning authority.

The plan shall show the green infrastructure that the development is to provide, illustrating how birds and bats using the features have access to the relevant habitat/food

resource in nearby suitable habitat. The installation plan should be prepared in accordance with the requirements of BS 42021.

The integral nesting/roosting feature should identify, as a minimum:

(a) the bird/bat species likely to benefit from the proposed integral feature;

(b) the type of integral feature to be installed;

(c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;

(d) the location on each building where features are to be installed, shown on all appropriate building plans and elevations.

The integral feature plan should be implemented in accordance with the approved details and all features retained in that manner thereafter.

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

13 No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

14 The hours of operation, including deliveries to and from the commercial premises, shall only take place between the hours of 07:00hrs to 23:00hrs Monday to Saturday and 08:00hrs to 21:00hrs on Sundays and Bank/Public Holidays

REASON: In the interests of the amenity of the area.

15 No construction 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 the amenity of the area.

16 There shall be no burning undertaken on site at any time

REASON: In the interests of the amenity of the area.

17 All soft landscaping comprised in the approved details of landscaping 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, or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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 and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats.

18 Prior to the commencement of development a plan shall be provided to and approved in writing by the local planning authority to demonstrate the visibility splays across the site frontage. No dwelling shall be occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm

above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety

Informative

19 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 https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

Informative

20 This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 31st July 2025.

Informative

21 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.

Informative

22 The attention of the applicant is drawn to the contents of the correspondence provided by the Councils Land Drainage officer when generating the necessary level of detail to resolve the surface wate SUDs strategy.

Informative

23 As part of the required details to be submitted on the reserved matters application appropriate detail shall be supplied in order to demonstrate how waste collections will function on the development, to meet the requirements of policies CP3 and WCS6. In effect this would require submitted plans to follow the guidance in the SPD. The council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption.

Informative

24 The applicant is advised to discuss with the Parish Council a financial contribution towards upgrading the local pavements to the site to encourage sustainable and safe access to the proposed food store and the development site as a whole.

Nic Thomas **- Director of Planning, Economy and Regeneration**

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