

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: E/2012/0177/FUL

Agent Bayliss Design Suite 3 Georgian Mews 24A Bird Street Lichfield Staffordshire WS13 6PR	Applicant Fraser Garages Ltd Georgetown House Foxhall Road Didcot Oxfordshire OX11 8SD
Parish: MARLBOROUGH	
Particulars of Development: Erection of petrol filling station with ancillary car wash and jet washes (Amendment to E/11/1254/FUL)	
At: Hertford Road, Marlborough, SN8 4AW.	

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), subject to compliance with the condition(s) specified hereunder:-

Permission granted for the following reason:

- 1 The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to Central Government Planning Policy set out in PPS1, PPS4, PPS5 and PPS7 and the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1, ED7 and NR7.

Subject to the following conditions:

- 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 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:

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

[The applicant is advised that the roof of the buildings (including the canopy) should be coloured dark grey to accord with the terms of the original planning permission relating to Marlborough Business Park].

- 3 The petrol filling station, shop and car wash shall be closed and there shall be no customers/members of the public on the site outside the hours of 0600 and 2300 from Mondays to Saturdays and outside the hours of 0630 and 2230 on Sundays and 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.

- 4 All external plant and equipment to be installed at the site shall be as specified in the "BS4142 Noise Impact Assessment" by H&H Acoustic Consultancy Division and the additional "Noise Impact Assessment for the Relocation of the Service Yard" by Grant Acoustics both received on the 7th February 2012 which accompany the planning application. All noise mitigation measures also specified in these assessment shall be installed in accordance with the assessment (inc. figure 1 at Appendix C of the Noise Impact Assessment except insofar as amended by the service yard mitigation measures in the Grant Acoustics Report), prior to the first use of any of the external plant and equipment or prior to the first opening of the development to the public, whichever is the sooner. The noise mitigation measures shall be permanently retained on site thereafter.

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.

- 5 The delivery and despatch of goods to and from the site shall be limited to between the hours of 0700 and 2200 on Mondays to Sundays. All doors and gates to the service yard shall remain locked and closed between the hours of 2200 and 0700 on Mondays to Sundays.

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.

- 6 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 have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON:

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

- 7 The use of the jet washers and vacuum equipment shall be restricted to between the hours of 0700 and 1800 Monday to Sunday.

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.

- 8 The 'rollover' car wash shall only operate with its doors shut. At no time shall the 'rollover' car wash be operated with its doors open.

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.

- 9 Prior to the proposed development being brought into use a right turning lane shall be laid out in white thermoplastic road markings, following the design principles of DfT document TD42/95, on Blenheim Road in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON:

In the interests of highway safety.

- 10 Notwithstanding the details shown in the application particulars, the pedestrian footway over the Hertford Road frontage shall be constructed at an overall width of 2m. The pedestrian footway shall be completed (including surface course) prior to the first opening of the development to the public.

REASON:

In the interests of highway safety.

- 11 Prior to the development hereby approved being first opened to the public, visibility shall be provided at a height not exceeding 1 metre above carriageway level over a strip 2.4 metres wide, parallel and adjacent to the carriageway edge over the entire Hertford Road frontage of the site. The visibility so provided shall thereafter be maintained.

REASON:

In the interests of highway safety.

- 12 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing nos. 6412-SLP (received by lpa 7/2/2012), BLP-Rev B (received by lpa on 7/2/2012), 03-1 Rev G (received by the lpa on 7/2/2012), 03 Rev i (received by lpa 7/2/2012), 01(received by lpa 7/2/2012), 02 Rev Rev J (received by lpa 7/2/2012), 02-1 Rev J (received by lpa 7/2/2012) and 03-2 Rev D (received by lpa 7/2/2012).

"BS4142 Noise Impact Assessment" (including Figure 1 at Appendix C) by H&H Acoustic Consultancy Division dated 9-8-2011 and received by the lpa on 7/2/2012 and the Noise Impact Assessment for the Relocation of the Service Yard at Marlborough Petrol Filling Station dated 1st February 2012 and received by the lpa on the 7/2/2012.

Signed



Director for Development Services

Dated: 27 March 2012

PERMISSION FOR DEVELOPMENT

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 district 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.

In particular the applicant is reminded of the following matters:-

- 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 footpath;
- 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 public highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD.

(It is the responsibility of the applicant to ascertain whether his development affects any public right of way or listed building.)

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. (Appeals must be made on a form which is obtainable from the Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
5. **Discharge of Conditions.** The Government introduced new fees for the discharge of planning conditions from 6th April 2008. The fee is payable per request and not per condition. The fee chargeable is £25 per request for householder development and £85 per request for all other types of development. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

You are advised that the as local planning authority has up to 12 weeks to consider the request, that you apply well in advance of when you intend to start work

6. If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at <http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming> or you can contact the Address Information Team on 01225 770508 or by email at streetnaming@wiltshire.gov.uk

