

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 16/12236/FUL

Agent PlanningSphere Ltd Coworking The Guild High Street Bath BA1 5EB	Applicant Hawke Ridge Business Park Ltd 6 Kingsmead Square Bath BA1 2AB
Particulars of Development: Erection of 1 drive through retail unit (Class A5/A3); 3 retail units (Class A5); and 1 convenience store (Class A1) and associated works	
At: Hawke Ridge Business Park, Land North and South of Mill Lane, Hawkeridge, Wiltshire, Westbury, BA13 4LD	

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 187 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 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:

Dwg no L01 (Site location plan)
Amended dwg no. P001 rev B (Proposed site layout)
Dwg no. P101 (Proposed floor plans)
Dwg no. P102 rev A (Proposed elevations - retail units)
Dwg no. P103 rev A (Proposed elevations - drive thru)

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

- 3 No development shall commence above ground floor slab level until the exact 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: 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 the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 4 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure;
- all hard and soft surfacing materials;

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 the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5 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 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 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.

- 6 Prior to the first retail unit being opened for trading, the site access road, and the site junction and pedestrian refuge shown on Dwg no. P001 rev B, shall be completed in accordance with further construction details to be submitted to and approved by the local planning authority.

REASON: In order to provide adequate access to serve the development and in the interests of highway safety.

- 7 Prior to the first occupation of the fast food retail unit (class A5) hereby approved, a service vehicle management plan shall be submitted to and approved by the local planning authority. The plan shall detail how potential delivery/service vehicle and customer and staff car parking conflicts will be avoided, measures taken to ensure delivery/service vehicle space will be made available at anticipated delivery times, and details of the maximum size of delivery vehicle permitted. The plan shall also detail how staff will be used to assist with the reversing and manoeuvring of any service vehicles in the public parking area. The site shall be operated in accordance

with the approved service vehicle management plan.

REASON: To minimise potential conflict within the parking area when deliveries are made to the fast food retail unit and in the interests of highway safety.

- 8 No part of the development hereby permitted shall be brought into use until the access and parking spaces have been completed in accordance with the details shown on the approved plans (Dwg No. P001 rev B). The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 9 The visibility splays shown on submitted Dwg No. P001 Rev B shall be kept free at all times from any obstruction at a level in excess of 600 mm above the adjacent carriageway level.

REASON: In the interests of the safety of users of the development.

- 10 No development shall commence on site until a scheme for the discharge of foul water from the site, including any required off site works, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until on and off site foul water drainage has been constructed in accordance with the approved scheme

REASON: To ensure that the development can be adequately drained.

- 11 No development shall commence on site until a detailed drainage scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details, together with any required off site works to achieve the offsite connection, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until on and off site surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 12 No part of the development shall be brought into use until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority, and the approved ventilation/extraction equipment has been installed in accordance with the approved details. The approved ventilation and extraction equipment shall thereafter be maintained in a serviceable condition in accordance with the approved details.

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

- 13 No part of the development shall be brought into use until full details (including details of noise attenuation) of ventilation and filtration equipment to suppress and disperse any fumes and/or smell created from the cooking operations on the premises have been submitted to and approved in writing by the Local Planning Authority, and; the approved equipment has been fully installed in accordance with the approved details. The approved ventilation and extraction equipment shall thereafter be maintained in a serviceable condition in accordance with the approved details.

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

- 14 There shall be no customers/members of the public on the site outside the hours of 23.00 and 06:00 from Mondays to Fridays, nor between 23:00 and 07:00 on

Saturdays, nor between 18:00 and 07:00 on Sundays and Bank or 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.

- 15 No deliveries shall be made to or collections made from the development hereby approved except between the hours of 07:30 and 21:00 Mondays to Saturdays and between 08:30 and 20.00 Sundays and Bank or 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.

- 16 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays.

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.

- 17 Development at the application site will be delivered in accordance with the Ecological Assessment (version 5), dated March 2017, prepared by Ethos Environmental Planning and the Parameters Plan Revision C (planning application 14/03118/OUT dated 23 June 2014). Prior to the commencement of works on site an Ecological Clerk of Works shall be commissioned to ensure that the commitments and measures set out in the Ecological Assessment and Parameters Plan are implemented on site. All ecological features including existing hedgerows and trees and advance planting will be retained as shown on the plan and managed for biodiversity and landscape amenity in perpetuity.

REASON: To ensure adequate protection and mitigation for protected species / priority species / priority habitats through the implementation of detailed avoidance and mitigation measures.

- 18 Prior to the commencement of works on site a Site Lighting Plan shall be submitted to the local planning authority for approval. The Plan will demonstrate compliance with the documents and plans approved for application 14/03118/OUT and 14/10780/VAR including the Site Lighting Strategy and the Parameters Plan Revision C (planning application 14/03118/OUT dated 23 June 2014). The Plan will contain full details of external lighting including design and position of lighting appliances and lux plots showing effects of proposed lighting in combination with other approved developments. There shall be no external lighting erected or installed at the application site other than that which is presented in the Site Lighting Plan and which has received prior written approval from the local planning authority.

REASON: To ensure adequate protection and mitigation for protected species and their associated habitats.

- 19 The development hereby permitted shall not be brought into use until details of the storage of refuse and recycling facilities, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority, and; the approved refuse storage has been completed and made available for use in accordance with the approved details. The approved refuse storage shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of public health and safety.

- 20 Development shall not commence until details for the provision of a water supply and fire hydrants necessary to meet the fire-fighting needs of the development (including

the installation arrangements and the timing of such an installation) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the agreed details.

REASON: To ensure that adequate measures for fire-fighting can be incorporated into the development, including the construction phase.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species 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 planning permission 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.

INFORMATIVE TO APPLICANT:

The applicant should note the following comments from Network Rail:

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing /wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

DRAINAGE

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways/attenuation tanks should not be constructed within 20 metres of Network Rail's boundary. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land.

SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on before works begin.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary

fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Signed



Director for Economic Development & Planning

Dated: 21 April 2017

Town and Country Planning Act 1990
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 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.

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 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>). 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.

Appeals where an enforcement notice has been issued. Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or

expiry of the specified period;

'Type B appeal', 28 days from the date on which the enforcement notice is served;

['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) was served no earlier than 2 years before the application is made;

(b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and

(c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);

'Type B appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the

appeal, or (ii) the expiry of the specified period;

(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d) of the Order; and

(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]”

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 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.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council’s website. The fee is payable per request and not per condition. 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. **Street naming and numbering.** 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