

Agenda Item No. 5

Case Officer: Mr Robert Young

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Item No 07/03866/FUL Melksham (Town) 17.12.2007 Full Plan	Demolition of existing buildings (2500m2 A1 - established use, Storage and Distribution - 5,193m2) and erection of new food convenience store 4,645m2 gross with net sales area of 2,601m2 with proposed new vehicular access and new signalised junction with linked vehicular servicing area to the rear plus 249 car parking spaces Country Wide Farmers Ltd Bradford Road Melksham Wiltshire SN12 8LQ
Applicant:	Asda Stores Limited And Countrywide Farmers PLC

OFFICER APPRAISAL REPORT

Background

The application as set out in the officer's report and addendum note (Appendix 1), which was recommended for refusal by officers, was considered by members at the meeting of the committee, which met on the 8 January 2009 .

Members considered the officer's report and addendum, plus late representations and the applicants/agents representations and comments of various visiting members at the meeting. After consideration, it was not considered appropriate by members to refuse the application and officers were instructed to bring a report back to committee detailing the appropriate planning conditions and s.106 heads of terms for full consideration at a future meeting.

Members noted that in light of their stance in respect of the application, it would then need to be considered as a departure from the adopted Development Plan and would, as advised by officers, also need referral under the Town and Country Planning No.2 Shopping Direction Regulations 1993. Therefore officers were also instructed to consider suitable wording to explain why this application was to be allowed, as it was contrary to the Development Plan, and to clarify those matters when the application was reported back to members. Officers' advice is that it is important that these procedures are followed to minimise the risk of a judicial challenge.

Since the meeting, officers have discussed the s.106 heads of terms and condition matters with the applicants/agents and the key outcomes are firstly summarised with the list of conditions appended to this report as recommended by officers. The applicants and their agents have suggested a list of appropriate planning conditions (Appendix 2). Whilst it is appropriate for the Local Planning Authority to take those into account, it is important for the LPA to recommend an appropriate set of conditions for such a major development which, amongst other things, protect the town centre and the amenities of the nearest residents. It should, if granting permission, also safeguard as far as possible, the safe and free flow of traffic on the adjoining highway, and other routes to the town centre as well as pedestrian and cycling movements within and to and from the site.

Planning Conditions Guidance

All Local Planning Authorities are guided by current circular guidance, in this case circular 11/95, which requires that any conditions are relevant necessary etc; (see Appendix 3) and officers are fully aware of this. To conclude, in the view of the officers, the recommended conditions are considered reasonable and appropriate and balance the needs of the community, together with the operational needs and potential impact of the proposed retail development and also safeguard the Council's position.

Referral Issues

The applicant's agents have asked the LPA to justify the Council's position in respect of the departure from the development plan and shopping direction. Their letter dated 19 January 2009 is appended for members' information (Appendix 4). To support the Council's position officers have carried out the appropriate research, but have also asked for counsel's opinion for the avoidance of doubt. Members are advised that the counsel's report fully supports the Council's stance in that if members are minded to resolve to grant permission, the application should follow both the departure and shopping referral procedures.

Shopping Departure Matter

Officers have carried out a survey of the current shopping floor space capacity within the 10 mile radius of the application site as required under the current criteria set out in shopping direction No.2 1993 (Appendix 5). The threshold of 20,000m² has been exceeded substantially, to the effect that, taking into account other retail developments and a number of extant and implemented planning permissions within Melksham Town, Trowbridge, the Bath retail development, and Chippenham (ie. excluding Bradford on Avon and Calne), total potential additions amount to a net increase of approximately 60,000m². Prior to counsel's opinion being sought, officer's view is that there is no doubt that a shopping referral is the appropriate procedure to follow if members decide to move to formally approve and agree the suggested planning conditions and s.106 heads of terms now to be presented.

Departure from the Development Plan

Procedurally, the Town and Country Planning (Development Plans and Consultation) Departures Directions 1999 and Article 17 of the GPDO 1995 and subsequently the Planning and Compulsory Purchase Act 2004, require local authorities to notify the Secretary of State of applications for approval which are major departures from the Development Plan, subject to specific criteria (Appendix 6).

The LPA is relying upon the departure criteria which are concerned with the scale, nature or location of the land, which would significantly prejudice the implementation of the development plan's policies and proposals. Officers' view is that the provisions of a development plan constitute a material consideration in determining that application in so far as they are material to that application. If members agree with that view then following the formal referral, the Secretary of State has 21 days to decide whether to call the application in or not for his own determination or he may issue a holding direction.

The application site is situated out of the Melksham Town Centre, but within the town policy limits as shown on the proposal map. This is accepted by the applicant's agents in their supplementary statement para 2.15 (Appendix 7). The site is located within a mixed use site which is predominantly employment with an ancillary retail store. In effect 75% of the site is in B1 office and B8 storage use. The current store (2500m²) has the benefit of A1 retail through an established use certificate for a retail purposes and currently has 40 car parking spaces. The site is currently accessed in vehicular terms at two points from the adjoining highway. The proposed highway proposals would involve modification of the current site access junction to an all movement arrangement and a signalised junction at the A350/A365 Road junction. This would facilitate closure of the current roundabout access. Therefore any highway conditions required by the WCC highway authority will take into account these modifications. The proposed highway modifications are shown on the applicant's highway agents latest plan No. 0697/41 for members' information (Appendix 8).

Comments upon the applicants position on referral

A great deal of comment has been made by Asda's agents about the status of the application site. In response officers have set out their views as follows: The application site is within Town Policy limits, but is outside the main urban area and defined commercial boundary and also the Primary retail frontage of Melksham Town Centre. It is separated from the main urban area of Melksham by the A350.

The site is not a designated retail site. The current A1 established use (Country Wide Farmers) at 2,500 m2, is an ancillary retail use, as the whole site also comprises B1 office and storage (5,100m2).

Town and County Planning Act S.106 Matters

Officers have fully considered the applicant/agents proposed type and level of s.106 contributions which relates to:

* Sustainable transport measures specifically a £500k contribution based upon £100k per annum towards bus transport to Melksham Town Centre from the application site.

* Funding and implementation of off site highway works including the signalised junction modifications, which have been budgeted by the applicants at £600k.

Following consultations with the WCC highway authority, officers' view is that the first contribution should be made in full upon commencement of works and for sustainable transport measures to maximise flexibility and to allow consideration for improved pedestrian/cycle links from the site to the town centre. This approach also minimises the risk of potential repayment of contributions in the event of bus route failure.

Secondly WCC highways have requested that the applicants carry out all off-site works related to this proposal at their own cost, ie. not just based upon an estimated cost (£600k), if members decide to formally approve the application with the attached planning conditions and the s.106 heads of terms.

Wessex Water matters

Wessex Water have concerns about the impact of odour from the sewage works and its close proximity to the proposed food store building. They have suggested both condition and heads of terms for a legal agreement as follows:

The development shall not be implemented until:

(1) a legal easement has been completed between the freeholder of the site to which the application relates (the Site) and Wessex Water Services Limited (Wessex Water) to permit Wessex Water in perpetuity to continue the passage of odours and flying insects from Wessex Water's Melksham Sewage Treatment Works (STW) over the Site at current levels. Current levels to be established by odour and insect number survey during normal operation of the existing plant, equipment and processes at the STW in accordance with good operational practice over a 12 month period and the results recorded by the planning authority.

(2) an agreement is completed between Wessex Water and [Asda Stores Limited] (Asda) in which Asda agrees to fund the reasonable costs of Wessex Water in carrying out odour abatement works or flying insect control measures necessary to meet any requirements of an abatement notice served by the local authority under the statutory nuisance provisions in Part 111 of the Environmental Protection Act provided that such notice is not caused by a failure of Wessex Water to operate the existing plant, equipment and processes in accordance with good operational practice.

Reason: To enable the development to reasonably co-exist in proximity to the waste water treatment works, in accordance with policy U5 of the West Wiltshire Local Plan.

Officers therefore are proposing an additional heads of terms for a S.106 agreement relating to the sewage works.

Planning Conditions

The applicants proposed a set of planning conditions (attached), which have been properly considered within the context of circular 11/95. There are a number of key considerations as follows:

Design, parking arrangements, integration of landscaping and subsequent implementation, traffic impact upon the highway network, the off-site highway works, external lighting and the operational affects of this proposed food convenience store with 295 spaces. Other matters which need to be conditioned are; environmental management matters in view of the building's close proximity to the Melksham Sewage Treatment Works, boundary treatment and archaeological matters.

The applicants and agents, in discussions with officers since the last committee meeting, have stated that they are seeking 24 hour opening of the food convenience store and unlimited servicing. Your officers' view is that this is against normal planning practice and a restriction upon operating hours is in line with the Council's approach to other proposals within the District. In cases where longer operating hours have been allowed this relates to an existing store and is usually a temporary permission so the impact can be properly assessed by the Local Planning Authority.

Conclusion

The proposed conditions and s.106 heads of terms are set out in this report and it is for members to agree that they are appropriate in terms of mitigating environmental impact if they decide to formally approve subject to the departure and referral procedures outlined by officers.

Recommendation : To formally reverse the previous officer recommendation for refusal of permission and grant approval subject to the following conditions and s.106 heads of terms and subsequent formal referral to the Secretary of State as this would then constitute a major departure from the Development plan and secondly referred under the Town and Country Planning Shopping Direction No.2 1993.

The recommended conditions are attached and in the opinion of officers would if members decide to accept them, ensure the effective operation of the proposed development with adequate safeguards for the amenities of the nearest residents and the safe and free flow of traffic on the adjoining highway and to and from the site.

JUSTIFICATION FOR RECOMMENDATION:

Officers have given the matter full consideration to this issue and also the submissions by Melksham Town Council. It is recommended that the best approach is to justify the proposal its in entirety on the basis that the approval would create further employment opportunities for Melksham area, and is mitigated by the proposed planning conditions, environmental and sustainable transport measures and off-site highway modifications to be carried out at the applicant's cost. On this basis members are prepared to allow this proposal as being an exception to current Government retail guidance set out in PPS6 together with Policy DP3, 6 of the Wiltshire and Swindon Structure plan 2016 and Policy SP3 of the West Wiltshire District Plan 1st alteration 2004. In respect of loss of employment land there would remain employment land opportunities in close proximity to the Town centre and a limited net increase in retail floor space taking into account the existing ancillary retail use which has established use rights. In terms of highway impact, the attached planning conditions together with mitigation measures through the applicant's proposed contributions towards sustainable transport measures and off-site modifications to the adjoining highway, justify an exception to Policy T8 of the Wiltshire and Swindon Structure Plan 2016 and the above mentioned policies and guidance.

Finally, subject to a safeguarding condition and a s.106 agreement concerning environmental management of the proposed use in relation to its close proximity to the Melksham Sewage Treatment Works, the proposal would comply with policy U5 of the West Wiltshire District Plan 2004.

RECOMMENDATION: The committee having regard to the officers report, the Development plan and other material considerations consider that an exception to Development Plan policy specifically (Retail and Highway) can be made to grant permission for the proposed development subject to legal agreement(s) and a number of safeguarding conditions.

Condition(s):

- 1 The development hereby permitted shall begin either before the expiration of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 The gross external area of the food store hereby permitted shall not exceed 4,700 metres square. The net sales and display area (defined as all areas used for the display and sale of goods, including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and Automated Teller Machines (ATMs)) shall not exceed 2,900 metres square, of which not more than 75% of the net sales and display area shall be used for the sale of convenience goods.

REASON: In order to protect the vitality and viability of the town centre.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policies SP1 and SP3.

- 3 No part of the net sales and display area (defined as all areas used for the display and sale of goods, including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and Automated Teller Machines (ATMs)) of the food store hereby permitted shall be given over to any dry cleaning services, key cutting, shoe repair, photographic, or pharmacy services dispensing medicines by prescription or post office counter services.

REASON: In order to protect the vitality and viability of the town centre.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policies SP1 and SP3.

- 4 Deliveries and servicing hours for customers to the food store hereby permitted shall be limited to the hours of 0700 – 2300 hours Monday to Saturdays, and 0900 – 1800 hours on Sundays and Bank Holidays.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C38.

- 5 Whilst in the servicing and delivery yard, any delivery vehicle's engine, including lorry and van engines, shall be switched off during loading and unloading.

REASON: in order to safeguard the amenity of the area.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C38.

- 6 The rating level (as defined in British Standard 4142:1997) of noise emitted by all fixed plant, including refrigeration plant, on site shall not exceed 34 dBA between 2300 and 0700 hours or 43 dBA at any other time. The noise levels shall be determined at the nearest noise sensitive properties.

REASON: in order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C38.

- 7 Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from any cooking operations on the premises. Details of the equipment for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use of the relevant phase of the development

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.

- 8 Prior to the commercial premises being brought into use, a scheme providing for the storage or display of goods, materials, plant, machinery, equipment, waste or other items. Adequate storage of refuse from the commercial properties shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, and shall be maintained at all times.

REASON: In the interests of the appearance of the site and public health and safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy SP1, SP3, & C38.

- 9 Prior to the commencement of any development the site shall be subject to:

- i) Site investigation and risk assessment works for chemical contamination;
- ii) Works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment work;
- iii) Remediation validation works.

The above to be carried out to the satisfaction of the Local Planning Authority.

Site investigation works shall be carried out in line with the main procedural requirements of BS 1017:2001 - Investigation of Potentially Contaminated Sites - Code of Practice.

Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

REASON: in the interests of public health and safety.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C37.

- 10 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority before each phase of the development prior to the commencement of the relevant phase of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

- 11 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 12 All surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 13 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall utilise Sustainable Drainage Principles and shall not result in an increase in the rate and / or volume of surface water discharge to the local land drainage system. The works shall be undertaken in accordance with the approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2

- 14 The development hereby permitted shall not be commenced until the following details, based on a 1 in 100 year flood flow design standard, have been submitted to and approved by the Local Planning Authority:

- i) A scheme for the alleviation of flooding.
- ii) A detailed programme of proposed drainage works.
- iii) The method of accommodating the spring/pond/watercourses) on the site.

Subsequently the works shall be completed in accordance with the approved details, including any timescale attached thereto.

REASON: In the interests of flood prevention.

- 15 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 16 Detailed plans of the parking and servicing areas, together with the means of access thereto, shall be submitted to and approved by the Local Planning Authority for each phase of the development before development commences for each phase on the relevant phase of the development. The detailed proposals shall indicate the provision to be made for the draining of the parking and servicing areas, the individual marking of car parking spaces, the landscaping of the parking and servicing areas where appropriate, and full details of the method of construction. All works referred to in this condition shall be completed, and the parking and servicing areas shall be available for use before the premises are occupied.

REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy T10

- 17 No part of the development hereby permitted shall take place until construction stage plans have been submitted to and approved in writing by the Local Planning Authority. The plans will need to agree the routing and timing of construction traffic, together with identifying the need for any temporary traffic orders that may be necessary. These works shall be undertaken in accordance with these approved details.

REASON: in the interests of highway safety.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policies H4 and SP3.

- 18 Before any phase of the development is occupied, the access roads and car parking areas shall be surfaced in accordance with details for that phase of the development, which shall have been submitted to and approved in writing by the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy T10.

- 19 A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the retail phase of the development. The Travel Plan shall include measures to minimise vehicle movements to the foodstore and a timetable for implementation, and shall be implemented in accordance with the approved scheme.

REASON: In pursuit of sustainable transport objectives.

- 20 Landscaping schemes for the application site, including a programme for its implementation, shall be submitted to and approved by the Local Planning Authority for each phase of the development prior to the commencement of the relevant phase of the development. The landscaping schemes shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels. The approved scheme shall be implemented in accordance with the approved programme, and the landscaping shall be maintained thereafter for a period of not less than five years. Any trees and shrubs which fail within that period shall be replaced to the satisfaction of the Local Planning Authority and maintained for a further period of five years.

Upon approval:

* The approved scheme for each phase of the development shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the relevant phase of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

* all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

* the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

* the whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C32 and C40.

- 21 No development shall take place on any phase of the development until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority, for each phase of the development. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies C17 and C32.

- 22 No development shall take place on any phase of the development until a schedule of the materials and samples of the materials to be used in the construction of the external surfaces of the relevant phase of the development hereby permitted 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: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies C17 and C31A.

- 23 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas for each phase of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.

REASON: To ensure that the development harmonises with its setting and provides clearly defined linkages to and from Trowbridge Town Centre.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A and Planning Policy Statement Planning Policy Statement 6 - Planning for Town Centres.

- 24 Details of existing and proposed land levels across the site, illustrated by means of spot heights, contours and sections across the site, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.

REASON: In the interests of proper planning of the area.

- 25 Details of storage areas for wheeled refuse bins for each phase of the site, designed so as to minimise their impact on the appearance of the street scene shall be submitted to and approved in writing by the Local Planning Authority. The approved storage area shall be provided prior to the buildings on the relevant phase of the development being first occupied and shall be maintained as such thereafter.

REASON: In the interests of the appearance of the street scene.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C31A.

- 26 No development hereby permitted shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to and approved by the Local Planning Authority. The works shall be undertaken in accordance with the approved works.

REASON: to protect the areas of the site which are of archaeological interest.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C15.

- 27 Details of the protection, easement, and / or realignment of any public infrastructure across the site, including water mains and sewers, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works on site. The works shall be undertaken in accordance with these approved details.

REASON: in order to protect public infrastructure.

- 28 Prior to the commencement of the retail and commercial properties hereby permitted, details of all security measures, including CCTV, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved details.

REASON: in the interest of public safety.

- 29 Prior to the commencement of development and during the course of the development, the building shall be carefully surveyed to determine whether bats or barn owls are present. If any sign of bats or barn owls is discovered during the development, work shall cease immediately and Natural England shall be consulted further.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.

- 30 A legal easement has been completed between the freeholder of the site to which the application relates (the Site) and Wessex Water Services Limited (Wessex Water) to permit Wessex Water in perpetuity to continue the passage of odours and flying insects from Wessex Water's Melksham Sewage Treatment Works (STW) over the Site at current levels. Current levels to be established by odour and insect number survey during normal operation of the existing plant, equipment and processes at the STW in accordance with good operational practice over a 12 month period and the results recorded by the planning authority.

(2) an agreement is completed between Wessex Water and [Asda Stores Limited] (Asda) in which Asda agrees to fund the reasonable costs of Wessex Water in carrying out odour abatement works or flying insect control measures necessary to meet any requirements of an abatement notice served by the local authority under the statutory nuisance provisions in Part 111 of the Environmental Protection Act provided that such notice is not caused by a failure of Wessex Water to operate the existing plant, equipment and processes in accordance with good operational practice.

REASON: To enable the development to reasonably co-exist in proximity to the waste water treatment works, in accordance with policy U5 of the West Wiltshire Local Plan

- 31 No work shall commence in respect of the development hereby approved until full details of all off site highway works required as part of the development to be submitted and approved in writing by the Local Planning Authority

REASON: In the interests of highway safety.

32 Opening hours for customers to the food store hereby permitted shall be limited to the hours of 0800 – 2200 hours Monday to Saturdays, and 1000 – 1600 hours on Sundays and Bank Holidays.

REASON: in order to safeguard the amenities of the area in which the development is located.

RELATED PLANS

Drawing : PL_02E received on 04.02.2008

Drawing : PL_01 received on 17.12.2007

Drawing : PL_08 received on 04.02.2008

Drawing : PL_09 received on 04.02.2008

Drawing : PL_03C received on 17.12.2007

Drawing : PL_04 received on 17.12.2007

Drawing : PL_06 received on 17.12.2007

Drawing : PL_05 received on 17.12.2007

Drawing : PROPOSED ACCESS ARRANGEMENTS 0697/41
