

Town & Country Planning Act 1990

**Notification of Full Planning**

Application Reference Number: 19/01827/FUL

<b>Agent</b> Jacques Partnership Studio 5 Fosse Farm Barns Nettleton Chippenham SN14 7NJ	<b>Applicant</b> Mr Paul Johnson Transwilts CIC Dryfield Bristol Road Chippenham SN14 6LG
<b>Particulars of Development:</b> Expansion of existing car park by change of use of open storage and administration building to car park, and change of use of administration building to community cafe with associated external facilities including new storage shed.	
<b>At: Melksham Station Carpark and adjacent land, Station Approach , Melksham, SN12 8BN</b>	

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 38 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:

Drg No:0352 Stn Bldg.01.12g Rev:A Car Park Entrance Elevations, received 16th July 2019

Drg No: 0352.04.15g Station Hub Circulation, received 16th July 2019

Drg No: 0352.04.17g Station Hub Site Proposed, received 16th July 2019

Lighting Plan, received 03rd June 2019

Drg No: 1358/003 - Stepped Retaining Wall, received 08th May

Drg No:0352 Stn Bldg.01.5e Rev: Ground Floor Plan Proposed, received 23rd April 2019  
Drg No: 1358/002 - Construction Details, Received 23rd April 2019  
Drg No:0352 Stn Bldg.01.13 Rev: Storage Shed Elevations Proposed, received 04th March 2019  
Drg No:0352 Stn Bldg.01.1A Rev: Ground Floor Plan Existing, received 04th March 2019  
Drg No: 0352.05.1d Location Plan, received 04th March 2019  
Drg No: 0352.04.18 Station Hub Site Existing, received 04th March 2019  
Drg No: 0352 Stn Bldg.01.6b Rev: Building Elevations Proposed, received 04th March 2019  
Drg No: 0352 Stn Bldg.01.2 Rev: Building Elevations Existing, received 04th March 2019  
Drg No:0352 Stn Bldg.01.12b Rev: Car Park Entrance Elevations, received 04th March 2019  
BXTS -KIT - 5 - 100 [A] Single Column Kite, received 04th March 2019

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

- 3 The development hereby permitted shall not be first brought into use until the 'ramp', footway extension, retaining walls and car parking spaces have been provided on site, in accordance with the approved details. The gradient of the 'ramp' shall not at any point be steeper than 1 in 15 over its full length.

REASON: In the interests of highway safety

- 4 The community cafe use hereby permitted shall only take place between the hours of 6:00 and 22:00 from Mondays to Fridays, between 7:30 and 22:00 on Saturdays and between 08:00 and 20:30 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.

- 5 The development hereby approved shall be carried out in accordance with the lighting plan received on the 03 June 2019 and any changes to the above lighting plan must be approved in writing by the LPA.

REASON: Many bat species are sensitive to light and therefore introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas.

INFORMATIVE TO APPLICANT:

The attention of the applicant is drawn to the contents of the attached correspondence from Network Rail dated 20th May 2019 and 2nd April 2019.

**Signed**

*Alistair Cunningham*

**Corporate Director**

**Growth, Investment & Place**

**Dated: 31 July 2019**

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](mailto:streetnaming@wiltshire.gov.uk)
7. **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.

**From:** Morgan Barbara

**To:** Developmentmanagement

**Subject:** FW: Planning Application: 19/01827/FUL

**Date:** 20 May 2019 10:45:00

Network Rail  
1st Floor  
Bristol Temple Point  
Bristol  
BS1 6NL  
Ask for  
Tel  
My Ref  
Your Ref  
Date  
: Barbara Morgan  
: 0117 3721125  
: P/TP19/0282/BM  
: 19/01827/FUL  
: 20 May 2019

Dear Eileen Medlin

**TOWN AND COUNTRY PLANNING ACT 1990**

**PROPOSAL: Expansion of existing car park by change of use of open storage and administration building to car park; and change of use of administration building to community café with associated external facilities, including new storage shed. Melksham Station Car Park and adjacent land, Station Approach, Melksham SN12 8BN**

Thank you for your email dated 29 April, together with the opportunity to comment on this proposal and the amended plans.

The comments submitted on 2nd April are to be read in conjunction with the below additional comments:

Should there be plans to carry out any work within the station lease, then a Station change and Basic Asset Protection Agreement (BAPA) will be needed for works within this area.

Please feel free to get in contact if you have any questions.

Yours sincerely,

Barbara Morgan

Town Planning Technician (Western & Wales)

[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)

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Network Rail  
1st Floor  
Bristol Temple Point  
Bristol  
BS1 6NL  
Ask for  
Tel

My Ref  
Your Ref  
Date  
: Barbara Morgan  
:  
: P/TP19/0169/BM  
: 19/01827/FUL  
: 2 April 2019

Dear Eileen Medlin

**TOWN AND COUNTRY PLANNING ACT 1990**

**PROPOSAL: Expansion of existing car park by change of use of open storage and administration building to car park, and change of use of administration building to community café with associated external facilities including new storage shed.**

**1 Station Approach, Melksham SN12 8BN**

Thank you for your email dated 4 March, together with the opportunity to comment on this proposal. Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

**FORMER BR LAND**

The development appears to be located on an area of land previously under the ownership of Network Rail. Often these sites are sold and are subject to a demarcation or covenant agreement which may include particular rights in relation to the safe operation of the railway and associated infrastructure. It must be considered when Network Rail has access rights over the development site; access must not be blocked or restricted at any time. The applicant must comply with all post sale covenants in the demarcation agreement and understand the implications this will have on the implementation of this development.

Any representations made are without prejudice to those rights and obligations and on the basis that they do not imply that Network Rail's approval under the demarcation agreement will be given for the proposed development or for any part of it.

**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**

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure.

Proper provision must be made to accept and continue drainage discharging from Network Rail's property. (The Land Drainage Act) is to be complied with. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

Full details of the drainage plans are to be submitted for acceptance to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the acceptance of the Network Rail Asset Protection Engineers: Network Rail has various drainage standards that can be provided Free of Charge should the applicant/developer engage with Network Rail's Asset Protection Engineers.

**SAFETY**

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start.

[assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk)

**ENCROACHMENT**

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its

infrastructure or undermine or damage or adversely affect any railway land or structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

**ACCESS TO RAILWAY**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

**SITE LAYOUT**

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure.

Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

**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.

**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.

**SAFETY BARRIER**

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

Please feel free to get in contact if you have any questions.

Yours sincerely,

Barbara Morgan

Town Planning Technician (Western & Wales)

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