



**SWINDON**  
BOROUGH COUNCIL

# GRANT PLANNING PERMISSION

## Town and Country Planning Act 1990

**Application Number:** S/21/0931/RACH

**Ward:** Gorse Hill & Pinehurst

**Parish:** Central Swindon North

**Proposal:**

Erection of a customer entrance/exit lobby, comprehensive refurbishment including new cladding, external display area, alterations to car park and associated works to the existing retail unit plus the sale of food and drink (Class E) up to maximum 30% of the floor area of the unit

**Site Address:**

TK Maxx Unit, Great Western Way Swindon SN2 1US

**Agent:**

Mr Adam Cornish  
Quod  
8-14 Meard Street  
London  
W1F 0EQ

**Applicant:**

TJ Morris Limited  
C/o Agent

The Local Planning Authority **HEREBY GRANT PLANNING PERMISSION** for the development proposed in the application subject to the scheduled conditions.

**WARNING:**  
**IF YOU DO NOT COMPLY WITH THE CONDITION(S) BELOW,**  
**THE COUNCIL MAY TAKE LEGAL ACTION AGAINST YOU**

### 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 requirements of Section 91 (1) of the Town & Country Planning Act 1990.

2. This approval shall be in respect of Drawing No.LC01 Site Location Plan; Drawing No. 9268 105 Rev D Proposed Building Plan; Drawing No. 9268 106 Rev D Proposed Elevations; Drawing No. 9268 107 Rev B Proposed Roof Plan all received 28 May 2021; & Drawing No. 9268 104 Rev W Revised Proposed Site Plan received by the Local Planning Authority on 12 October 2021

Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.

3. This permission shall be in respect of retail use (Class E) of the building for the sale of 70% non-food items and 30% food items, and external garden centre. No items other than garden centre products shall be displayed or stored in the area indicated as external garden centre on the approved plans.

Reason: In order to define the permission

4. No deliveries shall take place outside the hours of 0700Hrs and 22.00Hrs (Monday to Friday), 08.00hrs and 22.00hrs on Saturdays and 08.00hrs and 21.00hrs on Sundays

Reason: In the interest of amenity

5. Prior to use of the development hereby permitted, the proposed perimeter screening minimum 1.8 metres high shall be erected to the north side as shown on the approved plans and shall thereafter be maintained .

Reason: In the interest of amenity

6. No additional flood or other lights shall be fixed to any external part of any building or installed elsewhere within the site except in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure the appearance of the development is satisfactory.

#### 7. Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall:

- i. specify the type and number of vehicles that will access the site during the construction period;
- ii. specify the point of construction access and access route to the site;
- iii. set out details of the parking of vehicles of site operatives and visitors;
- iv. set out arrangements for the loading and unloading of plant and materials;
- v. set out arrangements for the storage of plant and materials used in constructing the development;
- vi. set out arrangements for wheel washing facilities;
- vii. specify the intended delivery hours, taking account of road network and other local traffic peaks such as schools.

Reason: To reduce the potential impact on the public highway during the site preparation and construction phase(s) of development in accordance with Policy TR2 of Swindon Borough Local Plan 2026.

#### 8. Parking & Turning

The development hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan; drawing (9628)104V, and those facilities shall be maintained available for those purposes thereafter.

Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site, in accordance with Policy TR2 of Swindon Borough Local Plan 2026.

#### 9. Cycle Parking

The development hereby permitted shall not be occupied until a revised design for cycle storage offering secure and sheltered facilities in accessible locations for a minimum eighteen cycles in accordance with Swindon Borough Council's Parking Standards has been submitted to and approved in writing by the LPA. The design found approved shall be implemented prior to occupation and thereafter maintained.

Reason: To promote and encourage sustainable transport and travel in accordance with SBCs 'Swindon cycle parking standard' and 'Parking Standards for New Development' and Policy TR1 of Swindon Borough Local Plan 2026.

10. Electric Vehicle Charging Prior to the development being brought into use, details for the provision, installation and future management and maintenance of at least: fifteen electric vehicle charging points and fifteen reserve charging points for car use, plus four electric vehicle charging points for motorcycle use, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved details have been installed, made available for use and thereafter maintained in accordance with the approved scheme.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up in accordance Policies TR1 and TR2 of Swindon Borough Local Plan 2026.

#### 11. Travel Plan

The development shall not be occupied until a travel plan has been submitted through Modeshift Stars Community [for residential] / Modeshift Stars Business [for employment] and agreed in writing by the Local Planning Authority.

The travel plan should set out:

- i. objectives and targets for promoting sustainable travel,
- ii. appointment, contact details and funding of a travel plan coordinator,
- iii. details of an annual monitoring and review process,
- iv. details of annual reporting to SBC,
- v. an implementation timetable, lasting at least 5 years and 6 months, including the responsible body for each action.

The approved travel plan shall be implemented prior to occupation of any part of the development and shall be continued thereafter in accordance with the details therein.

Reason: To reduce single occupancy car travel and to encourage and promote sustainable transport and travel in accordance with Policy TR1 of Swindon Borough Local Plan 2026.

#### 12. Landscaping

The site shall be landscaped in accordance with the approved scheme within twelve months of the start of development or in such longer time as may be agreed in writing by the Local Planning Authority. Any tree or shrub planted in accordance with the scheme which is removed, dies or becomes diseased within a period of five years from first being planted, shall be replaced by one of a similar size and the same species within the next available planting season.

Reason: To ensure that the appearance of the development is satisfactory.

### **Informatives**

1. CIL Liable Development: This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit [www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil) or telephone the SBC CIL Team on 01793 466289 or 466397 or email [cil@swindon.gov.uk](mailto:cil@swindon.gov.uk). To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Information on possible exemptions that may be capable of being applied for can be found at:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy) and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

2. Retaining Wall The proposed retaining wall will require the approval of the Local Highway Authority in accordance with Section 167 of the Highways Act 1980 and the applicant is required to submit plans, sections and specifications of the retaining wall for approval prior to construction works commencing.

3. The granting of planning permission does not authorise you to carry out any works on, over or under your neighbour's land or property without first obtaining their consent.

4. Works affecting Public Highway The proposed development will require a TTRO to be in place, at the developer's expense, to enable vehicular access to the site for demolition and construction purposes only.  
[https://www.swindon.gov.uk/info/20027/licences\\_and\\_permits/108/apply\\_for\\_a\\_temporary\\_traffic\\_regulation\\_order\\_or\\_restriction\\_notice](https://www.swindon.gov.uk/info/20027/licences_and_permits/108/apply_for_a_temporary_traffic_regulation_order_or_restriction_notice)

5. Wheel Wash and Winter The weather will have an impact on construction sites which in turn will require roads to be swept in addition to using wheel wash facilities. Swindon Borough Council are on winter service alert for gritting roads around the Borough from mid-October to mid-April each year, the treated roads are shown on the attached plan. The de-icing material used for road treatment by this council is Thorox, this material is rock salt treated with an agricultural by-product similar to molasses and has the advantage of being active on the carriageway for up to three days providing there is no substantial precipitation or sweeping. It is imperative that any salt removed from the treated network by sweepers clearing mud and debris is replaced straight away at a spread rate of 15g/m<sup>2</sup>. Where a sweeper is used on the roads around your site, you have a responsibility to retreat roads after washing or sweeping to ensure safety of road users is maintained during the winter period. In order to assist with this retreatment, Swindon Borough's Highway Operations Team can provide a filled grit bin at a cost available on request for use by developers, it should be noted that once delivered the bin and its contents will be in the property of the developer. In the first instance, please contact, Duty Winter Service Engineer, 01793 466354 to discuss and confirm site specific requirements.  
[https://www.swindon.gov.uk/info/20040/road\\_safety\\_maintenance\\_and\\_repairs/737/find\\_out\\_about\\_road\\_gritting](https://www.swindon.gov.uk/info/20040/road_safety_maintenance_and_repairs/737/find_out_about_road_gritting)

6. No Surface Water to Drain onto Highway The applicant is informed that, to conform to the terms of Section 163 of the Highways Act 1980, surface water should not be allowed to drain directly from the site onto any highway, and the Local Highway Authority will require adequate safeguards to be incorporated into the development to ensure that such a situation does not arise



**Director of Strategic Development**

**Date: 20th October 2021**

## Notes

“The Local Planning Authority”, and “the application” referred to within this notice, are described on page 1 of this notice. The conditions have been imposed for the reasons set out within this notice.

In addition to this consent, if this permission results in amendments to or provision of new properties please contact [gazetteers@swindon.gov.uk](mailto:gazetteers@swindon.gov.uk) or telephone: 01793 466271 for information and advice regarding the registration of new or revised property addresses. The naming of streets and addressing of properties within the Borough, is controlled by Swindon Borough Council under the Town Improvement Clauses Act 1847. The Act is used to make sure that any new street names, building names and numbers are allocated logically and that a unique and unambiguous address is provided for every property within the Borough.

If the Applicant is aggrieved by the decision of the Local Planning Authority to grant permission for the proposed development with conditions, the applicant may appeal to the Secretary of State in accordance with section 78 of the Town and Country Planning Act 1990, within 6 months of the date of the decision. Appeals must be made on a form that is obtainable from the Secretary of State at The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or alternatively you may appeal online at <https://www.gov.uk/government/organisations/planning-inspectorate>

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

If the permission to develop land is granted with conditions, the owner of the land may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner, may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provision of Chapter I of Part 6 of the Town and Country Planning Act 1990.

