



REFUSAL OF PLANNING PERMISSION

Application Number: S/21/0226/CHHO **Parish:** West Swindon
Ward: Shaw
Proposal: A Hybrid Planning Application for mixed use development and associated works to include - full details of a retail food store (class A1) with associated access, car parking and landscaping and an outline proposal for up to 70no. residential units (class C3) all matters reserved. (Variation of conditions 17 and 20 following outline permission S/OUT/14/0568).
Site Address: Westlea Campus, Chelmsford Road Eastleaze Swindon
Agent: Mr Lloyd Collins
Planning Potential Ltd
13-14
Orchard Street
BRISTOL
BS1 5EH
Applicant: Aldi Stores Limited
C/O Agent
13-14 Orchard Street
Bristol
BS15EH
United Kingdom

Reasons for Refusal

1. The application to vary Condition 17 and remove Condition 20 of S/OUT/14/0568 to allow unrestricted deliveries, would result in unacceptable harm to the amenity of nearby residents in terms of noise pollution and disturbance. The BS4142 assessment accompanying the application provides rating levels of up to +15dB above the background at night, indicating a significant adverse impact on residential amenity is highly likely. The mitigation proposed in the form of acoustic screening to the delivery bay, would not satisfactorily mitigate the harmful impact. The proposal would not be compatible with the nearby residential uses and would compromise amenity, leading to a significant adverse impact on health and the quality of life. The proposal is therefore contrary to policies EN7 and DE1 of the Swindon Borough Council Local Plan 2026 (2015) and paragraph 180 and 127 (f) of the National Planning Policy Framework (2019).

Informatives

1. This decision is in respect of Environmental Noise Assessment Report (Sharps Redmore, 15th January 2021), Cover Letter (dated 3rd February 2021), Site Location Plan (1:1250) dwg no. 120257 P1 (01) all received by the Local Planning Authority on the 31st March 2021 and Technical Note (Sharps Redmore, 26th May 2021) received by the Local Planning Authority on the 28th May 2021.

**Authorised by Richard Bell,
Director of Strategic Development**

A handwritten signature in black ink that reads "Richard Bell". The signature is written in a cursive style with a period at the end.

**Decision Dated:
25th June 2021**

Town and Country Planning Act 1990

Refusal of Permission for Development

The Local Planning Authority HEREBY REFUSE TO GRANT PLANNING PERMISSION for the development proposed in the application for the reasons set out in the schedule (see overleaf).

“The Local Planning Authority”, and “the application” referred to above, are those described in the schedule overleaf.

Notes

If the Applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, 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 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>

If the permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonable/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 that his interest in the land be purchased in accordance with the provisions of Part 6 of the Town and Country Planning Act 1990.