



The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions
Application Reference Number: PL/2022/04716
Decision Date: 29th September 2022

Applicant: Mr. Metehan Opak
17-19 Tidworth Road, Ludgershall, SP11 9QD

Particulars of Development: Part retrospective application for change of use from professional services (Class E, formerly Class A2) to mixed restaurant (Class E) and takeaway (Sui Generis) with proposed new extraction flue to the roof towards the rear elevation (Resubmission of PL/2022/01369)

At: 17-19 Tidworth Road, Ludgershall, SP11 9QD

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:

Conditions: (8)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form & Certificate

Ref: TQRQM22266122645742. Received – 23.09.2022

Ref: TR-1606-PEEPBP – Proposed Block Plan. Received – 27.07.2022

Ref: TR-1506-PEEPP – Sheet 1/1 (except for Proposed Ground Floor Plan). Received – 27.07.2022

Ref: TR-2707-PEEPP – Sheet 1/1 (except for Proposed Ground Floor Plan). Received – 27.07.2022

Ref: TR-1509-GFP – Ground Floor Plan. Received – 15.09.2022

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

- 2 Within 3 months of this decision, the existing flue on the roof of the premises shall be removed. The new flue hereby approved shall be installed in accordance with the approved details and shall be finished in a matt black finish.

REASON: In the interests of the visual amenity and the character and appearance of the area/conservation area and in the interests of neighbouring residential amenities.

- 3 Prior to the kitchen intake or extract system hereby approved being first brought into use, an assessment of the acoustic impact arising from the operation of the systems shall be undertaken in accordance with BS 4142:2014+A1:2019. The assessment, together with a scheme of attenuation measures to demonstrate the rated level of noise (LArTr) shall be below background (LAT90) and is protective of local amenity (background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptors) shall be submitted to and approved in writing by the Local Planning Authority before the intake/extraction system becomes operational.

REASON: In the interests of neighbouring residential amenities.

- 4 The kitchen extract shall be designed, installed and maintained fully in accordance with the details contained within the Purified Air Specification for EMAQ/DEFRA Report prepared by Don Miles dated 17th June 2022 and the proposed plans and elevations shown in drawing Reference TR-2707-PEEPP dated 27th July 2022.

REASON: In the interests of neighbouring residential amenities.

- 5 Within 16 weeks of the kitchen extract hereby approved being first installed, a report prepared by a suitably qualified engineer, shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail the cleaning, service and maintenance required on the kitchen extract system on a daily and weekly basis as well as a servicing and maintenance schedule for the various components of kitchen extract system. The servicing and maintenance of the system shall then be carried out in accordance with the approved scheme at all times.

REASON: In the interests of neighbouring residential amenities.

- 6 The kitchen extract system shall only operate between 09:00 and 23:00 and shall be turned off outside of these hours.

REASON: In the interests of neighbouring residential amenities

- 7 No deliveries to or collections of waste from the development hereby approved shall be made, except between the hours of:
08:00 and 20:00 Monday to Saturday
09:00 and 18:00 Sundays and Public Holidays

REASON: In the interests of neighbouring residential amenities.

- 8 The use hereby permitted shall only take place between the hours of 10:00 and 23:00 Mondays to Saturdays and between 11:00 and 23:00 on Sundays and Bank or Public Holidays.

REASON: In the interests of the neighbouring residential amenities.

Informatives: (2)

- 1 Please note that the 'emergency exit' identified on the plans hereby approved, exits out onto a private driveway. The grant of planning permission does not override any legal or civil requirements that may exist over this private drive; nor does it give any permissions for this right of access.
- 2 Please note that whilst the area to the front of the retail unit is not highway land, customers choosing to park in this area may block the footpath and/or users of the bus stop. It is therefore suggested that a 'No Parking' sign be erected to the front of the unit in order to encourage customers to park safely when visiting the site.

Parvis Khansari - Corporate Director, Place

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.
 - 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>).