



The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2022/07611

Decision Date: 03 March 2023

Applicant: Dandy Highway Man Ltd
The Cafe Site, Main Road, Cherhill, SN11 8UU

Particulars of Development: Proposed siting of original 1940s Vintage Dining Car and associated works including extension and alterations to existing café

At: THE CAFE SITE, MAIN ROAD, CHERHILL, CALNE, SN11 8UU

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: (9)

- 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:

Site Plan with Hedge and Tree Protection (REV)
(received 13 February 2023)

Materials Specification (excluding render & paint)
(received 20 January 2023)

1012:P:03 Location Plan – As Existing
1012:S:01 Existing Plans
1012:S:02 Existing Elevations
1012:S:03 Existing Site Plan
1012:P:01 Proposed Plan and Elevations
1012:P:02 Proposed Site Plan
1012:P:04 Location Plan – As Proposed
L_001 P03 Detailed Planting Proposals
(received 30 September 2022)

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

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No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a tree protection fencing, in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations" has been erected in the position indicated in the approved site plan REF: 1012P05A.

The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s or hedge shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree or hedge is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land. [In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: In order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the

interests of visual amenity.

- 4 The development hereby permitted (dining car and extensions to building) shall not be first brought into use until all of the external walls, including those of the existing building, but excluding those indicated to be clad in timber, are rendered and painted in accordance with the agreed colour scheme from the 'North Wessex Downs AONB Guidance on the selection and use of colour in development, 'Open Downland' 'Integration Colours' range, specifically one of the following colours only- S2005-Y30R, S2002-B, S2010-Y20R, S4010-Y30R, or any of the Grey Neutral / Grey Contrast shades shown on page 12 of this Guidance document. The development shall not be carried out other than in accordance with the approved colour scheme.

REASON: In the interests of visual amenity and the character and appearance of the area, including the scenic qualities of the AONB.

- 5 All soft landscaping comprised in the approved details of landscaping (Detailed Planting Proposals by 'rappor' ref: L_001 P03) shall be carried out in the first planting and seeding season following the first use of the dining car and extensions or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6 With the exception of the integrated bulkhead lighting on the approved dining car, there shall be no additional external lighting installed anywhere on the site.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 7 No new ventilation, extraction or air conditioning plant/machinery shall be installed anywhere at the site until a scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme

should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from the kitchen extraction system. The approved scheme shall be implemented in full before the use commences and maintained at all times thereafter. In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with BS4142:1997 (or any subsequent version) and demonstrate that the rating noise level at the nearest residential property is not above the background noise level.

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

- 8 No new extraction or ventilation plant/machinery shall be installed anywhere at the site until a scheme of works for the control and dispersal of atmospheric emissions, and in particular odour from any kitchen extraction has been submitted to and approved in writing by the Local Planning Authority.
The approved scheme shall be implemented in full before use commences and shall be maintained in effective working condition at all times thereafter. In discharging this condition we recommend the applicant consults the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (EMAQ, 2018)

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

- 9 In the event that the approved dining car is removed from the site, and within 12 months of its removal, the exposed parts of the building shall be made good with materials and finishes to match the remaining exterior, in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the area, including the scenic qualities of the AONB

Informatives: (3)

- 10 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 11 This permission does not permit the display of any advertisements which require

consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

- 12 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

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>).
- 3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk