Wiltshire Council

The Town and Country Planning Act 1990

Notice of Planning Permission for Variation/Non-Compliance with a condition imposed on an earlier permission

Application Reference Number: PL/2023/05273

Decision Date: 23 August 2023

Applicant:	R. Tincknell & Son Ltd Cathedral View Offices, Wookey Hole Road, Wells, BA5 2BT
Particulars of Development:	Variation of Condition 2 (drawings) and Condition 3(ii) (hardstanding use) and part removal of Condition 3(iv) (hours of PL/2022/01283 (Recladding and raising of roof to existing warehouse).
At:	Unit A The Hatchery, Garden Trading Estate, London Road, Devizes, SN10 2HH

In pursuance of their powers under the above Act, the Council hereby GRANT PLANNING PERMISSION for variation or non-compliance with a condition or conditions imposed on an earlier permission in accordance with the application and plans submitted by you.

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 compliance with any condition(s) specified hereunder:-

Conditions: (4)

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 and documents:

- Drg Ref: Application Form
- Drg Ref: Site Location Plan BPB-22-005_DR001a

- Drg Ref: Proposed Site Plan BPB-22-005_DR030e
- Drg Ref: Proposed Ground Floor Plan BPB-22-005_DR031f
- Drg Ref: Proposed Roof Plan BPB-22-005_DR032e
- Drg Ref: Proposed Elevations BPB-22-005_DR033c

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

3 No outside storage (including but not limited to raw materials, products of any description, skips, containers, scrap, or waste materials) is permitted on the site except for the yard area marked No. 9 on drawing No. BPB-22-005 Rev E. The maximum storage height within this yard area shall not exceed 4.8m as denoted on the same drawing.

REASON:
To safeguard the amenities and character of the area.

4 The use hereby permitted shall only take place:

1. inside the building between the hours of 0730 and 1900 from Monday to Fridays (inclusive) and between 0800 and 1600 on Saturdays. The use shall not take place at any other time or on Bank Holidays.
2. inside the yard area between the hours of 0800 and 1900 from Monday to Fridays (inclusive) and between 0800 and 1600 on Saturdays. The use shall not take place at any other time or on Bank Holidays.

REASON:
To protect the amenities of nearby residential properties.

Informatives: (1)

5 The applicant's attention is drawn to the following conditions attached to planning permission K/33099 which remain extant:

The premises to which this permission relates shall be used solely for purposes within Class(es) B1 & B8 of the Schedule to the Town and Country Planning(Use Classes) Order 1987; or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON:

The proposed use is acceptable but the local planning authority wish to consider any future proposal for a change of use, other than a use within the same Class(es), having regard to the circumstances of the case.

No industrial processes shall be carried on within the site except within the building.

REASON:
To safeguard the amenities and character of the area.

If it is at any time proposed to carry out any process or install any machinery that may be detrimental to the amenity of the area by reason of noise, vibration, smell, fumes, dust, or. any other emissions, steps shall be taken to eliminate the nuisance by the insulation of the building and/or plant. Details of the steps proposed shall be submitted to and approved by the local planning authority and the necessary works carried out before the use of the site for that process commences or the machinery is first brought into use.

REASON:
To protect the amenities of this primarily residential area.

Before any plant or machinery is used on the premises it shall be enclosed with sound insulating material and mounted in a way which will minimise the transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority.

REASON:
In order to protect the amenities of nearby residential properties.

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