Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/04622

Decision Date: 29 August 2023

Applicant:	Tonka Bean Cafe/Bar Ltd 28a St John's Street, Devizes, Wiltshire , United Kingdom, SN10 1BN
Particulars of Development:	Variation of Condition 2 (opening hours) of 13/01343/FUL (Change of use of ground floor area from A1 (retail) to A4 (drinking establishment) with the basement currently in use as retail space remaining in A1 use. Internal alterations to include the removal of a stud partition wall and the creation of a WC.)
At:	28A St Johns Street, Devizes, SN10 1BN

In pursuance of its 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 the following conditions:

Conditions: (4)

2 The premises shall be open to the public only between the hours of 08:00 and 21:30 from Mondays to Saturdays and between 12:00 in the morning and 21:30 in the evening on Sundays, with the sole exception of any extended hours approved under the Licensing Act for Christmas Eve and New Years Eve.

REASON: To ensure the creation/retention of an environment free from intrusive level of noise and activity in the interests of the amenity of the area.

3 No live music shall be played on the premises.

REASON: To protect the amenity of the nearby properties.

4 The delivery and despatch of goods to and from the site shall be limited to the hours of 07:30 and 21:00 on Mondays to Saturdays, and at no time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of amenity of the area.

5 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Copy of Extant Approval Decision Notice – 13/01343/FUL
Received on 8 June 2023.

Drawing No. GTB – 726 – 2 - Site & Location Plan
Received on 11 June 2023.

Application Form
Received 23.08.2023.

Internal Sound Insulation Test Report received on 21 August 2013 submitted to planning reference 13/01343/FUL
Plan: GTB-726-2 received on 26 June 2013 Plan: GTB-726-1 received on 26 June 2013 submitted to planning reference 13/01343/FUL
Plan: GTB-726-1A received on 26 June 2013 submitted to planning reference 13/01343/FUL

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

Informatives: (1)

6 The applicant's attention is drawn to the potential unauthorised use of operating as a cafe, alongside the approved use as a drinking establishment (on the basis of insufficient information being submitted to consider this cafe use as ancillary to the sui generis use). This may need to be dealt with under a separate planning application for a mixed use at the premises to regularise the cafe use.

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