Wiltshire Council

The Town and Country Planning Act 1990

Approval of Variation of Conditions

Application Reference Number: PL/2023/06117

Decision Date: 21 September 2023

Applicant:	Broadtown Brewery Ltd 29 Broad Town Road, Broad Town, SN4 7RB
Particulars of Development:	Variation of condition 2 on PL/2022/07367 to enable the acoustic fence to be erected by April 2024.
At:	Broadtown Brewery, 29 Broad Town Road, Broad Town, Swindon, SN4 7RB

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: (8)

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

Location Plan – Drawing No. 001 – Dated Aug' 2022
Proposed Site Plan – Drawing No. 150 – Dated Aug' 2022
Proposed Decking Area – Drawing No. 155 – Aug' 2022
Proposed Toilet Block – Drawing No. 156 – Dated Aug' 2022

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

2 The proposed 3m high timber acoustic fence along the northern boundary of the site and the bund on adjoining land, as shown on the Proposed Site Plan Drawing No. 150, shall be constructed and completed by 31 March 2024 and maintained at all times thereafter. The soft landscaping shall be carried out in the first planting and seeding season following completion of the bund. 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.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity and to ensure a satisfactory landscaped setting for the development in the interests of the amenity of the area.

3 The level of noise emitted from the site shall not exceed 67dB LAeq 15 minute as measured on the northern boundary of the site, identified in Appendix F of the Acoustic Consultancy Report 08394/3/2/14, dated 09 September 2022, by LCP (this equates to 40dB LAeq 15 minute 1m at the façade of the nearest residential dwelling). The sound level is to be determined using a sound level meter that conforms to BS EN 61672-1 (as amended), at a measured height of 1.5 metres above ground level.

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

4 The site shall be used solely for the purposes of a drinking establishment ancillary to the use of 29 Broad Town Road as a micro-brewery and it shall remain within the same planning unit.

REASON: The proposed use is acceptable as an expansion of the existing business, but it is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access and planning policies pertaining to the area, would not permit a wholly separate commercial use.

5 The use hereby permitted shall only take place from April to September between the hours of 17:00 and 23:00 on Thursdays and Fridays, 12:00 and 23:00 on Saturdays, and 12:00 and 17:30 on Sundays.

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

6 The parking areas, shown as gravel and grass reinforcement matting on the Proposed Site Plan Drawing No. 150, shall be maintained and remain available for such use at all times. The site shall not be used at any time for the parking or stationing of public service vehicles or catering trailers.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety, and in the interests of the amenity of the area.

7 No materials, goods, plant, machinery, equipment, temporary structures, waste containers or vehicles shall be placed or parked on the site which obstruct, or adversely affect use of, the public right of way (footpath BTOW12).

REASON: To ensure the public right of way remains available and convenient for public use, in accordance with section 130 of the Highways Act 1980.

8 Within three months of the date of this permission, details of all external lighting, including the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their Guidance Note GN01/21 'The Reduction of Obtrusive Light', shall be submitted to the Local Planning Authority for written approval. Thereafter, the approved lighting only shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: To ensure there is no unnecessary light spillage above, outside or within the development site, in the interests of the amenities of the area and conserving biodiversity.

Informatives: (5)

9 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

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 Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer on [INSERT]

12 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

13 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