Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/00830

Decision Date: 10 November 2023

Applicant:	Broadtown Brewery Ltd 29 Broad Town Road, Broad Town, Swindon, SN4 7RB
Particulars of Development:	Retrospective application for the: change of use of building from sales and tasting area (Class E(a)) and microbrewery (Class B2) to sui generis drinking establishment; erection of attached toilet block; and insertion of rooflights
At:	Micro Brewery, 29 Broad Town Road, Broad Town, SN4 7RB

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: (12)

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:

- Location plan ref. 200A.
- Existing site plan 201A.
- Existing floorplans ref. 202.
- Existing elevations ref. 203.
- Proposed site plan ref. 210.
- Proposed floorplans ref. 260.
- Proposed elevations ref. 270.

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

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture to those detailed on the application form and approved plans.
REASON: in the interests of visual amenity and the character and appearance of the area.

4 Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), the building subject to this application shall be used for a sui generis drinking establishment only and for no other purpose.
REASON: the proposed use is acceptable, but the Local Planning Authority wishes to consider any future proposal for a change of use having regard to the circumstances of the case.

5 Before any part of the development hereby approved is brought into first use, a noise management plan shall be submitted for approval in writing by the Local Planning Authority. The agreed management/mitigation measures shall thereafter be completed in full and retained and maintained for the lifetime of the development.
REASON: in the interests of residential amenity.

6 The use hereby approved shall take place between the hours of 17:00 – 23:00 on Thursdays and Fridays; 12:00 – 23:00 on Saturdays; and 12:00 – 17:30 on Sundays. There shall be no deliveries or collections outside of the hours of 09:00 – 17:00, and no deliveries at all on Fridays, Saturdays, Sundays, public or bank holidays.
REASON: in the interests of residential amenity, local character and reducing highway impacts.

7 The parking areas, shown as gravel and grass reinforcement matting on the approved site plan ref. 210, 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.

8 The new soft landscaping shown on the approved site plan ref. 210 shall be carried out in the first planting and seeding season following this grant of planning permission. 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.

9 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting or amending that Order with or without modification), there shall be no additions or extensions to the building forming part of the development hereby permitted.
REASON: in the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions.

10 No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.
REASON: in the interests of the appearance of the site and the amenities of the area.

11 No materials, goods, plant, machinery, equipment, temporary structures, waste containers or vehicles shall be placed or parked on the site that 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.

12 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: (7)

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 landowner’s 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.

14 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.

15 Condition 4 of planning permission ref. PL/2022/07367 refers to the use of the adjacent beer garden land in association with the microbrewery. However, the microbrewery use has ceased. The applicant is advised that the use of the beer garden will be in breach of this condition, such that they are recommended to amend the wording of the condition through a Section 73 application.

16 This permission does not permit the display of any advertisements that 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.

17 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 Public Rights of Way Team via email: rightsofway@wiltshire.gov.uk or telephone: 0300 456 0100.

18 The applicant should note that the grant of planning permission does not include any separate permission that 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.

19 The applicant is advised that there is a need to register a food business with Wiltshire Council 28 days prior to commencement of trading. You can obtain further advice via the link below: http://www.wiltshire.gov.uk/env-health-food-business

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