Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/06115

Decision Date: 19 January 2024

Applicant:	Aegon UK Property Fund Ltd c/o Agent
Particulars of Development:	Change of Use from Class E to restaurant and takeaway (Sui Generis).
At:	Unit 2A, Hathaway Retail Park, Foundry Lane, Chippenham, SN15 1JG

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: (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:

Site Location Plan 8452-SA-1723-AL01 Rev C
General Arrangement Plan 8452-SA-1723-P0 Rev A
Block Plan 8452-SA-1723-P002 Rev B

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

3 The rating level (LArTR) of the noise emitted from any fixed plant shall not exceed the existing background noise level (LA90T) at the boundary of residential premises. The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises or at another location that is agreed with the local planning authority. Measurements shall be made in accordance with BS4142:2014 +A1:2019. Where the background levels are to be taken as a LA90 1 hour and the ambient noise levels shall be expressed as an LAeq 1 hour during the daytime [07:00 - 23:00] and shall be expressed as an LA90 and LAeq 5 minutes during the night [23:00 – 07:00] at the boundary of the nearest residential noise-sensitive receptors.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

4 The hours of opening of the use hereby permitted shall only take place between the hours of 07:00 and 23:00 from Mondays to Saturdays and between 08:00 and 23:00 on Sundays and public bank holidays. An alternative to these stated hours of use will be accepted on the basis that the following requirement is satisfied:

An acoustic report by a competent person is submitted to and approved in writing by the local planning authority. The report must demonstrate that the noise level associated with the use of the premises (including deliveries) inside bedrooms at the closest noise sensitive premises will not exceed 45 dB LAFmax for >10 times between 23:00 and 07:00 on any night.

Reason: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

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