Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/05520

Decision Date: 01 February 2024

Applicant:	Mr Mohamed Islam c/o 22 Hullbridge Road, , Rayleigh,, Essex,, SS6 9NZ
Particulars of Development:	First floor side extension with parking below to former bank A2 to provide 2 self contained flats at first floor level and change of use of ground floor to restaurant /takeaway A3/A5
At:	32 High Street, Westbury, BA13 3DH

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: (10)

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:

Location and block plan and cycle shed elevations scale 1:1250, 1:200 and 1:100 Drg no. 4009-07-3 Rev B
Proposed elevations scale 1:100 Drg no. 4009-07-1 rev B
Proposed plans scale 1:100 Drg no. 4009-07-2 Rev B
Existing plans and elevations plus proposed elevations scale 1:100 Drg no. 4009-07-1 rev B

Noise, Odour and Extraction Assessment received 19 October 2023
Noise Impact Assessment dated 12 December 2023 by DAA Group Ltd
Odour Risk Assessment by Air Quality Assessment Ltd dated January 2021

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

3 Before the residential units hereby approved are first occupied the first floor windows in the Northwest elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 4] and permanently fixed shut and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

4 Notwithstanding the submitted plans two off road parking spaces shall be made available for each residential unit hereby approved. Prior to occupation of the residential units the access, turning area and parking spaces allocated to the units shall be completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

5 Before the residential units hereby permitted are first occupied the cycle parking facilities shown on the approved plans shall be provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

6 There shall be no customers/members of the public on the restaurant / takeaway site outside the hours of 0900 and 2300 from Mondays to Sundays, nor at any time on 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 the amenity of the area.

7 The kitchen extract system and flue hereby permitted shall only be operated between the hours of 0700 in the morning and 2300 in the evening from Mondays to Sundays. The system shall not be operated nor take place at anytime outside of these hours.

REASON: In the interests of the amenities of the area.

8 The scheme of odour control shall be installed as per the details in AQA Assessments Odour Risk Assessment, job number J0211, document number J-211/1/F2 dated 2 January 2021. The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out.

REASON: In the interests of the amenities of the area.

9 The extraction and ventilation plant shall be so sited, installed and maintained in accordance with the recommendations of the noise impact assessment by DAA Group, Issue 01, dated 12th December 2023. The works detailed in the approved scheme shall be installed in their entirety before the operation of the use hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out.

REASON: In the interests of the amenities of the area.

10 A post installation noise assessment shall be carried out before commencement of the restaurant / takeaway use hereby approved to confirm compliance with the submitted scheme detailed in DAA Group Noise Impact Assessment, issue 01, dated 12th December 2023, and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to operation of the development and thereafter be permanently retained.

REASON: In the interests of the amenities of the area.

Informatives: (4)

11 The applicant is advised that the development hereby approved may represent chargeable de
Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the d
a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Addition
submitted, please submit it now so that we can determine the CIL liability. In addition, you ma
case, please submit the relevant form so that we can determine your eligibility. The CIL Comm
must be submitted to Wiltshire Council prior to commencement of development. Should devel

Notice being issued by the local planning authority, any CIL exemption or relief will not apply a immediate effect. Should you require further information or to download the CIL forms please Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

12 In discharging condition 9 the council's public protection team recommend the applicant ensu vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses

13 Food Business Registration: Under Article 6 of EC Regulation 852/2004 all businesses who p register their food business with the local authority. This obligation also applies to any organis homeless shelters), those who produce food in their homes for members of the public and tho from a vehicle. Food businesses must register with their local authority at least 28 days before operators in Wiltshire can register their food businesses free of charge through the following w http://www.wiltshire.gov.uk/communityandliving/publicprotection/foodsafety/foodsafetyinforma

14 Licensing Act 2003: This development may require a licence, issued under the Licensing Act operate. The operator should ensure they have obtained any legal authorisations required be can be found on the following web page:
http://www.wiltshire.gov.uk/businesssupportandadvice/licencestreettrading/applyforalicence/li

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

4 **CIL.** 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. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy