Wiltshire Council

# The Town and Country Planning Act 1990

## Approval of Variation of Conditions

## Application Reference Number: PL/2023/06835

## Decision Date: 03 June 2024

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| **Applicant:** | Best Kebab Westbury 37 High Street, Westbury, BA13 3BN<br>C/O Agent KSD Architecture, 12 Cathedral Rd, Pontcanna, Cardiff, CF11 9LJ |
| **Particulars of Development:** | Variation of conditions 2 & 3 of 17/10966/FUL |
| **At:** | 37 HIGH STREET, WESTBURY, BA13 3BN |

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:**

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

Drawing nos: Location Plan, as received on 11 August 2023; KSD014-XX-XX-00-DR-A-01000, Existing Floor and Roof Plans with Section;
KSD014-XX-XX-00-DR-A-01001, Proposed Floor and Roof Plans with Section;
KSD014-XX-XX-00-DR-A-02000, Existing and Proposed Front and Rear Elevations; as received on 31 October 2023

Documents: Longar Type 8 Activated Carbon Filter Specifications; Longar Type 21 Compact Mini Pleat Filter Specifications; MUB 042 500E4-A2 Multibox Specifications; Helios Silencer Specifications; as received as 24 October 2023; and Acoustician and Ventilation Specialist Proposals, produced by KSD Architecture Limited, as received on 16 March 2024

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

2 The ventilation and extraction equipment (including the new flue) shall be fully installed in accordance with the approved details (pursuant to Condition 1 of this consent) prior to the business operating at the extended opening hours (as set out in Condition 3).

The ventilation and extraction equipment shall thereafter be installed and maintained in accordance with the approved details. No changes to the ventilation and extraction equipment or the flue shall take place and no other ventilation or extraction equipment shall be installed, without the prior written consent of the Local Planning Authority.

REASON: In the interests of neighbouring amenity.

3 The use hereby approved shall only take place between the hours of 14:00 and 23:00 Mondays to Saturdays, and between the hours of 14:00 and 22:00 on Sundays and Bank or Public Holidays and at no other times.

REASON: In the interests of neighbouring amenity.

4 Within 3 months of the ventilation and extraction system being altered and upgraded in full accordance with the approved details set out in Condition 1, a post-installation noise assessment shall be carried out and submitted to the Local Planning Authority for approval. The report shall include any additional steps required to achieve the required noise levels (and the susbequent timeframe for any additional mitigation where appropriate) as detailed within the submitted Mechanical Noise Report (produced by Soundtesting, dated 9 November 2020, reference 13645 Version 1).

REASON: In the interests of safeguarding the amenity to neighbouring occupiers.

5 The rear door (on the south-east elevation) of the subject No.37 High Street premises shall be kept closed at all times except for emergency access purposes for the lifetime of this development.

REASON: In the interests of safeguarding neighbouring amenity.

**Informatives:**

All bat species, their breeding sites and resting places are fully protected by law under the Conservation of Habitats and Species Regulations 2010 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. If bats or evidence of bats are found during the works, the applicant is advised to stop work and follow advice from an

independent ecologist or to contact the National Bat Helpline at: 0345 1300 228. Further information is available on Natural England's website at: Bats: protection and licences - GOV.UK (www.gov.uk)

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.

*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