

1. Introduction

This statement responds to representations received in relation to the above application. The applicant has carefully considered all comments raised and has sought to address concerns through professional assessments, design mitigation, and a willingness to accept appropriate planning conditions.

The proposal should be assessed against adopted planning policy and material planning considerations. Matters of personal preference, perception of prestige, or the type of cuisine proposed are not material planning considerations.

2. Principle of Use

Several representations object to the proposal on the basis that a takeaway is not considered appropriate for the Market Place or that it does not enhance the town's image.

Response:

- The site lies within Devizes town centre where commercial and food-related uses are supported by national and local planning policy.
- The lawful use of the premises is Class E, which includes restaurant and café uses.
- Planning legislation does not allow decisions to be made on the basis of the perceived desirability of a particular business type or cuisine.
- The proposal introduces an active ground-floor use, supporting town centre vitality and reducing vacancy.

This objection is therefore not supported by planning policy.

3. Odour, Ventilation and Noise

Concerns have been raised regarding odour, noise and disturbance to nearby residential properties.

Response:

- A professional **Odour Assessment** and **Noise Impact Assessment** have been submitted in accordance with:
 - IAQM Guidance (2018)
 - Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Gibson 2022)
- The extraction system includes appropriate filtration and high-level discharge designed to prevent nuisance.
- Wiltshire Council Environmental Health has confirmed **no objection**, subject to satisfaction that odour and noise can be controlled.
- Any residual impacts can be fully managed through **planning conditions**, which the applicant is willing to accept.

4. Residential Amenity (Upper Floors & Nearby Dwellings)

It has been suggested that the proposal would prejudice residential use of nearby or upper-floor dwellings.

Response:

- Mixed-use buildings with commercial ground floors and residential upper floors are typical and encouraged within town centres.
- The submitted technical assessments demonstrate that residential amenity can be protected.
- Environmental Health has not objected on amenity grounds.
- Conditions relating to plant noise, odour control and hours of operation can ensure continued residential use without harm.

5. Fire Safety and Public Safety

Concerns have been raised regarding safety following a previous fire incident in the wider area.

Response:

- Fire safety is primarily addressed under Building Regulations and Environmental Health regimes.
- The kitchen will be professionally designed and installed in accordance with all relevant fire safety standards.
- These matters are not grounds for refusal where appropriate regulatory controls are in place.

6. Waste, Litter and Vermin

Representations raise concerns regarding rubbish, rats and fly-tipping.

Response:

- Waste will be stored internally and collected by a licensed commercial waste contractor.
- Separate recycling arrangements will be provided.
- Pest Control will be provided
- Litter and waste management are operational matters and can be controlled through condition if necessary.
- The proposal does not inherently create vermin issues.

7. Heritage and Listed Building Considerations

Concerns have been raised regarding impact on the listed building and the character of the Market Place.

Response:

- A **Heritage Impact Assessment** has been submitted.
- The Archaeology Officer has confirmed **no archaeological objections**.
- The works result in **less than substantial harm**, at the lowest end of the scale, and are reversible.
- No historic fabric of significance will be removed.
- Any minor harm is outweighed by the public benefit of bringing a vacant listed building back into viable use, in accordance with the NPPF.

8. Conclusion

The objections raised do not identify material planning grounds that would justify refusal of the application. Technical matters relating to odour, noise, waste and amenity have been professionally assessed and can be adequately controlled through planning conditions.

The proposal complies with national and local planning policy, preserves the significance of the listed building, and supports the vitality and viability of Devizes town centre.

The applicant respectfully requests that the application be approved.