

APPLICATION FOR FULL-PLANNING PERMISSION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2023/07209
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	2 The Packway, Larkhill, Salisbury, SP4 8PY
DEVELOPMENT DESCRIPTION:	Change of Use from mixed use A1/A3 Cafe to Sui Generis Hot Food Takeaway (for the sale of hot food where consumption of that food is mostly undertaken off the premises) and addition of extract chimney
RECOMMENDATION:	That planning permission be GRANTED

PROPOSAL

This application seeks planning permission for the change of use of the ground floor of 2 The Packway from a mixed A1/A3 café use, as permitted under planning permission S/2010/1508, to a hot food takeaway use. Under the current Use Classes Order, a hot food takeaway falls within the Sui Generis use class. The proposal includes the installation of an extraction flue/chimney on the eastern elevation to serve the proposed use. No alterations are proposed to the existing shopfront.

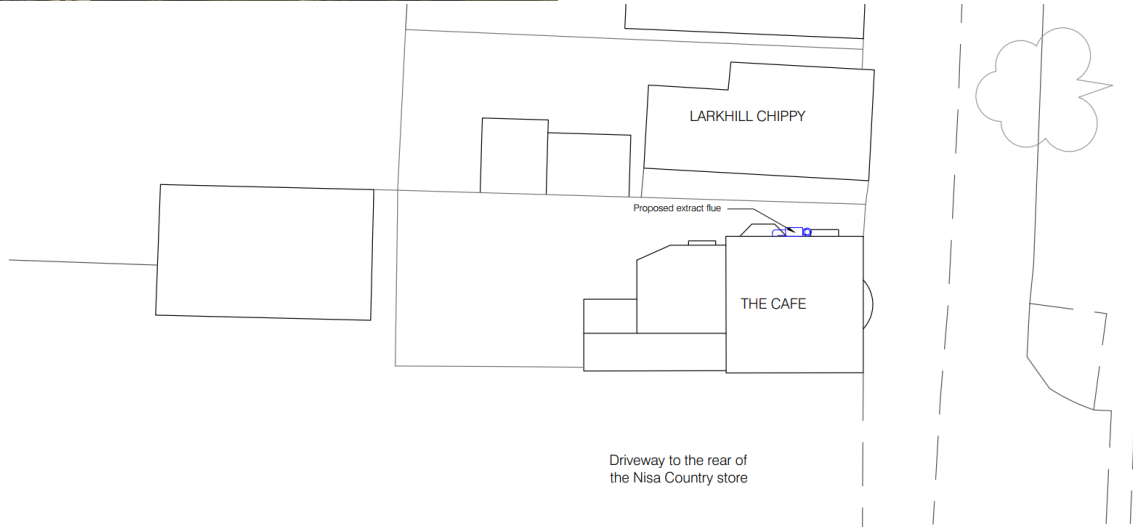
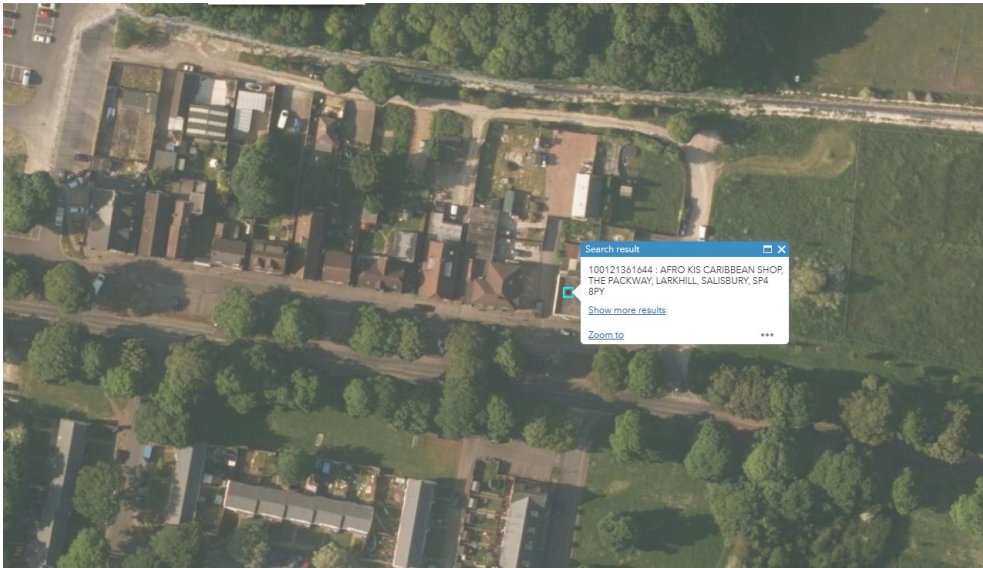
SITE DESCRIPTION/CONTEXT

The application site comprises the ground floor unit at 2 The Packway, located within Larkhill. Larkhill forms part of the Amesbury Community Area as defined by Core Policy 4 of the Wiltshire Core Strategy. Whilst Larkhill has no specific settlement designation under Core Policies 1 and 2 of the Wiltshire Core Strategy, it functions as an MOD Garrison. Durrington, identified as a Market Town, lies immediately to the east.

The site forms part of a long-established local shopping parade on The Packway. The unit is currently occupied as an Afro-Caribbean convenience store, a use which falls within the retail element of the previously approved mixed A1/A3 use authorised under planning permission S/2010/1508. The site is situated at the eastern end of the parade and the surrounding area is characterised by a mix of commercial and residential uses, including takeaways, cafés, convenience stores, other small businesses and dwellinghouses. As such, the site occupies an established commercial location serving the day-to-day needs of the local community.

PLANNING HISTORY

Proposal / Summary
S/2008/0034 - Full planning permission Decision - Approve with Conditions Date: 26/2/2008 – CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES) AT GROUND FLOOR LEVEL
S/2010/1508 - Full planning permission Decision - Approve with Conditions Date: 22/11/2010 – CHANGE OF USE FROM A1 TO MIXED USE A1/A3



RELEVANT LEGISLATION, POLICIES AND GUIDANCE

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Development Plan:

The development plan for Wiltshire comprises the *Wiltshire Core Strategy (WCS)* (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the

Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 1 Settlement Strategy
- Core Policy 2 Delivery Strategy
- Core Policy 4 Amesbury Community Area
- Core Policy 57 Ensuring High Quality Design and Place Shaping
- Core Policy 61 Transport & Development
- Core Policy 62 Development Impacts on the Transport Network

ISSUES

The main issues that need to be addressed in this case include:

- Principle
- Design and impact on the character and appearance of the area
- Amenity
- Highways

CONSULTATION RESPONSES

Durrington Town Council: No response received.

WC Public Protection: No objection – subject to conditions – below is a summary of the response.

'I note a new flue is proposed and, whilst I have no objections to the application in general, in order to protect occupiers of residential premises in the vicinity, including flats above other commercial property, then I would recommend the following conditions are included in the event that planning permission is granted.'

Three conditions are recommended and included in this decision, including one pre-commencement condition.

WC Highways: No objection – with the following comment received:

There is public parking opposite the site for the use of the retail units along The Packway. I have no highway concerns with the change of use of this retail unit, it is considered that the proposal is not detrimental to highway safety. I wish to raise no highway objection.

REPRESENTATIONS

No representations were received.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

The assessment below considers each of the main issues identified above. Each topic is assessed in turn with reference to the relevant policy context, the evidence submitted, consultee responses, and all other material considerations, before a conclusion is reached.

Principle

Core Policies 1 and 2 of the Wiltshire Core Strategy establish the spatial strategy for the distribution of development across Wiltshire, whilst Core Policy 4 identifies Larkhill as falling within the Amesbury Community Area. Although the site is located outside a designated settlement boundary, it forms part of a long-established shopping parade on The Packway which accommodates a range of commercial and service uses serving the local community. The application site is currently occupied as an Afro-Caribbean convenience store and benefits from planning permission for a mixed A1/A3 use under planning permission S/2010/1508.

The proposal seeks the change of use of the premises from the lawful mixed A1/A3 use to a hot food takeaway use falling within the Sui Generis use class. Whilst planning permission is required for this change of use, the proposal would retain the premises in an active commercial use and would not result in the loss of a community facility or its redevelopment for an alternative non-commercial purpose.

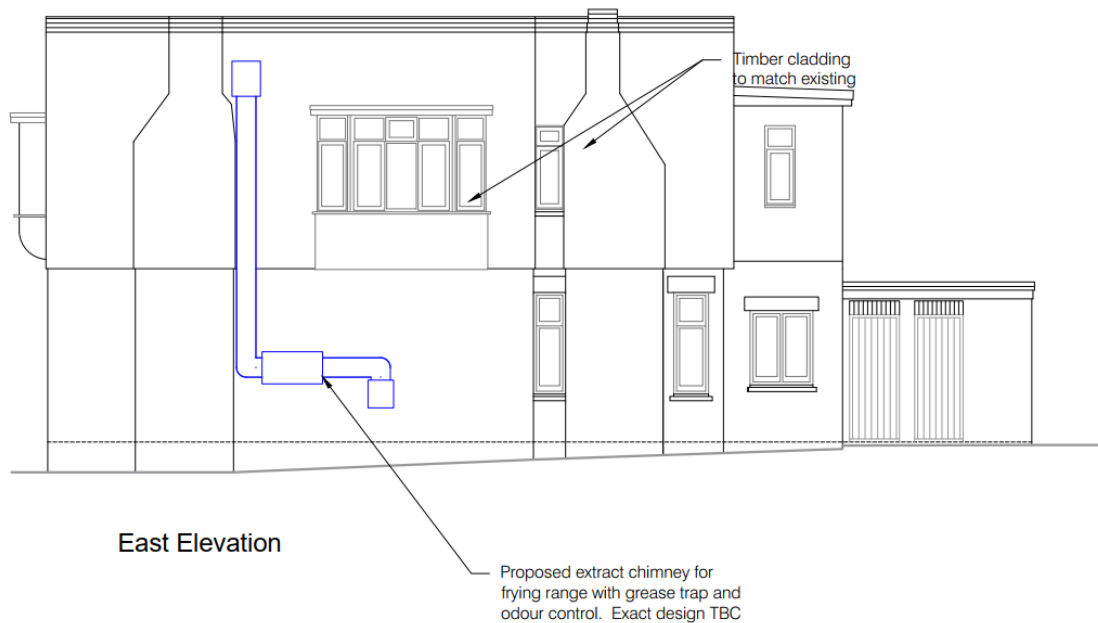
The proposed hot food takeaway would occupy an existing commercial unit within an established shopping parade and would sit alongside a range of existing commercial uses, including other hot food takeaways. The site already benefits from planning permission for food-related uses through the mixed A1/A3 permission. As such, the proposed use would not appear alien within its surroundings and would be consistent with the established commercial character and function of The Packway.

Having regard to the site's existing commercial use, its location within an established shopping parade and the presence of similar food-related uses within the locality, it is considered that the proposal would represent an appropriate form of development in this location. Subject to satisfactory consideration of design, amenity and highway matters, the principle of the proposed development is considered acceptable.

Design and impact on the character and appearance of the area

Core Policy 57 of the Wiltshire Core Strategy seeks to ensure development responds positively to local character and the surrounding built environment, whilst achieving a high standard of design. This approach is reflected in Policy DP3 of the National Planning Policy Framework (2026), which requires development proposals to respond to their context and integrate with and enhance their surroundings, creating visually attractive, distinctive and characterful development.

The only external alteration proposed as part of the development is the installation of an extraction chimney on the eastern side elevation of the building. Whilst this represents a physical alteration to the building, it is considered necessary to facilitate the safe operation of the proposed hot food takeaway use.



The chimney would be positioned on the eastern elevation rather than the principal frontage facing The Packway, which significantly reduces its visual prominence within the street scene. The chimney may be visible in views when travelling west along The Packway from the east; however, it would not be readily visible from the majority of the shopping parade or from views approaching from the west. Similarly, only limited glimpsed views of the flue would be available from the public highway.

Whilst the technical specification of the extraction equipment is reserved by condition, the submitted elevations clearly demonstrate the proposed location, scale and appearance of the flue. The submitted plans indicate that the chimney system would not project above the ridgeline of the building and would therefore not appear as a dominant or unduly prominent feature within the wider street scene.

Furthermore, the application site adjoins an existing takeaway premises to the east, which already incorporates extraction equipment of a similar nature. As such, the introduction of a further extraction system would not appear incongruous within the established commercial context of the parade. By virtue of its siting, scale and relationship with neighbouring

commercial premises, the proposal is considered to represent a sympathetic addition to the building which would preserve the character and appearance of the area.

Accordingly, having regard to the siting, scale and appearance of the proposed flue, it is considered that the development would integrate satisfactorily with the host building and wider commercial surroundings. The proposal is therefore considered to accord with Core Policy 57 of the Wiltshire Core Strategy and Policy DP3 of the National Planning Policy Framework (2026).

Amenity

Core Policy 57 (criterion vii) of the Wiltshire Core Strategy requires development to respect the amenity of existing occupants and ensure appropriate amenity levels for future residents. This approach is reflected in Policy P3 of the National Planning Policy Framework (2026), which requires development proposals to be appropriate for their location, taking account of the likely effects of pollution on health, living conditions and the natural environment, and to avoid giving rise to unacceptable levels of air, noise or other forms of pollution.



The site forms part of an established commercial parade comprising a mix of retail, food and service-based premises alongside nearby residential properties. In assessing the proposal, regard has therefore been had to the potential impacts arising from the operation of a hot food takeaway, including the extraction equipment, odour, noise and general disturbance.

In terms of the physical installation itself, the proposed extraction flue would be positioned on the eastern side elevation adjacent to an existing takeaway premises containing similar extraction equipment. Having regard to its siting, scale and relationship with neighbouring development, the flue is not considered to result in an overbearing form of development, loss of light, overshadowing or any other unacceptable impact on the amenity of neighbouring occupiers.

The principal amenity considerations in this case relate to odour and noise associated with the operation of the proposed hot food takeaway and its extraction system. Wiltshire Council's Public Protection team were consulted on the application and raised no objection to the

proposal subject to appropriate planning conditions. During the course of the application, additional technical details relating to the extraction and odour control system were requested. Whilst some information was subsequently submitted, Public Protection Officers advised that further technical details would be required before the system could be fully assessed.

In response, the applicant elected to proceed with the determination of the application with the outstanding technical details secured by condition. Condition 3 therefore requires the submission and approval of a comprehensive scheme of extraction, odour control and discharge equipment prior to the commencement of the use. The condition requires detailed technical specifications and a risk assessment prepared in accordance with recognised industry guidance, ensuring that the extraction system can be properly assessed and approved before the takeaway use commences. The condition is considered necessary and reasonable and provides a robust mechanism to safeguard neighbouring amenity from unacceptable odour impacts.

In addition, Condition 4 requires the extraction equipment to be designed, installed and maintained so that noise emissions do not exceed 5dB below existing background noise levels at the nearest noise-sensitive property, in accordance with BS4142:2014+A1:2019. This requirement reflects the recommendations of Public Protection Officers and ensures that noise arising from the extraction equipment remains at an acceptable level, thereby protecting nearby occupiers from noise disturbance.

The proposed use would also be subject to a condition restricting opening hours, including deliveries, to between 09:00 and 21:30. This restriction is considered reasonable in the context of the surrounding area and limits the potential for late evening activity, customer comings and goings, delivery movements and associated disturbance at times when neighbouring residents are likely to be most sensitive to noise. The condition therefore provides an additional safeguard in respect of residential amenity.

Having regard to the proposed mitigation and the recommendations of Wiltshire Council's Public Protection team, it is considered that any potential impacts arising from noise, odour or disturbance can be satisfactorily controlled through planning conditions. Subject to compliance with those conditions, the proposal would not result in unacceptable harm to the living conditions of nearby occupiers and is therefore considered to comply with Core Policy 57 of the Wiltshire Core Strategy and Policy P3 of the National Planning Policy Framework (2026).

Highways

Core Policies 61 and 62 of the Wiltshire Core Strategy seek to ensure that development provides safe and suitable access for all users and does not result in unacceptable impacts on the transport network. These objectives are reflected in Policies TR3 and TR6 of the National Planning Policy Framework (2026), which require development proposals to be located in sustainable locations and ensure that any impacts on highway safety and the transport network are acceptable.

Wiltshire Council Highways Officers have been consulted on the application and raise no objection to the proposed change of use. In reaching this view, the Highway Officer notes that public parking is available opposite the site for the use of the commercial units along The Packway and concludes that the proposal would not be detrimental to highway safety.

The application relates to an existing commercial unit within an established shopping parade and does not involve any alterations to the existing access arrangements. Whilst the proposed hot food takeaway use may result in a different pattern of customer movements compared to the existing use, it is not considered that the scale of the development would generate traffic levels that would result in an adverse impact on the local highway network. Furthermore, the availability of existing public parking serving the parade is considered sufficient to accommodate the anticipated demand associated with the proposed use.

Having regard to the consultation response from the Local Highway Authority and the scale and nature of the proposal, it is considered that the development would not have an unacceptable impact on highway safety or the operation of the surrounding highway network. The proposal therefore accords with Core Policies 61 and 62 of the Wiltshire Core Strategy and Policies TR3 and TR6 of the National Planning Policy Framework (2026).

Pre-commencement condition agreement

This recommendation includes pre-commencement planning condition relating to details of the flue extraction equipment. In accordance with Section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority formally notified the agent of the proposed condition and sought their agreement. Written confirmation of agreement was received from the applicant's agent on 9th June 2026.

Conclusion

The proposed development would retain an existing commercial unit within a long-established shopping parade and introduce a use that is compatible with the established commercial character and function of The Packway. The proposed extraction flue has been designed and positioned so as to minimise its visual impact and is not considered to result in harm to the character and appearance of the area.

The principal considerations relate to residential amenity arising from odour, noise and general disturbance associated with the proposed takeaway use. Wiltshire Council's Public Protection team have raised no objection subject to conditions controlling the design and operation of the extraction system, noise emissions and hours of operation. These conditions are considered sufficient to safeguard the amenities of nearby occupiers. Furthermore, Wiltshire Council Highways Officers have raised no objection and are satisfied that the proposal would not be detrimental to highway safety.

Having regard to the existing lawful use of the site, its location within an established commercial parade, the absence of objections from technical consultees and the mitigation secured through planning conditions, the proposal is considered acceptable. The development is therefore considered to accord with Core Policies 1, 2, 4, 57, 61 and 62 of the Wiltshire Core Strategy and the relevant provisions of the National Planning Policy Framework (2026). Accordingly, planning permission is recommended for approval, subject to the conditions set out below.

RECOMMENDATION: That Planning Permission be GRANTED subject to conditions.

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 – (ref: LCTP04BP) – date received: 16/10/2023
- Proposed elevations – (ref: LCTP07EE) – date received: 16/10/2023

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

3. The use hereby permitted shall not operate until a scheme containing full details of arrangements for internal air extraction, odour control and discharge to atmosphere from cooking operations, including the location and appearance of any external ducting and flues, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ "Control of odour and noise from commercial kitchen exhaust systems" Guidance (Gibson, 2018).

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 safeguarding the amenities of neighbouring occupiers in accordance with Core Policy 57 of the Wiltshire Core Strategy

4. The extraction equipment shall be so sited, installed and maintained so that the noise levels produced do not exceed 5dB (LAeq) below the existing background (LA90) noise level as measured at the nearest noise sensitive property in accordance with BS4142:2014 +A1:2019

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

5. The use hereby permitted, including deliveries to and from the premises, shall only take place between 09:00hrs and 21:30hrs

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