

**REPORT TO THE DEVELOPMENT CONTROL  
COMMITTEE**

Report No.

<b>Date of Meeting</b>	<b>3<sup>rd</sup> September 2008</b>
<b>Application Number</b>	<b>08/01600/COU</b>
<b>Site Address</b>	<b>13 Church Street, Calne, Wiltshire SN11 0HU</b>
<b>Proposal</b>	<b>Change of Use From A1 Shop to A3 restaurant</b>
<b>Applicant</b>	<b>Mr R Merrick</b>
<b>Town/Parish Council</b>	<b>Calne</b>
<b>Grid Ref</b>	<b>399870 170915</b>
<b>Type of application</b>	<b>Change of Use</b>

**Reason for the application being considered by Committee**

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8<sup>th</sup> April 2002 because there have been more than 5 letters of objection.

**Summary of Report**

This application proposes the change of use of a retail shop (formerly Artisans Collectables) to a restaurant. No external changes are proposed. The key issues to be considered are:

- Impact on vitality and viability of the town centre
- Impact on conservation area and listed building
- Impact on residential amenity

**Officer Recommendation**

Planning Permission be GRANTED subject to the conditions

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**Proposal and Site Description**

The proposal is to change the use of a former retail unit which is now vacant to a restaurant. The building is Grade 2 listed and within the Conservation Area. The building lies towards the northern end of Church Street which has a number of commercial premises on it including 2 restaurants/takeaways. There are a significant number of residential properties in the vicinity.

The proposal does not include any alterations to the unit which is glass fronted.

<b>Planning History</b>		
Application number	Proposal	Decision
90/01234	Change of Use of 1 <sup>st</sup> Floor to Coffee Shop and Delicatessen	Permission
99/00802/COU	COU from retail unit to dwelling.	Permission

## **Consultations**

The Town Council does not support the application expressing concerns over the head lease of the property stating that the building should remain as a retail outlet.

Wiltshire County Council Highway's comments are awaited.

Environmental Health has no objections.

Calne Civic Society objects on the basis of its Listed Building and Conservation Area status: already other restaurants: the area is mainly residential and general disturbance.

## **Representations**

11 local residents object as follows:

- Amplified noise levels
- Cooking smells
- Impact on Conservation Area.
- Stipulation that only to be used for shop in head lease.
- Another food outlet will make the area a gathering area for youths.
- Increase in traffic.
- Loss of retail facility.
- Contrary to policy C3 of NWLP 2011.

15 letters of support have also been received on the following grounds:

- Benefit for Calne
- Need for good eating establishments.

## **Planning Considerations**

### Principle of development

The site falls within the secondary shopping frontage (Policy R2). The principle of the change of use to use class A3 is acceptable in this town location. The presence of other eating outlets is only a material consideration where the loss of retail use would undermine the vitality or viability of the Town Centre. This is not considered to be the case. Additionally a number of retail outlets remain in this street.

The building is in the Conservation Area, but its character is not considered to be adversely affected by the proposal. Collections of youths and anti-social behaviour is a public order issue and not within planning control.

The proposal relates to a Grade II listed building and the applicant is aware of this and the need for

further consents for any works required to the fabric of the building.

### Impact on Amenity

The proposal is close to residential properties, but Environmental Health have not objected on noise or fumes emissions. However, a condition imposed about details of extraction etc is considered to be appropriate.

### **Recommendation and Proposed Conditions/Informatives**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. Prior to the first use or occupation of the development hereby permitted, details of the method of fumes extraction for the cooking unit, shall be submitted to a preserved in writing by the local planning authority.

Reason: To protect residential amenity.

4. The use hereby permitted shall not be open to customers before 12:00 hours nor after 22:00 hours weekdays and Saturdays and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenity of the area.

### **Informatives**

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Site location plan received by the local planning authority 2.7.08

2. This permission does not include Listed Building Consent which is required for any demolition, partial demolition, alteration (including internal works) or extension (including the addition of signs of all types) which would affect the character of the listed building in any way and works should not commence until such Consent is obtained. Failure to do so is an offence under the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Reason for Decision**

The proposal is considered to preserve the vitality and viability of Calne town centre and the character of Calne Conservation Area. The proposal is also considered to be acceptable in amenity terms. Whilst 13 Church Street is a listed building this application does not propose any physical changes and thus preserves its historic character and appearance. The proposal complies with policies C3, NE18, R2,

HE1 and HE4 of the North Wiltshire Local Plan 2011.

<b>Appendices:</b>	<ul style="list-style-type: none"><li>• <b>NONE</b></li></ul>
<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"><li>• <b>1.20, 2.04, 2.07, 4.02, 4.04, 4.06, 4.07</b></li></ul>