

**REPORT TO THE NORTHERN AREA  
PLANNING COMMITTEE**

Report No.

<b>Date of Meeting</b>	<b>14th March 2012</b>		
<b>Application Number</b>	<b>12/00198/S73A</b>		
<b>Site Address</b>	<b>Unit 2, 119 The Pippin, Calne, SN11 8JQ</b>		
<b>Proposal</b>	<b>Change of Use to A5, Erection of New Shopfront and Extract/Ventilation &amp; Air Compressors to Rear (Variation of Condition 2 of 11/02734/FUL – Change of Trading Hours</b>		
<b>Applicant</b>	<b>Dominos Pizza Group Ltd</b>		
<b>Town/Parish Council</b>	<b>Calne</b>		
<b>Electoral Division</b>	<b>Calne Central</b>	<b>Unitary Member</b>	<b>Councillor Howard Marshall</b>
<b>Grid Ref</b>	<b>399815 171215</b>		
<b>Type of application</b>	<b>S73A</b>		
<b>Case Officer</b>	<b>Charmian Burkey</b>	<b>01249 706667</b>	<b>Charmian.burkey@wiltshire.gov.uk</b>

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

The Area Development Manager considers it appropriate that the Committee consider the application as the original restriction on hours of trading was imposed by the Planning Committee on application 11/02734/FUL on 2<sup>nd</sup> November 2011.

**1. Purpose of report**

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

**2. Report summary**

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon neighbour amenity

The application has generated objection from Calne Town Council; and 1 letter of objection from the public.

**3. Site Description**

The site is a unit recently occupied by Dominos Pizza following the grant of planning permission in November 2011 for an A5 takeaway se with associated works. The adjoining unit is occupied by M&Co clothing and opposite is Sainsbury's. The site lies within the town centre where there are a great diversity of uses.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>07/03228/FUL</b>	Demolition of existing units and replacement with new retail units with flats above.	Permission
<b>11/02734/FUL</b>	COU of Unit 2 to A5, erection of new shop front & extract/ventilation and air conditioning unit to the rear.	Permission with conditions
<b>11/92983/ADV</b>	Two internally illuminated fascia signs, one illuminated projecting sign and one internally illuminated window sign.	Permission

## **5. Proposal**

Planning application 11/02734/FUL was approved with the following condition attached:

‘The use hereby permitted shall be for the sale of pizzas only and no other hot food takeaway. There shall be no cooking or sale of pizzas outside the hours of 09:00-22:00 on any day.

REASON: To protect the amenity of the area.’

This application seeks to extend the opening hours to 09:00-23:00 on any day.

## **6. Planning Policy**

North Wiltshire Local Plan: policies C3; HE1; NE18

The site lies within the Calne Conservation Area.

## **7. Consultations**

Calne Town Council stated that whilst they consider that the application could have opening hours in line with other businesses in the town, there has not yet been sufficient time to assess the potential impact that longer hours may have – including on those residents who live in nearby properties. Members agreed to turn down the application until the potential impact is more clearly understood.

Environmental Health comment that when the ‘noise’ comments were made on the original application, it was based on the application operation running until midnight. There are therefore no adverse comments relating to the proposal to extend the opening hours from the consented 22:00 hrs to 23:00.

## **8. Publicity**

The application was advertised by site notice and neighbour consultation.

1 letters of letter of objection received

Summary of key relevant points raised:

- The previous restriction, limiting the hours to 22:00 is the correct one. Nothing has changed since that decision was made.
- Since the restaurant has opened there has been an increase in noise and rubbish in the local area and it has been noted that on one occasion an articulated delivery vehicle was outside at 03:00 hours.
- The area is a hotspot for anti social behaviour which has increased since the opening and will increase more in summer.
- Dominos imply that their main trade is in phone orders and delivery and they don't have eat in, but there are table and chairs for approx 20 people, which are frequently filled.

## 9. Planning Considerations

The principle of the development has been established by permission 11/02734/FUL and the unit is open and trading. This application is purely to extend the trading hours by one hour to allow it to open until 11pm.

Key to this application is the advice of Environmental Health and it is important to note that they neither objected to the original application, which requested opening hours until midnight, nor do they object to this application.

The site lies within the town centre where late night activity is to be expected and indeed there are other outlets which open to at least 11pm.

It is not considered that, given the other nearby uses, a refusal could be justified without objection from Environmental Health.

## 10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposal, due to its town centre location and limiting conditions, is considered to be compliant with policies C3, HE1 and NE9 of the North Wiltshire Local Plan 2011.

Subject to the following 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 use hereby permitted shall be for the sale of pizzas only and no other hot food takeaway. There shall be no cooking or sale of pizzas outside the hours of 09:00-23:00 on any day.

REASON: To protect the amenity of the area.

- 3 Any fixed plant associated with the proposed development shall be so sited and designed as to not exceed the following criteria : 45dB<sub>L</sub>A<sub>eq</sub>(1hr) and noise rating (NR) curve 40dB<sub>A</sub>, when measured at 1m from any residential window.

REASON: To protect nearby residential amenity.

- 4 The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans

C4728-A5-03, 02, 01, 04 and 05 dated 11<sup>th</sup> August 2011.

