

REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	2 nd November 2011		
Application Number	11/02734/FUL		
Site Address	Phelps Parade, Unit 12, 119 The Pippin, Calne, SN11 8JQ		
Proposal	Change of use of unit 2 to A5, erection of new shop front and extraction/ventilation and air compressors to the rear.		
Applicant	Domino Pizza Group Ltd		
Town/Parish Council	Calne		
Electoral Division	Calne Central	Unitary Member	Councillor Howard Marshall
Grid Ref	399810 171198		
Type of application	FULL		
Case Officer	Charmian Burkey	01249 706667	charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Howard Marshall has called the application to Committee to discuss smell/noise, anti-social behaviour and the effect of lack of dedicated parking for collection and delivery vehicles.

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 highway safety, levels of available parking
- Impact upon neighbour amenity by way of noise/smell and anti-social behaviour

The application has generated support from 1 local resident and 14 letters of objection from the public.

3. Site Description

The site is the 2nd unit in the new retail units with flats above in central Calne. The larger unit has recently been occupied by the clothing company M & Co. The flats above are occupied by Westlea tenants.

4. Relevant Planning History

Application Number	Proposal	Decision
07/03228/FUL	Demolition of existing shops and construction of new retail units with flats above, access, support areas and associated works	Permission

5. Proposal

The unit was permitted as an A1 retail unit, but not yet occupied. The proposal is to change the use so that a national pizza retailer can occupy the unit as an A5 facility.

6. Planning Policy

The relevant policies are C3, HE1 and NE18 of the NWLP 2011.

The site lies within the Calne Conservation Area.

7. Consultations

Calne Town Council's comments are awaited.

Highways do not object due to nearby car parking availability.

Environmental Health do not object subject to conditions.

8. Publicity

The application was advertised by site notice and neighbour consultation.

15 letters of objection received including from M& Co.

Summary of key relevant points raised:

- There are enough hot food outlets.
- Noise/smell pollution.
- Increase in anti-social behaviour and increased waste on streets.
- It should remain as retail as first permitted.
- Lack of consultation.
- Sainsbury's car park is not a public car park.

There has been 1 letter of support on the basis that Dominos is a renowned company.

The company profile states that:

- The nature of the product and the baking method reduce the odours that may occur.
- The size and consistency of the pizzas reduces the number eaten on the street.
- Only approx 20% of pizzas are bought from the unit as the majority are home delivery.
- Dominos supports litter collection in the local area.

9. Planning Considerations

The site lies within the town centre where the principle of a hot food takeaway is acceptable subject to policy R2 which seeks to maintain the health of the town centre. Whilst Calne has a number of hot food takeaways the majority of units are occupied by retail shops.

The unit would consist of a preparation and baking area and a customer waiting area for those not choosing the home delivery service. Office and ancillary facilities will also be provided.

The unit has a large amount of shared service and parking space to the rear of the building and there is public parking nearby.

There are minimal changes to the external appearance of the building and the signage is the subject of a separate application (11/02983/ADV)

Environmental Health Officers have looked at the information submitted with the application and do not object subject to conditions on opening hours and a suitably worded noise condition. The agent has stated that he is happy to accept a 'pizzas only' condition in addition to Environmental Health's suggested conditions.

Given the town centre location, Environmental Health's comments and other uses nearby, it would not be justified to refuse the application on the grounds of noise or smells disturbance. The proposal potentially introduces a renowned company into Calne's Town Centre and fills a vacant unit which has been empty for some time.

It is not considered that the introduction of the facility would increase the noise and disturbance to an unacceptable level and that the application should be permitted. It is considered that the use preserves the character and appearance of this part of the Calne Conservation Area and complies with policies C3, NE18 and HE1 of the North Wiltshire Local Plan 2011.

10. Recommendation

Planning Permission be GRANTED for the following reason:

It is not considered that the introduction of the facility would increase the noise and disturbance to an unacceptable level and that the application should be permitted. It is considered that the use preserves the character and appearance of this part of the Calne Conservation Area and complies with policies C3, NE18 and HE1 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 LAeq(1hr) and noise rating (NR) curve 40dBA, 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 11th August 2011.



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