

## REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	10 <sup>th</sup> July 2013		
Application Number	13/01090/S73A		
Site Address	Domino's Pizza, 119 The Pippin, Calne, SN11 8JQ		
Proposal	Variation of Condition 2 of 11/02734/FUL to vary trading hours		
Applicant	Domino's		
Town/Parish Council	Calne Town Council		
Electoral Division	Calne	Unitary Member	Cllr Howard Marshall
Grid Ref	399816 171216		
Type of application	S73A		
Case Officer	Charmian Burkey	01249 706667	charmian.burkey@wiltshire.gov.uk

### Reason for the application being considered by Committee

The application is being brought before the planning committee at the discretion of the Director of Development Services as the application is to amend a hours of operation condition imposed by Committee Members

### 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:

- Impact upon neighbourhood amenity and privacy.

The application has generated objections from Calne Town Council and 7 letters of objection from the public.

### 3. Site Description

The proposal relates to an existing Domino's Pizza outlet which has been in situ for approximately 15 months within Calne Town Centre, just within the secondary shopping centre. The surrounding uses are retail with Sainsbury's opposite and M&Co adjacent.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
11/02738/FUL	Change of use of unit to A5 (takeaway and associated works)	Permission with a condition restricting hours of use to 09:00-22:00
11/02983/FUL	Adverts	Consent
12/00198/S73	Variation of hours to allow pizza sales 09:00- 23:00	Granted

#### **5. Proposal**

The proposal is to vary the hours that the unit operates, both in terms of sales and then deliveries. The proposal is for sales from the unit to be able to operate until 12 midnight with the addition of delivery sales until 01:00 on Friday and Saturday nights only.

#### **6. Planning Policy**

Policies C3 and NE18 of the North Wiltshire local Plan 2011 are applicable along with Core Policy 57 of the Emerging Wiltshire Core Strategy and advice in section 8 of The National Planning Policy Framework 2012.

#### **7. Consultations**

Calne Town Council strongly object the application quoting policies C3 (iii), (ix) and Topic Area Policy NE18. They are concerned about the impact of the proposal on neighbouring properties and residents, who are already experiencing problems with anti-social behaviour, excessive noise and disturbance with the current opening hours. Members felt strongly that conditions would worsen should permission be granted to further extend trading hours. Members also noted that the unit is located within the conservation area.

Environmental Health does not object (having consulted with the police about anti-social behaviour) subject to an initial temporary time limit for one year.

#### **8. Publicity**

The application was advertised by site notice and neighbour consultation.

7 letters of objection have been received.

Summary of key relevant points raised:

- Increase in noise and general disturbance.
- Increase in traffic movements and noise including deliveries.

In support of the application the agent responds that the anti-social behaviour is not because of the Domino's unit and Domino's have not received any complaints. The unit is subject to a licence which can be revoked at any time and is an ongoing regulatory control. There is no factual evidence to support the complaint.

## 9. Planning Considerations

The proposal relates to an existing unit for sale of pizzas. The unit has been running for approximately 15 months with anecdotal nuisance problems, which the police do not verify. The unit is sited in the town centre where other takeaways exist and uses which operate into the evening.

The unit has been operating with the hours 09:00-23:00 hours on any day and the proposal is to extend this to 24:00 on any day with deliveries allowable until 01:00 on Fridays and Saturdays. Environmental Health do not oppose this change in hours as the unit is in the town centre where other comparable uses already take place. However, because of the expressed concerns they do suggest that temporary 1 year consent is given so that should any nuisance arise, this can be monitored.

None of the anti-social behaviour reported relates specifically to the application site and are those found in town centre locations in any event. It is not considered that extending the hours as proposed would compound this and the recommendation is to allow a temporary 1 year permission.

## 10. Recommendation

Planning Permission be GRANTED

Subject to the following conditions:

- 1) The variation of hours contained within condition 2 of this permission shall be discontinued and the hours of operation returned to those approved under planning permission 12/00198/S73A on or before 30<sup>th</sup> July 2014.

Reason: To allow monitoring of the revised opening times

- 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 09:00-24:00 on any day except Fridays and Saturdays when cooking and delivery of pizzas shall be permitted until 01:00 hours.

Reason: To protect the amenity of the local residents.

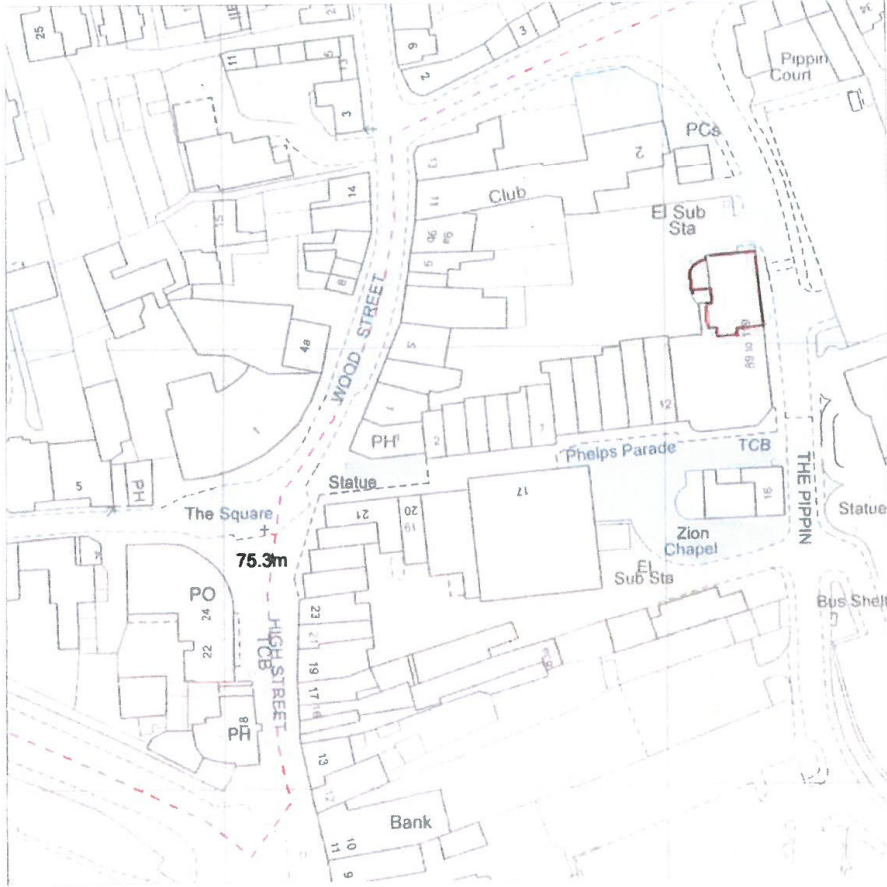
- 3) Any fixed plant associated with the proposed development shall be so sited and designed as to not exceed the following criteria: 45dBA<sub>3q</sub>(1hr) and noise rating (NR) curve 40dBA, when measured at 1m from any residential window.

Reason: To protect the amenity of nearby residents.

- 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: Location plan dated 10<sup>th</sup> April 2013.

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



**Dominos  
Unit 2  
119 The Pippin  
Calne SN11 8JQ**

**Site location plan**

**Scale 1/1250**