

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	08 October 2014
Application Number	14/06727/FUL
Site Address	Units 2 & 3 Abacus House Newlands Road Corsham SN13 0BH
Proposal	Change of Use from A1 (Retail) & A2 (Financial & Professional Services) to A5 (Hot Food Takeaway); Installation of Extraction/Ventilation Equipment & Replacement Shopfront.
Applicant	Third State Pizza Company Ltd T/A Dominos
Town/Parish Council	CORSHAM
Division	CORSHAM TOWN- Cllr Philip Whalley
Grid Ref	387044 170338
Type of application	Full Planning
Case Officer	Victoria Hodgson

Reason for the application being considered by Committee

The application is being presented to Committee at the request of Councillor Alan McArae to consider the grounds of scale of the development, visual impact upon the surrounding area and relationship to adjoining properties as well as the overabundance of fast food outlets in small area in centre of town.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED to change the use of Units 2 and 3 Abacus House from A1 (Retail) and A2 (Financial & Professional Services) to A5 (Hot Food Takeaway) including the installation of a replacement shop front and installation of extraction/ventilation equipment.

2. Report Summary

The main issues when considering this application are:

- Principle of the development (in this instance change of use)
- Design and visual impact
- Highway issues
- Impact upon neighbour amenity
- Impact on Conservation Area

Corsham Town Council supports the proposal, however objection comments have been received from Corsham Civic Society and local residents.

3. Site Description

The site relates to the ground floor of two existing modern retail units located and close to the junction of Pickwick Road and Newlands Road on the edge of Corsham town centre. The upper floors are used as offices. The site is within the Conservation Area and within the Town Centre Secondary Frontage Area as defined in the Adopted North Wiltshire Plan 2011. There are two further units either side of the application site and there is a club and church to the rear and car park and other retail/service units on the opposite side of the road to the southeast. The nearest residential properties are located to the northwest approximately 70 metres away and on the opposite side approximately 30 metres to the southwest. The buildings currently have A1 Retail use and A2 Financial & Professional Services use.

4. Planning History

N/99/02990/COU	CHANGE OF USE TO CLASS A2 (FINANCIAL AND PROFESSIONAL OFFICES) USE AS A CREDIT BROKER
N/94/02194/FUL	CHANGE OF USE FROM RETAIL TO ESTATE AGENTS OFFICE USE AS ESTATE AGENTS OFFICE
N/92/01335/S73	CHANGE OF USE FROM RETAIL SHOPTO ESTATE AGENTS OFFICE (A2) USE AS ESTATE AGENTS OFFICE
N/89/00643/FUL	CHANGE OF USE TO GROUND FLOOR ONLY FROM RETAIL A1 TO FINANCIAL SERVICES A2
N/04/00222/ADV	DISPLAY OF SIGNBOARD
N/04/01378/ADV	DISPLAY OF SIGNBOARD

5. The Proposal

The planning application proposes the change of use of the ground floor of both units into a single unit operating an A5 use, Hot Food Takeaway with associated extraction/ventilation equipment and replacement shop front. The proposed takeaway would be occupied by Domino's Pizza and would employ approximately 35 part time staff. According to the application form the new premises would open between 11:00 and 23:00 Monday to Saturday and between 11:00 and 23:00 on Sundays and Bank Holidays.

Internally the units would be altered to facilitate the new use with customer area to the front of the store and oven area behind the counter. There would also be a cold store, store room, office and WC's. Externally the existing shop front would be replaced with a new timber framed shop front which would include panes of laminated safety glass. The position of the door to unit 2 would be repositioned to the side and used as the customer entrance/exit.

The extraction duct would run from the oven hood and through the rear elevation wall. It would run upwards and terminate approximately 1.3 metres above the rear elevation eaves. There would be two wall mounted compressors located at the rear elevation of the store, one of which would be used to maintain the temperature of the cold store whilst the other would be used for the air conditioning of the remainder of the unit.

Waste would be stored to the rear of the building and moved to the highway on collection days. Collection of waste would be organised by a private arrangement.

6. Planning Policy

- National Planning Policy Framework (NPPF) – Section 2: Ensuring the Vitality of Town Centres
- Adopted North Wiltshire Local Plan 2011 Policies:
C3 Development Control
HE1 Development in Conservation Area
R2 Town Centre Secondary Frontage Areas
- Wiltshire Core Strategy:
Corsham Area Strategy
Core Policy 35: Existing employment sites
Core Policy 36: Economic regeneration
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 58: Ensuring the conservation of the historic environment

7. Consultations

- **Corsham Town Council – No objection**
- **Wiltshire Council Highways – No objection.** As there is a large car park for potential customers to the Take Away they recommend that no highway objection is raised against this application.
- **Wiltshire Council Public Protection (North) – Awaiting further comments**
Matters considered Noise, Odour. The proposal is to change the use from Retail, Financial and Professional services to Hot Food Takeaway. The units are in a mixed area with some retail and some residential. The concern is that there is the potential for nuisance from odour (cooking processes) or noise (extraction, air conditioning, refrigeration and customers leaving the takeaway late at night.) I note that some specifications have been provided for the proposed ventilation system and more detailed information on the Cold Room and Air conditioning units. As a result the public protection officer has requested further information regarding the noise specification for the extraction flu at 1 metre, 3 metres and 5 metres and the distance to the nearest receptor in order to assess whether there would be any adverse impact.

The agent/applicant submitted the required information on 23rd September 2014. At the time of writing this report further comments from the public protection officer have not yet been received. These will be presented to the committee as a late item.

8. Publicity

- **Corsham Civic Society – Objection.** Corsham does not need yet another unhealthy food outlet. The position by the zebra crossing is unsuitable in any case.
- A total of five representations have been received as a result of the public consultation process. Two of the five comments are from residents of the same household. One of the representations comments that as their property neighbours the application site they should have been consulted. The following comments are raised,
 - The town does not need another takeaway establishment, especially pizza takeaway as there are already three pizza outlets in the town. A fourth outlet would be 'overkill'.
 - There are at least 8 takeaway food establishments in the town and these don't bring people into the town centre to support all other traders.
 - The Council will benefit initially from extra income, but will it do Corsham itself any favours having a pizza delivery service in this location? It certainly won't help the Martingate and High Street traders.

- The existing three pizza outlets are struggling to make a profit. Their loss as a result of Dominos would result in more empty shops in the town centre. Recently three town centre shops have closed. Corsham is no longer a destination of choice for shoppers.
- Domino's will kill off a lot of hard working family businesses in the town.
- The brash fascia of Dominos would be completely out of character.
- If the planning office have any desire at all to keep Corsham as the quaint, historic town it still partially is, this application will not be considered.
- Parking issues. There are existing ongoing problems with illegal parking in the vicinity of the site. More illegal parking will increase the danger to pedestrians and other road users. In addition to this vehicles race down Pickwick Road, turn left into Newlands Road and are sometimes unable to stop at the crossing. The position of this site is far too dangerous for this type of business.

9. Planning Considerations

Principle of Development (Change of Use)

The site relates to two existing commercial units located on the edge of the town centre within the secondary retail frontage. As such policy R2 of the North Wiltshire Local Plan (2011) applies in this instance. This policy states that,

'Proposals for shops, financial and professional services, food premises, leisure facilities and night clubs (Use Class A, D1 and D2) will be permitted within the defined town centre secondary frontage areas of...Corsham...subject to all the following criteria:

- i) They do not individually or cumulatively undermine the vitality or viability of the town centre.*
- ii) The proposal is consistent with the scale and function of the town centre.*
- iii) Consideration is given to ensuring that proposals do not eliminate separate access arrangements to the upper floors, which could be used for residential, community or employment uses.'*

Hot food takeaways have a role to play in the range of services provided for local communities but as a result of the nature of this type of development and the potential impacts, in terms of activity, noise and cooking smells etc., town centre locations are generally considered to be the most appropriate place for such a use. Hot food takeaways are, therefore, commonly found in town centre locations alongside retail and non-retail uses.

Corsham town centre includes a number of food establishments ranging from cafes, restaurants, hot food takeaways, sandwich shops, and public houses. The most recent survey conducted as part of the assessment for this planning application showed that there are a total of five existing premises which operate as hot food takeaways. Four of these are within 145 metres of the application site, a Chinese takeaway being the closest at approximately 20 metres from the site. The other three (a fish and chip shop, kebab/burger/pizza takeaway and a pizza takeaway) form a small concentration close to the junction of High Street and Pickwick Road, the closest being approximately 112 metres from the application site.

Although the proposed change of use would increase the number of hot food takeaways within the town to six the town would still continue to have a good mix of uses if permission is granted for this proposal. In addition to this the application site is located on the outskirts of the town centre and over 110 metres from the small concentration of hot food takeaways located close to the junction of High Street and Pickwick Road and therefore would not result

in adding to this concentration. A hot food takeaway at this location would add to the variety of uses and support the vitality and viability of the town as a local centre, thus the principle of a hot food takeaway is considered to be acceptable at this location. The intended hours of operation between 11:00 and 23:00 seven days a week are considered reasonable and appropriate.

The NPPF strongly favours sustainable development and looks to increase commercial activity and employment, especially in rural towns. Policies R2 and R5 also look to encourage commercial activities within designated town centres. Officers consider that the proposal consistent with the scale and function of the town centre and would not, either individually or cumulatively undermine the vitality or viability of the town centre, rather that it would benefit the town to some degree by way of making good use of a vacant edge of town centre unit. In addition to this the proposal also has the potential to add to the mix of uses in the Secondary Retail Frontage, whilst not harming what would remain the predominantly A1 function of the Town Centre. Officers consider therefore that the proposal complies with policy.

Design and visual impact

In terms of physical alterations to the building and the impact on the character of the Conservation Area, the proposal involves alterations to both the front and the rear of the building. The proposed works to the front of the building are relatively minor and would alter the existing modern shop front to a small degree.

Highway issues

This a site which is located on the edge of the town centre where there is ample on and off street parking provision. Directly to the rear of the building is a good sized car park to the rear of the building. It is therefore considered that there is sufficient parking provision to meet the needs of staff and potential customers to the proposed hot takeaway establishment. The Highways Authority raises no objection to the proposal. Issues raised with regard to illegal parking are noted. However, enforcing highway law is a matter for the police.

Impact upon Neighbour Amenity

The physical alterations to the building are fairly minor and would not result in loss of amenity to other properties in terms of overlooking, loss of light and shading.

At the time of writing this report officers are awaiting further clarification from the public protection officer with regard to the potential impact of the proposal on neighbour amenity.

Impact on Conservation Area

The application proposes the change of use of an existing modern retail building located within the Conservation Area. There would be minimal alterations to the external appearance of the building as most of the works would be internal; however a new shop front is proposed. With regard to the new design, officers consider that the proposals are in keeping with the general character of openings and proportions of elevations as they are similar to the original. The fenestration and modern character of the row would not alter significantly as a result of the new shop front.

In addition, it is noted that there are limited rear elevation views of the property from public places within the Conservation Area which would ensure that the new extraction/ventilation equipment would not have a significant impact on the historic environment.

For these reasons it is considered that the proposed development would not have detrimental impact on the area and thereby preserve the historic character of the Conservation Area.

Other matters

The objection comments relating to the number of hot food takeaways in Corsham are noted; however competition is not a material planning consideration.

Objectors have raised concerns regarding signage; to clarify; this application does not include any signage or adverts. Any proposed advertisements would be subject to the terms of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

10. Conclusion

The proposals are considered to be in accordance with the relevant development plan policies and guidance as stated above and as there are no material considerations which would override the presumption in favour of the development plan, the application is recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be GRANTED 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 There shall be no customers/members of the public on the site outside the hours of 23:00 in the evening and 11:00 in the morning from Mondays to Fridays and between 23:00 in the evening and 11:00 in the morning on Saturdays, Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

DB111-EX-01; DB111-EX-02; DB111-GA-03; DB111-EI-04; and DB111-LP08, received and date stamped by the LPA on the 17 July 2014; and 'Planning Design and Access Statement'; and 'Supporting Annex B Document for Proposed Ventilation System', received and date stamped by the LPA on the 10 July 2014.

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

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to

obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Abacus House Corsham

1:1250

