

**REPORT OUTLINE FOR AREA PLANNING Report No.
COMMITTEES**

Date of Meeting	2 nd February 2022
Application Number	PL/2021/08970
Site Address	135 High Street Royal Wootton Bassett Swindon SN4 7BH
Proposal	Change of use from a Bank (Use Class A2) to a Hot Food Takeaway (Use Class A5) Together with External Alterations
Applicant	Dominos Pizza Group Ltd
Town/Parish Council	Royal Wootton Bassett
Electoral Division	Royal Wootton Bassett
Grid Ref	406772 182580
Type of application	Full Planning
Case Officer	Alison Williams

Reason for the application being considered by Committee

The application was called into Committee by Councillor Champion to consider the impact on the taxi rank, potential for deliveries outside of hours and impact on residential amenity.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The key issues in considering the application are as follows:

- Principle of development
- Impact on heritage assets and the character of the area

- Impact on neighbour amenity
- Parking/highways
- Waste and recycling

3. Site Description

The application relates to a former bank and now vacant building on the High Street in Royal Wootton Bassett. The adjoining unit to the north east is currently occupied by Prospect Hospice and the adjoining unit to the south west is currently utilised as a public house. There are a range of other commercial and retail uses on the High Street and the site adjoins a retirement village known as the Mulberrys to the rear. There is a taxi rank immediately in front of the site on the High Street.

The site is located in a Conservation Area and the adjacent public house is Grade II listed. The site is also in an area of archaeological potential and it is in a ground water vulnerability zone.

4. Planning History

N/88/00512/FUL	Installation of Barclay Bank cash dispenser and alterations to shopfront (approved)
N/00/02049/ADV	Internally illuminated fascia sign (refused)
N/00/02792/ADV	Externally illuminated fascia sign (approved)
N/03/01551/ADV	ATM signs (approved)
N/07/01399/ADV	Internally illuminated fascia sign and projecting sign (withdrawn)
N/07/01982/ADV	Display externally illuminated fascia sign and projecting sign (Revision of 07/01399/ADV) (approved)
20/09359/ADV	1no Externally illuminated fascia sign & 1no Externally illuminated projecting sign (withdrawn)
20/07551/FUL	Change of use from a Bank (Use Class E) to a Hot Food Takeaway (Sui Generis) Together with External Alterations (withdrawn)
PL/2021/11770	One fascia sign, one hanging sign, both externally illuminated and one LED digital window display. (not yet determined)

5. The Proposal

Planning permission is sought for the change of use of the building from a bank (use class E) to a hot food takeaway (Sui Generis) together with external alterations.

6. Local Planning Policy

Wiltshire Core Strategy (2015)

Core Policy 1 (Settlement Strategy)

Core Policy 2 (Delivery Strategy)

Core Policy 19 (Royal Wootton Bassett and Cricklade Community Area),

Core Policy 36 (Economic Regeneration),

Core policy 38 (Retail and Leisure)

Core Policy 57 (Ensuring high quality design and place shaping),

Core Policy 58 (Ensuring the conservation of the historic environment),

Core Policy 60 (Sustainable transport),

Core Policy 61 (Transport and development) and

Core Policy 64 (Demand management)

North Wiltshire Local Plan (2011)

Saved Policy R2 (Town Centre Secondary Frontage Areas)

NE18 (Noise and Pollution)

Royal Wootton Bassett Neighbourhood Plan (2018)

Policy 1 (Services and Facilities)

Policy 2 (Convenience and comparison retail)

Policy 7 (Design)

Policy 12 (Road safety, traffic and transport)

National Planning Policy Framework 2021:

Paragraphs 2, 11, 12 (Sustainable Development, Paragraph 47 (Determining Applications), Paragraph 81 (Economy), Paragraph 86 (Vitality of town centres), Paragraph 127 and 130, (Well designed places), Paragraphs 190, 191, 192, 194, 195, 197, 199, 200, 201, 202 (Heritage)

The Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 16, 66 and 72.

7. Summary of consultation responses

Royal Wootton Bassett Town Council

The Town Council raise concerns regarding the use of the taxi rank. It was noted that deliveries will be made off peak to avoid conflict with the taxi rank at the front of the building but questions were raised over where the delivery cars for takeaways will wait and how car parking will be managed at the front of the building. Concerns over the possibility of deliveries outside of the hours specified which would be a detriment to residential amenity

Highways

No objection. The Officer noted that the High Street is a busy A road and they advised that the Applicant should be mindful of arranging service vehicles to deliver at off-peak times to avoid conflict with the taxi rank immediately outside. They considered that there is ample on-street parking along the High Street for customers, and they noted that these spaces will be utilised for evening trade when parking for shopping has lessened.

They noted that the submission indicates that waste collection will be arranged at off peak times to avoid conflict with users of the taxi rank and parking bays closest to the site.

They considered that an additional takeaway restaurant would not lead to a severe cumulative impact on the public highway.

Public Protection

No objection subject to conditions regarding hours of operation, odour and noise. They advised that they were satisfied with the proposed waste collection arrangement from a food safety perspective.

Conservation

The Officer advised that they had no significant concerns regarding the proposed change of use. They noted that the key issue in this case would be considered at a later date in reference to the form of the proposed signage.

8. Summary of representations received

2 letters of objection were received during the consultation period. The main points raised were as follows:

- Concern about the proximity of the Mulberrys and the noise and disturbance caused by the proposal
- Waste storage will result in noise, smell and rodent/pest issues
- Concern about waste collection/delivery to the rear and associated disturbance caused
- Waste collection from the High Street would conflict with the taxi rank
- Noise and smell disturbance produced by fans, flue/extraction unit
- Proposed opening hours would cause disturbance
- There are enough fast food outlets on the High Street
- The proposal could damage the existing similar businesses in the area
- Concern about making deliveries to the front of the building and conflict with taxi rank
- Adverse impact of resident's ability to use/enjoy the communal garden serving the Mulberrys

9. Publicity

The publicity for the application was by way of a press advert, site notice, neighbour notification letters, notification to the Town Council and Local Ward Member, Publication of details to the Council's website and inclusion on the weekly list of applications also published to the public record.

10. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); the Wiltshire Housing Sites Allocation Plan (WHSAP) (Feb 2020); and the Royal Wootton Bassett Neighbourhood Plan (MNP) ('made' April 2018).

Principle of development

The site is located within the secondary frontage area for Royal Wotton Bassett as defined by the North Wiltshire Local Plan. Saved Policy R2 of the North Wiltshire Local Plan is therefore relevant. It 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 Chippenham, Calne, Wootton Bassett, Corsham, Malmesbury and Cricklade, 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. 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.*

It should be noted that the Use Classes Order was amended 2020. Under the 1987 Use Class Order the proposed takeaway would have fallen under Class A5. However, the proposed takeaway is now designated as a sui generis use.

Notwithstanding the above, given that the proposal seeks permission for an A5 (now sui generis) use, the proposal falls within the category of uses which are acceptable in this location in accordance with the provisions of Saved Policy R2. The proposal is for a single takeaway of a relatively small scale. Therefore, whilst it is acknowledged that there are other similar businesses on the High Street, due to its nature and scale, the proposal would not undermine the vitality or viability of the town centre, nor would it have a significant adverse impact upon the viability of the existing similar businesses in the area. The planning statement confirms that the site has been vacant since July 2018, and it is considered that restoring the unit to an active business use would contribute to the vitality of the High Street. The proposal therefore complies with the first criterion of Policy R2.

The proposal seeks permission for a new takeaway, which is a use that is consistent with the scale and function of the town centre. The proposal therefore complies with Policy R2 ii). The submitted plans indicate that the proposal would have no impact upon the existing access arrangement for the first floor. Although the plans indicate that the building does not currently benefit from separate access to the first floor, the proposal plans indicate that the first floor would be used in association with the proposed takeaway. As such the proposal is considered to be in compliance with Policy R2 iii). For these reasons the proposal would comply with Saved Policy R2 of the North Wiltshire Local Plan.

In terms of broader development plan policies, the proposal is not of a scale or in a location that triggers requirements for retail impact assessment under WCS CP38. Also it is noted that the supporting text for Policies 1 and 2 of the Neighbourhood Plan sets out a desire to reduce the number of vacant units and support ground floor units remaining in use Classes A and D in order to support the vibrancy of the Town Centre. As outlined above, the current proposal would provide an A5 (now sui

generis use) and would therefore help to achieve the aspirations of the neighbourhood plan.

As such the principle of development is supported.

Impact on heritage assets and the character of the area

The site is located within the Royal Wootton Bassett Conservation Area and it is adjacent to a Grade II listed Public House known as The Cross Keys Inn. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66) and the character or appearance of the conservation area (s.72). This duty is reflected in the National Planning Policy Framework which requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (paragraph 195). Local authorities are also required to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset (Paragraphs 199 and 200).

There is no conservation area appraisal currently published for the Royal Wootton Bassett Conservation Area. However, the significance of the conservation area is likely to arise primarily from its aesthetic (fortuitous) and historical (illustrative) values and by virtue of its designation, it is significant in heritage terms.

The listing for The Cross Keys Inn explains that the building may have been constructed before 1742. The listing notes the building's architectural features including dark brick with finer red brick dressings to openings, gauged brick arches to windows and sash windows. It is also the former site of a 17th century token issuer, John Knighton, Mercer. The significance of the building is therefore considered to arise primarily from its aesthetic (designed) and historical (illustrative) value. Given its designation it is of significant importance in these terms.

At present the application site is a vacant unit, which detracts from the vibrancy of the surrounding High Street. Due to the poor condition of the fenestration, the fascia board and the presence of a large to-let sign, it makes a negative contribution to the character and appearance of the conservation area and it has a negative impact upon the significance of the adjacent listed building.

The proposal would bring the building back into an active use. The existing fenestration on the front elevation would be rationalised, with new timber framed sash windows finished in white at the first floor and aluminium shop front glazing at ground floor finished in grey. It is also understood that the Applicant intends to erect new signage, however this does not form part of the current application and will be considered as through an application for advertisement consent. The alterations proposed to the front elevation would make a positive contribution to the character

and appearance of the conservation area and the significance of the adjacent listed building.

The alterations to the rear are confined to the installation of a new wall-mounted condensing unit, the installation of a flue and a fresh air intake grille. Whilst these additions would undoubtedly have a utilitarian appearance, given the nature and appearance of the existing rear addition and their limited public visibility, they would have a neutral impact upon the significance of designated heritage assets and the character and appearance of the area more generally. A condition can be applied to any consent given to require that the flue is painted black to reduce its prominence. Due to their location and size, the other additions proposed would not constitute prominent or incongruous features when viewed from the surrounding area and they would have no impact upon the significance of designated heritage assets.

On balance, the proposal would enhance the character and appearance of the conservation area and the significance of the adjacent listed building. The proposal therefore complies with Core Policies 57 and 58 of the Wiltshire Core Strategy, Policy 7 of the Neighbourhood Plan and paragraphs 195 and 196 of the NPPF.

Impact on neighbour amenity

Given its Town Centre location, the site is primarily surrounded by commercial and retail units. However, there are some residential units in this location including staff accommodation within the adjacent public house and opposite the site across the High Street is the retirement village known as The Mulberrys. This contains several residential units and is also positioned directly to the south east of the site. The impact of the proposal upon the amenity enjoyed by neighbouring properties was a key concern in the objection letters received. It was felt that the proposed waste storage arrangement, the flue/fans/extraction units and the proposed hours of operation would cause harm to the amenity enjoyed by these neighbours.

In response to the concerns raised, the proposed delivery and waste collection arrangements were altered. It is now proposed that deliveries will be made to the front of the unit, and that waste will also be collected from this location. This revised arrangement will ensure that deliveries and collections associated with the servicing of the building will not cause significant harm to neighbour amenity. Further protection can also be provided via a condition restricting the delivery times to between 10:00 and 21:00.

It is acknowledged that notwithstanding the revised arrangement described above, the use of the land to the rear of the unit for the storage of waste does still have the potential to cause harm to neighbour amenity through noise associated general staff activity, lighting, odour and the closing of bin lids. The planning statement outlines measures to mitigate this harm including using domestic sized bins rather than large

heavy lidded bins and staff will be advised to minimise the use of the bins after 9pm. There is space within the first floor of the building for a staff room and therefore the likelihood of staff congregating within the rear yard is limited. A condition is suggested to control the installation of external lighting, which would help to further protect the amenity enjoyed by neighbours in this respect.

Comments received during the public consultation period raised concern that the proposed waste storage arrangement would attract pests. However, the Planning Statement outlines measures which are designed to reduce this risk. For instance, the statement confirms that domestic sized bin and regular waste collections would reduce the accumulation of waste and would prevent vermin. Given that appropriate waste management measures have been outlined, it would not be reasonable to refuse the planning application on this basis.

It is acknowledged that concerns were raised by members of the public regarding the disturbance (through noise, smell and heat) produced by the proposed flue, condenser unit and fans. It was also felt that these elements of the proposal could release toxins into the air which would affect the occupants of the Mulberrys. The Environmental Health Officer reviewed the proposal and raised no objection subject to conditions. A condition is suggested to ensure that the sound associated with the proposed plant does not exceed 5Db below the existing background level, and the condition will compel the Applicant to provide a post installation noise assessment to demonstrate that this has been achieved. The Environmental Health Officer considered that this was achievable on the site and that the condition would ensure that the noise associated with plant would be of a negligible level and should not give rise to a loss of amenity.

A further condition is suggested to require that the development is carried out in accordance with the EMAQ technical guidance for the "Control of Odour and Noise from Commercial Kitchen Exhaust Systems" which would require a high level of odour control. This would compel the developer to carry out any measures which are deemed appropriate and necessary in order to achieve a *high* degree of odour control as specified in the guidance. The Environmental Health Officer also advised that regular food safety inspections would be carried out once the business is operating and part of this inspection would include the extraction system and its maintenance. The Officer also considered that other than the normal products of combustion, they did not consider that there would be any toxins discharged to the atmosphere by the proposed food business. Taken together, these controls are considered to minimise the impact of the proposal upon amenity enjoyed by neighbouring properties.

In response to the concerns raised, the proposed opening hours were reduced. It is now proposed that the hours of operation would be 11:00 to 23:00 Monday to Sundays and Bank Holidays. Although the concerns raised regarding the long hours

of operation are acknowledged, it is important to recognise that the site is in a town centre location where such uses are common. Moreover, the primary activity associated with the movements of delivery drivers and customers will occur on the High Street, away from The Mulberrys. It is also noted that the site is immediately adjacent to a Public House, the operation of which also produces a degree of noise and disturbance and within this wider context the proposed hours of operation are considered to be acceptable.

Subject to the use of conditions proposed it is not considered that significant harm to existing residential amenity will arise for the use proposed such that there is conflict with the relevant policies of the plan or provisions of the framework. As such it is also not considered that the application could be defensibly refused on this basis.

Parking/highways

Concern was raised during the public consultation period regarding the impact that the proposal would have on the surrounding highway network. In particular it was felt that the proposal would increase congestion, that the waste collection and delivery arrangement would conflict with the taxi rank, and that the proposal would reduce the availability of parking for the surrounding businesses.

The Highway Officer fully reviewed the proposal and raised no objection. They explained that the taxi rank and two-hour parking bays on the High Street are enforced by the Council's Parking Enforcement Officers. As such, any obstruction of the taxi rank or any inappropriate parking would be managed and enforced by that team. Notwithstanding this, it is important to note that both waste collections and deliveries do not generally take a significant amount of time and are not likely to cause a lengthy obstruction of either the highway or the taxi rank. Moreover, delivery vehicles could utilise the on-street parking available in order to prevent conflict with the taxi rank.

Many businesses on the High Street utilise the on-street parking spaces available and the proposed takeaway is not likely to attract such a high number of customers waiting over extended periods that the availability of this parking would be significantly reduced. It is understood that most Dominos customers have their food delivered, so general customer numbers are likely to be low, pre-order for collection is also possible. Moreover, most of the trade associated with the proposal is likely to take place in the evening and the Highway Officer explained that evening parking for employees and customers will be freely available when the shops on the High Street are closed and there is more parking capacity in the area.

The Highway Officer considered that the proposal would not result in a severe cumulative impact on the public highway. They confirmed that as parking surrounding the site is controlled and enforced, there was no need for additional

mitigation to be sought. The proposal would therefore comply with Policy 12 of the Neighbourhood Plan as well as Core Policy 60 of the Wiltshire Core Strategy.

Waste and recycling

It is noted that several comments received during the public consultation period raised concern regarding the revised waste collection arrangement. It was highlighted that the proposal to collect waste from the High Street would require waste to be brought through the proposed takeaway. The Environmental Health Officer confirmed that this arrangement was acceptable and did not raise any concerns with regarding to food hygiene or safety.

11. Conclusion (The Planning Balance)

The proposal would achieve the redevelopment and occupation of a vacant unit which is currently in a poor state of repair. This will contribute to the vitality of the Town Centre and will to achieve the aspirations of the Neighbourhood Plan in this respect. The proposal is acceptable in principle given its compliance with current planning policy, the external alterations proposed would be in-keeping with the character and appearance of the locality and they would not cause any harm to designated heritage assets. Whilst the concerns raised regarding neighbour amenity are appreciated, the Agent has provided additional information and measures to address any potential harm caused and this aspect of the proposal can be further managed through a suite of restrictive conditions. The Highway Officer is satisfied with the proposed delivery and servicing arrangement and the proposal is therefore acceptable in this respect.

Therefore, on balance it is considered that the benefits associated with the proposal would outweigh the harms. As such, it is recommended that planning permission is granted.

RECOMMENDATION: grant permission 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 development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule

12477-AEW-PJ004106-XX-DR-0005, 12477-AEW-PJ004106-XX-DR-0006,
12477-AEW-PJ004106-ZZ-DR-0003, 12477-AEW-PJ004106-XX-DR-0004,
12477-AEW-PJ004106-ZZ-DR-PRELIM-0001

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

3. The Local Planning Authority approves the information detailed in RSK Acoustics Plant Noise Assessment 206/0418/R1 and this must be adhered to. The mitigation measures in section 5.3 of the report must be implemented prior to use of premises and permanently maintained for lifetime of the development.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

4. The use of the development hereby permitted shall only take place between the hours of 11:00 in the morning and 23:00 in the evening Mondays to Sundays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable. The proposed opening hours of 11am to 11pm have been used throughout this assessment, deviation from these hours would render the assessment unreliable, thus these hours must be adopted (with exemption of cold room condenser, which requires 27/7 operation).

5. The Odour Specification Details document prepared by Purified Air are approved by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

6. The external flue shall be finished in a matt black colour and maintained as such thereafter.

REASON: In the interests of preserving the character and appearance of the conservation area and its setting.

7. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone

standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

8. Deliveries to the development site shall only take place between the hours of 10:00hrs to 20:00hrs

REASON: In the interests of the amenities of the area and to minimise conflict with highway movements.

9. The site shall be used for a hot food takeaway (sui generis use) and for no other purpose (including any other purpose in Class (Sui generis] of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable, but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

INFORMATIVES

10. 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.
11. 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.
12. 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.

13. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website.

14. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

15. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.