

Environmental Services

Cherwell District Council
Safer Communities and Community Development
Anti-social Behaviour Units Licensing Consultation Response.

Licensing Act 2003: Application for a premises license.

Premises: Maricksons T/A Dominos Pizza 132 Buckingham Road Bicester Oxon

History:

Planning consent was granted for the change of use of a supermarket with ancillary hot food to premises selling solely hot food by virtue of planning permission 02/00154/F issued on 15 March 2002.

Whilst it is not material to the consideration of this application it is worth noting that this planning permission was granted subject to conditions. Of particular interest is condition 4 of that permission:

The operational use of the premises shall be restricted to no opening or dispatch of telephone orders later than 11:00 pm

Reason – In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises.

Within these conditions the business has operated as Dominos Pizza without coming to the direct attention of the Councils' Anti Social Behaviour Team. Local residents however have reported that from time to time the location is a focal point for young people to gather either as pedestrian groups or in groups in motor vehicles. The presence of such groups has resulted in noise from both human voices and vehicles.

It is worth considering the immediate surroundings of the premises. The application premises is the right hand part of a building which was formally a pair of dwellings. The left hand portion being the premises of the J K Liquor Store, a local off license. Access to the premises is via a service road off Buckingham Road and the two commercial units have residential properties to the North East, East and South West. To the west is Buckingham Road and beyond further dwellings and a petrol filling station. I would characterise as sub urban with the noise climate being dominated with road traffic noise during the day. Towards evening and into the night the road traffic noise drops dramatically and the dominant noise source through the night time period is that of rail traffic. This apart it would be reasonable to describe the location as relatively quiet after 23:00 hrs.

The application as submitted seeks a premises license which would permit the opening of the premises for the delivery and retail sale of hot food until 05:00 hrs seven days per week.

Recommendation:

Based on my assessment of the immediate surroundings of these premises and my professional judgement as to the likely impact of this proposal on the amenity of the occupants of nearby dwellings I would object to the granting of this application.

My concerns are that there would be loss of amenity amounting to public nuisance arising from customers resorting on foot to the premises and remaining in the area to consume food they have purchased; from customers visiting the premises in their own private vehicles to purchase food from customers arriving at the premises by Taxi on the way home from an evening out and from the activities of delivery drivers/going to and from the premise.

Rob Lowther
Anti-Social Behaviour Manager
10 February 2010

A copy of this report is sent to the applicant(s) or their agents and to the Licensing Authority for the Cherwell District Council Area. Should you wish to discuss the contents of this report and its recommendations please contact Rob Lowther on 01295 221623 or rob.lowther@cherwell-dc.gov.uk.

PLEASE CONFIRM IN WRITING THAT YOU HAVE RECEIVED THIS DOCUMENT, THAT YOU AGREE THE RECOMMENDED CONDITIONS OR THAT YOU INTEND TO CHALLENGE THE HEAD OF SAFER COMMUNITIES AND COMMUNITY DEVELOPMENT'S RECOMMENDATION.

Correspondence must be addressed to Urban & Rural Services, The Licensing Authority, Cherwell District Council, Bodicote House, Bodicote Banbury OX15 4AA"