

Application Number: 12/00457/FUL

Proposed change of use from retail shop (Use Class A1) to hot food takeaway (Use Class A5) and minor alterations to shop front

AT 200 Conniburrow Boulevard, Conniburrow, Milton Keynes

FOR Mr Somasundaram Prabakaran

Target: 11th May 2012

Ward: Bradwell

Parish: Great Linford Parish Council

Report Author/Case Officer: Mark Turner

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Head of Team: Andrew Horner

Contact Details: 01908 252609 andrew.horner@milton-keynes.gov.uk

1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The Site

The application site is located centrally within the main access through Conniburrow, to the corner with Stonecrop Place and Conniburrow Boulevard. A number of residential units are located above the application site. The site is not located within a Conservation Area. No on-plot car parking is provided, however fronting the property and close by are areas of communal car parking. Details of the location of the site and its relationship to surrounding properties can be seen in the plans attached to this report.

1.2 The Proposal

Planning permission is sought for the Change of Use from the existing vacant mini market to Hot Food Takeaway (Use Class A5). No on-plot parking is provided although it is noted within the application form that parking will be provided via public spaces. Hours of operation are noted as 1100-2200 seven days a week.

1.3 External alterations to the existing building include the repositioning of the main entrance door and the insertion of one fresh intake louvre and one extract louvre above the shop front. A Noise Impact Assessment Report has also been submitted as part of the current application alongside full details of a kitchen extract system to address both noise and odour.

1.4 Details of the proposal as described above can be seen in the plans appended to this report.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework (NPPF) paragraph:

14. Presumption in favour of sustainable development.

2.2 Local Policy

Adopted Milton Keynes Local Plan 2001-2011

The most relevant 'saved' policies within the adopted Milton Keynes Local Plan 2001 - 2011 are:

- D1 – Impact of Development Proposals on Locality;
- D2 – Design of Buildings;
- T15 – Parking.

Supplementary Planning Guidance

'Parking Standards for Milton Keynes' 2005 and Addendum 2009.

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

- 3.1
 1. Whether the principle of an A5 Use in the proposed location is acceptable. Planning applications for A5 Use in the property have previously been submitted however whilst no objection was raised in principle noise/odour mitigation details were not provided;
 2. The proposed Change of Use would result in an increase in the level of noise and odour. A full assessment of noise and odour has been submitted as part of the current application alongside details of proposed mitigation measures which satisfies the Environmental Health Officer;
 3. There is no provision for on plot car parking. However there is sufficient car parking spaces available in the surrounding area to accommodate the car parking that would be generated by the proposal.

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 It is recommended that planning permission be granted subject to the conditions as noted within Section 6.0 of this report.

5.0 CONSIDERATIONS

(An explanation of the main issues that have lead to the officer Recommendation)

5.1 Principle of an A5 Use

Planning permission has previously been refused for two applications for a Change of Use from A1 to A5 at the application site, refs.: 10/01462/FUL and 12/00770/FUL. In each case, the principle of an A5 Use was considered acceptable and was not cited as a reason for refusal. As the application site is not located within a Local Centre there is no policy basis for the retention of an A1 Use in the unit. The applications, having been assessed with regard to all applicable policies, with the exception of Policy D1 (iv) were considered to be acceptable.

5.2 Noise and Odour

With regard to the two previously refused planning applications, no details of noise and odour levels were submitted and it was not therefore possible to make a judgement as to whether any noise/odour extraction system was likely to be acceptable to both the applicant and the Local Planning Authority (LPA). As such, the LPA was unable to consider the impact that any new vents/ducts may have on neighbouring amenity in addition to noise and odour generated from the proposed equipment. In those previous cases, a condition requesting details of noise and odour was not considered reasonable as the Local Planning Authority cannot be certain that satisfactory details/mitigation can be achieved.

- 5.3 The current application has been accompanied by a Noise Impact Assessment Report alongside detailed drawings addressing noise and odour to the satisfaction of the Council's Environmental Health Officer. The proposal is therefore considered to satisfy Policy D1 (iv) in this respect.

5.4 Highway Issues / Parking Provision

The application site is located to a corner block of properties accessed off the main route through Conniburrow. No car parking is associated with the unit although communal parking is located within the vicinity. As is noted by the Highway Engineer there is currently a shortfall in the level of parking associated with the present A1 Use of 5 car parking spaces. The proposed A5 Use increases this shortfall by a further two car parking spaces, however given the comments raised by the Highway Engineer that the application site is likely to attract a high level of walking trade, the increased shortfall of two car parking spaces, this proposal is considered acceptable. This was also the view taken as part of applications 10/01462/FUL and 12/00770/FUL.

5.5 CONCLUSION

The proposal is considered to be in accordance with both Local and National Policies and through appropriate conditioning is considered to preserve neighbouring amenity at an acceptable level whilst not resulting in any significant highway issues or shortfall in car parking. For that reason it is recommended that planning permission be granted subject to conditions.

6.0 CONDITIONS

(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 51 of the Planning and Compulsory Purchase Act 2004.

2. The details provided with regard to the kitchen extraction system shall be installed to the specification as noted in the submitted Noise Impact Assessment Report and accompanying plan DLA/CB/001 Rev. O and thereafter maintained as per the submitted details.

Reason: To ensure adequate measures are in place to control the level of noise and odour from the proposed Change of Use in order to minimise the impact of the development upon neighbouring residents, thereby in compliance with Policy D1 (iv) of the Milton Keynes Local Plan 2001-2011.

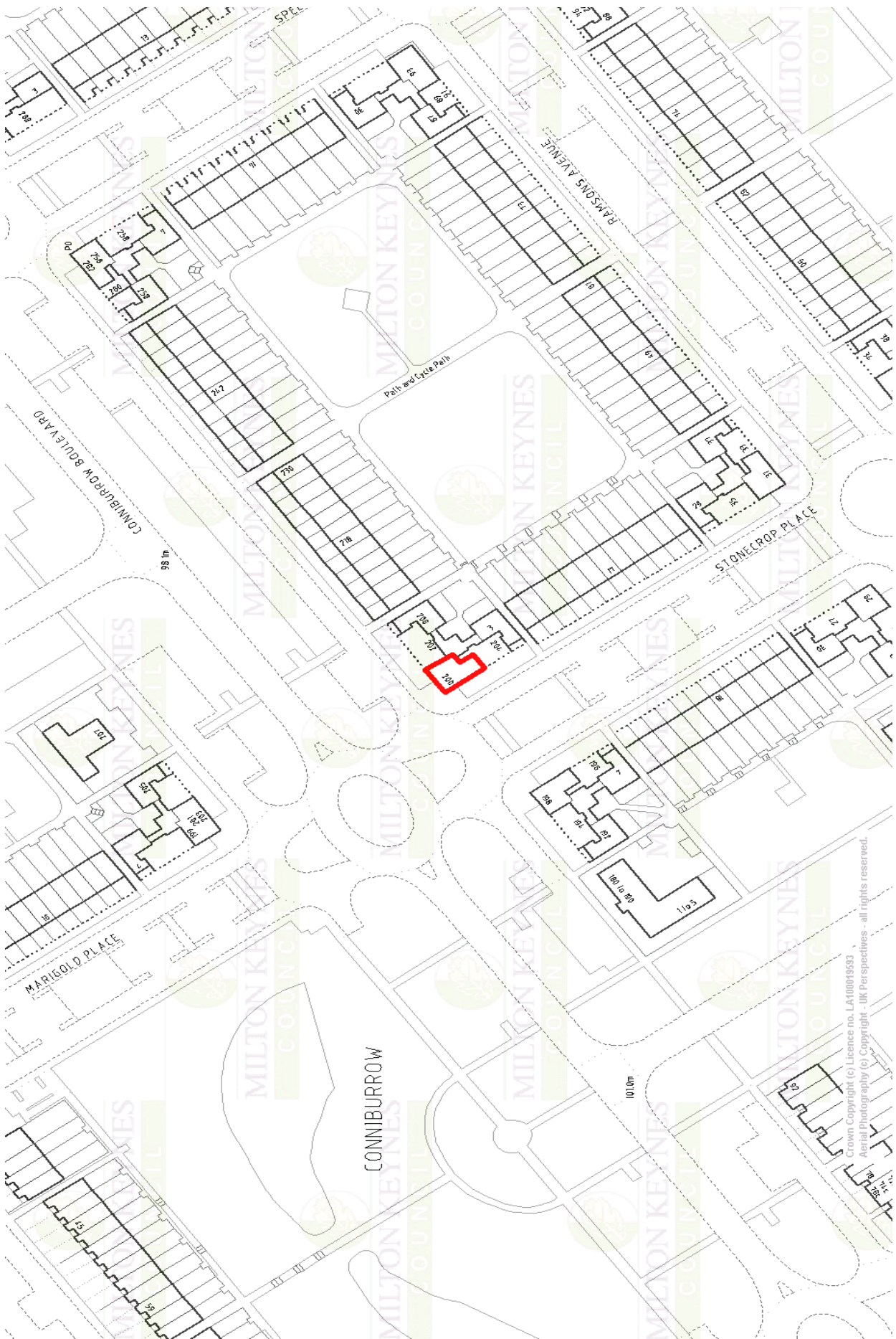
3. The A5 Use hereby permitted shall not be open to customers outside the following times:

1000 - 2200 Monday to Sunday including Bank Holidays.

Reason: To ensure that the development does not prejudice the enjoyment by neighbouring occupiers of their property in the interests of Policy D1 (iv) of the Milton Keynes Local Plan 2001-2011.

4. Full details of refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the initial occupation of the unit as an A5 Use. The proposed facilities must be implemented as per the agreed details and thereafter maintained as per the agreed details.

Reason: To ensure adequate measures are in place for the storage of waste facilities in order to minimise the impact of the development upon neighbouring residents.



MILTON KEYNES COUNCIL
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- OTHER EXTRACT DITCH SPECIFICS**
1. EXTRACT BLINDS 500 X 600
 2. 2000 X 300 FRESH AIR INTAKE
 3. NATURAL GAS CHURN FILTERS IN EXTRACT LINE
 4. 2000 X 300 FRESH AIR INTAKE
 5. 2000 X 300 FRESH AIR INTAKE
 6. 2000 X 300 FRESH AIR INTAKE
 7. 2000 X 300 FRESH AIR INTAKE
 8. 2000 X 300 FRESH AIR INTAKE
 9. 2000 X 300 FRESH AIR INTAKE
 10. 2000 X 300 FRESH AIR INTAKE

NOTES

ALL EXTRACT SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING NOTES:

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10. THE EXTRACT SYSTEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING NOTES:

PLANNING

DAVID LOCK ASSOCIATES
CENTRAL MILTON KEYNES
MK9 5EP

200 CONNIBURROW
BOULEVARD

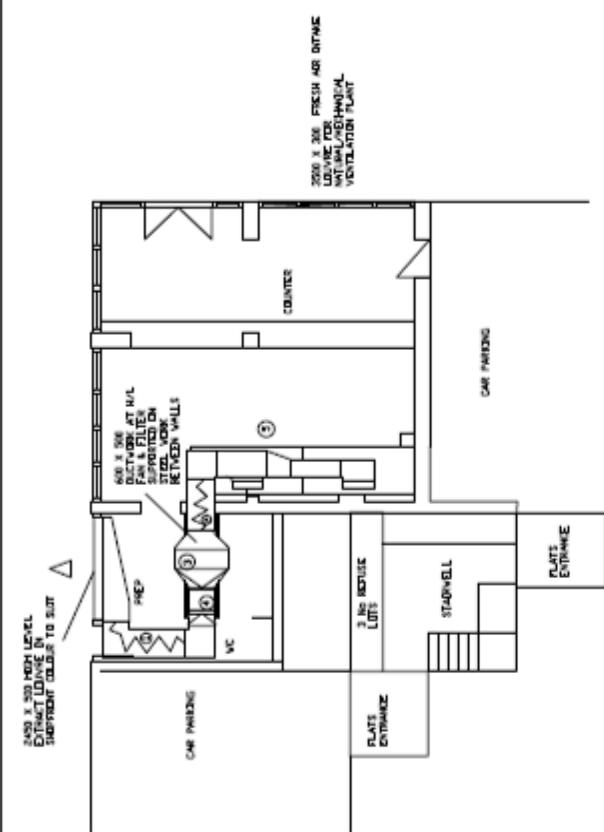
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EXTRACT SYSTEM

CoAir Limited

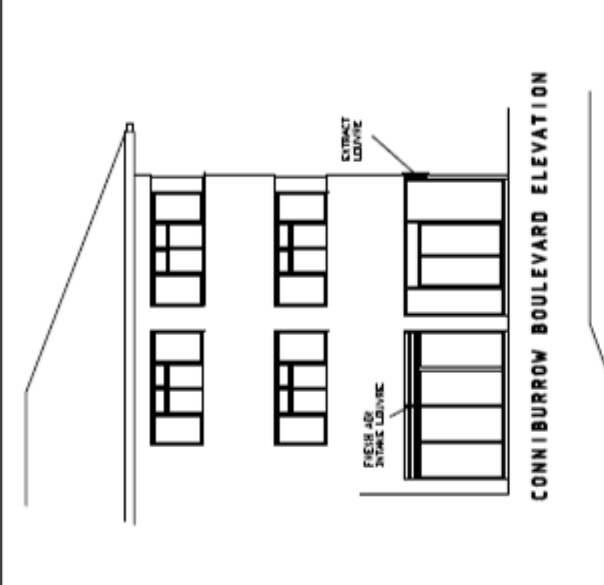
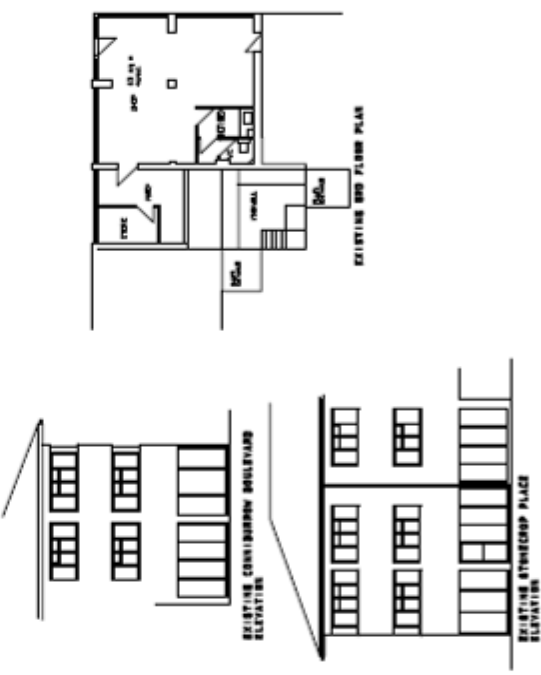
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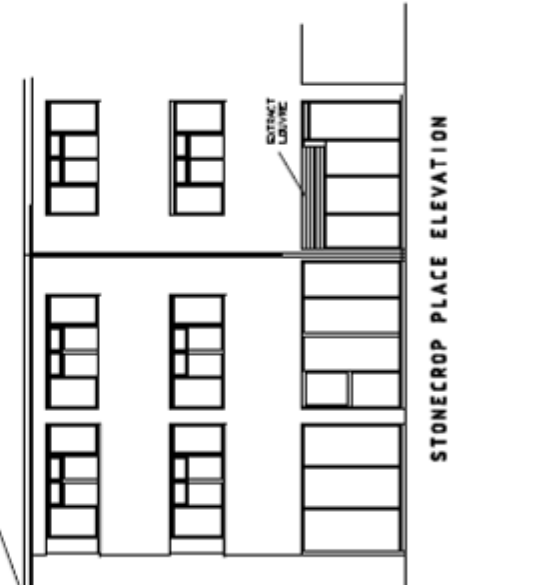
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DLA / CB 001
Rev: 0



GROUND FLOOR PLAN



CONNIBURROW BOULEVARD ELEVATION



STONECROP PLACE ELEVATION

1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

- 1.1 Planning permission has been refused for two previous applications for a proposed Change of Use from Use Class A1 to Use Class A5, application ref's.: 10/01462/FUL and 12/00770/FUL.
- 1.2 In each of these cases the applications were refused as a result of the information supplied in each case containing no detail regarding the exact position of any ducting/flues and how this related to the internal layout of the neighbouring residential units. It was considered that, in the absence of details, that any extract flue has the potential to cause a serious noise disturbance to the occupiers of neighbouring residential units. It was not therefore possible to identify if the proposal would be in compliance with 'saved' Policy D1 (iv) of the adopted Milton Keynes Local Plan 2001-2011.

2.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

Comments	Officer Response	Policy Reference
2.1 Highways Development Mgmt.		
1. Comments as per planning application ref.: 10/01462/FUL;	Noted.	
2. Existing A1 Use has requirement of 5 spaces, A5 Use, 7 spaces;	Para. 5.3	Parking Standards and Addendum, LP T10
3. No on-site car parking;	Para. 5.3	Parking Standards and Addendum, LP T10
4. Capacity exists within communal parking areas in nearby streets;	Para. 5.3	
5. Unit is centrally located within Conniburrow and should attract many on-foot users;	Para. 5.3	
6. Given the relatively minor difference in Parking Standards and the central location of the site, the highway impact is considered negligible.	Para. 5.3	Parking Standards and Addendum, LP T10

Environmental Health

- | | | |
|---|---------------------|------------|
| 1. Note sufficient information in respect of noise and odour abatement; | Para. 5.2. | LP D1 (iv) |
| 2. Note hours of opening to be acceptable; | Para. 3.1 (below) | |
| 3. Conditions proposed. | Para's. 6.0 (2 - 4) | |

Great Linford Parish Council

The Parish Council object on the following grounds: Noted.

- | | | |
|--|-----------------------------|--|
| 1. Potential significant disadvantages for neighbouring residents caused by noise, vibration, smell and disturbance; | Para. 5.2 | LP D1 (iv) |
| 2. Concern over parking and disabled provision; | Para. 5.3 | Parking Standards and Addendum, LP T10 |
| 3. Recommend noise condition to protect neighbouring amenity; | Para. 6.0 (2) | |
| 4. Odour control details to protect neighbouring amenity; | Para. 6.0 (2) | |
| 5. Note a series of conditions. | Para's. 6.0 and 3.3 (below) | |

Public Representations

The occupiers of the following properties were notified of the application:

198, 199, 202 A-E, 204 A-E, 206, Conniburrow Boulevard, 3 Stonecrop Place

One letter has been received from a local resident which makes the following representations: Noted.

- | | | |
|---------------------------|-------------------------|------------|
| 1. Concern over vermin; | Para. 3.5 (below) | LP D1 (iv) |
| 2. Concern over odour; | Para's. 5.2 and 6.0 (2) | LP D1 (iv) |
| 3. Anti-social behaviour. | Para 3.7 (below) | |

3.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

- 3.1 The proposed A5 Use unit is noted as having opening hours between 1000-2200, seven days a week. These hours are considered to be consistent with similar Change of Use applications permitted elsewhere where residential units occupy upper floors.
- 3.2 The proposed external alterations (repositioned front door and louvres) are considered minor variations to the form of the building and no objection is raised in this respect.
- 3.3 Great Linford Parish Council note a number of conditions they would seek to be included if the application were recommended for permission, these include, delivery times, waste management, pest control, provision of public bins and provision of disabled parking.
- 3.4 Given the relatively small scale of the unit it is not considered necessary to control delivery times as this was not controlled as part of the existing A1 Use, such a Change of Use is not considered to result in an increase in the number of deliveries over that which would normally be expected by an A1 Use.
- 3.5 Details of waste storage has been conditioned as part of the current application, however waste management issues can also be controlled via Environmental Health, as can pest control.
- 3.6 A request for the provision of public bins as part of the Change of Use, in addition to the marking out of one disabled car parking space are further proposed by the Parish Council. However in each of these cases, the provision of such a facility would fall outside of the applicant's ownership and it is not considered that this could be reasonably achieved.
- 3.7 The issue with regard to potential anti-social behaviour is noted, however there exists no evidence to support the view that such a Change of Use would result in higher levels of anti-social behaviour. Such issues could be controlled via reporting to the police.