

APP 05

Application Number: 12/02290/FUL

Minor

Change of use from a sandwich bar (use class A1) to a hot food takeaway (use class A5) with minor alterations to shop front

AT 90 Penryn Avenue, Fishermead, Milton Keynes

FOR Mr Rafeek Ahamed Mohideen

Target: 28th December 2012

Ward: Campbell Park

Parish: Campbell Park Parish Council

Report Author/Case Officer: Chris Megson

Contact Details: 01908252519 Christie.Megson@Milton-Keynes.gov.uk

Head of Team: Alex Harrison

Contact Details: 01908 252608 Alex.Harrison@Milton-Keynes.gov.uk

1.0 INTRODUCTION

1.1 The Site

The application site is a terraced build located adjacent to a roundabout linking Penryn Avenue with Porthleven Place in Fishermead. 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

The current application seeks consent for change of use from its current use as a sandwich bar (A1) to a hot food takeaway (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 10:00-22:00 seven days a week.

1.3 Planning permission is also sought for minor alterations to the frontage of the existing building, including the insertion of two fresh air intake louvres and one extract louvre. 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.

1.5 This application was deferred at DC Panel on 28/02/2013 to allow members to undertake a site visit.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework paragraph

- Section 7: Requiring Good Design

2.2 Local Policy

Adopted Milton Keynes Local Plan 2001-2011

D1 - Impact of Development Proposals on Locality

T15 - Parking Provision

Supplementary Planning Guidance

Parking Standards for Milton Keynes Supplementary Planning Guidance (2005) and Addendum (2009)

3.0 MAIN ISSUES

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

- 3.1
1. Impact of Proposal on the Character and Appearance; the proposed changes to the frontage of the unit are considered minimal and the introduction of an A5 use in the area is not considered to detrimentally impact the area generally.
 2. Impact of Proposal on Neighbouring Amenity; Environmental Health have approved details of extraction and have requested through condition further details of refuse storage, and that opening hours are restricted.
 3. Parking Provision; the Highways Engineer was satisfied with the availability of unallocated car parking opportunities nearby the application site.

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 set out at the end of this report.

5.0 CONSIDERATIONS

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

5.1 Impact of proposal on the Character and Appearance

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. Further to this, it is not of the belief the introduction of an additional hot food takeaway would significantly harm the area. A change of use from A1 to A5 has previously been permitted

at No. 25 Penryn Place, and there is an acceptance in principle for the proposed use in these areas. The proposed external works proposed are considered minimal, and it is therefore considered that the proposal will have no impact of significance on the character and appearance of the area.

5.2 Impact of Proposal on Neighbouring Amenity

It is considered that any issues surrounding impact on neighbouring amenity with respect to unpleasant odours will be mitigated by the proposed extraction system, which has been evaluated and approved by Environmental Health. Further to this, Environmental Health also requested additional information with regard to refuse storage; this has been included in the recommendation through a proposed condition.

- 5.3 The change of use from sandwich bar to hot food takeaway could increase the amount of people visiting the property, particularly in the evening. Therefore if planning permission is to be granted, it should be subject to a suitable hours of operation condition, to limit the impact of noise and disturbance to neighbouring properties during the late evening/night time. This has also been included in the recommendation.

5.4 Parking Provision

The applicant has proposed that existing on street parking could be used to serve the proposed change of use. A high level of unallocated parking spaces is situated along both Penryn and Porthleven, which are considered capable of coping with the additional parking required. The Highway Engineer considers that existing car parking would be adequate to cater for the capacity of a class A5 use at this location. As noted by the Engineer the proposal only requires 2 additional parking spaces compared to the existing permitted shop use and it is considered that such a shortfall, especially in an area with extensive public parking, and no evidence of significant parking pressures, could not form the basis of a sustainable refusal of planning permission. Anecdotal claims that there are likely to be parking problems are afforded very little weight by planning inspectors at appeal, unless they can be supported by clear and detailed evidence. The proposal is therefore considered to be acceptable in terms of car parking.

5.5 Conclusion

The works proposed will not unduly harm the character and appearance of the area, while the existing unallocated parking is deemed sufficient to support an additional take away in the area. Further to this, the conditions recommended are included specifically to minimise the impact of the proposal on the residential amenity of the surrounding neighbouring dwellings.

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)

- 6.1 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. (D11)

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.

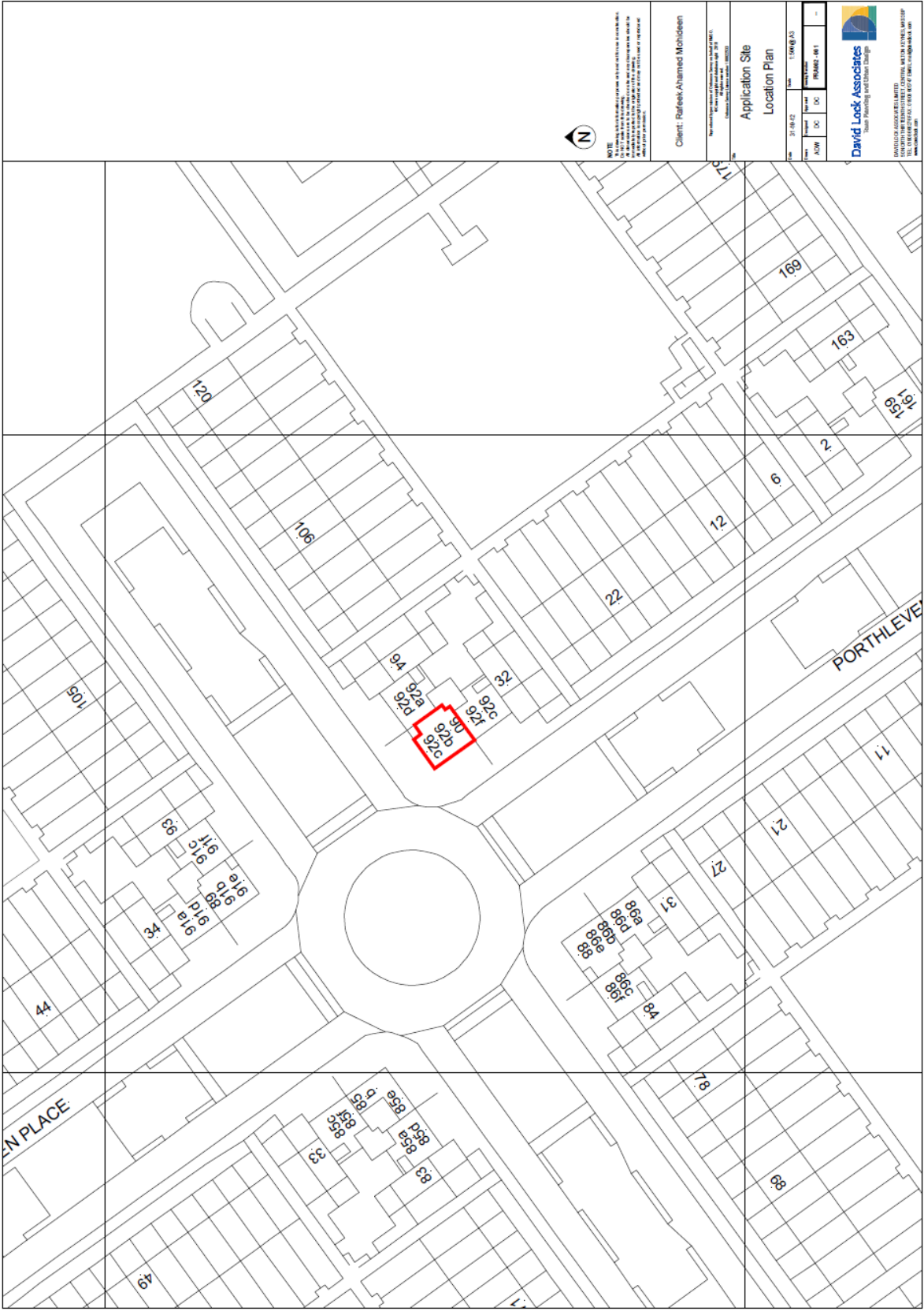
3. The A5 Use hereby permitted shall not be open to customers outside the following times:

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.



NOTE:
 THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER ACTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED AND TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE CLIENT ALSO ACCEPTS FULL RESPONSIBILITY FOR ANY COSTS INCURRED AS A RESULT OF THIS PLAN. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

Client: **Rakeek Ahmed Mohideen**

Application Site Location Plan

Date:	31/08/22	Scale:	1:500 (A3)
Drawn by:	DC	Checked by:	DC
Approved by:	DC	Project No.:	PRM22-001

David Lock Associates
 Town Planning and Urban Design

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- KITCHEN EXTRACT SYSTEM COMPONENTS**
1. APPROXIMATE DIMENSIONS: 1000 x 300
 2. APPROXIMATE DIMENSIONS: 1000 x 300 x 100
 3. ALL EXTRACT SYSTEM FILTERS IN THE EXTRACT SYSTEM MUST BE MAINTAINED AT ALL TIMES
 4. APPROXIMATE DIMENSIONS: 1000 x 300 x 100
 5. APPROXIMATE DIMENSIONS: 1000 x 300 x 100

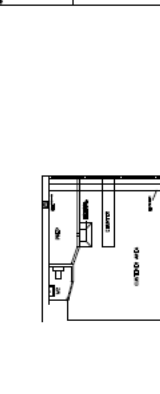
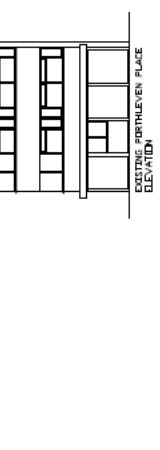
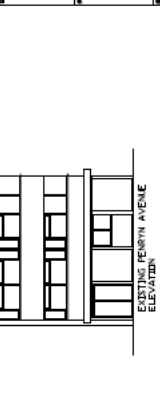
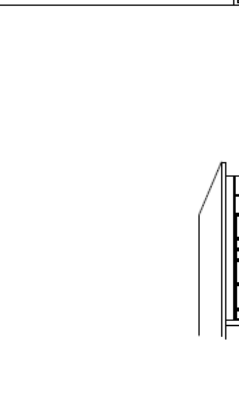
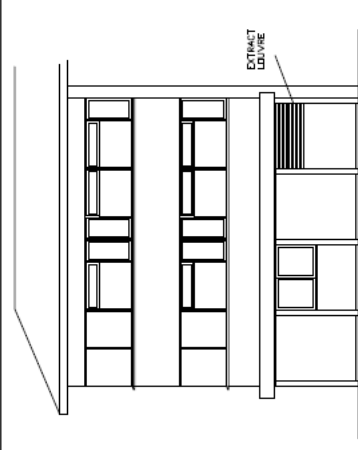
NOTES:

ALL EXTRACT SYSTEM FILTERS AND COMPONENTS MUST BE MAINTAINED AT ALL TIMES

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THE DESIGN SHOULD BE DEVELOPED TO ACCOMMODATE ALL EXTRACT SYSTEM COMPONENTS AND FILTERS

ALL EXTRACT SYSTEM COMPONENTS AND FILTERS MUST BE MAINTAINED AT ALL TIMES



PLANNING

DAVID LOCK ASSOCIATES
CENTRAL MILTON KEYNES
MK9 3BP

80 PENRYN AVENUE
FISHERMEAD

PROPOSED KITCHEN EXTRACT SYSTEM

CoAir Limited
CLIMATE CONTROL SOLUTIONS

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WIMBORNE ROAD
LITTLE HORNWOOD
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DORSET

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DATE: 01-08-2023

SCALE: 1:100

DLA / PA / 001

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Appendix to 12/02290/FUL

A1.0 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)

A1.1 None.

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 None.

A3.0 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

A3.1 Campbell Park Parish Council

Objected to the application with concerns that the change of use to A5 could cause noise and smell pollution, in addition to add pressure on the parking provision, which would detrimentally impact on neighbouring amenity.

See sections 5.2 and 5.3.

A3.2 Highways Development Control

No objection: According to the Council's parking standards the existing A1 use has a parking requirement of 4 spaces (1 space per 14m²) and the proposed A5 use has a parking requirement of 6 spaces (1 space per 10m²). There is no dedicated off street parking at the site and parking provision is therefore the existing parallel bays on street or the central parking areas. With the proposed change of use, the shortfall in parking will therefore widen.

Noted. PolicyT15 applies.

A3.3 However, two separate site visits have been undertaken, one during day time, with the other at 19:00 in the evening. On both occasions no vehicles were found to be inappropriately parked. Further to this, there was in general, considerable availability within the existing parallel bays and central parking areas located on both Penryn Avenue and Porthleven Place. It is therefore considered that the existing

Noted. PolicyT15 applies.

parking areas on both of these streets are sufficient in capacity to accommodate the additional shortfall of spaces created by the proposed change of use.

A3.4 Environmental Health Manager

The Environmental Health Officer was satisfied that sufficient information had been submitted regarding the mitigation of noise and smell pollution, although requested additional details of refuse storage

Noted.

A3.5 Public Representations

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

Noted.

- 92A – 92F Penryn Avenue, Fishermead
- 94 - 96 Penryn Avenue, Fishermead
- 30 - 32 Porthleven Place, Fishermead

One letter was received, anticipating both smell pollution and additional pressure on parking in the area, leading to a negative impact on neighbouring amenity.

See sections 5.2 and 5.3.