

Application Number: 17/00027/FUL

Part change of use of ground floor from residential dwelling (Use class C3) to use as a tattoo studio (sui generis).

AT 3 Melton, Stantonbury, Milton Keynes

FOR Mr Stephen Barrett

Target: 6th March 2017

Ward: Stantonbury

Parish: Stantonbury Parish Council

Report Author/Case Officer: Samantha Taylor, Planning Officer

Contact Details: 01908 252724 samantha.taylor2@milton-keynes.gov.uk

Team Leader:: Stephen Gee, Senior Planning Officer

Contact Details: 01908 253145 stephen.gee@milton-keynes.gov.uk

1.0 INTRODUCTION

(A brief explanation of what the application is about)

- 1.1 The main body of the report set out below draws together the core issues in relation to the application including policy and other key material considerations. This is supplemented by an appendix which brings together planning history, additional matters and summaries of consultees' responses and public representations. Full details of the application, including plans, supplementary documents, consultee responses and public representations are available on the Council's Public access system www.milton-keynes.gov.uk/publicaccess. All matters have been taken into account in writing this report and recommendation.
- 1.2 This application is referred to the Development Control Panel for determination as the Parish Council have objected and 2 third party objections have been received.
- 1.3 **The Site**
The application site is a C3 residential property in the residential area of Stantonbury. It is located close to the junction of Melton and Spencer. The dwelling is attached to the neighbouring properties no.2 Melton and no.4 Melton.
- 1.4 **The Proposal**
This application seeks full planning permission for the partial change of use of the ground floor from residential accommodation to a sui generis use of part residential part tattoo studio.

The ground floor room, annotated as spare room on the submitted drawings is

2.45 metres by 7.35 metres and is currently used as ancillary residential accommodation. It is only this room which is sought to change use under the current application. There are no external alterations to the existing property. The three existing spaces at the front of the site would be retained.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework 2012

Paragraph 17 – Core Planning Principles

2.2 Local Policy

Core Strategy

Milton Keynes Core Strategy 2013

CS12 – Developing Successful Neighbourhoods

CS13 – Ensuring High Quality, Well Designed Places

Adopted Milton Keynes Local Plan 2001-2011

D1 – Impact of Development Proposals on Locality

D2 – Design of Buildings

E10 – Working from Home

T10 – Traffic

T15 – Parking Provision

Supplementary Planning Guidance

Parking Standards SPD

3.0 MAIN ISSUES

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

- 3.1
- Principle of Development
 - Design
 - Amenity
 - Highways and Parking

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 led to the officer Recommendation)

5.1 Principle of Development

The conversion of part of the residential accommodation of no. 3 Melton is proposed to be a homeworking use. Some homeworking uses do not require

planning permission, however, given that the tattoo studio would require visitors and that there is a business related vehicle kept on site.

- 5.2 Saved policy E10 of the Milton Keynes Local Plan 2001-2011 outlines that where planning permission is required for home working the following criteria is applicable:

Where planning permission is required for business use within part of the dwelling the following criteria will be applied:

i) The property continues to be used primarily as a dwelling

ii) The proposed business use is restricted to the employment of the occupier of the dwelling;

iii) The proposed business use would not adversely affect the amenities of adjacent residents and the character of the area generally;

iv) Adequate parking and access is available;

- 5.3 As such, the principle of changing the use of the proposed change of use is considered to be acceptable. An assessment has been carried out below in respect of the above criteria.

- 5.4 *i) The property continues to be used primarily as a dwelling*

The proposed conversion would result in the change of use of one of the ground floor living rooms to be converted to a tattoo studio. The existing plans denote this as the spare room. As also shown on the existing drawings, there is an existing toilet, storage room and utility room, living room and kitchen and conservatory.

- 5.4 As such, the use of the property would still continue to be primarily used as a dwelling and the development would comply with saved policy E10(i) of the Milton Keynes Local Plan 2001-2011.

- 5.5 *ii) The proposed business use is restricted to the employment of the occupier of the dwelling*

Whilst previously a condition would have been imposed on a decision restricting the use of the tattoo studio to the occupier of the dwelling, this policy was adopted prior to the NPPF and is not wholly consistent with paragraph 206. This is because, it is no longer considered to be reasonable or necessary to impose the condition as the application would be considered acceptable without any occupancy condition imposed.

- 5.6 However, it is noted within the accompanying cover letter that the proposed development would be used on an appointment only basis and the applicant themselves would run the business solely. Given the scale of the proposed development and that the property would primarily remain in residential use, it

is no expected that employees would be required.

5.7 Design

Saved policy D2 of the Milton Keynes Local Plan 2001-2011 seeks to ensure that development proposal secure good design. There are no external changes proposed under the current application as such the proposed development would comply with saved policy D2 of the Milton Keynes Local Plan.

5.8 Impact on Neighbour Amenity

Saved policy D1(iii) of the Milton Keynes Local Plan 2001-2011 protects the amenity of neighbouring residents from a visual intrusion, loss of privacy or loss of light. Saved policy D1(iv) of the Milton Keynes Local Plan 2001-2011 seeks to protect amenity from noise, smell, light or other emission. As the proposed development seeks to convert part of the ground floor of an existing dwelling, without any external alterations, the proposed development is not considered to cause harm to neighbour amenity through a loss of light, privacy or by causing a visual intrusion.

5.9 No. 3 Melton is attached to the neighbouring property no.2 Melton. The proposed change of use would result in the conversion of the ground floor room located adjacent to the shared boundary with no. 2 Melton. The proposed use is not considered to generate significant harmful levels of noise that would impact on neighbour amenity. The proposed development would comply with saved policy D1(iv) of the Milton Keynes Local Plan 2001-2011.

5.10 Highways and Parking

Saved policies D1(i) and (vi) ensure development proposals would not result in harm to highway safety through significant additional transport movements, parking or inadequate access to the site.

5.11 The Council's Highways Engineer has been consulted on the proposed development and has not raised any objection. The Highways Engineer notes that the proposed development would not give rise to a significant number of additional vehicular movements that would be of detriment to highway safety, because of the small scale of the proposed use.

5.12 In addition, there is sufficient hardstanding to the front of the site to provide 3 parking spaces. Under the requirements outlined in the Parking Standards SPD, the number of spaces required to serve the dwelling is 2 parking spaces. This would leave one space to provide parking for visitors to the tattoo studio. This provision is considered to be sufficient and would comply with the Council's guidance on sui generis uses for which advice would be given by the Highways Engineer.

5.13 The proposed development would comply with the Parking Standards SPD and saved policies D1(i) and (vi) of the Milton Keynes Local Plan 2001-2011.

5.14 **Conclusion**

The proposed development would accord with the relevant policies contained within the Milton Keynes Local Plan 2001-2011, Core Strategy and the National Planning Policy Framework.

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. (D11)

Appendix to 17/00027/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 17/00027/FUL
None

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 None



3, Milton, Startonbury, Milton Keynes



Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS MasterMap is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

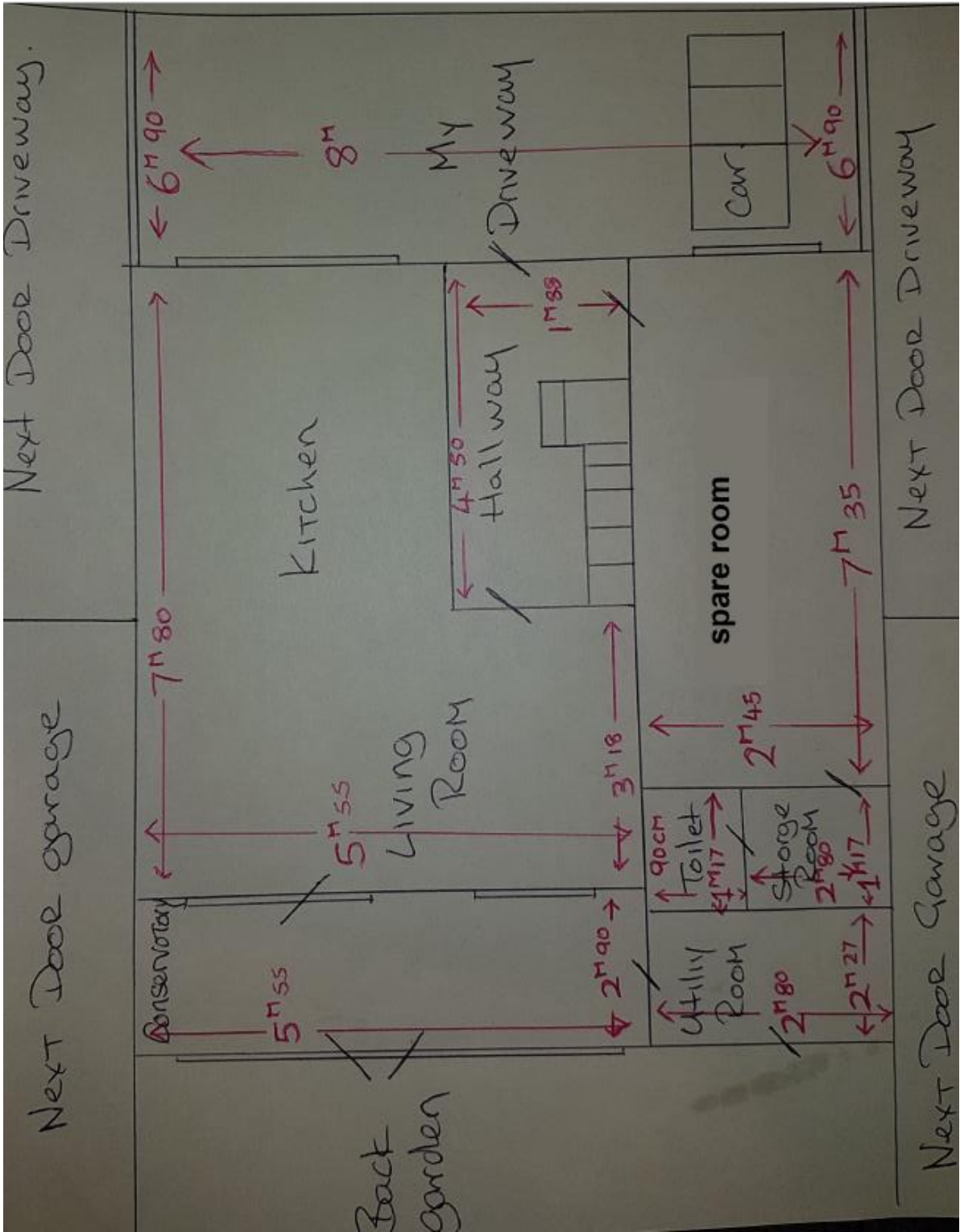
The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Supplier Plan ID: 171632_1250

Date Of Issue: 06 January 2017
Supplied By: Getmapping

OS License Number: 10003048
Applicant: Stephen Barnes
Application Reference: 1700077FUL



Existing Floor Plans

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 Parish – Stantonbury

Objection –

1. *This is a residential area with no unit for this*
2. *There could be parking problems*
3. *There are plenty of vacant retail units*

Noted. It is not considered the proposed change of use would be of detriment to the residential area.

The impact of the development on parking provision is discussed at paragraphs 5.10-5.13.

The provision of vacant retail units is not a material planning consideration.

Ward - Stantonbury - Cllr Burke

No response received

Noted.

Ward - Stantonbury - Cllr Petchey

No response received

Noted.

Ward - Stantonbury - Cllr Walker

No response received

Noted.

A3.2 **Local Residents**

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

45 Melton Stantonbury Milton Keynes

No comments received

Noted.

44 Melton Stantonbury Milton Keynes

No comments received

Noted.

43 Melton Stantonbury Milton Keynes
No comments received

Noted.

4 Melton Stantonbury Milton Keynes
No comments received

Noted.

2 Melton Stantonbury Milton Keynes
Objection, summarised below.

Noted.

The following are material planning considerations:

- The proposed use is not compatible with a residential area and would be suited to a town centre area.
- The proposed development should be subject to a sequential test
- The proposed use would require visitors to the site
- The hours of operation are not considered to suitable within a residential area
- The use would give rise to parking problems and it is noted in the response there are existing parking problems
- No cycle parking is provided
- Query over whether the planning unit has changed
- The noise generated from the studio would harm residential amenity

The principle of the proposed development is discussed at paragraphs 5.1-5.6.

Given the scale of the proposed development it is not considered a sequential test is required.

The highways implications of the proposed development are discussed at paragraphs 5.10-5.13.

The impacts of the development on neighbour amenity are discussed at paragraphs 5.8-5.9.

It is not considered the planning unit would change as a result and that the change of use would be sufficient.

The following are not material planning considerations:

- The applicant currently uses an alternative premises
- External alterations will require planning permission

Additional Third Party Representation

Objection as it would harm house prices and sell-ability

These are not material planning considerations.

