

# APP 03

Application Number: 12/02171/FUL

Other

Change of use of ground floor from butcher's shop (use class A1) to hot food takeaway (use class A5)

AT 1A High Street, Woburn Sands, Milton Keynes

FOR Mr Abul Kashem

Target: 14th December 2012

Ward: Danesborough

Parish: Woburn Sands Town Council

Report Author/Case Officer: Katy Lycett

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## 1.0 INTRODUCTION

*(A brief explanation of what the application is about)*

### 1.1 The Site

The site is an existing vacant ground floor unit currently fitted out as a butchers shop. The site is on a corner close to the double mini-roundabout junction connecting High Street, Hardwick Road, Aspley Hill, Church Road and Woburn Road. The premises have an existing residential use at first floor and is adjacent to an existing florist. The site has a small parking area laid out for vehicles to park for a short time. 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 local area is characterised by a variety of uses, some retail and services, some residential and some food and drink establishments. The site falls within the Woburn Sands Town Centre location but is not located within the Primary Area. Details of the proposal can be seen in the plans attached to this report.

### 1.3 The Proposal

The current application seeks consent for change of use from its current use as a butcher (A1) to a hot food takeaway (A5). On-plot parking is provided to the side and accessed from High Street. Hours of operation are proposed as 17:00-23:00 Monday – Saturday and 17:00-22:00 Sundays and Bank Holidays.

1.4 Planning permission is also sought for external alterations to install an external extraction system to the rear. Details of the proposal as described above can be seen in the plans appended to this report.

- 1.5 This application was deferred from the DC Panel of the 28<sup>th</sup> March in order to carry out a Member's Site Inspection. This visit will enable the site to be viewed in the context of the parking arrangements and vehicle manoeuvring arrangements. In addition, further information regarding the historic parking layout will also be provided to Members.

## **2.0 RELEVANT POLICIES**

*(The most important policy considerations relating to this application)*

### **2.1 National Policy**

National Planning Policy Framework paragraph:

14 - Presumption in Favour of Sustainable Development

64 – Impact of Character and Appearance of the Area

Section 8 – Promoting Healthy Communities.

### **2.2 Local Policy**

Adopted Milton Keynes Local Plan 2001-2011

D1 – Impact of Development Proposals on Locality

T10 – Traffic

T15 – Parking Provision

HE6 – Conservation Areas

TC1 – Town Centres

TC18 – Non-Retails Uses on Ground Floors

TC5 – Woburn Sands Town Centre

TC6 – Woburn Sands Town Centre

## **3.0 MAIN ISSUES**

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

- 3.1
- The principle of a change of use in this location. The existing vacant unit is currently allocated as an A1 use and under the Policy criteria there are no restrictions for the secondary area in terms of the proportion of units in non-retail use.
  - The impact of the change of use on highway safety and parking. The proposed change of use has raised no formal objections from the Highways Engineer in terms of parking or highway safety.

## **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 Principle of Change of Use**

Under the relevant criteria as set in Table TC1, there are no restrictions in terms of a change of use to non-retail use within the remainder of the Town Centre that is not the Primary Frontage. On this basis, subject to other factors

being acceptable the proposal is acceptable in principle. The currently vacant unit would be brought back into as a result of this proposal and this would be considered as a positive contribution to supporting the local economy.

5.2 Further to this, it is not of the belief the introduction of an additional hot food takeaway would significantly harm the area as it appears that this is an area of mixed uses serving the community. No signage has been proposed for the take away as it will come in as a separate application and as such will not be considered in this application. The character of the local area is a mixture of uses within a Town Centre location. The introduction of a hot food takeaway is a deemed to be a commonplace outlet for a Town Centre and is not expected to have a detrimental impact on the character or appearance of the conservation area.

5.3 Impact on Highway Safety and Parking

The proposal provides a small area of hardstanding for vehicle parking which would be used for customers only and not for staff. Staff parking is provided separately to the rear of the unit. Access is gained through an existing arrangement in close to the double roundabout on this part of the High Street. This existing access would have served the previous butchers and it is considered there is negligible difference in impact from the use of the access between the proposed and previous use. The nature of a hot food takeaway unit involves short-term pick-up rather than parked for long periods of time. Highways have no objections to the proposal submitted and it is added that as the site falls within the Town Centre, many other premises have little or no allocated parking.

5.4 Historic Parking Information

Following comments received by the Ward Member comments the agent for the application provided an additional response. This included the following information:

‘Councillor Hopkins refers to the fact that until quite recently the car park was a garden. However I understand that this area has been in constant use as a car park for many years. Please note the planting was restricted to around the boundary which there is no intention of removing.

Councillor Hopkins’ concern about the proposed use being likely to cause a traffic hazard, or danger to pedestrians is also misguided as the submitted proposal is supported by the Council’s Highway Engineer.

The use of these now vacant premises will be a positive contribution to supporting the local economy, and I respectfully ask that you agree with the Planning Officer’s recommendation and grant planning permission subject to the stated conditions.’

5.5 Following the deferral further research has taken place regarding the small area of hardstanding adjacent to the application site. Using the Council’s historic aerial photography register it is evident that this area has been used for vehicle parking in some capacity since at least 1990. These records show that

since 2009 the existing landscaped area has been removed enlarging vehicle parking and turning space. Images demonstrating this will be shown on the application presentation as they cannot be adequately replicated for the agenda.

## **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)

2. The details provided with regard to the kitchen extraction system shall be installed to the specification as shown in drawing number 12-02 Rev \* received 23 January 2013 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 nearby 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:

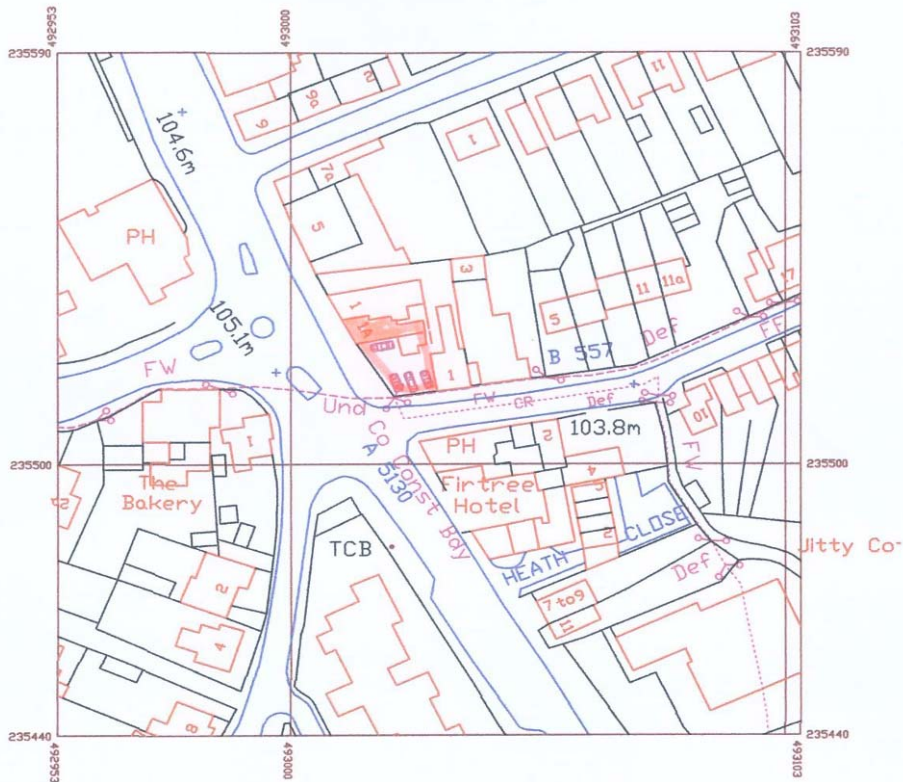
1000 - 2300 Monday to Saturday

1000 - 2200 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.

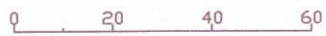
4. Full details of refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the initial occupation of the unit as an A5 Use. The proposed facilities must be implemented as per the agreed details and thereafter maintained as per the agreed details.

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.



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LOCATION PLAN

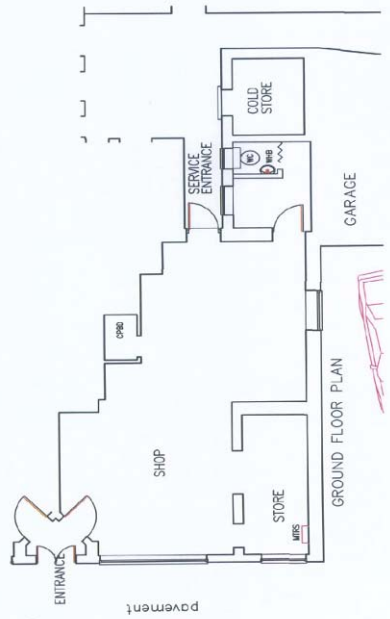
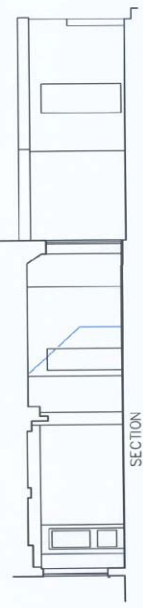
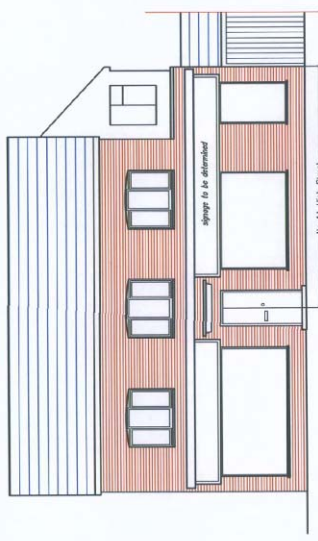
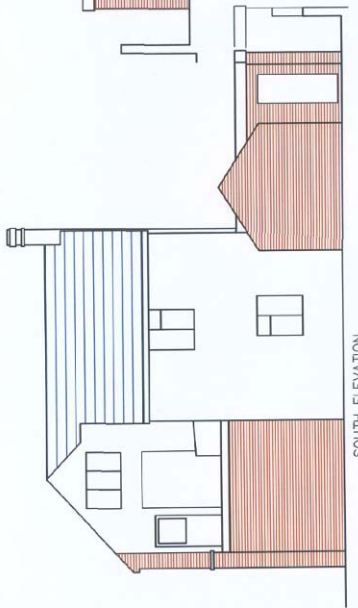
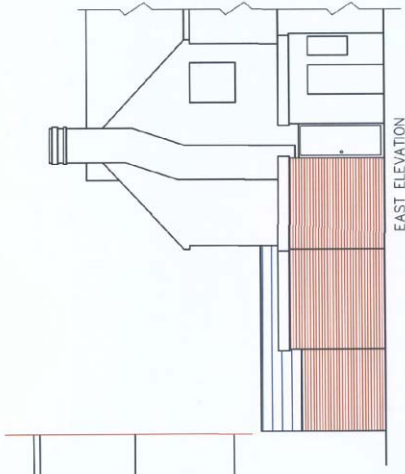


MICRON DESIGN -	2 WALTON ROAD		
WAVENDON - MK17 8LL -	BUCKS		
TELE: (01908) 582347 -	FAX: (01908) 585757		
PROJECT 1A HIGH STREET - WOBURN SANDS PROPOSED TAKEAWAY RESTAURANT			
DATE 25-09-12	SCALE 1 : 1250	DRWG No 12-00	REV *



MICRON DESIGN - 2 WALTON ROAD  
 WAVENDON - MK17 8LL - BUCKS  
 TELE: (01908) 582347 - FAX: (01908) 585757  
 PROJECT: 1A HIGH STREET - WOBURN SANDS  
 PROPOSED TAKEAWAY  
 DATE: 25-09-12 SCALE: 1:100 DRAWN BY: 12-04





WEST ELEVATION No1A  
No. 1A High Street

MICRON DESIGN - 2 WALTON ROAD  
WAVENDON - MK17 8LL - BUCKS  
TELE: (01908) 562347 FAX: (01908) 565757  
PROJECT 1A HIGH STREET - WOBURN SANDS  
EXISTING PROPERTY  
DATE 25-09-12 SCALE 1 : 50 DRAWN 12-02 REV \*

DEVELOPMENT CONTROL  
19 OCT 2012  
RECEIVED



## Appendix to 12/02171/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 Impact on the Conservation Area

The site falls within the Woburn Sands Conservation Area however the Change of Use is not expected to have a significant impact upon the heritage and historical aspects of this part of Woburn Sands.

#### A2.2 Extraction and odour

The submitted extraction details are considered to be acceptable in terms of odour removal and ventilation. On this basis, there are no objections raised to the principle of this use in this location. A condition is proposed to ensure the extraction equipment is installed to the specification proposed.

#### A2.3 The NPPF and healthy lifestyles.

Healthy communities is a focus of the NPPF and this should be considered in light of takeaway foods. The context of the policy drive relates to exercise and provision of accessible open space however diet can be given weight. In this instance it is considered that the occupation of the unit is economically beneficial to the area and that this is given greater weight. There has to be a degree of reliance on people making the correct diet choices themselves and it is considered that it could be regarded as unreasonable to resist the proposed use on the basis of the nature of food it serves.

### **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 Cllr David Hopkins**

Noted. A site inspection has been arranged.

'The area shown has never been used as a customer car park, as would be the case were it a take away food outlet and the photograph is taken from a position on the double roundabout so fails to show the access and egress concerns. I would urge members of DC to visit the site and see for themselves the relationship of the site to the double roundabout and the five roads that converge at this point.'

#### **A3.2 Environmental Health Manager**

I have reviewed the plans and am satisfied with the details submitted regarding the kitchen extraction system. Therefore I have no objections on the above application.

Noted. See paragraph A2.2 and proposed condition 2

#### **A3.3 Highways Development Management**

The applicant has provided additional information and submitted drawing WS-Lowe 12-000 dated 8/02/13 to show how parking and manoeuvring off street can be provided. The applicant has also confirmed that the parking area is for customers only and that staff parking is provided at the rear of the property. On this basis I have no objections to the

Noted. See paragraph 5.3

application.

**A3.4 Conservation Officer**

On the basis that there are no external changes proposed, the Conservation and Archaeology Team will not be providing conservation comments.

Noted. See paragraph 5.2 and A2.1

**A3.5 Woburn Sands Town Council**

Woburn Sands Town Council objects to this application on the grounds of potential danger to pedestrians and road users. We have no objection to a hot food take away in the High Street, but this particular location is not suitable for such a facility. Access to the 4 parking spaces shown on the plans is directly onto the on a section of the double mini roundabout and backing out across the pavement and onto the highway will be a potentially dangerous movement.

Noted. See paragraph 5.3, policy T10

**A3.6** The plans do not appear to indicate whether all the spaces are for customer parking and therefore involving constant movement especially in the evenings or if one or more will be taken up by employees' cars thus making the customer parking too limited in an already congested area of the High Street re parking spaces.

Noted, see paragraph 5.3, policy T15

**A3.7 Local Residents**

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

1B and 3 High Street Woburn Sands Milton Keynes  
1, 3 and 3A Aspley Hill Woburn Sands Milton Keynes

Sun Kxssed Tanning 3 Aspley Hill Woburn Sands

No comments received.

Noted.