

APP 04

Application Number: 12/01967/FUL
Minor

Change of use from internet cafe (use class A1) to hot food take-away (use class A5)

AT 330 Conniburrow Boulevard, Conniburrow, Milton Keynes

FOR Mr Fiaz Malik

Target: 2nd November 2012

Ward: Bradwell

Parish: Great Linford Parish Council

Report Author/Case Officer: Mr Mathew Wilde

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The Site

The application site is a ground floor end of terraced build located adjacent to a roundabout to Conniburrow Boulevard. Two residential units are located above the site and other residential units are located adjacent to the site. There appears to be no on plot parking for the site, however fronting the property and close by are areas of communal car parking along Conniburrow Boulevard and Yarrow Place. 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 an internet cafe (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 proposed 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, removing existing timber louvers and louvered doors and replacing with brick wall to match existing, extractor fan and door to new bin store cupboard. Full details of the extractor fan system have been submitted to address noise and odour. Details of the proposal as described above can be seen in the plans appended to this report.

1.4 The application was deferred at Panel on 28/02/2013.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

- Paragraph 7: Definition of sustainable development
- Paragraph 17: Subsection 4- High quality design
- Paragraph 64: Impact on character and appearance of area.

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 refuse storage, and requested that opening hours are restricted.
 3. Parking Provision; the Highways Engineer raised no objection with the application due to 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 as it appears that there are other non- residential uses in the wider area. 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.

5.2 The proposed external works proposed are considered minimal. The main issue will be the proposed ventilation fan which will come out at the side of the building along Yarrow Place. It will be at head height along the narrow pathway around the unit which is existing. The main pathway connecting Conniburrow Place and Yarrow Place is separated from the small pathway by shrubbery, and it is considered that there will be little public safety implications, as the main pathway is not infringed; also the fan is proposed not to project out onto the small pathway. It is therefore considered that the proposal will not have a detrimental impact of significance on the character and appearance of the area or on public safety.

5.3 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 is considered acceptable by Environmental Health. The ventilation system is to be fitted with an anti-vibration component which has been considered acceptable by Environmental Health, and as such will mitigate some noise and vibrations from the extractor system. After subsequent correspondence a bin store has been provided on amended plans, this is considered acceptable by the Environmental Health Officer and will therefore allow sufficient waste storage. Grease traps are proposed in the drainage system.

5.4 The change of use from internet cafe 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.

5.5 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 Conniburrow Boulevard and Yarrow Place which are considered capable of coping with the additional parking required. Under Milton Keynes Parking Standards for an A5 use the unit will need to provide 1 space for every 10m². The existing A1 internet café use requires 1 space per 20m². The floor space is approximately 56m² and therefore under Milton Keynes Parking Standards this non-residential unit requires 5.6 parking spaces. Its current use as an internet café only has the need for roughly 2.5 spaces. It is noted that the site has no on-plot parking, however that the 6 spaces needed could be facilitated in the unallocated parking bays around the site, and as such not cause a detrimental impact on highway safety and convenience. The Highways Officer has not objected to the proposal. It is considered that these unallocated central parking areas are not used to their capacity can could accommodate any parking need.

5.6 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)

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 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.

3. The details provided with regard to the kitchen extraction system shall be installed to the specification as noted in the Extraction Details report 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.

330 Contiburrow



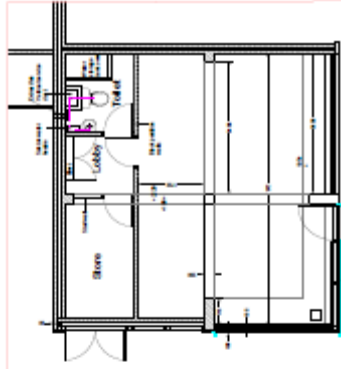
Crown Copyright (C) Licence No. LA100019593
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Scale 1/400

Centre = 485458 E 239884 N

Date 15/2/2013

Author:



Existing Floor Plan
Scale 1:50



Location Plan
Scale 1:250



Site Plan - scale 1:100

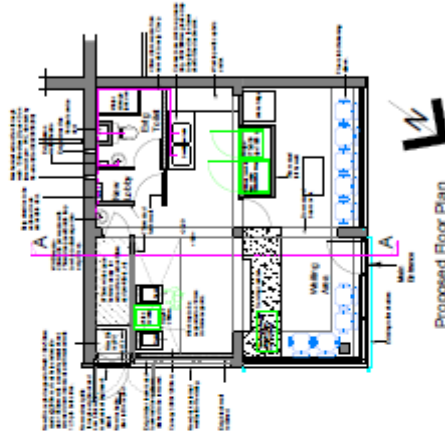
Proposed change of use to use class 1, 2 and 3
with use of the Combined Use Classes Order
P14 (use class 1 and 2 and 3)
CARRINGTON, GM22 0JN
Date: 24.02.2013 (Scale: 1:100, 1:100, 1:100)



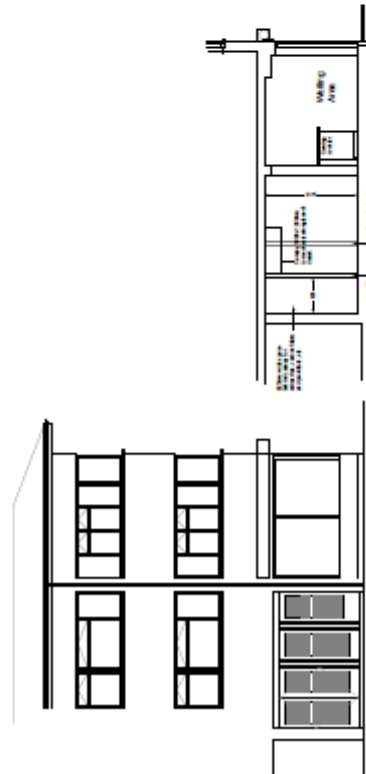
Existing Elevation to Cornburrow Boulevard
Scale 1:50

Proposed Elevation to Yarrow Place
Scale 1:50

Proposed Elevation to Cornburrow Boulevard
Scale 1:50



Proposed Floor Plan
Scale 1:50



Existing Elevation to Yarrow Place
Scale 1:50

Section A A
Scale 1:50

Existing Elevation to Yarrow Place
Scale 1:50

Amendment B: Bin cupboard added - 10-01-2013

Appendix to 12/01967/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 Highways Development Control

No objections received.

Noted.

A3.2 Environmental Health Manager

Initially raised concerns about extraction details and bin storage. After subsequent correspondence and amended information and plans the Environmental Health Officer is satisfied that the specification is acceptable.

Noted.

A3.3 Parish - Great Linford

The Parish object to the application, suggesting:

1. Significant disadvantage to residence from noise, vibration, smell and disturbance. Contrary to D1.

1. see paragraph 5.3 + 5.4

Unless meet criteria:

1. Odour control measures
2. Noise and anti-vibration measures
3. grease traps in drainage systems
4. waste storage
5. DDA compliant

1. see paragraph 5.3
2. see paragraph 5.3
3. see paragraph 5.3
4. see paragraph 5.3
5. The proposal appears to be DDA compliant; however this can be secured under building control.

A3.4 Ward - Bradwell - Cllr Wallis

No objection received.

Noted.

A3.5 **Ward - Bradwell - Cllr Bradburn** Noted.
No objection received.

A3.6 **Ward - Bradwell - Cllr Exon** Noted.
No objection received.

A3.7 **Local Residents**
The occupiers of the following properties were notified of the application:

- 322-328 (even) Conniburrow Boulevard
- 2 and 4 Yarrow Place Conniburrow

A3.8 **Responses**
Two objections have been received, detailing the following objections:

- | | |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 1. constant take out smell in home | 1. see paragraph 5.3 |
| 2. noise, light and odour pollution | 2. see paragraph 5.4 |
| 3. increase in pests | 3. see paragraph 5.3 |
| 4. lit up sign | 4. see paragraph 5.1 |
| 5. vibration | 5. see paragraph 5.3 |
| 6. lack of parking | 6. see paragraph 5.5 |
| 7. future owner of a flat in this building | 7. Not a planning consideration |
| 8. Contrary with policy STC9 | 8. Policy STC9 is a Lewisham Council Policy, and therefore has no weight in this application. |
| 9. Value of flat will decrease- face value and rental figure | 9. Not a planning consideration |
| 10. harder to rent | 10. Not a planning consideration |
| 11. increase in traffic | 11. see paragraph 5.3 + 5.4 |
| 12. litter + hygiene issues | 12. see paragraph 5.3 |

Comments were also received from Parish Councillor David Stabler enquiring if the ventilation system is anti vibration. It was unclear as to whether this is a third party or PC representation. See paragraph 5.3.