

**Change of use from restaurant (A3 use) to one dwelling (C3 use)
(resubmission of 11/02305/FUL)**

AT 17A High Street, Olney, MK46 4EB

FOR Scoperight Ltd

Target: 13th September 2012

Ward: Olney

Parish: Olney Town Council

Report Author/Case Officer: Anna Holloway

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The Site

The application site is an existing restaurant (Use Class A3) located to the rear of 17 High Street in Olney Conservation Area. The application site sits within the setting of several listed buildings and in a heritage site. 17 High Street is a grade II listed building and the application property is fixed to the main building and forms part of the listed building; even if the application property was free standing it would fall under the definition of curtilage listed. Therefore, the application property is treated as, and afforded the protection, of a listed building. 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 to change the use of the building from restaurant (A3 use) to one dwelling (C3 use). It is not proposed to increase the footprint of the building; however, internal and external alterations are proposed. The current application is a resubmission of 11/02305/FUL which was refused. Details of the proposal as described above can be seen in the plans appended to this report.

1.3 The internal alterations proposed do not require planning permission; however, listed building consent would be required. No listed building consent has been submitted; whilst this is not best practice it is possible to determine the current planning application. An informative should be included on the decision notice confirming to the applicant that the property is listed and that listed building consent would be required for the internal and external alterations proposed.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework, March 2012 (NPPF):
Paragraph 14: Presumption in favour of sustainable development
Section 7: Requiring good design
Section 12: Conserving and enhancing the historic environment

2.2 Local Policy

Core Strategy (emerging policy)

CS 9 Strategy for the Rural Area

CS 10 Housing

CS 13 Ensuring High Quality, Well Designed Places

CS 20 The Historic and Natural Environment

Adopted Milton Keynes Local Plan 2001-2011

D1: Impact of Development Proposals on Locality

D2A: Urban Design Aspects of New Development

D2: Design of Buildings

HE1: Protection of Archaeological Sites

HE4: Extension or Alteration of a Listed Building

HE5: Development Affecting the Setting of a Listed Building

HE6: Conservation Areas

T15: Parking Provision

H7: Housing on Unidentified Sites

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 The main issues are the principle of development, the impact on the heritage assets (including the listed building, the setting of listed buildings and conservation area), the impact on the amenity of residential occupiers and parking provision.

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

The application property is located beyond the commercial centre of Olney in a residential area as defined on the Local Plan Proposals Map. The surrounding properties are in a mix of uses including both residential and non-residential. The use of the property as a restaurant is not protected in planning policy. The building is located close to local amenities and can be accessed by means other than the car. In principle the change of use of this building to residential in this mixed part of Olney is considered acceptable and is not contrary to save local policy H7 'Housing on Unidentified Sites'.

5.2 Heritage assets

In principle it is considered that the proposed change of use to residential would not have a detrimental impact on the heritage assets subject to the physical alterations being considered acceptable. As stated above at paragraph 1.3 the internal alterations do not require planning permission (although they would require listed building consent) and therefore the current assessment is based on the proposed external alterations. The building is low level with a first floor contained within the roof space and served by dormer windows in the older part of the building. Less sympathetic single storey extensions and restaurant paraphernalia (i.e. flues) have been added more recently. The proposed external alterations are to these more modern single storey additions.

5.3 The building is largely screened from wider views due to its location between properties on the High Street and West Street. The proposed roof lights have been amended from the previously refused scheme and whilst the inclusion of roof lights would have some impact on the heritage assets it is considered that the impact would not be significant enough to warrant a refusal of permission. The details of external windows and doors, including the proposed conservation style roof lights, as well as boundary treatment could be adequately controlled by the imposition of planning conditions.

5.4 Conclusion

The proposal is for the change of use of an existing building within a residential area (as defined on the Local Plan Proposals Map) to residential use. The use of the property as a restaurant is not protected in planning policy. The principle of the change of use is therefore acceptable. The proposed external alterations would have some impact on heritage assets; however, subject to the imposition of conditions to control the details the proposed alterations would not have a significant impact on heritage assets which would warrant a refusal of planning permission.

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 approved development shall be carried out in accordance with the following drawings/details:

01A as electronically registered on 1st August 2012
02A as electronically registered on 1st August 2012
03B as electronically registered on 1st August 2012
04B as electronically registered on 1st August 2012
05B as electronically registered on 1st August 2012

Reason: For the avoidance of doubt and in accordance with the requirements of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

- (2) 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)

- (3) Notwithstanding the detail on the submitted plans and prior to the commencement of development, full details of all proposed external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be constructed of timber and painted white. Details shall include horizontal and vertical cross sections at a scale of at least 1:5, details of specific mouldings, where required by the Local Planning Authority at a scale of at least 1:2, and window elevations. Details shall confirm depth of reveal (to face brickwork) and include opening method and sill. The development shall be carried out thereafter in accordance with the approved particulars.

Reason: To preserve the character and special interest of the heritage assets in accordance with saved Policies D2, HE4, HE5 and HE6 of the Milton Keynes Local Plan 2001-2011.

- (4) Notwithstanding the detail on the submitted plans and prior to the commencement of development, a section and details of the roof lights including dimensions shall be submitted to and approved in writing by the Local Planning Authority. The roof lights shall be flush fitting conservation style. The development shall thereafter be carried out in accordance with the approved particulars.

Reason: To preserve the character and special interest of the heritage assets in accordance with saved Policies D2, HE4, HE5 and HE6 of the Milton Keynes Local Plan 2001-2011.

(5) Prior to the commencement of development, details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall show the type and height of fences, hedges, walls or other means of enclosure. The submitted details shall include details of the proposed boundary treatment between Nos.17 and 17A High Street and shall take into account the need to minimise any further subdivision of the space. The boundary treatment shall be provided in accordance with the approved details prior to the initial occupation of the property as a dwelling. The approved fence, hedge or wall shall subsequently be retained.

Reason: To preserve the character and special interest of the heritage assets and to ensure a satisfactory appearance for the development in the interests of visual amenity, a reasonable degree of privacy for occupiers of the proposed dwelling, and to safeguard the privacy and amenities of the occupiers of neighbouring properties.

(6) The scheme for parking and manoeuvring as shown on the approved plans shall be laid out prior to the initial occupation of the building as a dwellinghouse and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

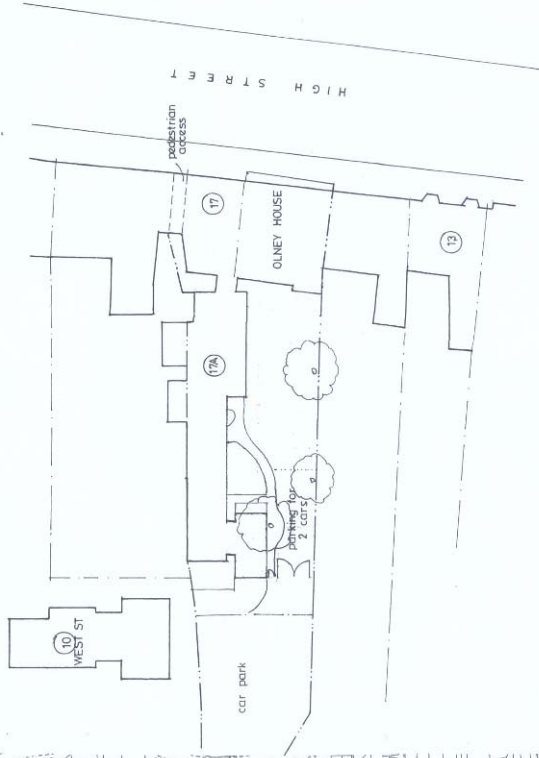
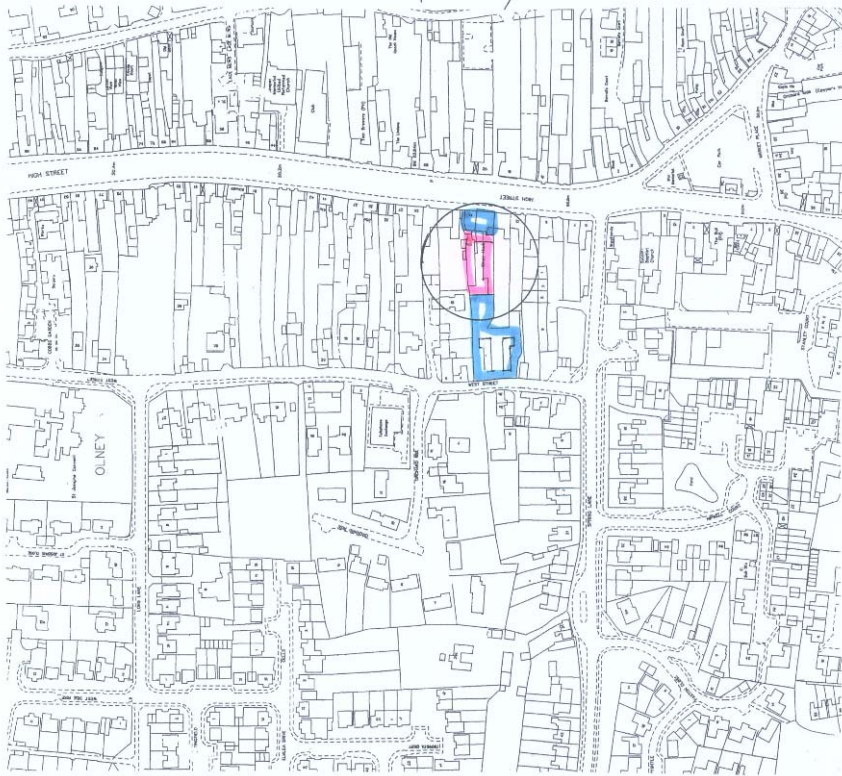
(7) Pursuant to the Town and Country Planning General Permitted Development Order 1995 or any Statutory Instrument revoking or re-enacting that Order, the provisions of Article 3(1) and Classes A, B, C, D, E and G of Part 1 and Class A of Part 2 of Schedule 2 to the said Order (relating to: the enlargement, improvement or other alteration of a dwellinghouse; the enlargement of a dwellinghouse consisting of an addition or alteration to its roof; any other alteration to the roof of a dwellinghouse; the erection of a porch; the provision within the curtilage of a dwellinghouse of buildings or enclosures incidental to the enjoyment of the dwellinghouse or containers used for domestic heating purposes; the installation, alteration or replacement of a chimney, flue or soil and vent pipe; and the erection, construction or alteration of a gate, fence wall or other means of enclosure) shall not apply to the dwelling hereby permitted and no such development shall be carried out without the permission of the Local Planning Authority being first obtained.

Reason: To protect the character and appearance of the heritage assets and to preserve the amenity and privacy of neighbouring residential occupiers.

6.2 Informative

(1) Please note that this permission relates only to the planning application for the proposed works and does not extend to any internal alterations to the property. The property is a grade II listed building and therefore listed

building consent is required prior to the carrying out of internal and external alterations to the property. It is strongly recommended that pre-application advice is sought prior to submitting a listed building consent application as the Conservation Officer has raised significant concerns with the proposed internal works.

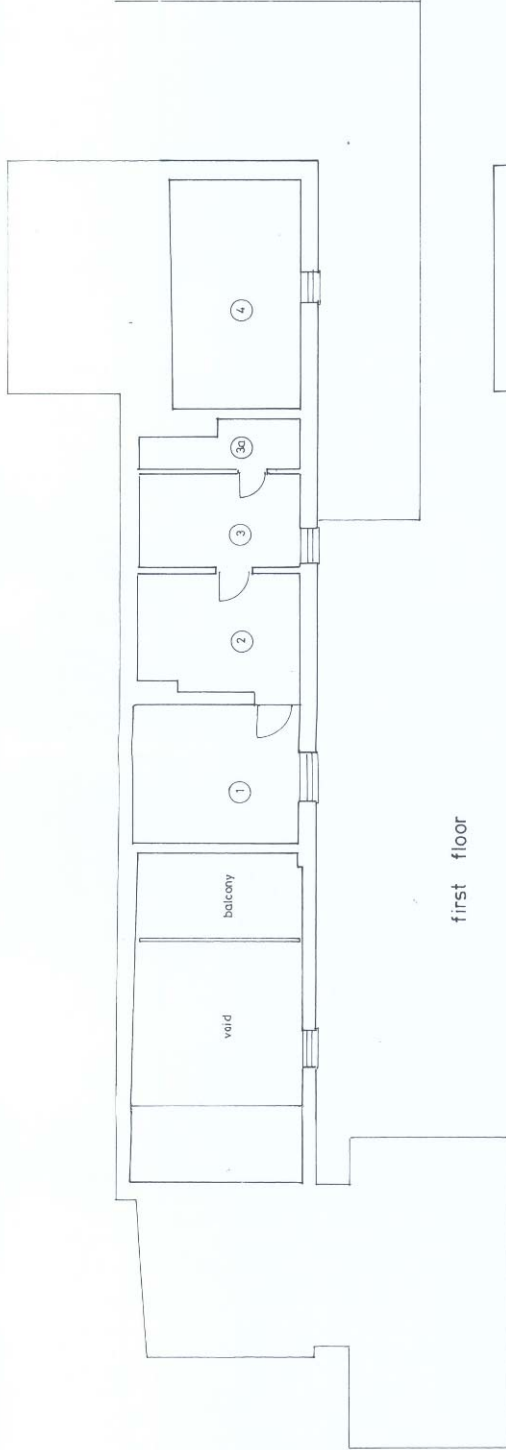


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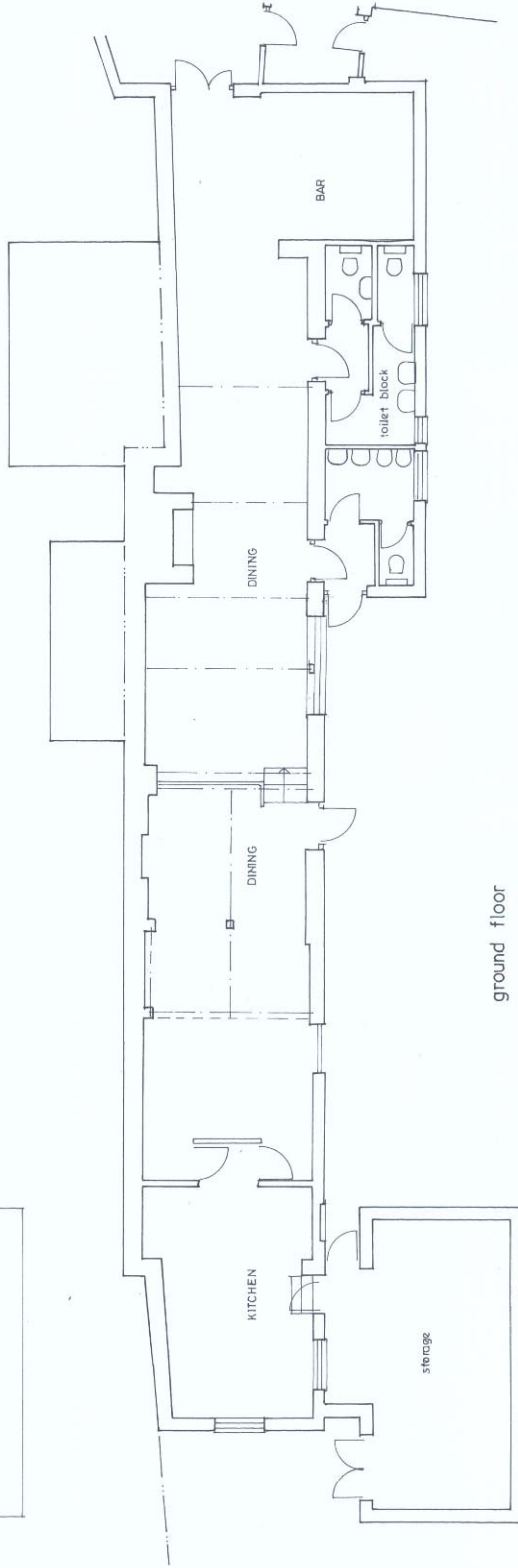
PROJECT
17a HIGH ST OLNEY

DRAWING
Location plan & block plan

drawn wb	date 09-11	scale a.s.	project number 1211	drawing number 01	revision A
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first floor



ground floor

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PROJECT

17a HIGH ST OLNEY

DRAWING

○ Floor plans ~ existing

drawn	date	scale	project number	drawing number	revision
WB	09-11	1:100	1211	02	A

drawn

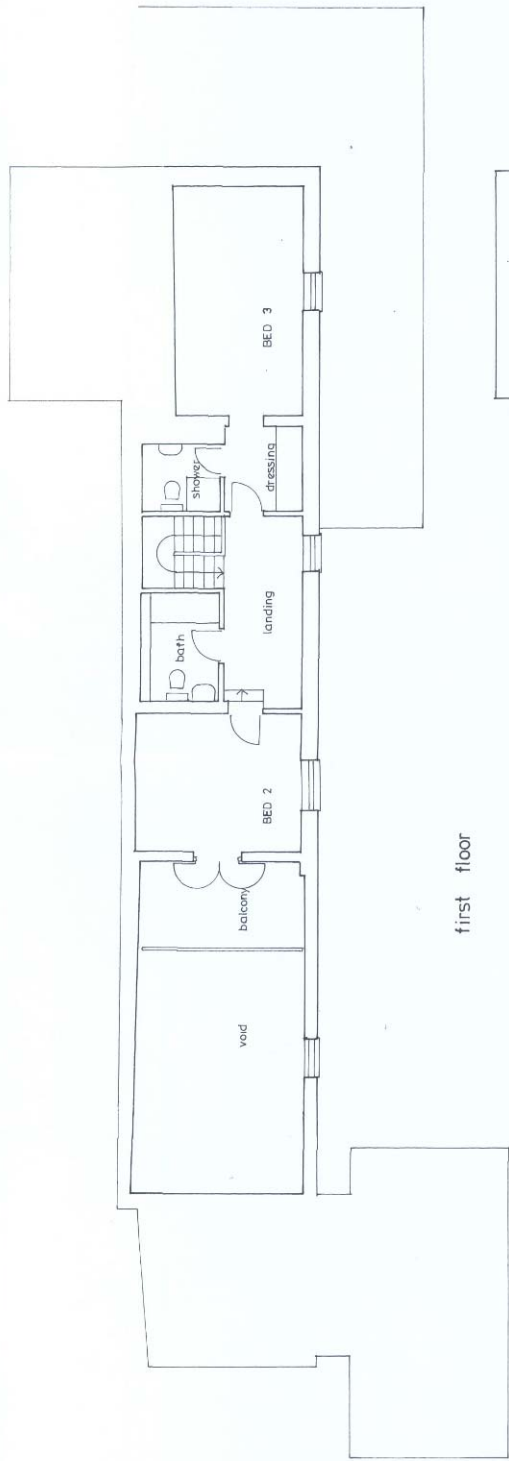
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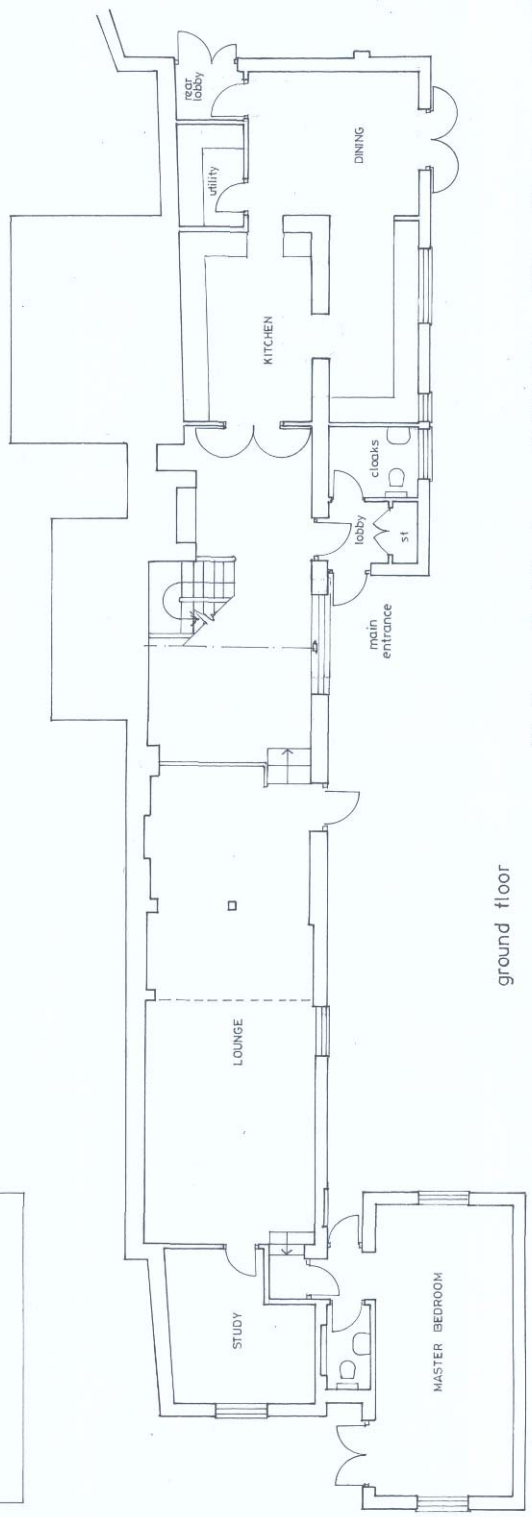
project number

drawing number

revision



first floor



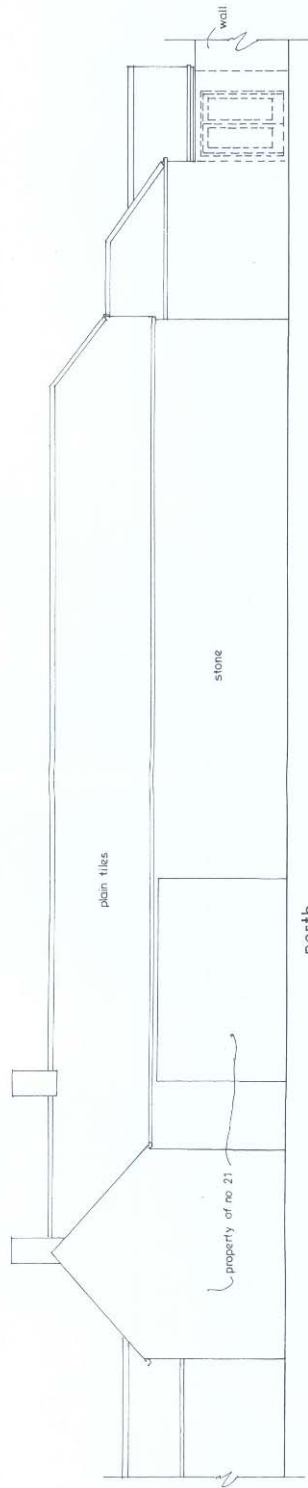
ground floor

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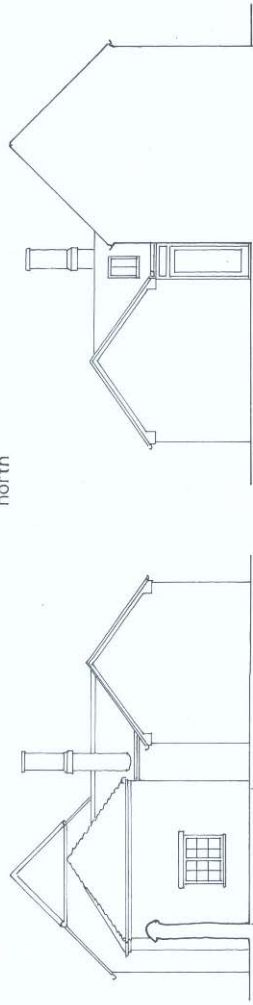
PROJECT 17a HIGH ST OLNEY

DRAWING Floor plans ~ proposed

drawn	date	scale	project number	drawing number	revision
WB	09 11	1:100	1211	04	B

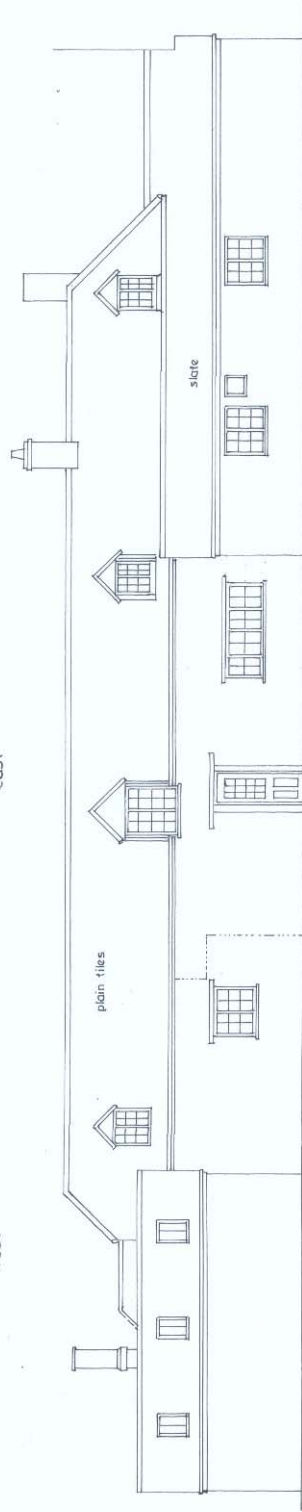


north



west

east



south

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PROJECT

17a HIGH ST OLNEY

drawn Wb

DATE 09-11

scale 1:100

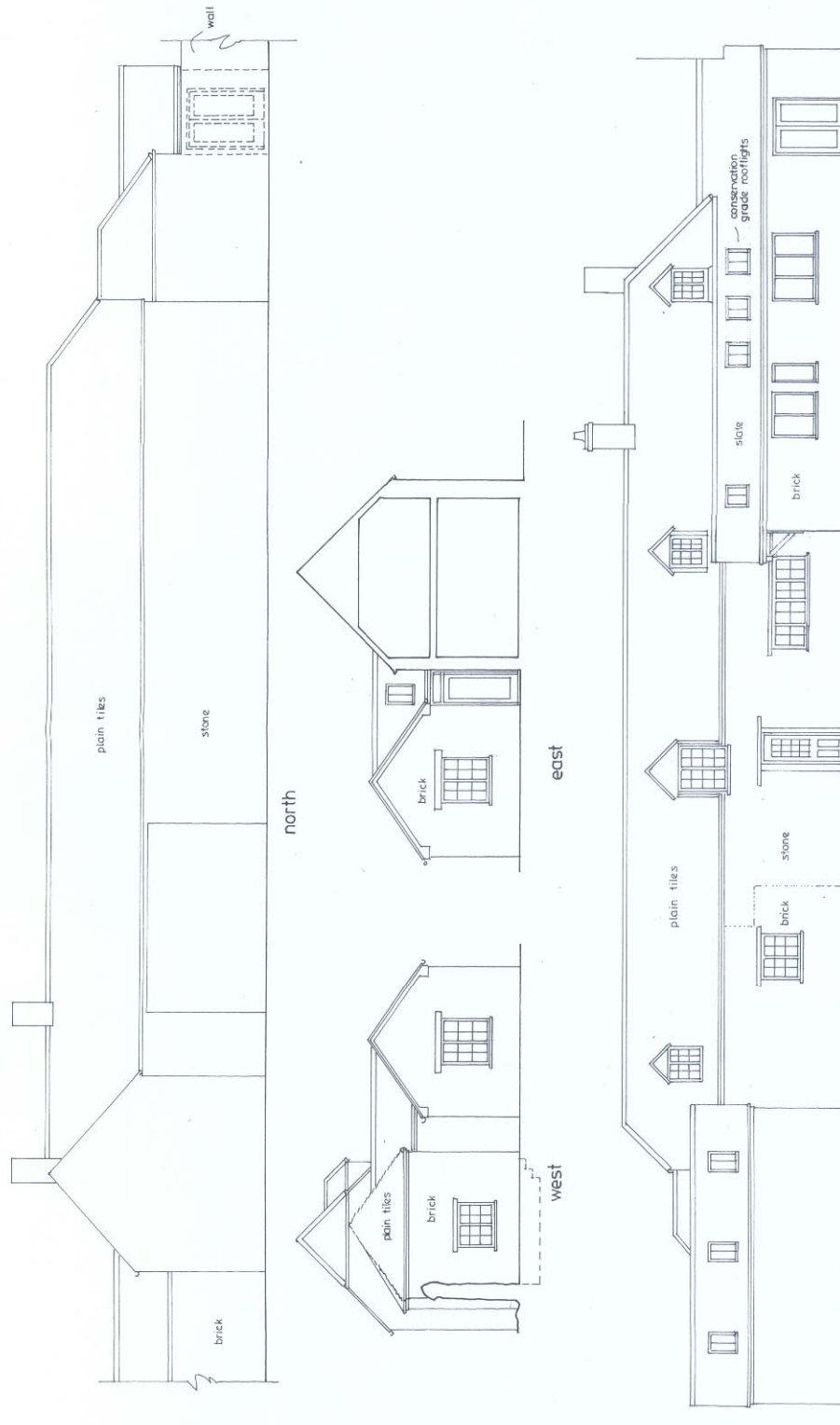
PROJECT NUMBER 1211

drawing number 03

revision B

DRAWING

○ Elevations ~existing



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PROJECT
 17a HIGH ST OLNEY

DRAWING
 ○ Elevations ~ proposed

drawn WB	date 10-11	scale 1:100	project number 1211	drawing number 05	revision B
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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 MK/464/81

Change Of Use From Offices To Art Gallery And Wine Bar; permitted 21.08.1981

MK/634/81

Listed Building Consent For Extension And Alterations To Form Wine Bar And Art Gallery; consent granted 08.07.1981

MK/120/86

Alterations And Extension To Form Reception Lounge; permitted 03.04.1986

MK/121/86

Listed Building Consent For Alterations And Extension To Form Reception Lounge; consent granted 03.04.1986

MK/996/92

Listed Building Consent For Erection Of Single Storey Detached Storage Building; application not proceeded with 17.11.1992

MK/997/92

Erection Of Single Storey Detached Storage Building; permitted 26.11.1992

06/00085/FUL

Removal of Condition 6 of planning permission MK/120/86 for alterations and extension to form reception lounge and change of use from wine bar to restaurant to extend opening hours; permitted 07.04.2006

07/00692/FUL

Single storey side extension; refused 12.06.2007

07/01338/FUL

Single storey rear extension (resubmission of 07/00692/FUL); permitted 25.09.2007

11/02305/FUL

Change of use from restaurant (A3 use) to one dwelling (C3 use); refused 19.12.2011 for the following reason:

The proposed works are considered to detrimentally affect the setting of the adjacent listed buildings and will not preserve or enhance the character or appearance of the conservation area and therefore does not comply with Sections 66, 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, the Milton Keynes Local Plan Policy HE5, HE6 and the guidance in PPS5 and PPS1.

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 Amenity of Residential Occupiers

It is considered that the proposed change of use would not have a detrimental impact on neighbouring properties. The application site has existing boundary structures to the east, west and south and there is no proposed increase in the footprint of the building. The south elevation openings would have their main outlook across the application site's garden area and the west elevation openings toward the car park area. The only concern is regarding the relationship between the principal listed building and the proposed dwelling. The plans show the amenity area to serve No.17A extends right up to the rear elevation of Olney House. The site visit showed some fencing within this rear area and therefore it is considered that suitable boundary treatment could be provided without having a significant impact as long as it minimised any further subdivision of the space which would not be desirable. It is considered that this detail can be controlled via the imposition of a planning condition.

A2.2 Parking and Access

The Highways Engineer raised no objections to the previous application (11/02305/FUL). The proposal includes space to park two vehicles on plot and is considered acceptable with regards to the Council's adopted parking standards.

A2.3 Archaeology

The proposal involves no new build or change in footprint and therefore is acceptable with regards to the potential to impact on archaeology.

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 Conservation And Archaeology

The building is listed as it is fixed to and forms part of the principal listed building. Even if it were free standing, it would fall under the definition of curtilage. Listed building consent is therefore necessary. The applicant has already been informed that and LBC application is required.

Whilst the applicant does not consider the building to be listed, due to a previous application for planning permission being granted without listed building consent, a more detailed review of the planning history and the relationship of the building to the grade II listed main building at 17 High Street has resulted in the conclusion that the application property is listed.

A3.2 The current proposals do not appear significantly different from those refused previously. It is not desirable to determine the planning application without a corresponding listed building consent application as the plans submitted do not appear acceptable for the character of the listed building.

Whilst not best practice the current planning application can be determined. In the event that planning permission is granted an informative should be included on the decision notice informing the applicant of the need for listed building consent for the internal and external alterations.

A3.3 The proposed staircase would require cutting of timbers that appear to be historic which is not desirable for the fabric of the building, and the location of the stair is abutting the chimney breast, impinging on this, impacting on the character of the room at ground floor. This was an area that it was previously advised should be reconsidered; however, this has not been done.

The internal alterations would require listed building consent but not planning permission. In principle the change of use of the property would not have a detrimental impact on the heritage assets and therefore any internal changes should be dealt with under listed building consent procedures.

- A3.4 The proposed number of rooflights over the kitchen/ dining area is not in keeping with the simple character of the lean-to roof and is not in keeping with the character of the building. This was raised previously but has not been addressed. Please see paragraph 5.2 above.
- A3.5 The proposals would fail to preserve the character of the listed building. Please see paragraph 5.2 above.
- A3.6 **Senior Archaeological Officer**
- No comments. Noted
- A3.7 **Olney Town Council**
- Objects to the application. Concerned about the loss of a class A3 restaurant with the shortage of restaurant offer in the town and would prefer the building to remain in its existing use. Please see paragraph 5.1 above
- A3.8 **Public Representations**
- The occupiers of 15, 15A–15B, 17, 19 and 21 High Street and 8 and 10 West Street, Olney were notified of the application. Noted
- A3.9 An objection has been received from the owner of 'The Old Shanghai Restaurant' which currently occupies the application property and leases the building from the applicant. The comments received are summarised in the following paragraphs. Noted

- A3.10 What has changed in this conservation area which would now make the application acceptable? To change the nature and usage of such an old building is an outrage in the context of preserving our heritage and would result in the destruction of architectural, historical, cultural and social legacy. Visitors ask to see the original scales of justice on the façade of the building; in private residential use I do not believe my open, welcoming and supportive attitude will be available to those with a reasonable and legitimate interest in the history of the building; another 'hidden' blow to the social history / culture of the town.
- A3.11 Comments have also been made regarding the reputation of the restaurant and that they wish to continue to operate the restaurant until the legal termination of their lease.
- Please see paragraphs 5.1 – 5.2 above. The building has had several different uses over the years with planning permission granted in 1986 for change of use from a wine bar to a restaurant.
- These are not material planning considerations.