

Application Number: 16/03437/FUL

Change of use from an off licence (use class A1) to a hot food takeaway (use class A5); installation of new extraction/ventilation equipment and external alterations

AT 1 Station Road, Woburn Sands, Milton Keynes

FOR DPSK Ltd

Target: Extension of Time

Ward: Danesborough And Walton

Parish: Woburn Sands Town Council

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

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.miltonkeynes.gov.uk/publicaccess. All matters have been taken into account in writing this report and recommendation.

This application is referred to the Development Control Panel for determination At the request of Ward members and the number of objections received by third party representations and an objection has been received from Woburn Sands Town Council.

1.1 The Site

The application relates to Number 1 Station Road which is currently in use as an off license located on the eastern side of Station Road and at the corner of Russell Street. The application property is an existing commercial unit within the Woburn Sands Town Centre and is also located within the Woburn Sands Conservation Area.

1.2 The Proposal

The application seeks permission for the change of use of the premises from an off license (use class A1) to a hot food takeaway (use class A5).

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework (2012)

Section 2 : Ensuring the vitality of town centres

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 12: Conserving and enhancing the historic environment

2.2 Local Policy

Core Strategy 2013

Policy CSA (Presumption In Favour of Sustainable Development)

Policy CS8 (Other Areas Change)

Policy CS11 (A well Connected Milton Keynes)

Policy C12 (Developing Successful Neighbourhoods)

Policy CS13 (Ensuring High Quality Well Designed Places)

Policy C14 (Sustainable Construction)

Policy C19 (The Historic and Natural Environment)

Adopted Milton Keynes Local Plan 2001-2011

D1 Impact of development proposals on locality

TC5 Woburn Sands Town Centre

TC6 Woburn Sands Town Centre – Priorities

T10 Traffic

T15 Parking provision

TC2 Olney Town Centre

TC18 Non-retail uses on ground floors in town centres

HE6 – Conservation Areas

Supplementary Planning Guidance

Parking Standards 2016

2.3 Woburn Sands Neighbourhood Plan

Woburn Sands Town Council applied to Milton Keynes Council, in accordance with the Neighbourhood Planning (General) Regulations 2012, to designate a Neighbourhood Plan Area in November 2013. Following the Neighbourhood Planning Referendum on the 22 May 2014, the Neighbourhood Plan was approved in July 2014.

WS1 – Sets out the design principles that all developments in the town centre will be expected to comply with.

WS9 - Retail Town Centre – Within a town centre developments and changes

of use which promote the vitality and viability of the High Street will be supported.

3.0 MAIN ISSUES

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

- 3.1
 - Principle of Development
 - Impact on the Locality
 - Impact on Heritage Assets
 - Impact on Amenity
 - Parking and 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 the proposed change of use of the building

Saved policies TC5 to TC6 of the Milton Keynes Local Plan 2001-2011 essentially aim to protect the vitality and viability of Woburn Sands Town Centre as a shopping centre, and at the same time to improve pedestrian, cycle and public transport. The existing use of the property is an off license (use class A1) and is located within the Secondary Shopping Area. Therefore the proposed change of use of the building to a hot food takeaway (Class A5 use) is considered to be acceptable and would not have an adverse impact on the vitality and viability of the Secondary Shopping Area and is considered to add to the vitality of the area and encourage people to visit the Town Centre.

- 5.2 Saved Policy TC18 of the Milton Keynes Local Plan 2001-2011 outlines that permission will be granted for non-retail uses if satisfy the following criteria:
 - The general restrictions on the location and proportion of non-retail uses as set out in Table TC1 (this relates to primary function of such locations as local shopping centres).
 - They do not create a continuous frontage of 3 or more units in non-retail use within the primary shopping area.
 - They would not have a significant adverse effect on any nearby residential properties.
- 5.3 Policy WS9 of the Woburn Sands Neighbourhood Plan outlines that within the Town Centre, developments and changes of use which will promote the vitality and viability of the High Street will be supported.

5.4 The proposal will lead to a loss of retail floorspace however the application site is located within the secondary shopping area and therefore the loss of a retail unit is acceptable and in accordance with Policy TC18. The proposal relates to one building within the street scene and as such would not harm the viability of the Secondary shopping frontage. Therefore the development is considered to be acceptable in principle in accordance with Policies T5, T6 and T18 of the Saved Local Plan 2001-2011 and Policy WS9 of the Woburn Sands Neighbourhood Plan.

5.5 Impact on Heritage Assets

The site is in the designated Woburn Sands Conservation Area and so saved policy HE6 of the Milton Keynes Local Plan 2001-2011 would be applicable.

This policy states that:

“Development proposals within or affecting the setting of a Conservation Area should preserve or enhance the character and appearance of the area.”

The change of use proposed would be to a building in a Conservation Area and so, in accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990 the Local Planning Authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 131 of the National Planning Policy Framework states:

'In determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to the local character and distinctiveness'.

5.6 The proposal would involve minor alterations to the application building including the insertion of additional windows to the flank elevation facing Russell Street and an extraction system which will be sited at the rear of the property. This is considered to be acceptable and would be in keeping with character and appearance of the street scene and the Woburn Sands Conservation Area. Therefore the proposal is considered to be acceptable and is in accordance with saved policy HE6 of the Milton Keynes Local Plan 2001-2011 and the advice contained within the Policy Framework 2012.

5.7 Residential amenity

Saved Policy D1 (iii) of the Milton Keynes Local Plan 2001-2011 seeks to protect the amenities of neighbouring occupiers. Furthermore, the core planning principles in Paragraph 17 of the National Planning Policy Framework details that planning decisions should seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The proposed premises will be open from 11am to 11pm daily and a condition is recommended to ensure that the unit is not open outside of these hours.

5.8 The application site is located on the corner of Station Road and Russell Street and is within the Town Centre and therefore the proposed use of the property is considered to be in keeping with the commercial character of the area. In addition to this, given that the extractor will be sited 15 metres from the neighbouring property and 12 metres away from the closest property on Russell Street and as such the proposal is not considered to result in significant harm to the neighbouring property that would justify refusing the application. Therefore the proposal is not considered to be harmful to neighbouring amenities and is considered to be in accordance with Saved Policy D1 (iii) of the Milton Keynes Local Plan 2001-2011.

5.9 Parking and Highway

Saved Policy T15 of the Milton Keynes Local Plan (2001-2011) the relevant parts of which are as follows:

Development proposals should meet the following vehicle parking requirements:

- (i) Car parking provision must not exceed the Council's maximum standards.
- (ii) On-site parking should not be reduced below the maximum standard if it would be likely to result in off-site parking causing problems that cannot be resolved by on-street parking controls.

The development is in Zone 2 for parking as defined by the Supplementary Planning Document 'Parking Standards' adopted in 2016. Therefore an A5 use would require 1 space per every 2m².

5.10 The proposed development would provide 18 sqm of the public space and this would demand 9 parking spaces. The proposal has been amended and now includes two on plot parking spaces within the service yard to the side of the building. In addition to this Public car parks are available nearby and as a town centre use, customers would be expected to make use of public parking in the area, walk, or use public transport to access the site. It is, therefore, considered that any problems caused by the lack of onsite parking would be resolved by the existing on-street parking controls and availability of public parking in the vicinity of the site.

5.11 The Council received objections from more than 130 residents in relation to the lack of on parking for customers and delivery vehicles; however the Highways Department have been consulted and have raised no objection on the basis of Policy T15. In addition to this a condition relating to the submission of a delivery management plan is recommended. Therefore whilst the proposed would not strictly comply with the Council's Parking Standards 2016, the application site is located within a Town Centre and therefore is considered to be on balance acceptable and as such there would be no objection to the proposed change of use based on parking or highway safety. The proposed change of use would accord with saved policy T15 of the Milton Keynes Local Plan (2001-2011).

5.12 Conclusion

The application is recommended for approval subject to the conditions in paragraph 6.

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 approved development shall be carried out in accordance with the following drawings/details: Drawing Nos: C5118-A5-06A, C5118-A5-05, C5118-A5-03B, C5118-A5-04B

Reason: For the avoidance of doubt and interest of proper planning.

3. Deliveries and refuse collections shall be restricted to within the following hours: 0700-1900 Monday to Saturday

Reason: In the interest of residential amenity.

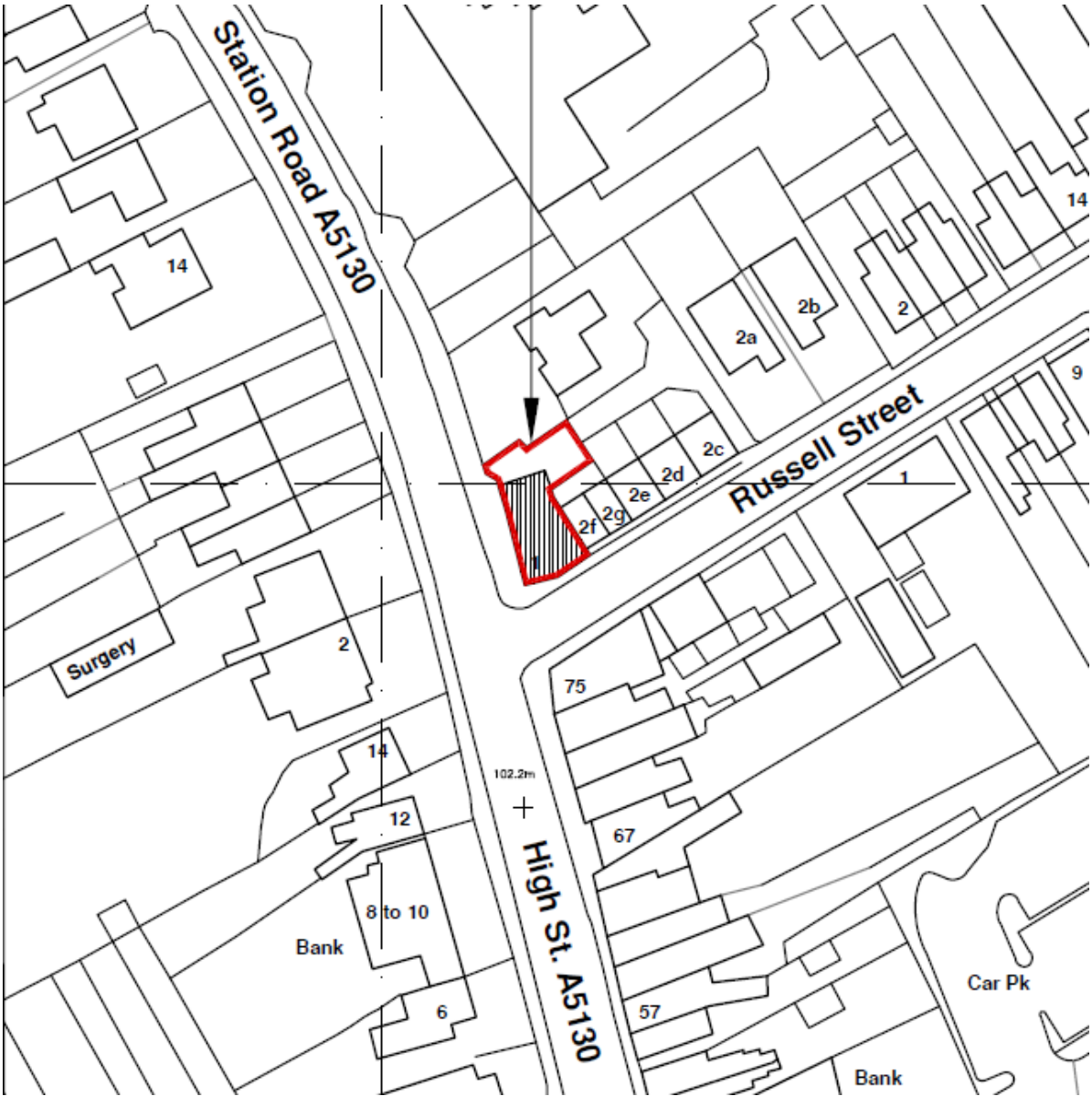
4. The kitchen extraction system shall be operated and maintained in accordance with the details submitted with in support of the application.

Reason: In the interest of residential amenity.

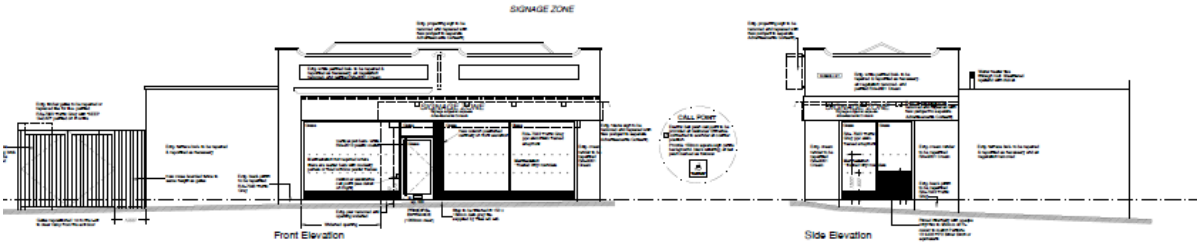
5. Before the change of use hereby permitted commences a Delivery Management Plan shall be submitted to the Local Planning Authority.

Reason: To ensure the free flow of traffic and the safety of road users.

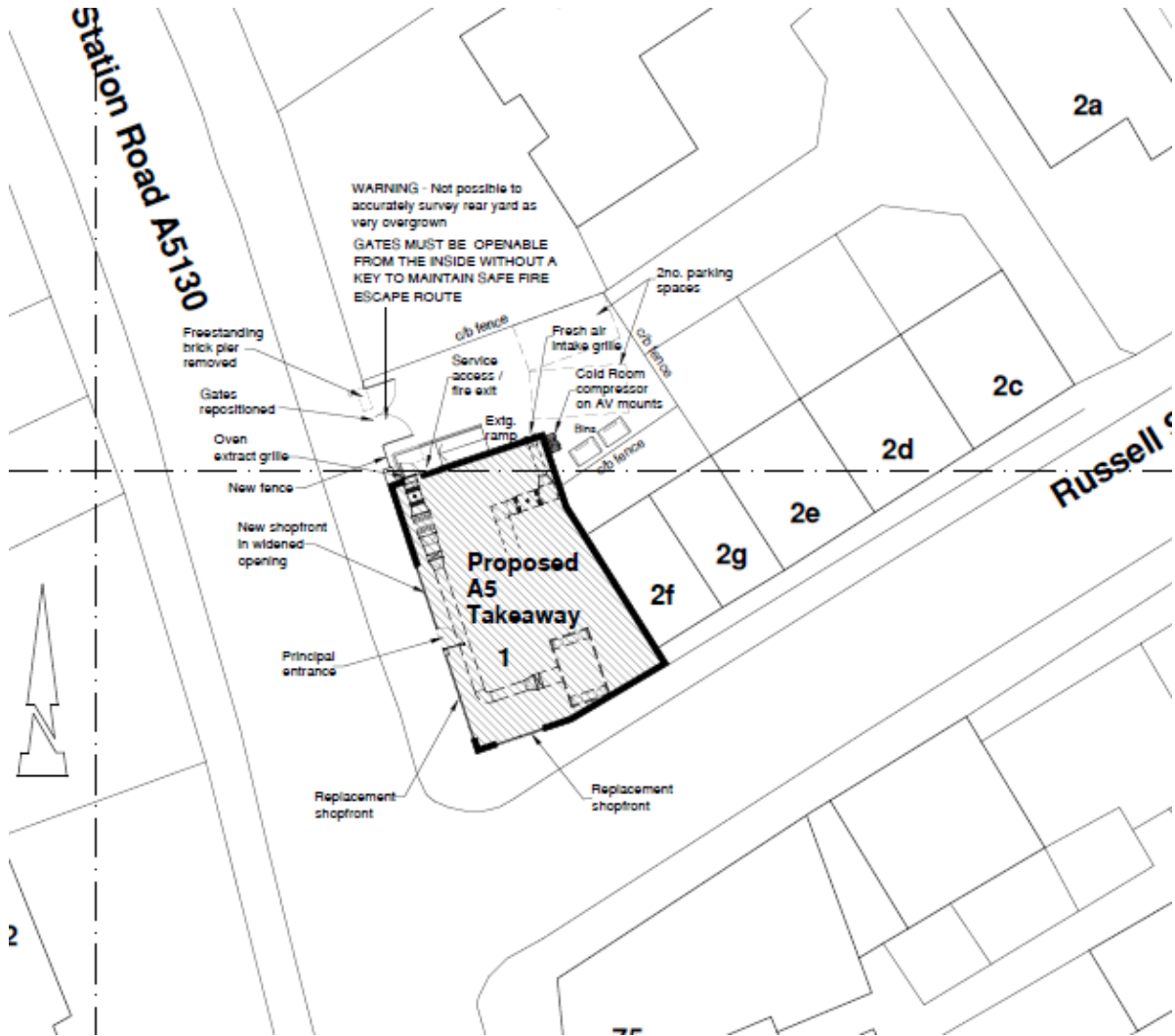
Location Plan



Proposed Elevations



Block Plan



Appendix to 16/03437/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 16/03556/ADV

Advertisement consent for 2 x. internally illuminated fascia signs and 1 x internally illuminated projecting sign
Pending consideration

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 Cranfield Airport
No Comment

Noted.

Parish - Woburn Sands

Object to the proposal due to lack of parking and inappropriate use.

Noted and discussed in the main considerations section of the report.

Ward - Danesborough And Walton - Cllr D Hopkins

Recommend that the application is taken to the DC Panel

Noted.

Ward - Danesborough And Walton - Cllr Bramall

Recommend that the application is taken to the DC Panel

Noted.

Ward - Danesborough And Walton - Cllr V Hopkins

Recommend that the application is taken to the DC Panel

Noted.

Environmental Health Manager

No objection subject to conditions

Noted.

Highways Officer

No objection

Noted.

Local Residents

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

130 representations in objection have been received and raise the following grounds that the change of use is

Crabtree Cottage, Crabtree Lane, Wavendon
15 Weathercock Lane, Woburn Sands
13 Russell Street, Woburn Sands
14 Station Road, Woburn Sands
Flat 4 2 Station Road, Woburn Sands
Flat 2 2 Station Road, Woburn Sands
Flat 1 2 Station Road, Woburn Sands
4A Station Road, Woburn Sands
4 Station Road, Woburn Sands
Rear of 75 High Street, Woburn Sands
75 High Street, Woburn Sands
75A High Street, Woburn Sands
5 Station Road, Woburn Sands
2E Russell Street, Woburn Sands
2G Russell Street, Woburn Sands
2F Russell Street, Woburn Sands
Flat 3, 2 Station Road, Woburn Sands
St Hilary, 46 Weathercock Lane, Woburn Sands
33a Church Road, Woburn Sands
6 Sturdy Lane, Woburn Sands
2C Russell Street, Woburn Sands
1A Russell Street, Woburn Sands
40 Russell Street, Woburn Sands
44 Russell Street, Woburn Sands
11 Narrow Path, Woburn Sands
13 Russell Street, Woburn Sands
38 Church Road, Woburn Sands
8 Station Road, Woburn Sands
11 Chapel Street, Woburn Sands
1 Silverbirches Lane, Aspley Heath
Tanglewood, Wood Lane, Aspley Guise
6 Sandy Court, Woburn Sands

inappropriate for the location given the lack of parking facilities for the customers and delivery vehicles. In addition to this residents feel that the proposal would be harmful to the character of the Woburn Sands Conservation Area and the residential amenities of the neighbouring properties.

Noted and discussed in the main considerations section of the report.

9 Theydon Avenue, Woburn Sands
65 Church Road, Woburn Sands
3 Russell Street, Woburn Sands
33 Chapel Street, Woburn Sands
27 Downham Road, Woburn Sands
33 Station Road, Woburn Sands
51 Greensand View, Woburn Sands
45 Chapel Street, Woburn Sands
8 Rushmere Close, Bow Brickhill
7 Tavistock Close, Woburn Sands
2 Vicarage Street, Woburn Sands
61 Aspley Court, Woburn Sands
31 Russell Street, Woburn Sands
10 Tavistock Close, Woburn Sands
27 Tavistock Close, Woburn Sands
2 Russell Street, Woburn Sands
24 Weathercock Lane, Woburn Sands
33 Weathercock Lane, Aspley Guise
21 Theydon Avenue, Woburn Sands
45A West Hill, Aspley Guise
Church House, Hulcote,
4 Station Road, Woburn Sands
18 Downham Road, Woburn Sands
80 Church Rd, Woburn Sands
Haydon House, 29 Station Road, Woburn Sands
16 Station Road, Woburn Sands
Crabtree Cottage, Crabtree Lane, Wavendon
79 Church Road, Aspley Heath
80A Church Road, Woburn Sands
4 Downham Road, Woburn Sands
22 Tavistock Close, Woburn Sands
44 Russell Street. Woburn Sands

Stockwell House,1 Stockwell Lane, Wavendon
16 The Leys, Woburn Sands
25 Hardwick Road, Woburn Sands
23 Weathercock Lane, Woburn Sands
10 Duke Street, Aspley Guise
2D Russell Street, Woburn Sands
Timberlaine, Woodside, Aspley Guise
101 Victoria Street, Wolverton
3 Church Road, Woburn Sands
8 Tavistock Close, Woburn Sands
33 Tavistock Close, Woburn Sands
Theydon Lodge, Theydon Avenue, Woburn Sands
26 Weathercock Lane, Woburn Sands
37 Fletton Dell, Woburn Sands
2B Russell Street, Woburn Sands
Latchmoor House, Heath Lane, Aspley Heath
33 The Leys, Woburn Sands
Five Pines, Wood Lane, Aspley Guise
13 Vicarage Street, Woburn Sands
1A Russell Street, Woburn Sands
12 St. Vincents, Woburn Sands
Silverbirches 13, Weathercock Lane Woburn Sands
25 Weathercock Lane Woburn Sands
14 Russell Street Woburn Sands
8 Russell Street Woburn Sands
13 Tidbury Close Woburn Sands
25 Tavistock Close Woburn Sands
35 Theydon Avenue Woburn Sands
71A High Street Woburn Sands
80 West Hill Aspley Guise
16A Station Road Woburn Sands
36 Church Road Woburn sands

8 Chapel Street Woburn Sands
19 The Mount Aspley Guise
Pine Ridge House Wood Lane Aspley Guise
43 Mount Pleasant Aspley Guise
17 Theydon Avenue Woburn Sands
12 Station Road Woburn Sands
10 Station Road Woburn Sands
18 The Leys Woburn Sands
7 Sandy Court Woburn Sands
Tanglewood Wood Lane Aspley Guise
2 Narrow Path Aspley Heath
69 West Hill Aspley Guise
30 Station Road Woburn Sands
Denbigh House Woodside Aspley Guise
10 Weathercock Lane Woburn Sands
63 Greensand View Woburn Sands
4 Sandy Court Woburn Sands
73 Theydon Avenue Woburn Sands
36 Church Road Woburn Sands
14 The Leys Woburn Sands
44 Downham Road Woburn Sands
2 Spring Grove Woburn Sands
30 Russell Street Woburn Sands
41 The Leys Woburn Sands
4 Tidbury Close Woburn Sands
3 Parkway Woburn Sands
The Lindens Woodside Aspley Guise
14 Russell Street Woburn Sands
Finisterre Mentone Avenue Aspley Guise
7 Tavistock Close Woburn Sands
36 Station Road Woburn Sands
18 Wood Street Woburn Sands

Finchwood Wood Lane
6 Station Road Woburn Sands
6 Church Road Woburn Sands
4 Church Road Aspley Heath Woburn Sands
65 Elm Grove Woburn Sands
36 Station Road Woburn Sands
22 Theydon Avenue Woburn Sands
20 Station Road Woburn Sands
20 Church Road Woburn Sands
21 Wood Lane Aspley Guise
23 Burrows Close Woburn Sands
12 Station Road Woburn Sands
6 Downham Road Woburn Sands
33 Aspley Hill Woburn Sands
1 Station Road Woburn Sands
7 Hardwick Place Woburn Sands