

Date of Meeting	29 April 2010
Application Number	E/10/0183/S73
Site Address	Butchers Shop, 6A The Square, Aldbourne SN8 2DU
Proposal	Variation of condition 1 on K/51693/F to extend the time limit for implementation.
Applicant	W Humphries & Co
Parish Council	ALDBOURNE
Grid Ref	426443 175625
Type of application	Variation of Condition
Case Officer	Peter Horton

Reason for the application being considered by Committee

The application relates to property owned by the local ward member. The Scheme of Delegation specifies that applications that relate to properties owned by elected members of the unitary council should be determined by the planning committee where objections have been received to the grant of permission.

1. Purpose of Report

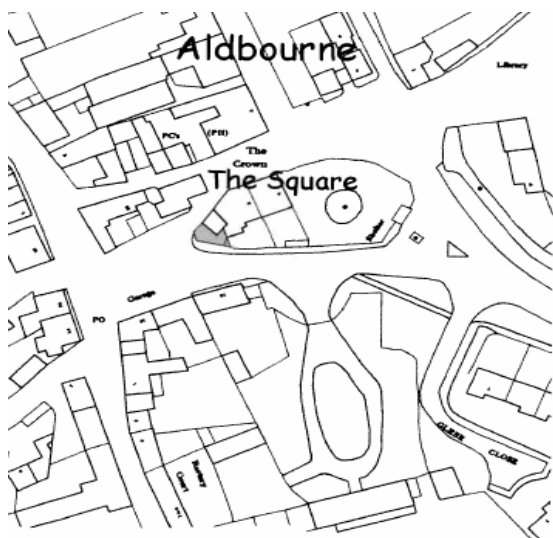
To consider the recommendation that the application be approved, subject to conditions.

2. Report Summary

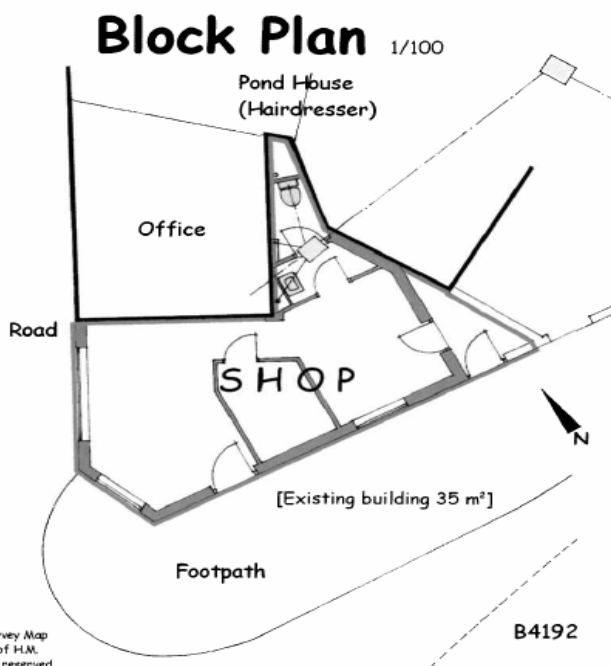
The main planning issue is the impact of the proposal on residential amenity and whether there have been any material changes in circumstances since the planning permission was first granted to warrant reaching a different decision.

3. Site Description

The application concerns a retail unit in the centre of Aldbourne, currently in use as a butchers shop. It is located on the junction of The Square with the B4192 Swindon- Hungerford road.



Site Plan 1:1250



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4. Planning History

K/51693/F - Approve with Conditions 21/04/2005
Change of use from retail to hot food takeaway.

K/13185 - Approve with Conditions 05/01/1989
Erection of shop

5. The Proposal

The proposal seeks to extend the time limit for the implementation of planning permission K/51693, which granted the change of use of the premises from A1 retail use to hot food takeaway. The permission does not include any external changes to the exterior appearance of the building, which is of modern brick construction

6. Planning Policy

Kennet Local Plan policy ED29 seeks to retain buildings used for community functions (including shops).

Kennet Local Plan policy Kennet Local Plan policy PD1 sets out broad development control principles which all developments are required to satisfy.

The site lies within the Aldbourne Conservation Area.

7. Consultations

Parish Council: No objection, but comments that there is considerable public concern over the potential loss of a valuable local amenity.

Highway Officer: No objection. The condition regarding the rationalisation of white lining that was imposed last time is no longer required.

Environmental Health Officer: Would require the same conditions as before, to cover extraction system, noise levels from extraction system and hours of operation.

8. Publicity

Concerns have been expressed by 9 local residents. Their main concerns can be summarised as follows:

- Loss of a valued community facility; if the butchers is to close, then another retail use should replace it;
- Impact upon amenity due to smell, noise and litter;
- The village is already served by a mobile hot food retailer 3 nights per week plus two pubs and shops that provide fast food options: there is no need for further food outlets;
- Increase in traffic, congestion and likely parking problems on an awkward junction, lack of pavements;
- Adverse impact upon the Conservation Area.

9. Planning Considerations

Planning permission was granted by Committee on 21/04/05 (ref. K/51693/F) to change the use of the premises to hot food takeaway, of unspecified type. The permission has not been implemented, and the current application is to renew it for another 3 years.

The application provides for the continued commercial use of the property and there is no objection in principle in policy terms to an alternative commercial use that provides a service to local residents. The fact that the butcher is a cherished local business is not a planning reason to resist change.

The site lies in the centre of the village close to a pub. Within this setting it is not considered that nuisance would be caused by evening operation of the business. A condition is however proposed to restrict very late night opening. This has the same hours restriction as the original permission.

The Environmental Health Officer raises no objection in principle to potential noise and smells from the use. Conditions are recommended to ensure adequate ventilation and extraction equipment is installed, and to limit noise levels from such equipment.

No objection is raised by the highway officer on road safety grounds.

The site lies within the Aldbourne Conservation Area. The Council has a statutory duty to consider whether the proposal would preserve or enhance the character or appearance of the area. No external changes are proposed and the shop frontage would be retained. The impact of the development upon the area would therefore be a neutral one and as such it is considered that no adverse impact would result.

Although there have been changes to Government policy since 2005, such as a new PPS 5 on Heritage replacing PPG15, the changes do not materially alter the issues that need to be considered and that are addressed above.

10. Conclusion

The proposal was acceptable in 2005 and as there has been no material change in planning circumstance since 2005, approval is recommended. The previous conditions should be re-applied.

RECOMMENDATION

Approve with Conditions

- 1 The development hereby permitted shall be begun by 21st April 2013.

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the planning and Compulsory Purchase Act 2004.

- 2 The premises to which this permission relate shall be used solely for purposes within Class A5 or A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON:

The proposed use is acceptable but the local planning authority wish to consider any future proposal for a change of use, other than a use within the same Class or to retail, having regard to the circumstances of the case.

- 3 Prior to the first use of the premises as a hot food takeaway, details for the means of providing ventilation and extraction equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved which shall be installed prior to the first use of the building.

REASON:

To ensure that the equipment is of a satisfactory appearance and is effective at dealing with odour and noise.

- 4 The use hereby permitted shall only take place between the hours of 0800 and 2300 from Mondays to Saturdays (inclusive) and between 0800 and 22.30 on Sundays. The use shall not be open at any other time or on Bank Holidays.

REASON:

To protect the amenities of this primarily residential area.

- 5 Noise emitted from the site shall not exceed 5dB above background level during the hours of opening when measured at neighbouring residential properties.

REASON:

In order to protect the amenities of nearby residential properties.

- 6 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref. 00942-01 dated January 2005

Reason for granting planning permission:

The proposed use was assessed to be acceptable in 2005 in terms of its impact on interests of acknowledged importance, including road safety, the balance of community uses and the impact on the amenity of nearby properties. It was also assessed as preserving the character or appearance of the Aldbourne Conservation Area. There have been no material changes in circumstances since 2005 and the proposal has been re-assessed, taking into account policies PD1 and ED 29 of the Kennet Local Plan 2011 and judged to cause no adverse impact that would warrant a refusal of planning permission.

Appendices:

None

Background Documents Used in the Preparation of this Report:

Planning application file, as referred to in the report