

FULL PLANNING PERMISSION GRANTED

Application no: 23/02832/FUL

To: Treat Street Ltd
Mrs Jasvearo Chandi
5 Winstanley Lane
Shenley Lodge
Milton Keynes
MK5 7BT
United Kingdom

Milton Keynes City Council, under their powers provided by the above legislation, **Permit** the

Installation of kitchen extraction and canopy unit, vents on roof and addition of vinyl graphics to front and side existing windows

At: Unit H1 Stadium Way East Denbigh North Milton Keynes MK1 1ST

In accordance with your application, valid on 4th January 2024.

Approval is given subject to the condition(s) set out below. Some of the conditions may require further details to be provided **before the development commences**. The conditions need to be complied with for the permission to remain valid. If the conditions are not complied with, legal action can be taken against the developer and the land owner. The details required by the conditions, need to be submitted formally to the Council. Call the Planning Enquiries number at the bottom of the page or use the link www.milton-keynes.gov.uk/publicaccess for further details.

Conditions:

(1) The approved development shall be carried out in accordance with the following drawings/details:

Received 04/01/2024:
20-Dec-2023 - Location Plan (Marked up)

Received 22/12/2023:
Treat Street - Proposed Work

Received 15/12/2023:
Treat Street - Unit H1 Milton Keynes MK1 1ST 4th Dec 2023 Layout Modified (Ducting Route)
TT008 REVISED - Proposed Elevation of the Side Window Showing Cooking Units

Reason: For the avoidance of doubt and in accordance with the requirements of The Town and Country Planning (General Development Procedure) (England) Order 2015.

(2)The development hereby permitted shall begin 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 91 of the Town and Country Planning Act 1990.

(3)The development hereby approved shall be carried out in accordance with the materials specified on the approved plans.

Reason: To ensure that the new work complements the existing building and to ensure the development does not detract from the character and appearance of the area in accordance with Policies D1, D2, D3, D5 and SD1 of Plan:MK

Working With the Applicant

In accordance with paragraph 38 of the National Planning Policy Framework Milton Keynes

Council takes a positive and proactive approach to development proposals focused on solutions. Milton Keynes Council works with applicants/agents in a positive and proactive manner by: offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application; where possible suggesting solutions to secure a successful outcome; informing applicants/agents of any likely recommendation of refusal prior to a decision; and by adhering to the requirements of the Milton Keynes Council Corporate Plan and the Planning and Transport Service Plan.

Informative(s)

(1)a) As the nature of each business and location is unique the developer is advised to contact a specialist contractor who can carry out a ventilation survey and design an extraction system specific to your business and premises needs.

b) We strongly recommend the designer of the system refers to the comprehensive document: EMAQ - Control of Odour and Noise from Commercial Kitchen Exhaust Systems, 2018 (1), a best practice guide for the design and operation of commercial kitchen ventilation systems.

c) In order to ensure the efficacy of the design, the specific odour and grease characteristics arising from the type of cooking and moisture and grease/smoke characteristics of the appliance (as listed in table 1 and Table 2 (1)), the number of meals served per day and operating hours should all be considered in the design and submitted with the application.

d) Each stage and component of the ventilation and extraction design, including plans of the dimensions, route, exhaust characteristics of the ductwork in relation to the building and detailed product information, should be submitted with the application.

e) Each stage of the extraction and ventilation should be considered as a potential noise source, from the air intake through to the extract duct work, fans, and discharge point. The control system should meet the requirements stipulated in BS4142:2014 "method for rating and assessing industrial and commercial sound". The design should also anticipate areas of wear and tear that could create a noise source once the system is in use.

f) In circumstances where the end user of the premises is unknown, or where the specific type of cooked food is unknown the installation should be designed to achieve the highest level of odour control in order to cater for the worst-case scenario.

g) Proprietors of commercial kitchens have a duty to ensure that extraction systems are well

maintained and operating effectively to reduce the impact to the amenity, comply with food hygiene regulations and minimise the risk of fire and noise. The system should be designed to allow for easy and effective cleaning and maintenance. The maintenance costs should also be considered when selecting an extraction system.

Reason: To limit the impact on amenity and minimise the possibility of it causing a statutory nuisance

Building Regulations

Please note that this is a planning permission only and you may also require approval under the Building Regulations. If you are in any doubt about this you can get further information via <https://www.milton-keynes.gov.uk/planning-and-building/building-control> or the Building Control Helpline Tel. (01908) 252721.

Your attention is drawn to the attached notes

19th February 2024

A handwritten signature in blue ink, appearing to read 'JP'.

Jon Palmer MRTPI – Head of Planning
For and on behalf of the Council

Right of appeal to the Secretary of State

If you are aggrieved by the decision of the Local Planning Authority to refuse permission or consent for your proposal or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990, subject to the following:

- if this is a decision on an application for householder or minor commercial development (the latter as defined by Part 1 Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015), any appeal must be made within 12 weeks of the date of this notice;
- if this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, any appeal must be made within 28 days of the date of this notice;
- if an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your planning application, any appeal must be made within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal, the latter as defined by Part 1 Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015) of the date of this notice, whichever period expires earlier;
- in all other cases, any appeal must be made within 6 months of the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeals must be made using a form which you can get online at www.gov.uk/planning-inspectorate or from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. The Secretary of State need not consider an appeal if it seems to them that the Local Planning Authority could not have granted planning permission or consent for the proposal or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any

directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found online at www.gov.uk/planning-inspectorate.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council, or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).

The Party Wall etc. Act 1996

Anyone intending to carry out work described in the Act MUST give adjoining owners at least 2 months notice in writing of their intentions.

The Act covers:- (i) work to be carried out directly to an existing party wall or structure

(ii) new building at or astride the boundary line between properties

(iii) excavation within 3 or 6 metres of a neighbouring building or structure, depending on the depth of the hole or foundations

If you are not sure whether the Act applies to work that you are planning, you should seek professional advice. A free explanatory booklet is available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7BN. Tel 0870 1226236 e-mail odpm@twoten.press.net