

**Application Number:** 19/00018/FUL

**Description** New replacement external pod/ extension with retractable roof and screens to south east external elevation

**AT** 12 Savoy Crescent, Central Milton Keynes, Milton Keynes, MK9 3PU

**FOR** Bella Italia C/o Casual Dining Group Ltd

**Target:** 28 March 2019

**Extension of Time:** Yes

**Ward:** Central Milton Keynes

**Parish:** Central Milton Keynes  
Town Council

**Report Author/Case Officer:** Lakeisha Peacock  
Planning Officer

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## 1.0 RECOMMENDATION

1.1 It is recommended that permission is granted subject to conditions set out in this report.

## 2.0 INTRODUCTION

### The Site

2.1 The application site contains an existing Restaurant, Bella Italia, located to the north west of Savoy Crescent, located within the 12<sup>th</sup> Street area of Central Milton Keynes. The site faces onto an area of public space, with a range of restaurants and drinking establishments within the local area.

2.2 As existing, there is a canopy structure located on the south east facing elevation, visible from the north west of Savoy Crescent that serves as an informal extension to the restaurant, providing additional outdoor seating.

### The Proposal

2.3 The application seeks planning permission for a replacement external pod/ extension with a retractable roof and screens to the south east elevation of the unit.

## Reason for referral to committee

- 2.4 The application has been referred to Development Control Committee for determination at the request of Central Milton Keynes Town Council.

### **3.0 RELEVANT POLICIES**

#### **National Policy**

- 3.1 National Planning Policy Framework 2019

Section 4 Decision-making  
Section 7 Ensuring the Vitality of Town Centres  
Section 12 Achieving Well-Designed Places

#### **The Development Plan**

- 3.2 The CMK Alliance Plan 2026 (made June 2015)

Once a Neighbourhood Plan has been agreed at a referendum and is made (brought into legal force) by the local planning authority, it becomes part of the local planning authority's development plan as an official development plan document which carries statutory weight. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. If a policy contained in the development plan for an area conflicts with another policy in a development plan, the conflict must be resolved by the decision maker in favour of the policy which is contained in the latest document to become part of the development plan.

Neighbourhood Plans therefore form part of the development plan for the relevant area. They will necessarily be in general conformity with the strategic policies contained in the development plan for the area. If they are the most recent document to become part of the development plan, they will attract statutory priority. Neighbourhood plan policies will also take precedence over non-strategic development plan policies where there is conflict.

Policy CMKAP G7 Active Frontages  
Policy CMKAP G8 Development Blocks and Blocklets  
Policy CMKAP G9 Design and Height of Buildings

- 3.3 Milton Keynes Core Strategy 2013

Policy CS7 Central Milton Keynes  
Policy CS13 Ensuring High Quality, Well Designed Places

- 3.4 Saved Policies of the Adopted Milton Keynes Local Plan 2001-2011

Policy D1 Impact of Development Proposals on Locality  
Policy D2A Urban Design Aspects of New Development  
Policy D2 Design of Buildings

Policy T15 Parking Provision

3.5 Plan: MK (submission version October 2017)

Policy D1 Design a High Quality Place  
Policy D2 Creating a Positive Character  
Policy D3 Design of Buildings  
Policy D4 Amenity and Street Scene  
Policy CT10 Parking Provision  
Policy DS4 Retail and Leisure Development Strategy

3.6 Supplementary Planning Documents

Milton Keynes Parking Standards 2016

3.7 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

**4.0 MAIN ISSUES**

Principle of development  
Highway matters and parking  
Impact on character of the area  
Design  
Residential amenity

**5.0 CONSIDERATIONS**

Principle of development

- 5.1 The application site is located within an area of Central Milton Keynes known as 'Twelfth Street', a mixed use area of various restaurants, bars and leisure and entertainment facilities, including Milton Keynes Theatre.
- 5.2 A canopy structure is located on the south east elevation of the unit, as existing, which serves an informal external seating area. From the site planning history, it does not appear as though planning permission was applied for or approved for the structure; however, a building control completion certificate was issued on the 03.02.2006 under reference 06/00221/IN. While formal planning permission was not approved, due to the duration of time that the structure has been present at the unit, it would appear that the development would be lawful by reason of its longevity (as it has been present for over 4 years)
- 5.3 As a result of the existing canopy structure, it could be considered that the new structure proposed under the current application is a replacement structure.

However, as the proposed new external structure seeks to enclose the external seating area, it is considered appropriate to assess the proposed development and an extension of non-residential floor space to the unit, rather than a replacement of the existing structure.

- 5.4 Given the location of the application site within an existing area of predominantly A3/A5 and leisure uses, it is considered that an extension to the restaurant would be acceptable in principle, subject to other material planning considerations.

#### Highway matters and parking

- 5.5 As it is considered appropriate to assess the proposed development as an extension to the existing unit. The proposed development would result in an additional 90m<sup>2</sup> of A3 floor space. In accordance with Table A, Appendix C (CMKAP Parking Standards) of the Milton Keynes Parking Standards 2016 (SPD), this would result in a requirement for an additional 3 allocated parking spaces to serve the development.
- 5.6 Given the location of the development within the Primary Shopping Area of Central Milton Keynes, it is considered that, in view of the presence and use of existing parking provision available nearby, including two multi-storey car parks and various on street parking areas, and the retention of sufficient pedestrian area, the proposal would be acceptable in highways terms.. The proposed development is therefore considered not to result in an adverse impact on the surrounding road networks within the area of the application site.

#### Impact on character of the area

- 5.7 In assessing proposed development and the impact on local character. Policy CS13 of Milton Keynes' adopted Core Strategy (2013) states that all new development must be of high design quality in terms of layout, form and appearance, and make a positive contribution to the character of the area in which it is located. Notwithstanding CS13, Saved Policy D2 of Milton Keynes' adopted Local Plan (2001-2011) highlights that extensions will only be permitted providing the scale of the proposed extension does not detract from the character of the original building. This requirement is also echoed with Policy D1 of the emerging local plan, Plan: MK and Section 12 of the National Planning Policy Framework 2019.
- 5.8 The local area surrounding the site is characterised predominantly by A3 and A5 units. There are external eating seating areas associated with some of the units located with Savoy Crescent. While it is acknowledged that these occupy space under existing colonnade features, developments such as those located at 21 Savoy Crescent (Revolucion de Cuba), feature enclosed areas that are similar to the proposed development.
- 5.9 As existing, the unit features a canopy structure located to the south east elevation, facing onto the public realm surrounding the site. The proposed extension would be approximately 0.3 metres greater in depth when compared to the existing external seating area and would therefore be of a similar scale to the existing arrangement.

- 5.10 In accordance with Policy CMKAP G9 and Policy D1 of Plan: MK, new developments are required to respond to the site and existing surroundings. The proposal would result in a more rigid and permanent structure when compared to the existing canopy, however, it is considered that the design and materials are in keeping with existing developments within the local area and the development would therefore not significantly detract from the character of the area that would result in sufficient harm to its character. Indeed, the case officer considers that the design and overall appearance of the proposed structure could be considered as an improvement to the temporary type structure that currently exists.
- 5.11 In addition, it is acknowledged that the proposed development would result in a permanent external seating area within an area of public realm associated with wider Twelfth Street and Savoy Crescent. Due to the existing external area associated with the unit, it is considered that the proposal would not result in a negative impact on the circulation of pedestrians and visitors to the area, and would therefore be acceptable in this regard.
- 5.12 Overall therefore, due to the existing structure being present and its less than desirable temporary appearance, the proposed design, scale and use of materials associated with the proposed development, it is considered that the proposal would not result in a negative impact on the character of the local area and would be in accordance with policies within national policy and the development plan.

## Design

- 5.13 When considering the design of the proposed extension, the application has been assessed against Saved Policies D2A and D2 of Milton Keynes' adopted Local Plan (2001-2011) which states that;

*Development proposals for buildings will be refused unless they:*

- (i) Are in scale with other buildings in the immediate vicinity in terms of their height and massing, except where a greater scale is necessary to reflect the development's function and importance*
- (ii) Relate well to and enhance the surrounding environment*
- (iii) Provide access for those with impaired mobility*
- (iv) Allows for visual interest through the careful use of detailing, where this is appropriate to the character of the area*
- (v) Include landscaping and boundary treatments that integrate with those of the surrounding area*
- (vi) Have regard to the need to design layout and screening in the interests of the prevention of crime and the surveillance of the public realm*

*The extension of existing buildings will only be permitted providing the scale of the proposed extension does not detract from the character of the original building.*

- 5.14 These requirements are also echoed with Policy D3 of Plan: MK, which requires extensions to buildings to reflect the scale and design, and relate well to the existing.

- 5.15 The proposed extension, while of a more rigid structure and therefore an associated perception of permanence, is considered to be in keeping with existing approved developments within the area, with the principle of an external extension established as existing. The proposal would also read as an integrated extension to the building rather than a temporary attachment.
- 5.16 It is acknowledged the proposed development would be constructed of differing materials to the existing unit, which features a curved external elevation. There is also a concern in regard to the response of the proposed extension to this existing elevation. It is considered however, that the proposed extension responds sufficiently to the curved elevation as to not result in a significant negative impact on the character of the existing building. In addition, the proposed materials, while differing from the existing, would be largely in keeping with the local area, and would not result in significant harm to the character of the existing unit.
- 5.17 As such, the design of the proposed development, in combination with the response to the existing elevations and the local area, is considered to be acceptable in regard to policies within the development plan.

#### Residential amenity

- 5.18 Saved Policy D1(iii) of the Milton Keynes Local Plan 2001-2011 states that developments will be refused where they are harmful by the way of an unacceptable visual intrusion or loss of privacy, sunlight and daylight. In addition, part (iv) of Saved Policy D1 seeks to ensure that proposed developments would not result in an unacceptable noise pollution. This requirement is also echoed within Policy D4 of Plan: MK.
- 5.19 The site is located within an area of restaurants and leisure and entertainment facilities, a number of which are open late into the night. There are no residential dwellings within the locality that would be adversely affected by the proposed development. It is therefore considered that the proposed extension would be acceptable in this regard.

## **6.0 CONCLUSIONS**

- 6.1 In conclusion, the application is considered to be acceptable and therefore recommended for approval, subject to conditions.

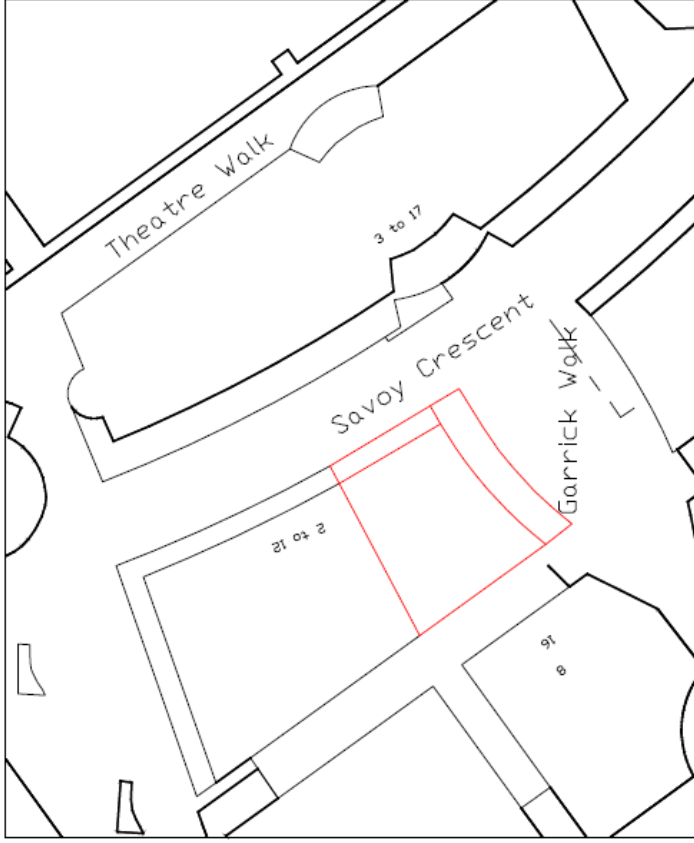
## **7.0 CONDITIONS**

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

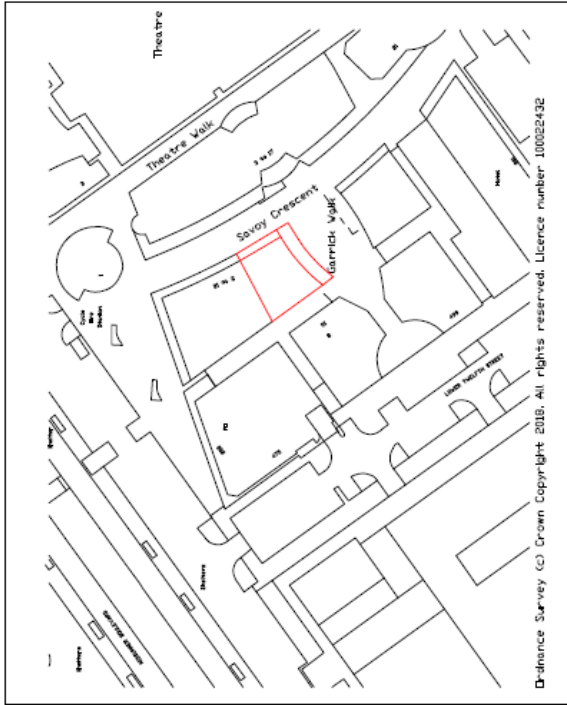
Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 91 of the Town and Country Planning Act 1990.

2. 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 Policy CS13 of the Milton Keynes Core Strategy 2013 and Saved Policies D1 and D2 of the Milton Keynes Local Plan 2001-2011.



SITE LOCATION PLAN  
(1:500)



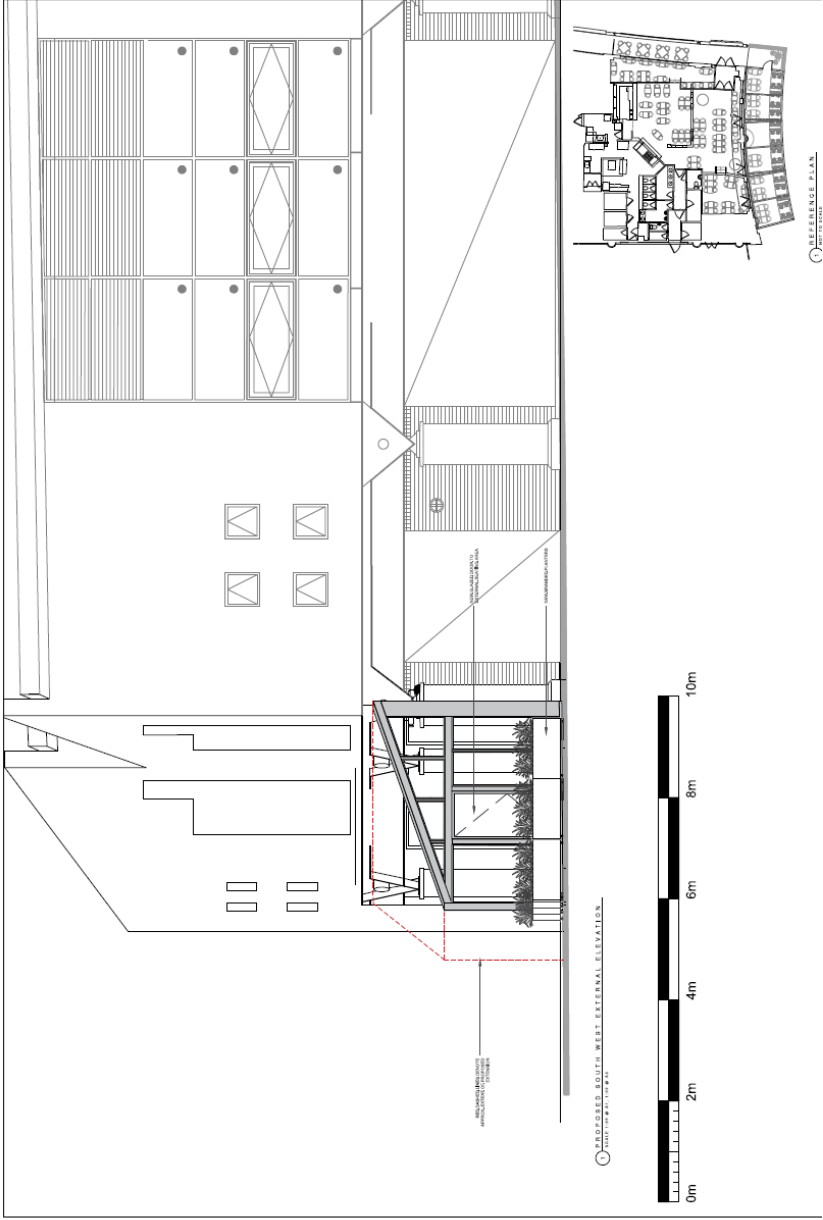
SITE LOCATION PLAN  
(1:1250)

Scale Bars:

Scale: Length:













**BELLA ITALIA RETRACTABLE ROOFED SHELTER**

Designer: L. McSwaney • Date: 07 December 2018 • Drawing No: S/10010

## **Appendix to 19/00018/FUL**

### **A1.0 RELEVANT PLANNING HISTORY**

01/00662/ADV  
INTERNALLY ILLUMINATED FASCIA AND PROJECTING SIGNS  
PEAVNZ 01.06.2001

97/01059/MK  
Erection of entrance portico at Theatre District Development  
PER 24.11.1997

98/01148/MK  
INSTALLATION OF NEW SHOPFRONT  
PENAMZ 06.11.1998

98/01276/MK  
INTERNALLY ILLUMINATED FASCIA AND PROJECTING SIGNS  
PEAVNZ 22.12.1998

98/01436/MK  
INTERNALLY ILLUMINATED DOUBLE-SIDED POLE SIGN  
PEAVNZ 01.03.1999

03/00314/FUL  
INSTALLATION OF TWO NEW SHOP FRONTS  
PER 17.04.2003

03/00315/ADV  
EXTERNALLY ILLUMINATED FASCIA SIGNS, PROJECTING SIGN AND MENU BOARD  
PEAVNZ 11.04.2003

18/01683/ADV  
Advertising consent for an existing Bella Italia signage to be removed and replaced like for like with new signage scheme in fitting with revised Bella Italia brand identity  
PER 24.08.2018

### **A3.0 CONSULTATIONS AND REPRESENTATIONS**

A3.1 Ward Councillor Priestley  
No response received.

A3.2 Ward Councillor Wallis  
No response received.

A3.3 Ward Councillor Williams (Member of Development Control Committee)  
No response received.

A3.4 Parish Council  
Objects

CMK Town Council Objects to the application for the following planning reasons:

This is clearly a building extension rather than an informal external eating space, interacting with the environs.

The connection of the proposed structural elements with the existing building is insensitive, crashing into the featured fascia and ignoring the existing structural layout/columns.

Response to the curved plan is poorly considered.

The heavy steel elements do not have the lightness of touch of the existing structure.

The Town Council would like to see a sensitive, light, and elegant proposal if it is to project into the perceived public realm in this centre of the 12th Street development.

If, notwithstanding our objections, Officers are minded to approve the application we request that it is referred to DCC or DCP for determination.

Meanwhile, if the Case Officer wishes to discuss the reasons for our objections, and any potential amendments to the application and/or conditions that might be imposed, please contact the Town Council before the application is determined.

A3.5 No third party or neighbour representations were received.