

**Application Number: 16/00126/FUL  
Minor**

**Change of use from office (use class B1) to restaurant (use class A3) with internal alterations comprising breaking through party wall to create doorway at ground and first floors**

**AT Cross Keys House, High Street South, Olney**

**FOR TJD Trade Limited**

**Target: 28th March 2016**

**Ward: Olney**

**Parish: Olney Town Council**

**Report Author/Case Officer: Mr Paul Bartos**

**Contact Details: 01908 258022 paul.bartos@milton-keynes.gov.uk**

**Team Leader: Debbie Kirk DM Core Business Unit Manager**

**Contact Details: 01908 252335 Debbie.Kirk@milton-keynes.gov.uk**

## **1.0 INTRODUCTION**

*(A brief explanation of what the application is about)*

- 1.1 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.milton-keynes.gov.uk/publicaccess](http://www.milton-keynes.gov.uk/publicaccess). All matters have been taken into account in writing this report and recommendation.
- 1.2 This application is referred to the Development Control Panel for determination as a number of public representations objecting to the proposal have been received. In accordance with the Scheme of Delegation, Ward Councillors were notified of the objections and asked whether they would like the application to be determined at Development Control Panel. Cllr McLean responded stating that he would like the application to be determined at Development Control Panel.

### **1.3 The Site**

Cross Keys House is located on the west side of High Street South in Olney. The building is Grade 2\* listed. It is a two storey stone building with a tile roof. The building was most recently used as an office but is currently vacant. It is

located immediately north of 9 High Street South which is also a grade 2\* listed building. This building has most recently been used as a wine bar and restaurant but is also currently vacant. Although they have historically had different uses, reflected in their frontages, Cross Keys House and 9 High Street South are historically associated and are listed as a pair. 9 High Street South also consists stone with a tile roof. It has a twin bay shop front onto the street. Cross Keys House has a doorway with porch above. Both buildings are in the Designated Olney Conservation Area and within the Primary Shopping Area of Olney Town Centre.

- 1.4 To the north of the site at 13 High Street South is a travel agent with a car showroom beyond this. Land associated with the showroom and, further south, land associated with Souls Garage on Lime Street is behind the property. At the south end of 9 High Street South is a residential property; the flat at 9 High Street South. This is accessed via an alley which leads west off High Street South and also provides access to land and outbuildings in the same ownership as 9 High Street South.
- 1.5 Across the alley to the south is 8 High Street South, a residential property at the north end of a row of 8 terraced houses with frontage directly onto High Street South.
- 1.6 Directly across High Street South, to the east is the Swan Inn at 12 High Street South which has living accommodation above. To the south, on this side of the street, is the residential property of 10 High Street South and further south beyond this is The Hall, also known as the Church Hall for St Peter and St Paul's Church. The hall is used during the day by the Olney Nursery.
- 1.7 To the north of the Swan Inn are two further residential properties at 14 and 18 High Street South with an estate agent's Office beyond that. Further north around and beyond the junction of Weston Road, High Street South and The High Street properties are predominantly commercial.
- 1.8 **The Proposal**

This application seeks planning permission for the change of use of Cross Keys House to an A3 restaurant use. The application was preceded by an application for listed building consent to create a connecting doorway between the ground and first floors of 9 High Street South and Cross Keys House; the intention being to use the two buildings combined as a single restaurant. No other external operational development is proposed here.

The application was accompanied by a Heritage and a Design and Access Statement.

## **2.0 RELEVANT POLICIES**

*(The most important policy considerations relating to this application)*

### **2.1 National Policy**

National Planning Policy Framework (2012)

Section 11 - Conserving and Enhancing the Natural Environment

Paragraph 123 – Noise and development.

Section 12 – Conserving and Enhancing the Historic Environment

Paragraph 131 – Viable use of heritage assets

### **2.2 Local Policy**

Core Strategy (2013)

Policy CS4 Retail and Leisure Development

### **2.3 Milton Keynes Local Plan 2001-2011(Saved Policies)**

D1 Impact of development proposals on locality

T10 Traffic

T15 Parking provision

TC2 Olney Town Centre

TC18 Non-retail uses on ground floors in town centres

HE2 – Buildings of Special Architectural or Historic Interest (Listed Buildings)

HE6 – Conservation Areas

### **2.4 Supplementary Planning Document**

Parking Standards (2016)

### **2.5 Planning Practice Guidance**

Noise – (updated 6<sup>th</sup> March 2014)

## **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
- 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 in section 6 this report.

#### **5.0 CONSIDERATIONS**

*(An explanation of the main issues that have led to the officer Recommendation)*

##### **5.1 Principle of Development**

Cross Keys House is located within the primary shopping area for Olney Town Centre. Saved policy TC18 and table TC1 of the Milton Keynes Local Plan 2001-2011 states that the change of use from one non-retail use to another non-retail use may be acceptable.

Core Strategy Policy CS4 states:

*'The Planning Authority will grant planning permission for additional retail floorspace or other uses appropriate within town centres as defined in national policy such as leisure, entertainment and cultural'*

The A3 restaurant use class proposed would be compatible in principle with the other uses within the primary shopping area of Olney Town Centre and would accord with saved policy TC18 and table TC1 of the Milton Keynes Local Plan 2001-2011 and Core Strategy (2012) Policy CS4.

##### **5.2 Impact on the Locality**

The proposed restaurant use is one which may result in an increased level of noise relative to that which might be produced by a B1 office building.

Saved Policy D1 of the Milton Keynes Local Plan 2001-2011 states to following:

*Planning permission will be refused for development that would be harmful for any of the following reasons:*

*(iv) Unacceptable pollution by noise, smell, light or other emission to air, water or land*

Paragraph 123 of the National Planning Policy Framework (2012) states:

*Planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*

- 5.3 The site is in an area of fairly mixed character with regards to the uses of surrounding and nearby buildings. The immediate neighbours to Cross Keys House are not residential, although there is a flat attached to 9 High Street South approximately 10 metres from the site. The application does not include any proposals for external plant or other equipment likely to generate noise. There is a public house across High Street South and 9 High Street South has previously been 'The Olney Wine Bar'. The area, therefore, already includes leisure uses. In addition the site is on the A509, the main road through Olney, and so any additional noise generated by the proposed use will be against a background of traffic noise.
- 5.4 There are, however, 12 residential properties within 50 metres of the site and it is expected that the change of use will result in additional noise from people coming from and going to and from the site and using the building at later hours than might be expected from an office use. The street facing windows of nearby residential properties in the area are generally single glazed. Concern has been raised by neighbouring properties about the potential noise impact of the development.
- 5.5 A request was made to the applicant to provide a noise assessment with respect to this development and its impact on neighbouring properties and this has been received. The report was prepared by acoustic consultants Acoustic Air Limited in July 2016. The report characterises the environment as one with a variety of existing background noise sources including traffic from the busy junction of the A509 with Weston Road, noise from patrons of the existing public house and foot traffic in and out of the centre of Olney with noise not significantly reducing until after 11:30 pm.
- 5.6 The report refers the noise exposure hierarchy described in Paragraph: 005 Reference ID: 30-005-20140306 of the Planning Practice Guidance Document 'Noise' and characterises the expected noise levels of the new use as, at worst, 'Noticeable and not intrusive' where 'Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life'. The Planning Practice Guidance that states that 'No specific measures are required'. An Environmental Health Officer has assessed the submitted noise assessment and stated that "there are no objections to the submitted assessment".
- 5.7 Although the change of use of Cross Keys House to an A3 restaurant use will result in a change in the way people use and visit this building in particular, the area is a mixed use area which already includes leisure uses on a relatively busy street junction in Olney. Against the existing noise characteristics of the site, the change in use would not be considered to result in unacceptable pollution by noise or adverse effects on health or quality of life. The proposed change of use would accord with saved policy D1(iv) of the Milton Keynes Local Plan 2001-2011 and the advice contained within paragraph 123 of the National Planning Policy Framework 2012.

## 5.8 Impact on Designated Heritage Assets

Cross Keys House is a Grade 2\* Listed Building and located in the designated Olney Conservation Area.

Saved Policy HE2 of the Milton Keynes Local Plan 2001-2011 states that

*'The Council will exercise its Planning and Listed Building Control powers to safeguard the preservation of Listed Buildings by permitting a change of use where it would contribute to the retention of the building without adversely affecting its character, special interest or structural integrity.'*

*'The Council will exercise its concurrent development control powers to ensure or secure the preservation of statutorily listed buildings. Development involving the change of use of listed buildings may be permitted where it would demonstrably contribute towards the restoration, retention or future maintenance of such buildings, without adversely affecting their special architectural or historic interest. Where an application for a change of use will require alterations to a listed building, an application for Listed Building Consent should be submitted at the same time.'*

The change of use is to a listed building and so in accordance with section 66 of the Planning (Listed Building and Conservation Area) Act 1990, special regard and considerable importance and weight have been given to the impact of the development on this asset.

The site is in the designated Olney 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 local character and distinctiveness.*

5.9 The proposed use would result in no external changes to the building and the internal changes required to connect the site with 9 High Street South have already been granted listed building consent under reference 16/00127/LBC. Although the change of use and resultant merging of use with the next-door building could be considered to reduce the distinctiveness of the building, the lack of external changes and minimal alterations to internal plan form ensures that harm to the asset is minimised.

5.10 The bringing of the building back into use would help to achieve the public benefit of ensuring the continued stewardship of the currently vacant listed building. The proposed change of use would preserve the historic character of the designated Olney Conservation Area and accord with saved policies HE2 and HE6 of the Milton Keynes Local Plan 2001-2011 and the advice contained within the National Planning Policy Framework 2012.

#### 5.11 Parking and Highway Safety

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. As a B1 use with a gross internal floor space of approximately 140 square metres 3 spaces would be expected. For a restaurant with a dining area of approximately 60 square metres, 20 car parking spaces would be expected.

5.12 The building has no allocated off street parking. On street parking is subject to parking control in the area with double yellow lines in the immediate area of High Street South, Weston Road and the High Street. Public car parks are available nearby on the Market Place, Silver End and near the Co-op at Stanley Court. 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.

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).

### 5.13 Pedestrian Safety

Concern has been raised regarding the gathering of people on the narrow pavement outside the premises to smoke and the result this has on pedestrian safety as either smokers accidentally step out into the road or people step out to avoid the smokers. The footway/pavement is part of the adopted highway, however the use of the footway by pedestrians is a matter which cannot be controlled through this application.

### 5.14 Taxi's Dropping Off and Picking Up

Concern has been raised by local residents regarding the safety implications of an increased number of taxis stopping outside the building to pick-up and drop off customers. The adopted highway along the frontage of the site is controlled through the provision of double yellow lines and so parking here would not be permitted. This area is part of the central area of Olney, characterised by relatively narrow highways, and the problems associated with taxi pick-up and drop-off and delivery vehicles are shared by many business uses and residential properties in the vicinity of the site. There are a couple of dedicated parking bays adjacent to the Aston Martin Showroom, which could be used by taxis dropping off customers at the venue. However, it is not considered that the additional taxi customers resulting from this use would result in an unacceptable increase in the risk of accidents.

### 5.15 Conclusion

The proposed change of use to a restaurant is considered to be acceptable in principle. The noise assessment has demonstrated that the proposed change of use would not result in unacceptable noise and disturbance to residential properties which lie within the vicinity of the site. The proposed change of use would bring back into use a vacant listed building. No external changes would be made to the listed building the character of the building and conservation area would be preserved. Although no allocated parking would be provided, there are parking controls outside of the site and adequate public parking would be available within walking distance of the site. It is recommended that planning permission be granted subject to the conditions set out in section 6 of this report.

## 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:

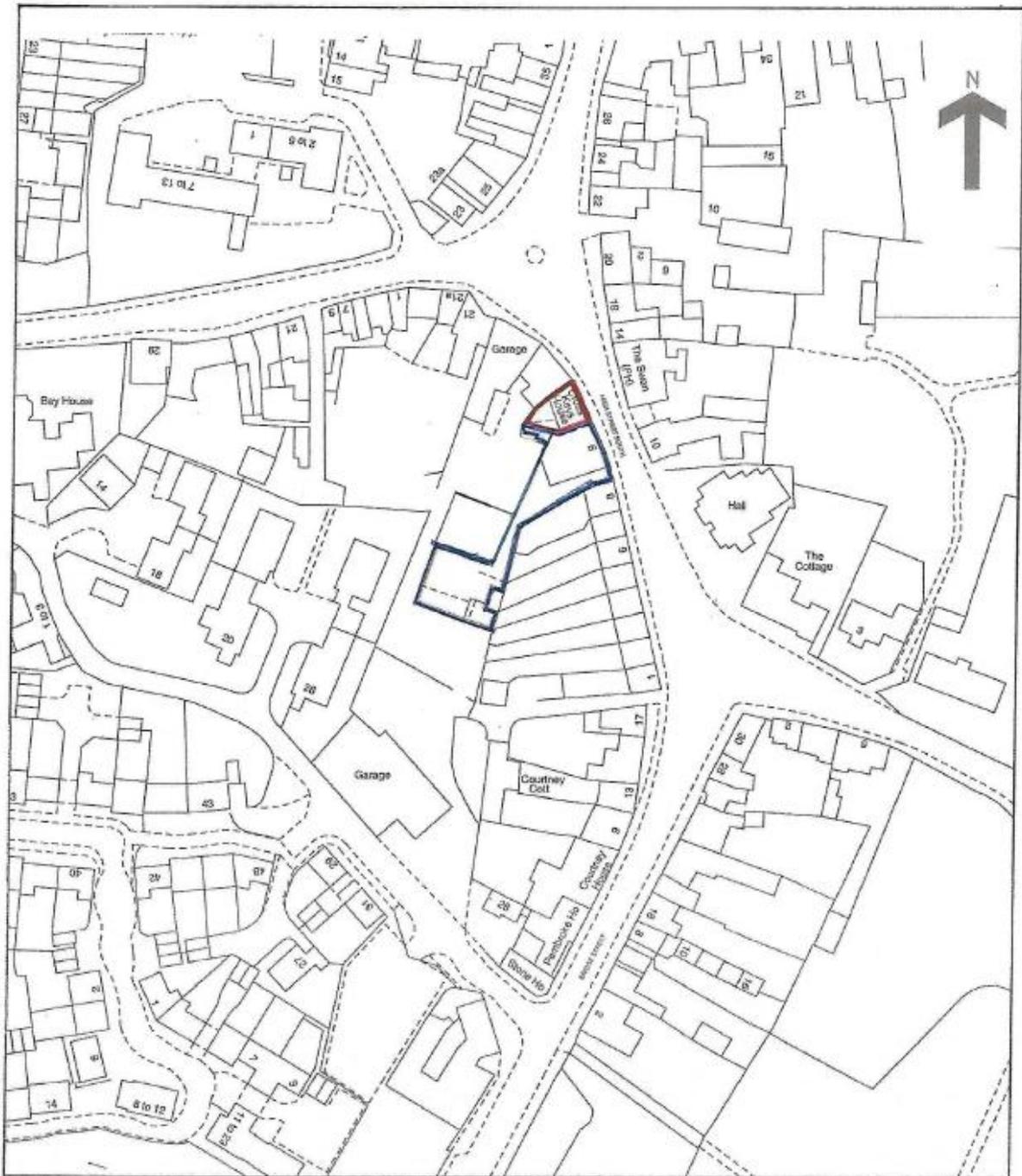
Location Plan Scale 1:1250 electronically registered on 21.7.2016

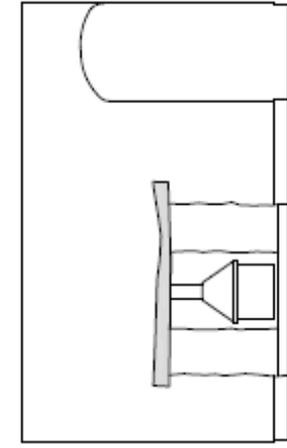
H8974-12 Ground Floor As Proposed electronically registered on 21.7.2016

H8974-13 First Floor As Proposed electronically registered on 21.7.2016

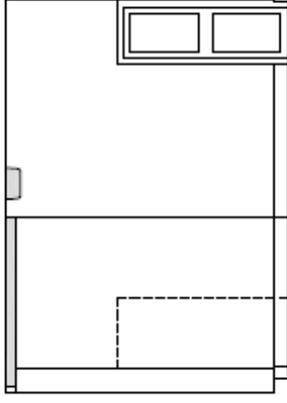
Reason: For the avoidance of doubt and in accordance with the requirements of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

Scale 1:1250





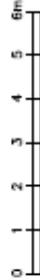
VIEW ON 'A'



VIEW ON 'B'

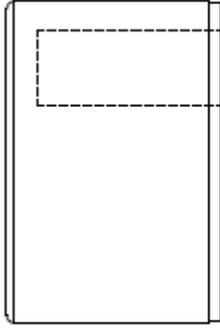


GROUND FLOOR PLAN

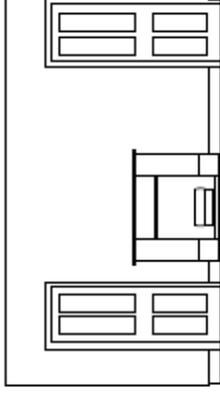


Project title <b>9 &amp; 9a HIGH STREET, OLNEY, BUCKS.</b>			
Drawing title <b>GROUND FLOOR AS EXISTING</b>			
Scale A3-1:100/50	Date Jan 16	Drawn SC	
Dwg No. <b>H8974-10</b>			

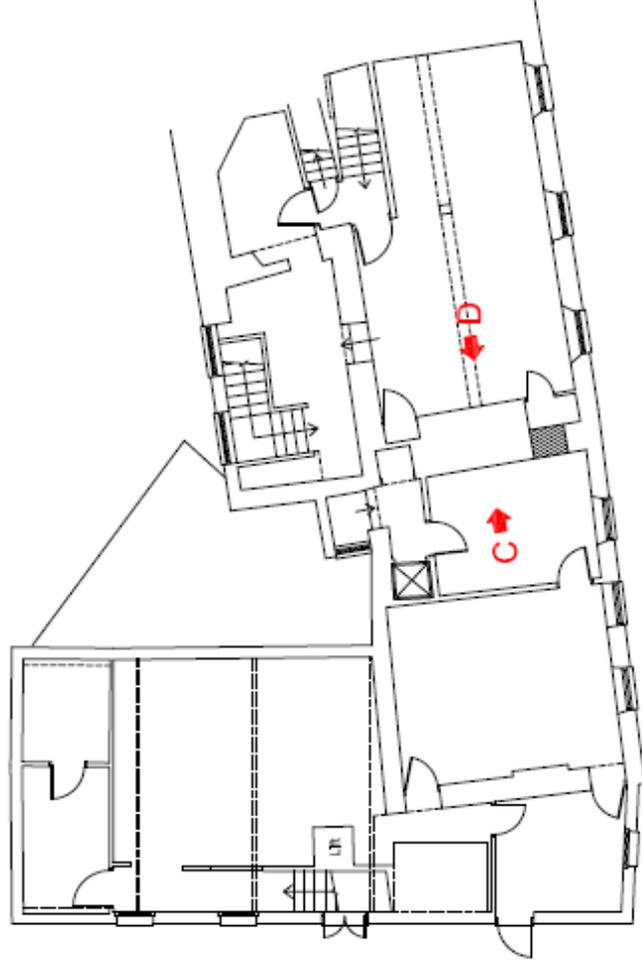
© This drawing is copyright.



VIEW ON 'C'



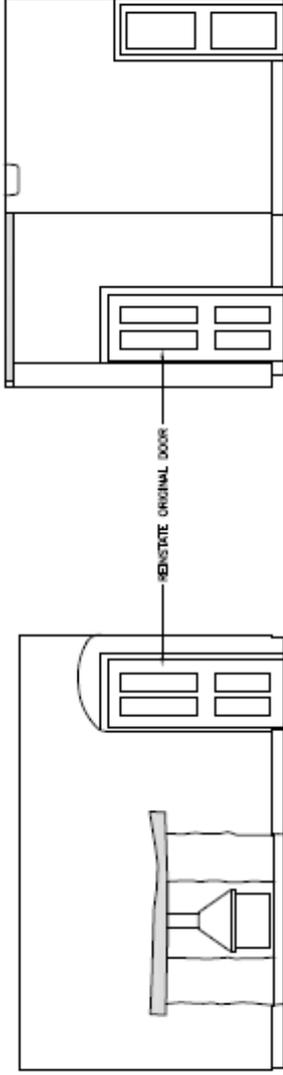
VIEW ON 'D'



FIRST FLOOR PLAN



Project title <b>9 &amp; 9a HIGH STREET, OLNEY, BUCKS.</b>		Drawing title <b>FIRST FLOOR AS EXISTING</b>	
Scale A3-1:100/50	Date Jan '16	Drawn SC	
Dwg No. <b>H8974-11</b>		© The drawing is copyright.	



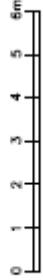
VIEW ON 'A'



VIEW ON 'B'

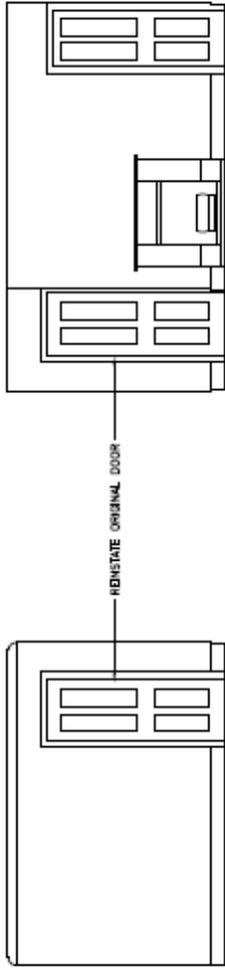


GROUND FLOOR PLAN



Project title			
9 & 9a HIGH STREET, OLNEY, BUCKS.			
Drawing title			
GROUND FLOOR AS PROPOSED			
Scale	Date	Drawn	SC
A3-1:100/50	Jan 16		
Dwg No.			H8974-12

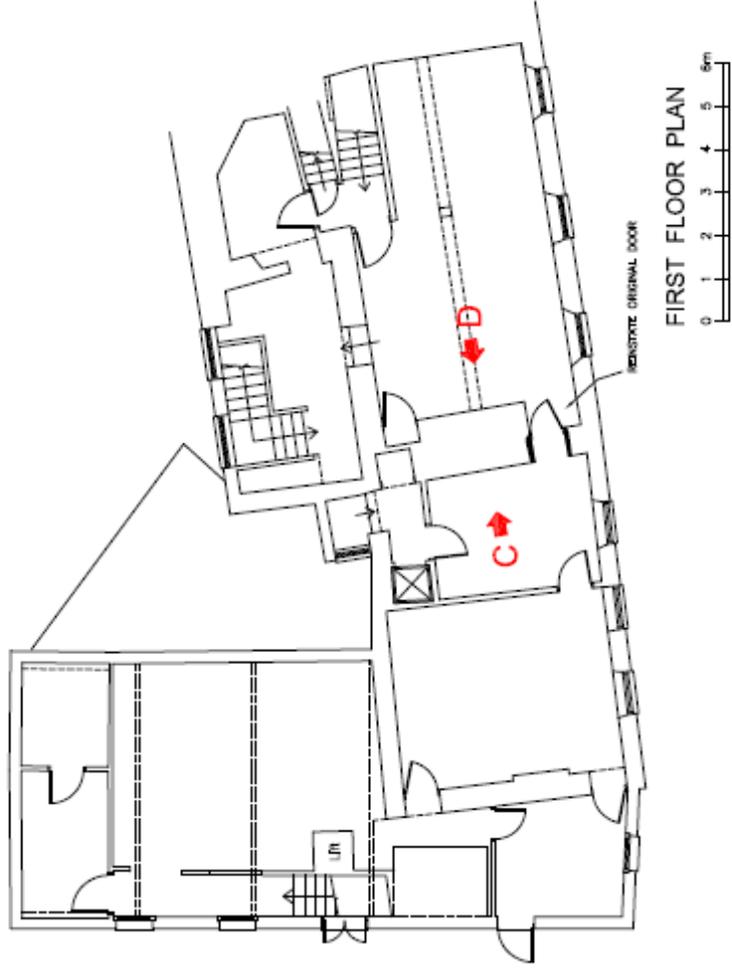
© The drawing is copyright.



VIEW ON 'C'



VIEW ON 'D'



FIRST FLOOR PLAN



Project title 9 & 9a HIGH STREET, OLNEY, BUCKS.	
Drawing title FIRST FLOOR AS PROPOSED	
Scale A3-1:100/50	Date Jan 16
Drawn SC	Drawn SC
Dwg No. <b>H8974-13</b>	

© This drawing is copyright.

## **Appendix to 16/00126/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 There site has an extensive planning history, the most relevant recent history is listed below:

MK/610/82

Listed building consent for demolition of rear outbuilding, external alterations  
Permission 03.09.1982

MK/91/83

Alteration & conversion of stable garages to dwelling( approval of details)  
Permission 29.03.1983

MK/32/86

Listed building consent for retention of outbuilding & conversion to offices  
Permission 13.02.1986

09/00775/FUL

Change of use from office (use class b1) to retail (use class a1)  
Permission 30.06.2009

16/00127/LBC

Listed building consent for internal alterations comprising breaking through party wall between Cross Keys House and 9 High Street South to create doorways at ground and first floors.  
Listed Building Consent 24.03.2016

### **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)*

<b>Comments</b>	<b>Officer Response</b>
A3.1 Parish – Olney – responded 15 <sup>th</sup> March stating that they had no comments to make.	Noted
A3.2 Ward Councillors were consulted on the application and again following receipt of a number of objecting third party representations asking if they would like to call the application in for determination by Development Control Panel.	
A3.3 Ward - Olney - Cllr P Geary – none received	Noted
A3.4 Ward - Olney - Cllr Hosking – none received	Noted
A3.5 Ward - Olney - Cllr McLean – Responded on 30 <sup>th</sup> April 2016 pointing out the complexity of the matter given the proposed use and location and requesting that the application be determined at Development Control Panel.	Noted
A3.6 Environmental Health Manager – responded to consultation on 18 <sup>th</sup> August 2016 stating that he had no grounds to object to the proposal. The type of noise which is to be expected from within the premises and given the character of the locality, is likely to have a low impact.	Noted

It is envisaged that the sounds produced would be akin to

those which would be expected in a mixed use commercial (i.e. previous wine bar use and public house opposite) and residential area on the main thoroughfare through the town.

It was acknowledged that there might be an increase in footfall to and from the locality but this would not be directly under the control of the management of the site.

### A3.7 **Local Residents**

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

10 High Street South Olney MK46 4AA

Living Accommodation The Swan Inn And Bistro 12 High Street South

The Swan Inn And Bistro 12 High Street South Olney

13 High Street South Olney MK46 4AA

Flat At 9 High Street South Olney

9 High Street South Olney MK46 4AA

Soul Garage 15 High Street South Olney

10 High Street South Olney MK46 4AA

Living Accommodation The Swan Inn And Bistro 12 High Street South

The Swan Inn And Bistro 12 High Street South Olney

13 High Street South Olney MK46 4AA

Flat At 9 High Street South Olney

9 High Street South Olney MK46 4AA

- A3.8 Third party representations were received from 10 High Street South, The Swan Inn and Bistro at 12 High Street South and 14 High Street South **objecting to the proposal** raising the following concerns. Noted

The conversion will result in a large building being used as a restaurant/ pub/ wine bar and this does fit in with the character of a small market town.

Noted. The change in relation to the character of the area is discussed in paragraphs 5.8-5.10

A3.9 The area is residential.

Noted: The area has a variety of uses including commercial, leisure, retail, and residential.

A3.10 People gathering outside the site to smoke have previously resulted in highway safety issues with people stepping into the road.

Noted. This is discussed in paragraph 5.13

A3.11 There is insufficient parking for the extra cars

Noted. This is discussed in paragraphs 5.11-5.12

A3.12 Taxis stopping on this narrow part of the road could cause highway safety problems

Noted. This is discussed in paragraph 5.14

A3.13 People gathering outside the site to smoke will result in noise problems

Noted. This is discussed in paragraphs 5.2-5.7

A3.14 Increased comings and goings will result in a noise problem.

Noted. This is discussed in paragraphs 5.2-5.7