

ITEM 4(g)

Application Number: 15/02596/FUL

Description Erection of part single storey, part two storey front and side extension to accommodate ancillary facilities for the night club, removal of continuous walkway and external staircase, removal of rainbow signage and improved parking and manoeuvring arrangements (part retrospective)

AT The Pink Punter, 2 Watling Street, Bletchley, Milton Keynes, MK2 2BS

FOR Pink Punters

Target: 22nd December 2015

Extension of Time: Yes

Ward: Bletchley East

Parish: Bletchley & Fenny
Stratford Town Council

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1.0 RECOMMENDATION

1.1 It is recommended that planning permission be granted subject to conditions.

2.0 INTRODUCTION

The Site

2.1 The application property is situated on the south-eastern edge of Fenny Stratford. The application property consists of a large building of 1 to 5 stories with a large open car parking area to the south-east. The building is largely used as a nightclub, but it also includes a 3 bedroom, managers flat.

2.2 The application property is a prominent feature in the street scene as you approach Fenny Stratford from the south on Watling Street. The building is bulky and imposing with large balconies across the front and south-east side elevations. Both balconies feature large, rainbow coloured signage across their whole length.

2.3 The building was originally a Victorian Public House, but around 2006 its use as a nightclub commenced. A series of extensions to the building have been added to the original building to the point where the original building forms less than half of

the property as a whole. Some of those extensions were added whilst the property was still in use as a public house, but others have been added since the property became a nightclub.

- 2.4 The surrounding area is a mixture of small commercial uses and residential properties. The River Ouzel abuts the site, from where it is crossed by Watling Street at the south-eastern end of the site, before it turns north-east and forms the rear boundary of the site.
- 2.5 Over the years the Council has received numerous complaints from local residents regarding noise from the club and people arriving at and leaving. The site has a long planning history mainly relating to extensions and structures associated with the current use. Many of those applications have been retrospective for extensions/works which have been carried out either without planning permission or without adhering to the details of a planning permission.
- 2.6 The application is reported to Development Control Panel at the request of Councillor Catriona Morris.

The Proposal

- 2.7 The current application seeks to address various concerns relating to extensions to the building that have been erected without planning permission since 2013 or not in accordance with a planning permission. The main breaches of planning control include:
 1. A larger front extension and walkway which projects closer to the Watling Street to the front of the site
 2. Increase in height (from 2 to 3 storey), alterations to fenestration and provision of balcony area on the extension approved 10/00515/FUL on the eastern side of the building
 3. Enclosure, extension, alteration to previously approved car port and smoking shelter so that it now forms part of the building and includes a new lobby and administration area at ground floor and a larger smoking area and bar area at first floor level. This is effectively a new building
 4. First and second floor extension to northern side of the building.
 5. Numerous internal alterations which result in changes to the nightclub and associated dwelling position and layout.
 6. Alterations to the car park layout to increase the number of parking spaces on site as well as create 4 taxi waiting/pick up spaces within the car park.
- 2.8 Many of the elements referred to in the current application drawings and supporting information, attempting to address those breaches of planning control, relate to issues which do not require planning permission as they involve the removal of

unauthorised development or adverts. However there are elements which do require planning permission including:

1. The installation of balconies on the front and south-eastern side elevation of the building.
 2. Elevational changes including the installation of railing along low walls on top of the balconies and areas of rendered walling.
 3. Amendments to the car/cycle parking layout.
- 2.9 Elements which are referred to in the application and illustrated in the submitted drawings include reduction in size of the covered smoking area and removal of the rainbow symbol from the balconies.

Reason for referral to committee

- 2.10 The application is being reported to Development Control Panel at the request of a ward councillor.

3.0 RELEVANT POLICIES

National Policy

- 3.1 National Planning Policy Framework
Para 11 Presumption in favour of sustainable development
Section 12 Achieving well-designed places

Local Policy

- 3.2 Core Strategy
Policy CSA Presumption in favour of sustainable development
- 3.3 Milton Keynes Local Plan 2001-2011
Policy D1 Impact on Locality
Policy D2 Design of buildings
Policy T15 Parking
- 3.4 Supplementary Planning Guidance
Parking Standards SPG
- 3.5 There is no neighbourhood plan for this area.
- 3.6 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.

3.7 Equalities Act 2010

Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equalities Act 2010.

4.0 **MAIN ISSUES**

Principle

Impact upon the appearance of the building and the area in general.

Impact upon the amenities of local residents.

Parking

5.0 **CONSIDERATIONS**

Principle

- 5.1 The application is attempting to address a number of issues resulting from unauthorised development that has been carried out at the property. The fact that unauthorised development has taken place does not, in itself, imply that the development is unacceptable or mean that further development cannot be acceptable. There is therefore no objection in principle to the proposal.

Impact on the appearance of the building and the area

- 5.2 The building, as it currently stands, is imposing, with an austere, rather blocky appearance. The tall balconies give an almost industrial feel to the public facades of the building. These balconies are currently unauthorised. It is considered that the proposal to reduce the height and length of the balconies would result in features which would be more in proportion to the rest of the building and would complement the other architectural features of the building rather than dominate them as the existing balconies do. Although the balconies would have decorative railings on top of them so that the overall height would be no different to the existing balconies, the fact that the top 0.46 metres of balcony would be largely open would lighten the appearance of the balcony and allow views through to the architectural details of the main building.
- 5.3 The various unauthorised extensions have added to the bulk of the building. However, the most significant extensions have been made to the rear of the building where their visual impact is lessened because they are set back from the more visually prominent elements of the building and they are partially screened by tress along the river that curves round the building from the south. It is considered that the proposal would be a significant improvement of the current, unauthorised, situation and would not have a detrimental impact upon the appearance of the building or the area in general when compared with the building as currently approved.

Impact on the amenities of local occupiers

- 5.4 Historically, the application property has generated a number of complaints, mainly related to noise disturbance, but also including parking problems associated with the use.
- 5.5 The noise problems largely related to customers outside the building, either leaving the club or milling around in the open areas around the building. However, on occasion, loud music from within the club also generated disturbance. No elements of the current proposal would, in themselves add to the likely noise generated from the property. Nevertheless, the additional floorspace created would enable the club to accommodate more customers and thereby increase the potential for nuisance from people arriving at/leaving the premises.
- 5.6 Advice provided by colleagues in Environmental Health indicates that improved sound insulation within the building and improved crowd management procedures introduced by the club's management in recent years has led to a considerable decrease in the number of complaints received. It is considered that a reason for refusal based on noise disturbance could not be substantiated.

Parking

- 5.7 The application site falls within Zone 3 in the Council's Parking SPD

Proposed use/floorspace	Proposed	Required
Commercial floor space including circulation space and smoking shelter @ 1 per 22 square metres	81 spaces plus 4 taxi bays	74 space
3 bed flat	3	3
Total	84	77

The proposal therefore meets the Council's car parking standards.

6.0 CONCLUSIONS

- 6.1 It is considered that the proposal represents an improvement in the appearance of the building in comparison with the current situation and it is recommended that planning permission be granted subject to the conditions set out below.

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 external surfaces of the development hereby permitted shall be constructed only of materials of a type and colour which match those of the existing building except where indicated otherwise on the approved drawings.

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.

3. Within the three months from the permission of this planning application, the parking space(s) should be laid out and surfaced in accordance with the approved drawing B4 13 501 A hereby approved. Thereafter the parking spaces shall only be used for the parking of vehicles in connection with the development the subject of this permission.

Reason: To ensure safe access to the site in accordance with the provisions of Saved Policy T15 of the Milton Keynes Local Plan Adopted 2005.

4. Within the three months from the permission of this planning application, proposed bicycle parking should be submitted to and approved in writing by the Planning Authority. Thereafter the marked area shall only be used as the cycle park in connection with the development the subject of this permission.

Reason: To ensure safe access to the site in accordance with the provisions of Saved Policy T15 of the Milton Keynes Local Plan Adopted 2005.

Appendix to 15/02596/FUL

A1.0 RELEVANT PLANNING HISTORY

09/01603/FUL

Erection of two storey side extension Permitted 18.01.2010

10/00516/FUL

First floor front extension Permitted 17.05.2010

13/01000/FUL

Erection of side and front extensions (retrospective) and part change of use from dwellinghouse (use class C3) to nightclub (use class sui generis) Refused 10.02.2015

17/03235/FUL

For the installation of a gantry LED safety sign (retrospective) Permitted 08.02.2018

A2.0 ADDITIONAL MATTERS

None

A3.0 CONSULTATIONS AND REPRESENTATIONS

A3.1 Objections have been received from 8 local residents. Their grounds for objecting to the proposal include:

1. Noise disturbance from the club (music)
2. Ant- social behaviour
3. Traffic generation
4. Noise from taxis dropping off/collecting customers.
5. Noise from customers leaving the club
6. Parking in surrounding residential streets
7. Litter
8. Highway safety
9. Impact on the appearance of the area

However, one of the objectors also supports those elements of the proposal which improve the on-site car parking provision and facilities for taxis to wait and circulate in the car park and removal of prominent visual features and advertisements.

An objection from the owners of the Campanile Hotel raises similar concerns to those expressed by residents.

A3.2 Cranfield Airport

No comments received.

A3.3 Councils Archaeologists

No comments

A3.4 British Waterways
No comment received.

A3.5 Environment Agency
No comment on application.

A3.6 Landscape Services Manager - Trees

A3.7 Parish - Bletchley & Fenny Stratford
Bletchley & Fenny Stratford Town Council object to yet another retrospective application being submitted in this location.

A3.8 Ward - Bletchley East - Cllr Gowans

A3.9 Ward - Bletchley East - Cllr Webb
Objects on grounds of noise disturbance and parking problems.

A3.10 Ward - Bletchley East - Cllr Khan
No comment received

A3.11 Highways Development Control

No objections, subject to conditions

The proposed total floor area for the unit will be 1,886m². Under the council's parking standards for a D2 use the parking requirement is 1 space per 22m² i.e. a requirement of 86 spaces (plus 2 spaces for the residential unit). The on-site provision as submitted includes 85 car parking spaces plus a further 4 spaces for taxis. 5 disabled spaces are included in accordance with a 6% requirement. The scheme for parking is acceptable.

I have no objections to the planning application subject to the following conditions:

1. *Prior to the first occupation of the development hereby permitted details of the proposed bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the scheme approved shall be provided and be retained thereafter.*

Reason: To ensure that adequate parking facilities are provided to serve the development.

2. *Prior to the occupation of the development hereby permitted the car parking area shown on the approved drawings shall be constructed, surfaced and permanently marked out. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.*

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway.

A3.12 MKC Urban Design

The proposed alterations do not adversely affect the existing elevations, on that basis I don't object to these proposals.

A3.12 Environmental Health Manager

We did have several complaints concerning break-out of loud music in May of this year. On investigation it was linked to when some works were being carried out to the structure of the building, which had disturbed the sound insulation.

We occasionally receive random complaints of noise from patrons leaving the premises. These are difficult to investigate and directly apportion responsibility the Club.

NB: Environmental Health Officer only able to give detailed comments after 19th November 2018.