

Application Number: 19/01975/FUL

Description Consent for conversion of Restaurant/Wine Bar (A3/A4 use) to Public House/Restaurant (A3/A4 use) together with extensions and alterations (Resubmission of Applications 16/01803/FUL and 16/01804/LBC)

At 18-22 St John Street, Newport Pagnell, MK16 8HJ

For JD Wetherspoons Plc

Statutory Target: 01.10.2019

Extension of Time: Yes – 28.11.2019

Ward: Newport Pagnell South

Parish: Newport Pagnell Town Council

Report Author/Case Officer: Christopher Walton
Senior Planning Officer

Contact Details: 01908 253435
christopher.walton@milton-keynes.gov.uk

Team Manager: Sarah Hine – Development Management Manager
sarah.hine@milton-keynes.gov.uk

1.0 RECOMMENDATION

1.1 It is recommended that permission be granted subject to conditions set out in this report and the applicant agreeing a Unilateral Undertaking to secure funds for new signage associated with the diverted public right of way.

2.0 INTRODUCTION

The Site

2.1 The application site is a disused restaurant-cum-wine bar, known as 'Robinson's', located on St John Street, Newport Pagnell. It is understood that the site was vacated circa 2015 and is currently in a state of disrepair.

2.2 The site is formed, principally, of the buildings and curtilage associated with nos. 18-20 St John Street, but also includes some additional space toward the rear of no. 22 St John Street which currently functions as a private car park with a capacity for approximately 10 cars.

2.3 The existing buildings associated with nos. 18-20 include the main building which houses the restaurant area and associated facilities, such as a managers' flat on first floor level, and a free standing 2 storey building which previously served as a wine bar. It is evident that nos. 18-20 St John Street has been extended

incrementally towards the south of the site through several extensions which the applicant's supporting information indicates were all in existence by 1881.

- 2.4 The primary access into the site is from St John Street which lies adjacent to the front, north facing boundary of the site. The access leads into a yard area which is occupied on its western side by the abovementioned wine bar. The yard area stretches southwards towards the rear of the site, flanked to the east by the rear extensions associated with nos. 18-20, before terminating at its southern boundary which lies in close proximity to the junction between Silver Street and the access for Silver Street Car Park. It is noted that the land levels within the site progressively drop as you move further into the site from St. John Street.
- 2.5 Running parallel to the east-facing elevation of the aforementioned rear additions to nos. 18-20, there is a Public Right of Way (FP025) which provides pedestrian access to St John Street from the south.
- 2.6 The surrounding context of the site is comprised primarily of retail premises and other professional services, although it is acknowledged that there are some restaurants also situated in close proximity. To the south it is observed that there are several residential properties located on Silver Street and, beyond that, Waterhouse Close. There are also some residential properties located on St John Street, including no. 16 which adjoins nos. 18-20 to the west. The Newport Pagnell Library is located to the north of the site on the opposite side of St John Street. It is noted that there is an additional car park, accessible via St John's Terrace, to the rear of the Library.
- 2.7 No. 18-20 St John Street is a Grade II Listed Building and is located within the Newport Pagnell Conservation Area. Several other buildings within the vicinity of the site are also Grade II Listed, including no. 22 St John Street.
- 2.8 The site is designated in Plan:MK as being part of the Newport Pagnell District Centre and is situated within the Centre's 'secondary frontage'.

The Proposal

- 2.9 The application seeks full planning permission for extensions and alterations to the existing building. The application does not propose a change of use to the site, as its use as a public house/restaurant is considered to be consistent with its previous lawful use as a restaurant/wine bar.
- 2.10 The development would seek to retain the footprint of the existing buildings within the site, although it is noted that some alterations (both internal and external) are proposed in order to accommodate the proposals- the external alterations primarily consisting of additional/modified fenestrations.
- 2.11 In terms of additional development within the site, the application proposes a new 2 storey building situated within the abovementioned car park area. The building would be attached to the refurbished rear additions of nos. 18-20 St John Street by virtue of a glazed walkway. The proposal also includes a small single storey glazed

extension attached to the south facing elevation of the rearmost projection of nos. 18-20.

- 2.12 The proposed extension would, on the ground floor level, house the bar area and the 'customer area' - the latter of which would also occupy most of the ground floor of the existing building at nos. 18-20 St John Street. Between the north-facing elevation of the proposed extension and the south-facing, rear elevation of 22 St John Street a small beer garden area is proposed [henceforth referred to as Area B].
- 2.13 The plans indicate that the existing yard would also likely serve as a beer garden area associated with the premises [henceforth referred to as Area A], although unlike the garden area to the rear of no. 22, the use of this land for this purpose has the benefit of being lawful by virtue of its association with nos. 18-20. Indeed, it is apparent from aerial photography that this site has been used as an outside drinking area in the past.
- 2.14 On first floor level, the proposed extension would accommodate the women's W.C, kitchen and ancillary office, while the first floor of the existing building at nos. 18-20 would house the men's W.Cs, staff room and store.
- 2.15 The existing two storey ancillary building situated within the yard area of 18-20 would be repurposed into a cellar, and store. The plans also indicate the area immediately beyond the front, north facing elevation of this building would accommodate delivery vehicles.
- 2.16 In order to facilitate the development, the existing route of the public right of way, which would be cut off by the connecting glazed walkway, would be diverted. The applicant has indicated that the diversion could be created through the yard area associated with nos. 18-20 via a ramp located at the rear of the site. The applicant has also proposed to keep the original route of the public right of way available during the opening hours of the premises.
- 2.17 The formalisation of these works would be agreed by an order made under separate legislation and the granting of permission would not mean that the public right of way will be 'automatically' be diverted or stopped up. However, having granted planning permission for development affecting a right of way, it is recognised that the Local Planning Authority must have good reasons to justify a decision either not to make or not to confirm such an order.
- 2.18 For the avoidance of doubt, the development, in so far as it affects a right of way, cannot not be started and the existing right of way should be kept open for public use, unless or until the necessary orders related to the the right of way have been granted and have come into effect.
- 2.19 The opening hours of the site would be 0700 – 0030 Sunday to Wednesday and 0700 – 0130 Thursday to Saturday.
- 2.20 It is also noted that a separate listed building consent application has been submitted to secure the necessary consents under the Planning (Listed Buildings

and Conservation Areas) Act 1990. This application will be considered separately under the terms of this legislation.

- 2.21 The application has been supplemented with a Built Heritage Impact Assessment [BHIA] which is comprised of the results of a Historic Building Survey and an assessment of the Newport Pagnell Conservation Area.

Background

- 2.22 Applications for the redevelopment of the site, including the erection of a two storey extension within the car parking space of no. 22 St John Street, were submitted to the Council in 2016 (references 16/01803/FUL and 16/01804/LBC). The applicant subsequently appealed these applications with the Planning Inspectorate on the grounds of non-determination. In its Statement of Case, the Council stated that had they been in a position to determine the applications, they would have been refused for the following reasons;

- a. Impact on the Listed Buildings and Conservation Area
- b. Car Parking

- 2.23 The appeals were dismissed by the Planning Inspectorate in January 2019 on the grounds of the impact on the Newport Pagnell Conservation Area and the significance of nos. 18-20 and no. 22 St John Street.

- 2.24 However, the Planning Inspectorate disagreed with the Council's position regarding the impact of the proposal on car parking within the locality and only dismissed the appeals on the grounds of the impact on the abovementioned heritage assets.

Reason for referral of current application to committee

- 2.25 The application has been referred to committee at the requested of Cllr Douglas McCall by reason of its potential impact on parking in the local area and on the amenity of neighbouring properties by virtue of noise pollution associated with the use of the site and its scale.

Scope of debate/decision

- 2.26 This application proposal is a full planning application and so all matters are to be considered.

3.0 RELEVANT POLICIES

National Policy

- 3.1 National Planning Policy Framework (2019) (NPPF)

Section 2: Achieving Sustainable Development

Section 4: Decision-Making

Section 9: Promoting Sustainable Transport

Section 12: Achieving Well-Designed Places

Section 16: Conserving and Enhancing the Historic Environment

In addition, the National Planning Practice Guidance is also a material consideration

The Development Plan

3.2 Neighbourhood Plan

Newport Pagnell Neighbourhood Plan (made 2016). “NPNP” forms part of statutory development plan.

There are no policies within the neighbourhood plan that pertain to the development proposed within this application.

3.3 Plan:MK (March 2019)

Plan:MK was adopted at Council on 20 March 2019 and now forms part of the statutory development plan for Milton Keynes, and includes the Policies Map that indicates land use in the Borough.

Policy DS4 - Retail and Leisure Development Strategy

Policy CT1 - Sustainable Transport Network

Policy CT2 - Movement and Access

Policy CT3 - Walking and Cycling

Policy CT10 - Parking Provision

Policy ER9 - Character and Function of the Shopping Hierarchy

Policy ER18 - Non-Retail Uses on Ground Floors in Town Centres

Policy NE6 - Environmental Pollution

Policy D1 - Designing a High Quality Place

Policy D2 - Creating a Positive Character

Policy D3 - Design of Buildings

Policy D5 - Amenity and Street Scene

Policy HE1 - Development and Heritage

3.4 Supplementary Planning Documents/Guidance

Milton Keynes Parking Standards (adopted 2016)

3.5 Legislation

Town and Country Planning (Listed Building and Conservation Areas) 1990

Section 66: General duty as respects listed buildings in exercising of planning functions.

Section 72: General duty as respects conservation areas in exercising planning functions.

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 **RELEVANT PLANNING HISTORY**

4.1 Relevant Pre-Application Advice

Pre-application advice was provided by the Planning Officer in collaboration with the Conservation Officer in May 2019. The conclusions of the pre-application advice were broadly positive and recognised that the principle concern regarding the development was the impact on the designated heritage assets in light of the Inspectorate's decision in January 2019, which disregarded the issue of car parking. However, the advice was subject to several caveats including additional detail regarding the works to the listed building, the design of the extension and further consideration of the impact on the amenity of neighbouring properties given the amended layout of the site. The applicant was also informed that formal consideration of any highways related issues would be reserved for the event that full planning permission was sought.

4.2 Relevant Planning Permissions

16/01803/FUL – 18-20 St John Street, Newport Pagnell, MK16 8HJ

Conversion to Public House/Restaurant (A3/A4 use) including internal alterations to layout, external alterations including replacement roof to rear of existing building and demolition of existing external staircase to outbuilding, single storey side extension and extension to connect existing outbuilding to main building, alteration to existing public right of way and creation of lift and stairs from public right of way to access site, erection of 2.2m solid fence to rear of site and associated other works.

Non-Determination, Appeal Dismissed – 24.01.2019

16/01804/LBC – 18-20 St John Street, Newport Pagnell, MK16 8HJ

Listed building consent for the conversion to Public House/Restaurant (A3/A4 use) including internal alterations to layout, external alterations including replacement roof to rear of existing building and demolition of existing external staircase to outbuilding, single storey side extension and extension to connect existing outbuilding to main building, alteration to existing public right of way and creation of

lift and stairs from public right of way to access site, erection of 2.2m solid fence to rear of site and associated other works

Non-Determination, Appeal Dismissed – 24.01.2019

12/01653/FUL – Land to the Rear of 22-24 St John Street

Erection of a two storey mixed use development comprising of two commercial units and three dwellings

Permitted – 09.11.2012

5.0 CONSULTATIONS AND REPRESENTATIONS

5.1 Newport Pagnell Town Council

Initial comments (received 22.08.2019)

Resolved to support applications 19/01975/FUL and 19/01976/LBC subject to the following conditions:

- Ensure that service vehicles using the narrow access off St John Street are able to safely enter/exit without endangering pedestrians using the public right of way
- The data in the car park survey carried out in 2016 is updated to reflect current usage

Additional comments made following discussion with Case Officer regarding outcome of the appeal decision associated with the previous application (received 19.09.2019)

From the information you have provided we are content that provision for access/egress off St John Street is adequate (provided that smaller delivery vehicles are used), and that the car parking data being used is representative of the current situation.

5.2 Cllr Jane Carr – Newport Pagnell South

No comments received.

5.3 Cllr Douglas McCall – Newport Pagnell South

I am writing to express my concerns with the above planning applications.

CAR PARKING

One of the biggest concerns must be the lack of parking to serve this very large pub. The Silver Street Car Park to the rear and the Library Car Park opposite are already full and it is getting increasingly difficult to park in the Town Centre now without anymore pressure on the current parking provision.

NOISE

I am surprised that such a large outside drinking area is being considered facing residential properties. Having an enclosed building is bad enough, but the noise from this large open area will have a real negative impact on nearby residents

5.4 Cllr Paul Alexander – Newport Pagnell South (a Member of this Committee)

No comments received.

5.5 MKC Highways

I note the Inspector's comments on parking availability being 21-52 spaces over the surveyed area and this represents an occupancy rate of 85 – 94%. Parking industry good practice states that car parks are considered to be at capacity when the rate is 85% and higher. With an approximate 130m2 of additional public bar / customer combined with the loss of 6-10 existing spaces (the demand for which will be displaced into public areas) then the likelihood is that the remaining public parking spaces will at times approach / exceed 100%. However, in light of the Inspector's decision on the scheme of parking I conclude that it would be unreasonable to object to the planning application on parking grounds.

5.6 MKC Conservation

Initial comments (received 13.09.2019)

I have noted the revised application and supporting documents and confirm that there are no grounds for a conservation based objection in detail or in principle to the proposed conversion of the buildings to a public house /restaurant use, subject to conditions controlling matters such as finished height, materials (we note the proposed use of Welsh slate on the materials schedule and will expect this material to be used with evidence provided to confirm its use) and method statements for general uplift and installation of the gents wc's.

Additional comments following further consideration of plans (received 17.09.2019)

My first concern in respect of controlling the detail of the proposals is the apparent discrepancy in heights of the ridges from the given '0' datum. We advise that this apparent discrepancy in heights is attended to prior to the grant of planning permission and listed building consent noting that our clear preference is for the lower values.

5.7 MKC Environmental Health

Initial comments (received 19.09.2019)

No Objection to the application.

I note the Noise Impact Assessment which has been submitted is the same which accompanied the 2016 Planning Application which I also considered at that time.

On the basis that the same Noise Impact Assessment has been submitted I will stand by my original comments and observations on the earlier application and reproduce them below for the current 2019 Planning Application, adding the following:

1. Prior to installation, furnish the authority with the design specification for the acoustic fencing
- 2 The proposed smoking shelter will need to comply with the Health Act 2006 and Smoke-free (Premises and Enforcement) Regulations 2006.

Smoking shelters should be sited to ensure, as far as possible, that second hand smoke will not be likely to infiltrate into smokefree areas of buildings and give rise to complaints. Shelters should not be located:-

- under or near any openable windows of the same or adjoining property;
- under or near any air intake systems of the same or adjoining property;
- directly at or in front of the entry and/or exits doors to any premises.

Comments previously made on 16/01803/FUL to be carried over to 19/01975/FUL.

Additional comments following submission of noise survey addendum (received 18.10.2019)

Due to the proximity of existing businesses to the proposed new outdoor beer garden (i.e. the one closest to St John's St towards the front of the premises) it is suggested that the use of this area is restricted to use between 17.00hrs and 23.00hrs so as to limit any potential disturbance to existing business trading. This could be controlled by way of condition.

It might be the case that the newly formed outdoor area is not compliant with the Health Act 2006 in respect of being 'substantially enclosed' for the purposes of being a designated smoking area. Without a 3D render with dimensions showing the proposed structure in relation to the existing buildings it is not possible to identify from the submitted plans whether the outdoor area would be compliant. This is to say that it might be illegal under the Health Act 2006 to smoke in this area if it is deemed 'substantially enclosed' also considering that the area would also form part of a public right of way, potentially meaning members of public using the path being exposed to second hand smoke.

It is acknowledged that the most recent/existing use of the premises is for a restaurant/wine bar and that the premises is currently licenced under the Licensing Act 2003, including the existing outdoor areas of the premises which are licensed for the supply of alcohol. A condition on the existing Premises Licence is that no licensable activities are to take place outside after midnight, the informative being "In any event the only licensable activity permitted outside after 22:00hrs is supply of alcohol"

From the supplied Noise Impact Assessment, the proposed trading hours are 07:00 to 00:30 Sunday to Wednesday and 07:00 to 01:30 on Thursday to Saturday. The

proposal is to increase the footprint of the structure which will ultimately intensify the use of the space, increase capacity numbers and footfall which would equate to an increase in noise levels from patrons. As such, in the interests of reducing potential for noise disturbance to nearby residential premises, it might be prudent to restrict use of the larger outside area for the consumption of alcohol by way of planning condition by extending the existing Premises Licence condition to include a restriction on alcohol consumption after 23:00hrs. Namely, no alcohol consumption in the larger outdoor beer garden after 23:00hrs.

In order to reduce potential noise impact from mechanical plant I would request, by way of condition, that there is attenuation of mechanical plant to 5dB below background sound levels at the nearest noise sensitive receiver as determined by an assessment under BS4142:2014. Details of noise and odour abatement measures to be incorporated into the kitchen air extraction system to be submitted in advance of installation and mitigation measures to be retained thereafter.

5.8 MKC Archaeology

Initial comments (received 10.09.2019)

In my view, the potential effects on buried archaeology of this proposal could be mitigated by a programme of archaeological monitoring and recording (a watching brief) during the construction phase. This could be secured by condition.

5.9 MKC Landscaping

Initial comments (received 09.07.2019)

I note the application includes a method statement for knotweed treatment.

There are strict controls on Japanese Knotweed (JK). Spraying with chemicals can be an effective treatment to stop invasive plants from spreading. You must only use approved herbicides. However one application (proposed) is not enough and it will have to be resprayed. It usually takes 3 years to treat Japanese knotweed until the underground rhizomes become dormant. The method statement submitted with the application is insufficient.

I suggest a condition for the applicant to provide a full method statement for the treatment and disposal of invasive non-native plant species from the site prior to the commencement of the development.

The landscaping scheme would be acceptable subject to a compliance condition.

5.10 MKC Public Rights of Way

Initial comments (received 09.09.2019)

The proposed diversion will almost double the length of the existing route, the most direct route possible should be offered, whilst also taking into account the various requirements of the Equality Act 2010 regarding ramp gradient and turning space.

Although the new route will be longer, the total length is still relatively short, and the surface condition and width will be an improvement. I understand that there will be glass partitions along the ramped section of Public Footpath, which I would support as it overcomes sightline issues.

The proposed new route must have a width of at least 1.8m, which must be unobstructed at all times. The route will travel through the garden area, therefore tables and chairs must be clear of the footpath at all times.

Application must be received to divert the Public Footpath.

Condition set that section of Public Footpath utilised by delivery vehicles should be maintained by the landowner to adopted highway standard at all times.

Addition comments following the submission of revised plans to widen the PRow to 1.8m (received 23.09.2019)

No objections.

5.11 Ramblers Society

It seems that the proposal is to divert the route of footpath Newport Pagnell / 25 through a series of sharp turns and that the footpath will be closed when the pub is closed. Will the footpath be sufficiently wide to allow a wheelchair to negotiate the bends.

The documents also mention a new footpath, but it is not clear to me whether this footpath will be a public right of way and, hence, appear on the definitive map.

5.12 Thames Valley Crime Prevention

No comments received.

5.13 Neighbour/ Third Party Representations

Representations have been received from 8 addresses and 2 were received from unspecified addresses.

All of the representations were made in objection to the proposal.

The material planning issues raised by these representations can be summarised as follows:

- Accessibility, convenience and safety of new Public Right of Way.
- Parking
- Deliveries
- Impact on residential amenity
- Impact on Listed Buildings
- Impact on Conservation Area
- Validity of surveys submitted with the application

Other issues were raised within the comments received. These issues are not material to the consideration of the application and can be summarised as follows:

- Increase in litter
- Not in keeping with other businesses in the town by virtue of not being 'independent'
- No need for more pubs in Newport Pagnell
- Impact on house prices
- Impact on structural integrity of neighbouring property
- Impact on drug use / anti-social behaviour
- Whether or not Wetherspoons are a 'good neighbour'
- The price at which the applicant would sell beer and other alcohol

6.0 MAIN ISSUES

Highway Matters
Design / Layout
Impact on Designated Heritage Assets
Residential Amenity / Environmental Pollution
Archaeology
Financial Contributions
Other Matters

7.0 CONSIDERATIONS

Highway Matters

7.1 Policy CT2 of Plan:MK seeks to ensure that all new development is appropriately accessible by pedestrians and provides sufficient movement within the site to accommodate vehicles. Section 8 of the Policy states that access to public rights of way should be protected and where possible enhanced. Similarly, Section 5 of Policy CT3 states that the Council will support developments which retain, improve and extend the existing right of way network to current redway standards.

7.2 Policy CT10 refers to parking provision and states that development should accord with the Council's adopted Parking Standards unless mitigating circumstances indicate otherwise.

Parking and Other Highway Matters;

7.3 The application proposes that deliveries are made off St John Street which, according to the applicant, is historically how deliveries to the site have been made.

7.4 The existing bar/restaurant has no recognised parking provision for either cars or bicycles, although having looked at historic aerial photos it is evident that 1 or 2 cars may have parked in an informal arrangement at the rear of the site when it was previous occupied.

7.5 This application, as per the application that was before the Inspectorate, results in the loss of approximately 10 car parking spaces at the rear of no. 22 St John Street. However, the scheme has been amended to include 12 cycle spaces in Area B between the rear of nos. 18-20 and no. 22 St John Street.

7.6 A summary of the parking requirements for the proposed development is set out below. Given the mixed use nature of the development the Standards relating to A4 use have been applied which attracts greater demand for parking compared to A3 use (1 space per 2sqm compared to 1 space per 3sqm).

Type	Parking Standards Requirement - Zone 2	Provided
	On site spaces	On site spaces
Total car parking spaces	1 per 2sqm (343.7sqm customer area = 172 spaces – rounded up from 171.85)	0
Accessible spaces	N/A – no spaces are being provided	0
Electric vehicle (EV) charging points	N/A – no spaces are being provided	0
Site Total	172 spaces required	0 spaces provided
Cycle Parking – employee	1 per 10 FTE staff (50 staff = 5 spaces)	12 cycle spaces provided
Cycle parking - visitor	1 per 50sqm (343.7 = 7 spaces – rounded up from 6.87)	
Site Total	12 cycle spaces required	12 spaces provided

7.7 The Highway Officer has provided comment on the application and has raised no objection on highway grounds, including accessibility and parking, subject to conditions regarding cycle parking and a construction management plan. The Highway Officer has also requested a condition be added for the applicant to submit a delivery management plan. It is noted that this plan would be required in order to control the size of delivery vehicles visiting the site, which would need to be no larger than 7.5 tonnes in order to use the access to the site off St John Street and ensure that while deliveries are being made, the public right of way is not obstructed.

7.8 In regard to parking specifically, it is noted that the Highway Officer has referred to the Planning Inspectorate's dismissal of the appeal associated with the previous applications to redevelop the site. This reflects the Inspector's comments on parking provision which were considered to be suitable and disregarded the Council's reason for refusal on parking grounds. The Highway Officer has stated that, on this basis, refusing the scheme on the grounds of inadequate parking would be unreasonable.

- 7.9 While it is appreciated that the parking survey that has been submitted with this application was authored in March 2018, it should be noted that the Inspectorate's decision regarding the appeal was made in January 2019 and is therefore reasonably up-to-date. The decision took into account the abovementioned parking survey and, while it was made prior to the adoption of Plan:MK, it also had regard to the Council's Parking Standards. It should be noted that this decision was made a considerable time after the opening of Murati's Italian Restaurant which neighbours the site to the east. Circumstances concerning the availability of parking within the locality have not altered significantly since this date which may have otherwise warranted the submission of updated parking surveys and the Highway Officer has raised no concerns regarding the need for the provision of such surveys.
- 7.10 It is noted that one of the nearby residents has stated that the Town Council are intending to conduct a pre-consultation on a potential residents only car parking scheme. Following verbal discussions with the Highway Officer, it is considered that, given the stage at which this scheme is at, no weight can be afforded to this matter at this stage.
- 7.11 The site is in close proximity to public car parks within the area and, by virtue of being in Newport Pagnell Town Centre, is well served by public transport routes. With reference to the car parking spaces that would be lost to the development, it is observed that these spaces are under private ownership and, therefore, cannot be considered to have the same utility as spaces that are available for all members of the public.
- 7.12 Further, it is acknowledged that the scheme would provide a slightly reduced bar area/customer area in comparison to the previous application (343.7sqm compared to 383.6sqm) and, while the application proposes an increase in staff numbers, it should be noted that the Parking Standards relating to A4/A3 uses are based on m2 of bar/dining areas as oppose to quantities of staff.

Public Right of Way;

- 7.13 Public Right of Way FP025 runs alongside the eastern elevation of the existing rear projections of 18-20 St John Street.
- 7.14 The existing right of way provides a direct, linear means of access from the rear of the site onto St John Street. However, it is noted that the surfacing has degraded and that it narrows to approximately 1m as it moves through an archway between nos. 18-20 and no. 22 St John Street.
- 7.15 The application proposes to divert the existing right of way through the existing yard area, between the free standing 2 storey building and the aforementioned rear projections associated with nos. 18-20 St John Street, via a 'zig zag' ramped access from the rear of the site. The plans indicate that the ramp would be fitted with glass partitions to provide a line of sight through the turns up the ramp.

- 7.16 While the formalisation of the works proposed by the applicant would be secured via separate legislation, the effect of the development on the public right of way, and the proposed provision of a new route, is a material consideration.
- 7.17 The proposed route is, by virtue of the ramp, less direct than the existing route. It is also noted that delivery vehicles entering the site would have to cross the diverted route before pulling in front of the existing two storey building situated in the yard area. The plans evidence that the smaller delivery vehicles the applicant is proposing to use could adequately fit within the site without blocking the right of way. Further, it is acknowledged that the new route would possess an improved width throughout and higher standard of surfacing.
- 7.18 The Public Right of Way [PRoW] Officer had initially raised concern regarding the proposed width of the ramped section of the diversion and requested that this be amended to 1.8m to ensure that it is appropriately accessible. The plans were subsequently amended to accommodate this increase in width. Following this amendment, the PRoW Officer had no objection to the proposal subject to a condition regarding the maintenance of the section of the public footpath which would be used by the delivery vehicles and the provision of signage warning pedestrians of delivery vehicles entering the site. Neither the PRoW Officer or the Highway Officer raised any concerns, in principle, in respect of the relationship between the proposed new right of way and access for delivery vehicles.
- 7.19 It is acknowledged that the diverted public right of way would be less direct than the current arrangement. It is also acknowledged that the interaction between delivery vehicles and the proposed new route may lead to albeit limited conflict between users of the public right of way and such vehicles. However, it is appreciated that both the surfacing and width would be markedly improved upon, while the use of smaller delivery vehicles, which would be secured by the delivery management plan recommended by the Highway Officer, would ensure that the vehicles which make deliveries to the site are able to be accommodated without obstructing the right of way. Indeed, neither the PRoW Officer nor Highway Officer has raised concerns regarding pedestrian safety in respect to this arrangement. It is also noted that the application confirms that the diverted public right of way would remain accessible 24 hours a day and would be clearly distinguished by varied hard surfacing. However, for the avoidance of doubt, the requirement to keep the route accessible 24 hours a day would only be enforceable as and when the order to divert the existing PRoW is granted.
- 7.20 Conditions would be imposed for the applicant to provide details of the glass partitions associated with the ramped section of the diverted public right of way and a lighting/CCTV scheme to ensure that the footpath would be safe and adequately lit. In accordance with the recommendations of the PRoW Officer, conditions would also be imposed to require the applicant to provide a scheme for warning signage and to maintain the section of surfacing utilised by delivery vehicles to an adoptable standard at all times.
- 7.21 In regard to the requests made by the PRoW Officer for funds to be secured to account for the provision of new directional signage associated with the diverted route, it is considered that this would be appropriate given that the necessity for the

new signage would arise solely as a result of the development. The applicant has entered into a Unilateral Undertaking to secure these funds, which total £600.14 (£300.07 per sign).

- 7.22 For the reasons outlined above, it is therefore considered, on balance that the application is acceptable in regard to its impact on the public right of way, parking and other highway matters- subject to the aforementioned conditions.

Design and Layout

- 7.23 Policies D1 and D2 of Plan:MK require that new development is designed to a high standard and creates a positive character. Policy D3 states that extensions to existing buildings must relate well to the existing building and plot and must not detract from its character.
- 7.24 Policy D5 requires new development to provide a good standard of amenity through appropriate massing and configuration of buildings and landscaping within a site, in addition to ensuring private and public spaces associated with development are clearly distinguished. These aims are reiterated by Section 12 of the NPPF.
- 7.25 The overall design of the development, including the amendments to the existing buildings within the site, are considered to be acceptable and would, given the dilapidated state of the site, markedly improve its appearance.
- 7.26 The scale of the proposed extension, although large, represents a significant improvement on the previous scheme by virtue of its sympathetic scale and massing, while the glazed walkway and other design details provide visual interest.
- 7.27 Further, it is acknowledged that the public right of way would be distinguished from the rest of the internal space associated with the yard area by virtue of a variation to the block paving- the details of which can be secured by condition.
- 7.28 Soft landscaping would also be provided throughout the external garden areas which would serve to further enhance the overall design of the development.
- 7.29 For these reasons, it is considered that the design and layout of the scheme is acceptable and would significantly improve upon the current state of the site.

Impact on Designated Heritage Assets

- 7.30 The proposed extension would be situated within the setting of the associated Grade II Listed Building known as nos. 18-20 St John Street. The application site is also located within the setting of no. 22 St John Street, also Grade II Listed, and several other Grade II Listed Buildings within its immediate vicinity. The application site is also located within the Newport Pagnell Conservation Area.

- 7.31 In accordance with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), special regard must be paid to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest in which it possesses. Further, in accordance with Section 72 of the Act, special attention must also be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 7.32 Policy HE1 of Plan:MK has regard to the impact of development on both designated and non-designated heritage assets. The Policy asserts that proposals will be supported where they sustain and, where possible, enhance the significance of listed buildings. The Policy also states that where a proposal would result in less than substantial harm to a designated heritage asset, consent will only be granted where the harm is demonstrably outweighed by public benefits that it provides.
- 7.33 Section 16 of the NPPF reinforces the rigours of this Policy and states that if a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, consent will only be granted where the harm is demonstrably outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.34 The Conservation Officer has raised no objection to the proposal subject to conditions controlling matters such as materials and method statements for general uplift and installation of the gents' lavatories. The Officer had also sought clarification on the height of the proposed extension which the applicant subsequently addressed via the submission of amended plans.
- 7.35 It is noted that the appeal associated with the previous application to redevelop the site was dismissed on the grounds of harm to both the Newport Pagnell Conservation area and nos. 18-20 and no. 22 St John Street; harm that was not considered to be outweighed by the public benefits arising from the redevelopment.
- 7.36 The current application has been amended significantly to lessen the impact of the proposal on the abovementioned heritage assets. Of particular note is the 2 storey extension, which has been redesigned with a falling ridge arrangement to mirror the incremental rear extensions associated with nos. 18-20 St John Street. This, combined with the open courtyard at the rear is deemed to reduce the visual weight of the scheme appreciably while, as stated above, being sympathetic to the configuration of the existing extensions to the listed building.
- 7.37 While the reduction in size of the 2 storey extension, coupled with the other amendments to its design, significantly minimises the harm to both nos. 18-20 and no. 22 St John Street, it is considered that some harm, albeit less than substantial, would be incurred to the setting of no. 22 by virtue of introducing new built form to the rear of the building which has historically remained unoccupied by structures of this scale.
- 7.38 In regard to the Conservation Area, it is considered that the scheme would provide a sympathetic, piecemeal development towards the rear of St John Street which is befitting of the urban grain of the locality. Further, in contrast to the previous development, the reduced scale and light-weight design of the extension would not

detract so sharply from the historic context of the site. This is exemplified via the retention of the views of the tower of the Grade I Listed Church to of St. Peter and St Paul from the rear of no. 22 facilitated by this drop in scale and height.

- 7.39 However, in regard to the east facing flank wall of nos. 18-20, which serves as the western boundary of the existing public right of way, it is recognised that the introduction of an albeit light-weight structure, fitted with glazing, would, to an extent, obscure the view of this wall. Both this façade and the rear elevation on no. 22, which would also be obscured from view by the extension, contribute towards the character and appearance of the Conservation Area.
- 7.40 The obscuring of these facades is considered to cause less than substantial harm to the Conservation Area by virtue of blurring the contribution that they make to its character and appearance.
- 7.41 Overall, it is considered that the development would result in less than substantial harm to the Newport Pagnell Conservation Area and the setting of nos. 18-20 and no. 22 St John Street- harm which has been significantly reduced through the amendments made to the proposal. The balancing of this harm against the public benefits arising from this development shall take place at the close of this report.

Residential Amenity/Environmental Pollution

- 7.42 Policy D5 of Plan:MK requires new development to be designed in a manner which does not prejudice the amenities of existing residential properties.
- 7.43 Policy NE6 of Plan:MK seeks to ensure that pollution generated via development will not have an unacceptable impact on human health, groundwater, general amenity, biodiversity of the wider natural environment. The Policy also addresses the need for the impact on air quality, noise and vibration and light pollution arising from development to be kept to an acceptable level.
- 7.44 While it is noted that the Inspectorate's decision regarding the previous application to redevelop the site did not find the scheme unacceptable on the grounds of impact on residential amenity or the creation of unacceptable levels of environmental pollution, it is appreciated that the revisions made to the layout of the scheme may give rise to additional consideration of this matter.

Noise;

- 7.45 The applicant had initially submitted the same noise survey report that was associated with the previous application to redevelop the site. However, it was deemed necessary for additional information to be provided to account for the revised site layout. The additional information was also required as the original noise levels had been tempered by the provision of an acoustic fence towards the rear of the site which would have limited the impact of noise on the residential properties towards the rear of the site and namely nos. 13 and 13A.
- 7.46 Subsequently, the applicant submitted an addendum to the noise report to account for the revised layout. The addendum found that the revised scheme would result in

the noise levels associated with Area A being 1-4dB less than those associated with the previous scheme at the nearest residential receptor locations (including nos. 13 and 13A Silver Street). The applicant has clarified that the calculation of these results takes into account the provision of the acoustic fence that was included within the previous application.

- 7.47 It is noted that the difference in noise levels chiefly derives from the relocation of the public right of way which significantly reduces the size of Area A and pushes it further away from nos. 13 and 13 Silver Street.
- 7.48 In regard to the noise impacts of the development on other properties, it is appreciated that the noise survey notes that the effect on no. 16 St John Street would be significant. These effects are primarily associated with Area A. However, in consideration of the acceptability of this impact it is pertinent to note that, as stated above, this area could be used lawfully for outside drinking in association with the existing site without requiring planning permission. Indeed, the proposals would reduce the overall size, and by extension the capacity, of Area A and would therefore have less of an impact than the previous application to redevelop the site.
- 7.49 With reference to the impact of Area B, it is noted that the addition of this external area could have an adverse impact on the business premises located to the east of the site on St John Street, including the accountancy firm at no.22.
- 7.50 However, it is acknowledged that it would be difficult to impose such a condition given that it would be reasonable to suggest that this area may need to be accessed for maintenance and other purposes that may not within and of themselves attract noise. Cycle storage has also been provided in this area. Further, it is appreciated that if noise levels were to become unreasonable, then there is environmental health legislation which could adequately address this. Area B is also limited in size and therefore its capacity for patrons using the premises would be restricted. For these reasons it is considered that it would be both unnecessary and unreasonable to propose a condition to restrict the use of this area.
- 7.51 Conditions would be imposed in relation to the attenuation of noise generated by the mechanical plant and details of the extraction equipment. A condition would also be imposed to restrict the consumption of food and drink outside the premises, or the playing of amplified music, after 23.00. These conditions have been requested by the Environmental Health Officer and are deemed necessary to make the development acceptable in regard to noise pollution.

Light;

- 7.52 In regard to lighting, as set out above a condition would be imposed to ensure that a lighting scheme be provided to the LPA prior to the occupation of the development to ensure that the diverted public right of way is suitably lit. In order to ensure that this lighting will not have an adverse impact on the amenity of nearby residents, and principally no.16 St John Street, the scheme will be required to be inclusive of lux levels so that this impact can be adequately assessed.

Air;

- 7.53 The proposal would require the installation of additional external ventilation. It is considered that any air pollution associated with this ventilation could be adequately mitigated via the abovementioned condition requiring the submission of details of the extraction/ventilation system.
- 7.54 It is also noted that concerns have been raised regarding air pollution associated with customers smoking within Area B and the impact this may have on the properties to the east of the site on St John Street.
- 7.55 The applicant has revised the proposal to remove a smoking shelter that was previously sited in this area. Further, the Environmental Health Officer has advised that it may be prohibited to smoke in this area under the Health Act (2006) on the grounds that it may constitute being 'substantially enclosed'.
- 7.56 Given this advice, it is considered that this matter is suitably addressed via separate legislation. Moreover, if a shelter were to be erected in this area under permitted development, the Environmental Health Officer has also stated that any such structure would need to accord with both the Health Act (2006) and Smoke-free (Premises and Enforcement) Regulations (2006).

Archaeology

- 7.57 Policy HE1 of Plan:MK states that proposals will be supported where they sustain, and where possible enhance, the significance of heritage assets which are recognised as being of historic archaeological significance.
- 7.58 Paragraph 189 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.59 The Archaeological Officer has stated that the potential effects on buried archaeology of this proposal could be mitigated by a programme of archaeological monitoring and recording during the construction phase. They have suggested that this can be addressed via a suitably worded condition.
- 7.60 The Planning Officer deems this to be reasonable given the archaeological context of the site and a condition to secure a programme of archaeological monitoring requested would be secured by condition.

Financial Contributions

- 7.61 As set out above, the applicant has agreed to enter into a Unilateral Undertaking to secure funds for the provision of new signage associated with the diverted right of way. This contribution will total £600.14.

- 7.62 This contribution is deemed to meet the test for obligations, as outlined at Paragraph 204 of the NPPF, and is in accordance with CIL Regulations 122 and 123.
- 7.63 Planning permission shall not be granted until this Unilateral Undertaking is agreed and completed.

Other Matters

- 7.64 Japanese Knotweed;

In regard to the concern raised by the Landscape Officer concerning the presence of Japanese Knotweed on the site, it is considered that this matter can be adequately dealt with by way of a condition to require the applicant to submit a full method statement for the treatment and disposal of invasive non-native plant species from the site.

8.0 CONCLUSIONS

- 8.1 It is considered that the revised proposal overcomes the objections officers previously had to the redevelopment of the site on conservation grounds. The amended design significantly limits the extent of harm on both the Conservation Area and Listed Buildings, principally due to its scale and bulk and also the sympathetic manner in which it addresses its historic context.
- 8.2 In weighing this harm against any benefits, it is considered that the economic value of the scheme arising from jobs and increased footfall within Newport Pagnell Town Centre, combined with revitalising a disused commercial site, are notable. Further, the scheme would result in the existing building being brought back into its optimum viable use as a restaurant / bar.
- 8.3 For these reasons it is considered that the proposal, on balance, would result in public benefits which outweigh the less than substantial harm associated with the development- harm that has been significantly minimised by virtue of the revised layout and design of the scheme.
- 8.4 In regard to parking, Officers have had regard to the outcome of the appeal associated with the previous application and, in particular, the Inspector's finding that the development would not give rise to an unacceptable impact on parking within the locality. In light of this, and the fact that the revised proposal would not attract additional parking demand over and above that associated with the previous scheme, it is considered that the application is acceptable in this regard.
- 8.5 For these reasons it is considered that, subject to the conditions set out below and the securing of funds associated with the provision of new signage for the diverted right of way, the proposed development overcomes the Council's objection to the redevelopment of the site and is acceptable. It is recommended that consent be granted.

9.0 CONDITIONS

Expiration

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. Opening Hours

Opening hours shall not be outside to following:

Sunday to Wednesday (0700 - 0030) and;

Thursday to Saturday (0700 - 0130)

There shall be no consumption of food or drink outside the premises, or playing of amplified music after 2300 hours.

Reason: In the interest of protecting the amenity of nearby residential properties in accordance with Policy NE6 of Plan:MK.

3. Materials

No development shall take place above slab level until samples or details of the external materials to be used in the construction of the development have been submitted and approved in writing by the local planning authority. The development shall thereafter be carried out in full accordance with the approved details prior to the first occupation of the development.

Reason: To preserve the character and special interest of the setting of the listed buildings and the character and appearance of the conservation area, in accordance with Policy HE1 of PLAN:MK.

4. Landscape Compliance

All soft and hard landscape works shall be carried out prior to the building being brought back into use or the completion of the development whichever is the sooner or in accordance with a programme agreed in writing with the Local Planning Authority. Development shall be carried out in complete accordance with the approved details. If within a period of two years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity.

Reason: To protect the appearance and character of the area and to minimise the effect of development on the area.

5. Lighting

No building or use hereby permitted shall be occupied or the use commenced until a lighting plan has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the lighting proposed, a lux

plan showing maximum, minimum, average and uniformity levels, details of means of electricity supply to each lamp, and details of how the lamps will be managed and maintained. The plan will also include conclusions regarding the impact of the scheme on the amenity of surrounding residents. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the development or the commencement of the use and shall be subsequently retained in that form thereafter.

Reason: In the interest of protecting the amenity of current / future occupiers of the surround residential properties in accordance with Policies D5 and NE6 of Plan:MK.

6. CCTV

A scheme for CCTV shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced above slab level. The scheme shall be installed and be operational prior to first occupation of the development. The scheme shall be retained for the life of the development.

Reason: In the interest of public safety and ensuring adequate surveillance of the public right of way in accordance with Policy D1 of Plan:MK.

7. Cycle Parking

Prior to the first occupation of the development hereby permitted details of 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.

8. Delivery Management Plan

Development shall not be occupied or the use commenced until details of a delivery management plan has been submitted and approved in writing by the local planning authority and thereafter deliveries shall be made to the site in accordance with the approved details.

Reason: for the safety and convenience of users of the highway in accordance with Policies CT2 and CT3 of Plan:MK.

9. Construction and Environmental Management Plan

No development, including any works of demolition, shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include site procedures to be adopted during the course of construction including:

- a. routes for construction traffic
- b. method of prevention of mud being carried onto the highway
- c. location of site compound
- d. loading and unloading of plant materials
- e. the erection and maintenance of security fencing/hoardings and lighting
- f. proposed temporary traffic restrictions
- g. parking of vehicles of site operatives and visitors

The development shall be carried out in full accordance with the approved CEMP.

Reason: To ensure that there are adequate mitigation measures in place in the interests of highway and pedestrian safety and in order to protect the amenities of existing and future residents in accordance with Policies CT1, CT2 and CT3 of Plan:MK.

10. Extraction Equipment

No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing, by the Local Planning Authority, details of the means of ventilation for the extraction and dispersal of odorous smells/fumes, including details of its method of construction, odour control measures, noise levels and its appearance and finish. The approved scheme shall be installed before the use hereby permitted commences and thereafter shall be permanently maintained in accordance with the specified scheme.

Reason: To safeguard amenity of nearby premises and the area generally in accordance with Policies D5 and NE6 of Plan:MK.

11. Japanese Knotweed

Prior to the commencement of any development (including any site clearance) a full method statement for the treatment and disposal of invasive non-native plant species from the site shall be submitted to the Local Planning Authority for approval. The development shall be carried out in complete accordance with the approved method statement.

Reason: In the interest of protecting the surrounding built environment and amenity of neighbouring properties in accordance with Policy D1 of Plan:MK.

12. Details of Partitions

Notwithstanding the approved drawings, prior to the commencement of works above slab level details of the partitions associated with the ramped section of the public right of way shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained in perpetuity for the lifetime of the development.

Reason: In the interest of preserving the character and appearance of the Conservation Area and ensuring that the public right of way is adequately accessible and free from blind corners in accordance with Policies HE1 and CT3 of Plan:MK.

13. Archaeology

Prior to the commencement of development, the applicant shall employ an archaeological contractor to carry out a programme of archaeological monitoring and recording (a watching brief) on all foundations, service trenches and any other works involving excavations in accordance with a Written Scheme of Investigation submitted to and approved by the Local Planning Authority. The archaeological contractor will give the Local Planning Authority five days' notice of the commencement of the watching brief and produce a report with plans, sections,

and detailed drawings of the findings within three months of the completion of the work. Two copies of the report will be provided to the Council's Historic Environment Record.

Reason: To ensure that a proper record is produced of any archaeological remains affected by the development in accordance with Policy HE1 of Plan:MK

15. Public Footpath Surfacing

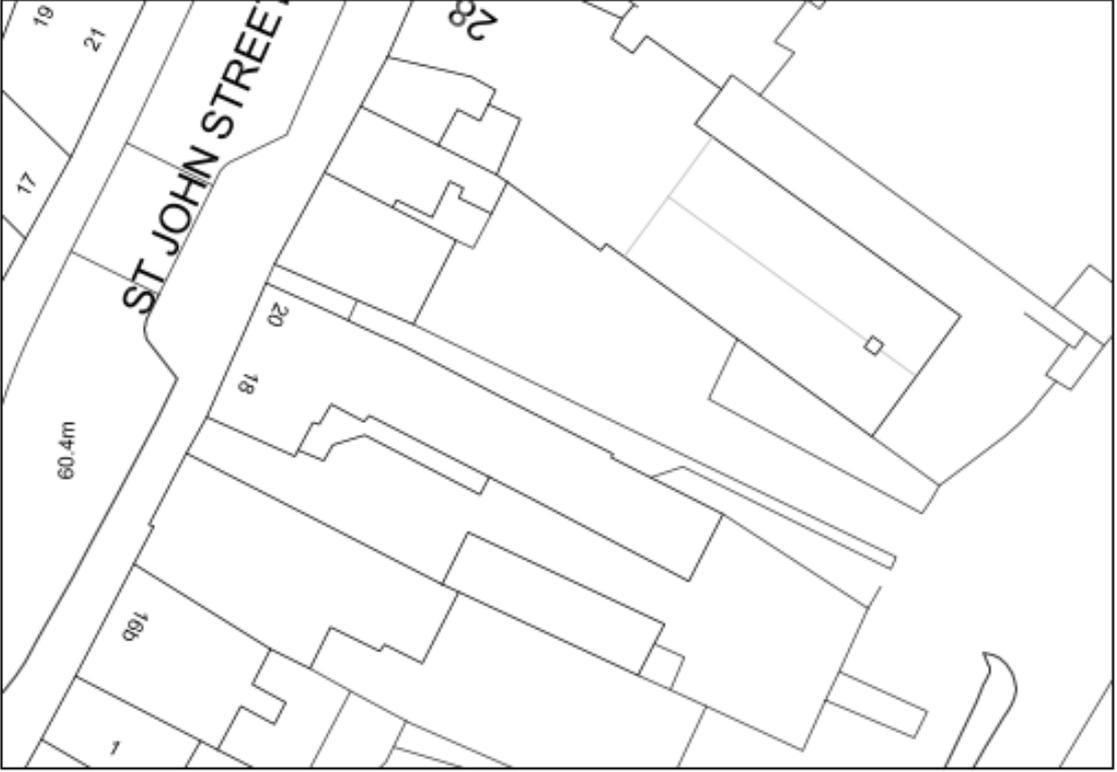
The section of the Public Footpath shown on the approved plans to be utilised by delivery vehicles shall be maintained to a standard of adopted highway at all times.

Reason: To ensure that the delivery arrangements made to the site do not prejudice the usability of the diverted public right of way in accordance with Policy CT3 of Plan:MK.

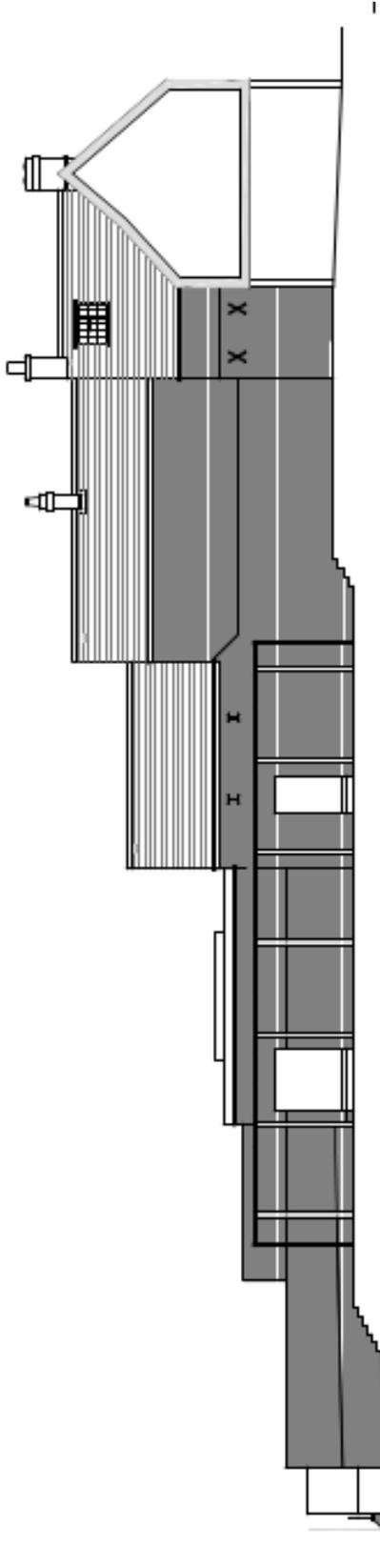
16. Public Footpath Signage

Prior to the commencement of works above slab level, a scheme conveying the provision of signage warning pedestrians of delivery vehicles entering the site shall be submitted to and approved by the Local Planning Authority. Once approved, the signage shall be erected prior to the occupation of the development and be maintained in perpetuity.

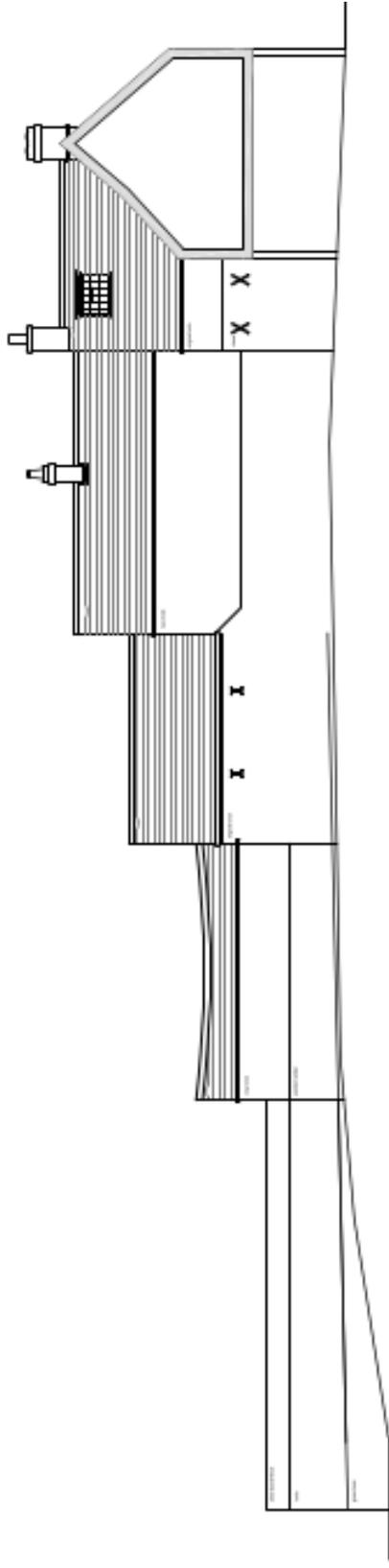
Reason: In the interest of preserving the safety of pedestrians utilising the public right of way in accordance with Policy CT3 of Plan:MK.







Proposed B



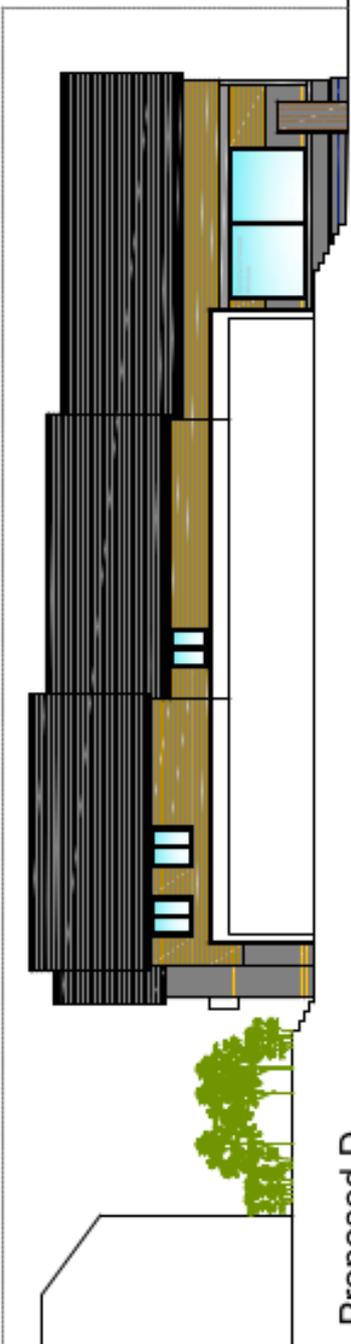
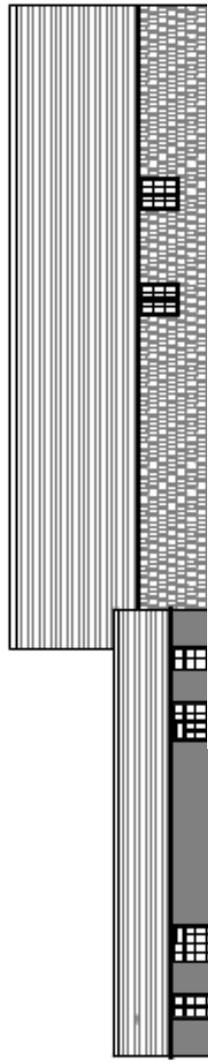
Existing B



Proposed C-2



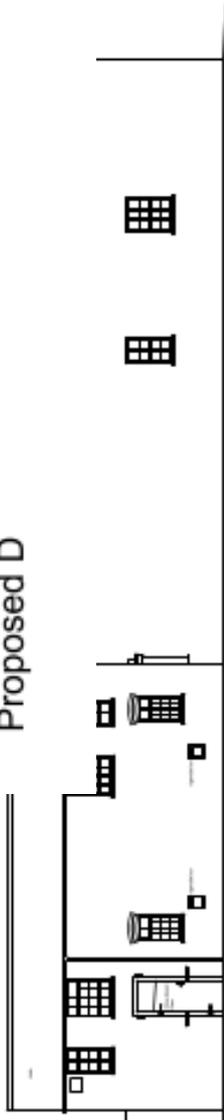
Existing C



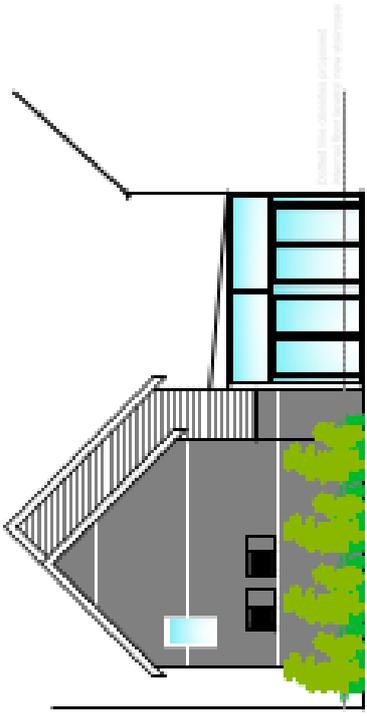
Proposed E



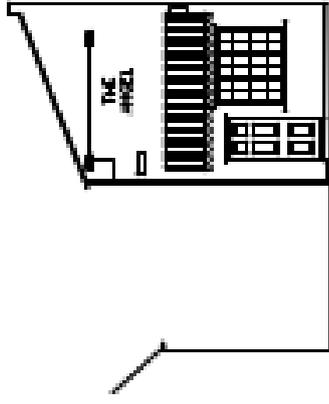
Proposed D



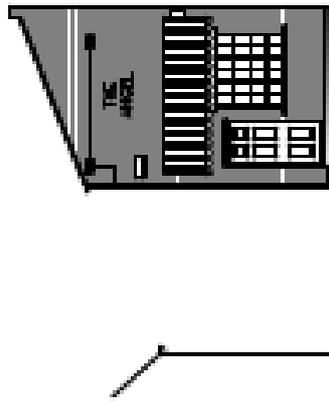
Existing E



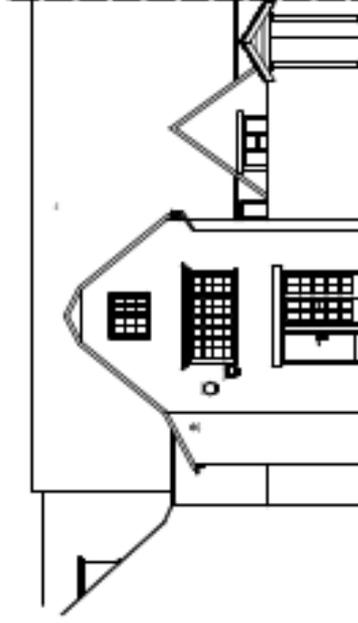
Proposed G



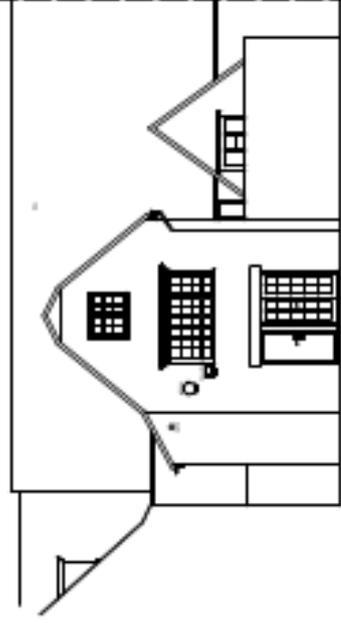
Existing H



Proposed H



Proposed F



Existing F

A1.0 FULL CONSULTATIONS AND REPRESENTATIONS

A1.1 Newport Pagnell Town Council

Initial comments (received 22.09.2019)

Having listened earlier to the concerns of the members of the public, the Town Planning & Environmental Management Committee had no material objections to the application. The applicant was trying to get delivery vehicles off the main road and had given assurances that smaller vehicles would be used to effect deliveries.

Resolved to support applications 19/01975/FUL and 19/01976/LBC subject to the following conditions:

- Ensure that service vehicles using the narrow access off St John Street are able to safely enter/exit without endangering pedestrians using the public right of way
- The data in the car park survey carried out in 2016 is updated to reflect current usage

Additional comments made following discussion with Case Officer regarding outcome of the appeal decision associated with the previous application (received 19.09.2019)

Further to our earlier telephone conversation, from the information you have provided we are content that provision for access/egress off St John Street is adequate (provided that smaller delivery vehicles are used), and that the car parking data being used is representative of the current situation.

A1.2 Cllr Jane Carr – Newport Pagnell South

No comments received.

A1.3 Cllr Douglas McCall – Newport Pagnell South

I am writing to express my concerns with the above planning applications.

CAR PARKING

One of the biggest concerns must be the lack of parking to serve this very large pub. The Silver Street Car Park to the rear and the Library Car Park opposite are already full and it is getting increasingly difficult to park in the Town Centre now without anymore pressure on the current parking provision.

NOISE

I am surprised that such a large outside drinking area is being considered facing residential properties. Having an enclosed building is bad enough, but the noise from this large open area will have a real negative impact on nearby residents.

A1.4 Cllr Paul Alexander– Newport Pagnell South

No comments received.

A1.5 MKC Highways

Parking

I refer to the previous application 16/01803/FUL, which at the associated appeal was refused planning permission but not on highway grounds. Of relevance, the Inspector's comments on parking were:

“The principal point of contention appears to be the effects of the proposal on parking during the, allegedly, busy lunch-time period. The submitted surveys indicate that between 21 and 52 car parking spaces were available during the period 11:30hrs to 14:00hrs. In addition, the location of the appeal site within the town centre means that customers would have access to public transport and so there is good access to alternatives to a private car. Taking these factors into account, I am satisfied that the location of the appeal site, combined with the availability of car parking locally, is such that the proposal would be unlikely to give rise to parking demands that could not be met. Therefore, I find no conflict with Policy T15 of the Local Plan.”

I note the Inspector's comments on parking availability being 21-52 spaces over the surveyed area and this represents an occupancy rate of 85 – 94%. Parking industry good practice states that car parks are considered to be at capacity when the rate is 85% and higher. With an approximate 130m² of additional public bar / customer combined with the loss of 6-10 existing spaces (the demand for which will be displaced into public areas) then the likelihood is that the remaining public parking spaces will at times approach / exceed 100%. However, in light of the Inspector's decision on the scheme of parking I conclude that it would be unreasonable to object to the planning application on parking grounds.

Cycle parking

I recommend provision is made for cycle parking for staff / customers.

Deliveries

Section 4.6 of the transport statement covers vehicle deliveries and states “the developer will specify that 7.5 tonne vehicles will be used for the following deliveries”. This arrangement should be secured by a condition.

Recommended conditions

1. Prior to the first occupation of the development hereby permitted details of 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. Development shall not be occupied or the use commenced until details of a delivery management plan has been submitted and approved in writing by the local

planning authority and thereafter deliveries shall be made to the site in accordance with the approved details.

Reason: for the safety and convenience of users of the highway.

Please also add a construction and environmental management plan.

A1.6 MKC Conservation

Initial comments (received 13.09.2019)

I have noted the revised application and supporting documents and confirm that there are no grounds for a conservation based objection in detail or in principle to the proposed conversion of the buildings to a public house /restaurant use, subject to conditions controlling matters such as finished height, materials (we note the proposed use of Welsh slate on the materials schedule and will expect this material to be used with evidence provided to confirm its use) and method statements for general uplift and installation of the gents wc's.

Additional comments following further consideration of plans (received 17.09.2019)

My first concern in respect of controlling the detail of the proposals is the apparent discrepancy in heights of the ridges from the given '0' datum. This is illustrated on the attached drawing with snips taken from 'Information@Work' with the different heights shown. Whilst I took care to gauge the measurements using the scale bar you may wish to check for yourself as there appears to be about 1.0m discrepancy on the drawings of the same feature on the same drawing. We advise that this apparent discrepancy in heights is attended to prior to the grant of planning permission and listed building consent noting that our clear preference is for the lower values. Otherwise perhaps a condition worded thus might be included on the decision notice;

Prior to the commencement of works drawings confirming the ridge heights for the new extension measured from ground level shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out thereafter in accordance with the approved particulars.

Or:

The ridge height of the south western (car park end) shall not exceed 8.5metres (??) and the highest ridge shall not exceed 9.5metres (??) unless otherwise agreed in writing with the Local Planning Authority. The works shall be carried out thereafter in accordance with the approved particulars.

Further conditions

1. All new, repaired or disturbed internal and external surfaces on the existing buildings, and including materials on all the existing roof planes, shall be made to match the existing in all respects.

2. All windows and doors to the existing buildings will be retained and eased, repaired and repainted or otherwise made good on site according to a schedule and method statement submitted to and approved in writing by the Local Planning Authority. The works shall be carried out thereafter in accordance with the approved particulars.
3. Notwithstanding the details on the submitted plans, all new or replacement rainwater goods shall be metal, painted black, gutters shall be half round in profile and down pipes are to be round, unless otherwise approved in writing by the Local Planning Authority.
4. External walls to be made internal by the proposed development shall not be painted, rendered or in any way treated without the prior written consent of the Local Planning Authority.
5. No new plumbing, pipes, soil stacks, flues, vents, extracts, ductwork, grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building unless shown on the drawings hereby approved or otherwise approved in writing by the Local Planning Authority.

The following should be applied to all the conservation conditions:

- Reason: To preserve the character and special interest of the listed building and the character and appearance of the conservation area, in accordance with Policy HE1 of Plan:MK.

Finally I am anticipating that an application for advertisement consent will be submitted in due course for the corporate signing and lighting to the roadside and car park exteriors and elsewhere. Early discussions on this matter through pre-application advice is strongly advised.

If you have any questions in relation to the above please contact me, particularly if you think there may be matters I have overlooked. Note that I am satisfied that the materials schedules 1 and 2 provide acceptable materials details for the new buildings /extensions.

A1.7 MKC Archaeology

In my view, the potential effects on buried archaeology of this proposal could be mitigated by a programme of archaeological monitoring and recording (a watching brief) during the construction phase. This could be secured by the following condition:

" Prior to the commencement of development hereby approved, a Written Scheme of Investigation for a programme of archaeological monitoring and recording (a watching brief) shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details and the Local Planning Authority given five days' notice of the commencement of the watching brief. A report with plans, sections, and detailed drawings of the findings

shall be produced within three months of the completion of the works. Two copies of the report will be provided to the Council's Historic Environment Record.

Reason: Reason: To ensure the appropriate recording of any archaeological remains affected by the development in accordance with: Paragraph 199 of the National Planning Policy Framework and Policy HE1 of Plan:MK. "

A1.8 MKC Landscape Architect

I note the application includes a method statement for knotweed treatment.

There are strict controls on Japanese Knotweed (JK) please refer to the following link:

<https://www.gov.uk/guidance/prevent-japanese-knotweed-from-spreading>

Spraying with chemicals can be an effective treatment to stop invasive plants from spreading. You must only use approved herbicides. However one application (proposed) is not enough and it will have to be resprayed. It usually takes 3 years to treat Japanese knotweed until the underground rhizomes become dormant. The method statement submitted with the application is insufficient.

It's important for the applicant to know that:

They could be fined up to £5,000 or be sent to prison for up to 2 years if you allow contaminated soil or plant material from any waste you transfer to spread into the wild.

They must use a registered waste carrier and an authorised landfill site or suitable disposal site

Having Japanese Knotweed is about as bad as it can get, in terms of having a pest plant on your land and just a very small bit of cut JK can grow into a new plant.

If the site does have JK then the developer will need to get rid of it, having JK on or near a property will greatly reduce its value as JK is highly invasive and can be damaging to built structures. It is perfectly capable of growing through concrete.

I suggest a condition below but please also refer to Environmental Health in case they can offer further advice.

Invasive species Condition:

Prior to the commencement of any development (including any site clearance) a full method statement for the treatment and disposal of invasive non-native plant species from the site shall be submitted to the Local Planning Approval for approval. The development shall be carried out in complete accordance with the approved method statement.

The landscape scheme would be acceptable subject to a compliance condition below. Please refer to the conservation team in terms of hard materials including surfacing.

Soft Landscape Works (As Approved Drawings) Condition:

All soft landscape works shall be carried out prior to the building being brought back into use or the completion of the development whichever is the sooner or in accordance with a programme agreed in writing with the Local Planning Authority. Development shall be carried out in complete accordance with the approved details. If within a period of two years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity.

Reason: To protect the appearance and character of the area and to minimise the effect of development on the area.

A1.9 MKC Public Rights of Way Officer

Initial comments (received 10.09.2019)

- A Public Footpath diversion application must be submitted to Rights of Way
- The width of the new diverted Public Footpath must be a minimum of 1.8m throughout and the incline of the ramp must be compliant with Equality Act 2010.
- Condition to be set that ensures that the part of the Public Footpath utilised by delivery vehicles is maintained by the landowner to a standard of adopted highway.
- Safety to the public using the Public Footpath must be considered with regard to service vehicles using the footpath.
- Appropriate Public Footpath signage will be required, which the Council should be reimbursed for.

Newport Pagnell Footpath 025 will be affected by the proposed development. The applicant will need to apply to divert the footpath through the rights of way team, and the application will be subject to public consultation.

The existing route has a length of approximately 45m, and travels upon a pavement that narrows to approximately 1m in parts. The proposed new route will have a length of approximately 80m. The proposed new route must have a width of at least 1.8m, which must be unobstructed at all times. The route will travel through the garden area, therefore tables and chairs must be clear of the footpath at all times.

The proposed diversion will almost double the length of the existing route, the most direct route possible should be offered, whilst also taking into account the various requirements of the Equality Act 2010 regarding ramp gradient and turning space. Although the new route will be longer, the total length is still relatively short, and the surface condition and width will be an improvement. I understand that there will be glass partitions along the ramped section of Public Footpath, which I would support as it overcomes sightline issues.

Delivery vehicles will be utilising a section of the new Public Footpath from St John's Street. A dropped kerb should be provided. A condition should be set to ensure that this section of Public Footpath should be maintained by the landowner to adopted highway standard at all times.

Safety to the public using the Public Footpath must be considered with regard to delivery vehicles using the Public Footpath. Sufficient space should be provided for the public to use the Public Footpath at all times and appropriate warning notices should be erected making the public aware of the hazard.

Appropriate Public Footpath signage will be required, which the Council should be reimbursed for.

Application must be received to divert the Public Footpath.

Condition set that section of Public Footpath utilised by delivery vehicles should be maintained by the landowner to adopted highway standard at all times.

Additional comments made following submission of additional information / revised plans (received 17.07.2019)

I have no objections

A1.10 MKC Environmental Health

Initial comments (received 18.09.2019)

I have reviewed the application and revised layout of the premises.

I note the Noise Impact Assessment which has been submitted is the same which accompanied the 2016 Planning Application which I also considered at that time. On the basis that the same Noise Impact Assessment has been submitted I will stand by my original comments and observations on the earlier application and reproduce them below for the current 2019 Planning Application, adding the following:

1. Prior to installation, furnish the authority with the design specification for the acoustic fencing
2. The proposed smoking shelter will need to comply with the Health Act 2006 and Smoke-free (Premises and Enforcement) Regulations 2006.

Smoking shelters should be sited to ensure, as far as possible, that second hand smoke will not be likely to infiltrate into smokefree areas of buildings and give rise to complaints. Shelters should not be located:-

- under or near any openable windows of the same or adjoining property;
- under or near any air intake systems of the same or adjoining property;
- directly at or in front of the entry and/or exits doors to any premises.

Comments previously made on 16/01803/FUL to be carried over to 19/01975/FUL:

Summary

No Objection to the application.

Request details of odour abatement measures to be utilised on the kitchen air extraction system.

Request that attenuation of plant is undertaken in line with that stated in the Spectrum Noise Impact Assessment ref RK1909/16163

Request that the acoustic fence is installed as per the submitted plans

The only licensable activity permitted outside after 22:00hrs is supply of alcohol.

The premises licence is already held by JD Wetherspoons Ltd and covers a wider range of activities than are contained in the Planning Application for the proposed operation. Operating hours are also reduced (barring proposed use of the rear garden until 23:00hrs).

The Environmental Health Department have received no noise complaints regarding the use of the premises for any of the regulated entertainments. The proposal seeks to increase the footprint of the premises but reduce the size of the outside areas. In terms of noise impact on noise sensitive premises in the locality, I would consider that the use of the external areas by patrons has the potential for the greatest impact as was indicated in the acoustic report. I am conscious that the premises is in a town centre mixed use, commercial and residential area and its previous use included (and still includes) a number of licensable activities.

It is proposed that no drinks or food is to be consumed in the rear external area after 23:00hrs, which will be accessible for smokers after that time. Use of the external area to the front of the premises is restricted to 21:00hrs. Noise mitigation measures include a 2.2m acoustic fence to the rear which is noted on the plans.

There will be no amplified music at the premises.

I am satisfied that noise from the proposed plant can be attenuated in line with the proposals in the acoustic report.

I would request that prior to its installation, details of odour abatement measures to be incorporated into the kitchen fume exhaust system are to be submitted.

It should be noted that irrespective of Planning Permission, operating as a premises which would require a Premises Licence under the Licensing Act 2003, there are means by which operating conditions can be attached and reviewed, in given circumstances, should specific issues arise which are contrary to the licensing objectives.

Statutory nuisance provisions are also available under the Environmental Protection Act 1990.

I raise no objection to the application.

Additional comments (received 18/10/2019)

I have reviewed the above planning application and have the following comments, observations and suggestions for planning conditions:

Due to the proximity of existing businesses to the proposed new outdoor beer garden (i.e. the one closest to St John's St towards the front of the premises) it is suggested that the use of this area is restricted to use between 17.00hrs and 23.00hrs so as to limit any potential disturbance to existing business trading.

By way of planning condition, I would propose a restriction of the use of the newly formed outdoor beer garden area, closest St John's St towards the front of the premises, to the hours between 17.00hrs and 23.00hrs only.

N.B. It might be the case that the newly formed outdoor area is not compliant with the Health Act 2006 in respect of being 'substantially enclosed' for the purposes of being a designated smoking area. Without a 3D render with dimensions showing the proposed structure in relation to the existing buildings it is not possible to identify from the submitted plans whether the outdoor area would be compliant. This is to say that it might be illegal under the Health Act 2006 to smoke in this area if it is deemed 'substantially enclosed' also considering that the area would also form part of a public right of way, potentially meaning members of public using the path being exposed to second hand smoke.

It is acknowledged that the most recent/existing use of the premises is for a restaurant/wine bar and that the premises is currently licenced under the Licensing Act 2003, including the existing outdoor areas of the premises which are licensed for the supply of alcohol. A condition on the existing Premises Licence is that no licensable activities are to take place outside after midnight, the informative being "In any event the only licensable activity permitted outside after 22:00hrs is supply of alcohol"

N.B. If Planning Permission is granted for the proposal, a new Premises Licence application (for alcohol and regulated entertainments) will be required and hence, licence conditions can be considered at the time the application is made.

From the supplied Noise Impact Assessment, the proposed trading hours are 07:00 to 00:30 Sunday to Wednesday and 07:00 to 01:30 on Thursday to Saturday. The proposal is to increase the footprint of the structure which will ultimately intensify the use of the space, increase capacity numbers and footfall which would equate to an increase in noise levels from patrons. As such, in the interests of reducing potential for noise disturbance to nearby residential premises, it might be prudent to restrict use of the larger outside area for the consumption of alcohol by way of planning condition by extending the existing Premises Licence condition to include a restriction on alcohol consumption after 23:00hrs. Namely, no alcohol consumption in the larger outdoor beer garden after 23:00hrs.

In order to reduce potential noise impact from mechanical plant I would request, by way of condition, that there is attenuation of mechanical plant to 5dB below background sound levels at the nearest noise sensitive receiver as determined by an assessment under BS4142:2014. Details of noise and odour abatement

measures to be incorporated into the kitchen air extraction system to be submitted in advance of installation and mitigation measures to be retained thereafter.

A1.11 Ramblers Society

I have looked through the documents online and I have a couple of comments.

It seems that the proposal is to divert the route of footpath Newport Pagnell / 25 through a series of sharp turns and that the footpath will be closed when the pub is closed. Will the footpath be sufficiently wide to allow a wheelchair to negotiate the bends.

The documents also mention a new footpath, but it is not clear to me whether this footpath will be a public right of way and, hence, appear on the definitive map.

A1.12 Thames Valley Crime Prevention

No comments received.

A1.13 Neighbour/ Third Party Representations

Representations have been received from 10 addresses and 2 from unspecified addresses.

All representation of the representations were made in objection to the proposal.

The issues raised can be summarised into the following categories:

Public Right of Way

- Need/impact of lighting associated with route
- Adequate lines of sight
- Dimensions of route
- Interaction with delivery vehicles
- Need for signage to warn pedestrians
- Levels plan for the ramped section

Highways and Parking

- Loss of spaces
- Parking survey out of date
- Location of deliveries
- Quantity of deliveries

Amenity

- Size of the garden area and associated noise
- Opening hours
- Smoking Hut location

Impact on Designated Heritage Assets

- Impact significance and setting of nos. 18-20 and no. 22 St. John Street.
- Blocking of eastern views of wall of 18-20 St. John Street and impact on setting of Conservation Area.

Other Matters

- Validity of supporting information
- Lawful use of the site

Other issues were raised within the comments received. These issues are not material to the consideration of the application and can be summarised as follows:

- Increase in litter
- Not in keeping with other business in the area which are independently owned
- No need for more pubs
- Impact on house prices
- Impact on structural integrity of neighbouring properties
- Increase in drug taking
- Increase in anti-social behaviour
- Loss of other businesses
- Questioning Wetherspoons' reputation as a 'good neighbour'