

**Application Number:** 18/00720/FUL

**Description** Retrospective change of use from social club (Sui Generis) to a community place of worship (Class D1). Associated works to include an air conditioning unit and screening.

**AT** Winners Chapel, Bletchley, Milton Keynes, MK3 7DF

**FOR** Pastor Yuki Igbinosa

**Target:** 11/06/2018

**Extension of Time:** 27/09/2018

**Ward:** Bletchley Park

**Parish:** West Bletchley

**Report Author/Case Officer:** Chris Walton  
Planning Officer

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## 1.0 RECOMMENDATION

It is recommended that consent be granted subject to the conditions set out at the end of this report.

## 2.0 INTRODUCTION

### The Site

2.1 The application site is located on Porchester Close in Bletchley. The site is adjacent to the Bletchley Activity Centre and is situated south-east of a local centre comprising of a small parade of shops and apartments. Further residential units are located to the east and to the south. The eastern boundary of the application site backs onto several gardens associated with residential properties located on Shenley Road. There is a small public parking area, which serves the aforementioned commercial units, located to the north west. The application site was formally in use as a social club (Sui Generis). Since September 2016, the site has been under the occupation of 'Winners Chapel International Milton Keynes' as a place of worship (D1).

## The Proposal

- 2.3 The application seeks retrospective change of use from social club (Sui Generis) to a community place of worship (Class D1). Associated works to include an air conditioning unit and screening.

## Amendments

- 2.4 No amendments were sought in the processing of this application; however the applicant was asked to provide clearer copies of several of the plans submitted.

## Reason for referral to committee

- 2.5 This application is referred to the Development Control Panel for determination at the request of West Bletchley Parish Council. The Parish Council object to the application on the grounds of parking, noise, levels and frequency of use, the air conditioning units and the CCTV installed on the site.

## **3.0 RELEVANT POLICIES**

### 3.1 National Planning Policy Framework (2018)

Section 8 – Promoting healthy and safe communities

### 3.2 West Bletchley Neighbourhood Plan

The application site is located within the designated area of West Bletchley Neighbourhood Plan. The neighbourhood area plan for West Bletchley was approved by Cabinet on 10th December 2013. The submitting plan and associated documents and policies are currently being consulted on as per Regulation 16 of the Neighbourhood Planning (General) Regulations, 2012. No referendum has been held with respect to the neighbourhood plan. With this in mind, no weight can currently be afforded to the Neighbourhood Plan in respect of the determination of this application.

### 3.3 Milton Keynes Core Strategy (2013)

Policy CS 17 – Improving Access to Local Services

### 3.4 Saved Policies of the Local Plan 2001-2011 (2005)

Policy D1 - Impact of Development Proposals on Locality

Policy C1 – Location of Community Facilities

Policy C2 - Protection of Community Facilities

Policy T15 - Parking

Policy LC2 - Local Centres

### 3.5 Supplementary Planning Documents

Milton Keynes Parking Standards (2016)

### 3.5 Human Rights Act 1998

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

## **4.0 MAIN ISSUES**

Background

Principle of Development

Design/Materials

Impact on Character and Appearance of the Area

Impact on Residential Amenity of Neighbouring Properties

Parking and Highways Safety

Other Matters

## **5.0 CONSIDERATIONS**

### 5.1 Background

The application site was subject to an enforcement notice, against which an appeal has been lodged. As the supporting documentation accompanying the application outlines, this application is made without prejudice to that appeal.

Through working with the applicant, since issuing the enforcement notice, the case officer has gained further evidence from the applicant (parking plan) and the highway authority (highway engineer observations and assessment).

### 5.2 Principle of Development

Section 8 of The National Planning Policy Framework [NPPF] (2018) states that in order to deliver the social, recreational and cultural facilities required by communities, planning policies and decisions should:

*“Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”*

Chapter 14 of the Milton Keynes Local Plan (2001-2011), ‘Community Facilities’, identifies Places of Worship as Community Facilities under the category of ‘Non-Residential Institutions’.

Policy CS17 of the Milton Keynes Core Strategy (2013), ‘Improving access to local services and facilities’, states that The Council will increase access to local services and facilities by:

*“1. Implementing Core Strategy and future Plan:MK policies that protect public open space, leisure, recreation, sport and community facilities, local centres and village shops, pubs and Post Offices.*

*3. Seeking alternative community uses for community facilities that are no longer required for their current use.”*

Saved Policy C1 of the Milton Keynes Local Plan (2001-2011), ‘Location of Community Facilities’, states planning permission will be granted for:

*“(i) Non-residential community facilities within, or adjacent to Central Milton Keynes, town, district and local centres*

*Proposals will need to show that buildings are designed to be adaptable for multi-use”*

Saved Policy C2 of the Milton Keynes Local Plan (2001-2011), ‘Protection of Community Facilities’, states:

*“Planning permission will be refused for proposals that involve the loss of an existing community facility or the loss of a site allocated for such a purpose, unless:*

*(i) There is no longer a need for the facility for any type of community use, or*

*(ii) An acceptable alternative facility can be provided elsewhere*

*Where surplus education land is identified, planning permission will be granted for other uses provided it can be demonstrated that:*

*(a) The income from the sale of the land will be reinvested to secure improvements to Milton Keynes schools and;*

*(b) The proposed development will include the provision of facilities for the local community where there is a proven need for such provision locally and it fairly and reasonably relates to the development proposed.”*

The Milton Keynes Local Plan (2001-2011) identifies that that application site is designated as a community facility. The site's previous use as a social club is considered to be community facility. Places of Worship are identified as Community Facilities as per Chapter 14 of the Milton Keynes Local Plan (2001-2011). As such, the proposed use accords with the designated use of the site and would not result in the loss of a community facility. The site is situated in close proximity to the existing local centre and other community facilities within the locality such as the Bletchley Activity Centre and Community Centre. The site also lies within a walkable distance from many residential properties within the area. The internal layout of the site includes the provision of several small meeting / class rooms which could be used for alternative community-related events. Indeed the configuration of the internal layout of the site is not inherently restrictive in terms of accommodating multiple uses.

For these reasons it is considered that the principle of the proposed use of the site as a Place of Worship accords with Section 8 of the NPPF, Policy CS17 of the Milton Keynes Core Strategy (2013) and Saved Policies C1 and C2 of the Milton Keynes Local Plan (2001-2011)

### 5.3 Design/Materials

One of the key objectives of Saved Policy D2 of the Milton Keynes Local Plan (2001 – 2011) is to ensure that works to existing buildings will only be permitted providing the scale of the proposed works does not detract from the character of the original building.

The additions to the building include some air conditioning units and a modest, 3.2 metre high timber slat fence that serves as a screen for these units. These additions are located towards the rear of the building. It is observed that the screening does not exceed the highest point of the building. The air conditioning units and screening are located on a stepped portion of the roof which is situated below the building's ridge line. Furthermore, whilst it is acknowledged that there is an absence of timber present on the existing property itself, it is noted that the site is partially enclosed by a timber fence. Considering this, the size of the additions and the overall contribution they make to the external appearance of the building it is not considered that they detract from its appearance or character.

For these reasons, it is considered that the development does not detract from the character of the original building. The proposal therefore accords with Saved Policy D2 of the Milton Keynes Local Plan 2001-2011 in respect of ensuring that the works would not detract from the character of the original building.

#### 5.4 Impact on Character and Appearance of the Area

Saved Policies D2A and D2 of the Milton Keynes Local Plan (2001-2011) and Policy CS13 of the Adopted Milton Keynes Core Strategy (2013) require the Council to have particular regard to the design and visual impact of new development and to the context in which it is placed. Saved Policy D2 states:

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

*i) Are in scale with other buildings in the immediate vicinity in terms of their height and massing, except where a greater scale is necessary to reflect the development's function and importance.*

*(iii) Relate well to and enhance the surrounding environment”*

There are limited changes to the external dimensions of the building. The alterations are restricted to the erection of some air conditioning units located towards the rear of the building. These units have been screened by a 3.2 metre high timber slat fence. The air conditioning units and screening are located on a stepped portion of the roof which is situated below the building's ridge line. The addition of the 3.2 metre high timber slat fence does not exceed the ridge line of the existing building. As such, the air conditioning units and screening are located in a position that significantly limits their visibility from within the context of the car park and the rest of the local centre. Timber fencing features as part of the boundary treatment for the site and also some of the adjacent buildings. As such, it is not considered that the additions to the building have had an adverse impact on either the character or appearance of the area.

For these reasons it is considered that the proposed development accords with Saved Policy D2, D2A of the Milton Keynes Local Plan (2001-2011) and Policy CS13.

#### 5.5 Impact on Residential Amenity of Neighbouring Properties

Saved Policy D1 (iii) and (iv) of the Milton Keynes Local Plan 2001-2011 states that:

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

*(iii) An unacceptable visual intrusion or loss of privacy, sunlight and daylight.*

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

The application site adjoins several residential properties located on Shenley Road. It is observed that the air conditioning and screening that have been implemented would be at least partially visible from these properties, although they are currently obscured by planting within several of the residential gardens. However, the units and screening do not increase the width or indeed the height of the existing building and therefore are not

considered to have an unacceptable impact on the amenity of these properties either in terms of creating a visual intrusion or indeed obstructing sunlight and daylight.

With reference to noise, it is recognised that the aforementioned residential properties adjoin a Local Centre and therefore it is reasonable to suggest that they would be exposed to some degree of noise associated with the various uses operating within the Centre and also the public car park. The Council's Environmental Health Team were consulted on the proposal and recommended that a condition be attached to any permission restricting the hours of use of the building for church activities. Given the presence of residential properties within the vicinity of the site the Planning Officer considers it necessary to impose this condition, as although these dwellings are situated in close proximity to a Local Centre, it is noted that the opening hours of the other units in the eastern portion of the Centre, closest to the dwellings, do not operate either in the early morning or indeed late at night. A condition was also recommended to control the level of noise being emitted from the building. However, it is considered that adequate mechanisms are in place under Environmental Health legislation to address unacceptable noise levels. As such, this condition is considered to be unnecessary in planning terms.

For these reasons it is considered that, subject to the conditions set out in Section 6.0 being implemented, the proposed development would accord with Saved Policy D1 (iii) and (iv) of the Milton Keynes Local Plan (2001-2011).

### 5.6 Parking and Highways Safety

Saved Policy T15 of the Milton Keynes Local Plan states:

*'Development proposals should meet the following vehicle parking requirements:*

*'(i) Car parking provision must not exceed the Council's maximum standards.*

*(ii) On-site parking should not be reduced below the maximum standard if it would be likely to result in off-site parking causing problems that cannot be resolved by on-street parking controls*

*(iii) Parking areas should be well designed in terms of safety, circulation and appearance and assist access by pedestrians and cyclists.'*

<b>D1 Unit (106m<sup>2</sup> seated assembly and 95m<sup>2</sup> ancillary rooms) in Zone 3</b>	<b>Allocated</b>	
Required	Proposed / Existing	
1 per 10m <sup>2</sup> seated assembly, 1 per 22m <sup>2</sup> ancillary rooms = <b>15</b> spaces total (10.6 for seated assembly and 4.3 for ancillary rooms).	<b>13</b>	
<b>TOTAL REQUIRED = 15</b>		
<b>TOTAL PROVIDED = 13</b>		

As the above table indicates, the existing site possesses a parking area that the applicant has been able to evidence can hold 13 spaces. This results in a shortfall of 2 allocated parking spaces within the site. The spaces provided meet the criteria contained within the Milton Keynes Parking Standards (2016) in terms of their dimensions (length, width). However, it is recognised that the configuration and layout of the spaces, due to the constraints of the site, does result in many instances of tandem parking. The access road/lanes between the bays are also not 6 metres wide, as per the requirements of the Parking Standards. However, once again, this is due to the constraints innately associated with the parking area of the existing site. With this in mind, it is noted that the thrust of Saved Policy T15 of the Milton Keynes Local Plan (2001-2011), in respect of car parking areas, relates to new development where the design of car parks has not been pre-determined. The proposals contained within this application do not seek to make the existing parking area on the site any less accessible or safe than it previously was by either extending the building or imposing any other structures within its curtilage that may cause harm to the accessibility of the site. The historic use of the site is a material consideration.

The site, and the rest of the Local Centre, is served by existing car parking located immediately to the north-west of the application site, with additional parking located further to the north-west beyond the central cluster of units within the Local Centre. These parking areas contain sufficient spaces to absorb the aforementioned lack of on-plot parking contained within the application site. However, it is noted that several of the representations received state objections to the change of use based on the impact that the Chapel has had on parking on Shenley Road. It is noted that Shenley Road runs directly adjacent to, and possesses a direct access to, the All Saints Church, which is located to the north of the application site. The Highway Officer was consulted on the application and undertook a site visit on Sunday the 20<sup>th</sup> May 2018, during the Winners Chapel's service, to observe the parking of cars within the locality. The Highway Officer had the following comments to make regarding this site visit:

*"I visited the site yesterday between just after 0900 – 1020.*

*When I arrived the All Saints Church service had already begun. Their car park was full. In addition there was some parking on double yellow lines in the access road to the car park. There were 5 cars parked on Shenley Road. These would appear to be associated with the All Saints Church because at 1020 after the service was over these cars had gone.*

*For the Winners Chapel I did not witness any off-site parking problems. Within the car park itself they seemed well organised with parking marshals assisting people into parking spaces. The parking areas were utilised as efficiently as they could. Cars were parked within their site and the larger parking area on the north east side of the car park. A few cars were parked outside the community centre but some spare parking spaces were available in this area.*

*Minibuses were used to bring some people to the chapel.*

*Based on my observations I cannot see that on highway safety grounds there are reasons to object to the change of use."*

For the reasons stated above, and specifically the existing layout of the site's parking area; the Highway Officers observations; the availability of parking within the Local Centre and the relatively small shortfall of on-plot parking in the application site, it is considered that the proposed change of use accords with Saved Policy T15 of the Milton Keynes Local Plan (2001-2011).

### 5.7 Other Matters

Several of the representations referenced the CCTV cameras that have erected on the building. It is the Planning Officer's view that these CCTV cameras, due to their size and the fact that they have not been erected on a building that is either in a Conservation Area or classified as a Listed Building, would not require planning permission. However, the applicant is minded that if they wish to obtain formal confirmation of this, they would need to apply for a Certificate of Lawfulness. Furthermore the issues raised in relation to the use of CCTV cameras are not a material planning consideration.

## **6.0 CONCLUSIONS**

It is recommended that the proposed works are approved, subject to the conditions set out in section 7 of this report.

## **7.0 CONDITIONS**

1. The use of the building for church activities shall be restricted to the following hours: 09:00-21:00.

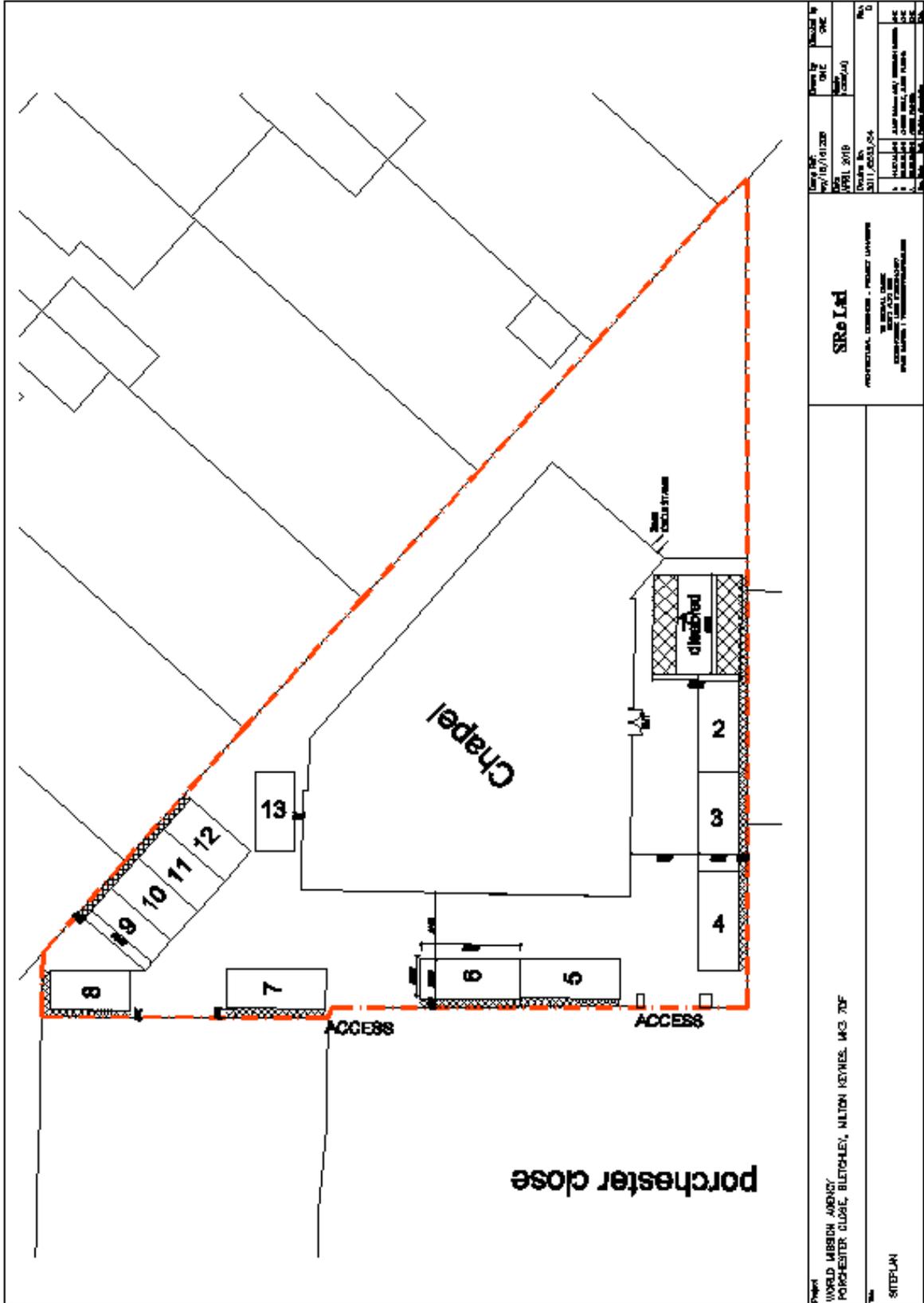
Reason: To protect the residential amenity of the surrounding residential properties in accordance with Saved Policy D1 (iv) of the Milton Keynes Local Plan (2001-2011).

2. The car parking area shown on the approved drawings shall be constructed, surfaced and permanently marked out as approved. 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.

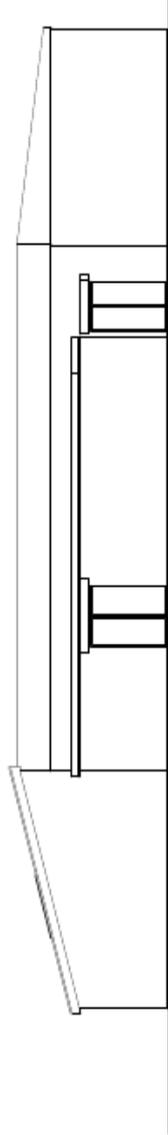
Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway.



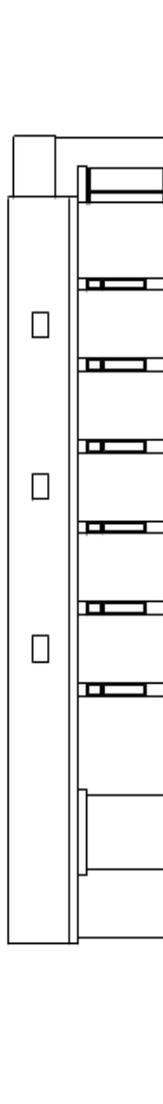
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<p>Project: WORLD MISSION AGENCY PORCHESTER CLOSE, BLETCHLEY, MILTON KEYNES, MK3 7DF</p> <p>Site: SITEPLAN</p>	<p><b>SRe Ltd</b> PROFESSIONAL CONSULTANTS - PROJECT MANAGERS 100, STATION ROAD MILTON KEYNES MK11 2JH 01235 533333</p>	<p>Drawn By: 3011/2023/04</p> <p>Scale: 1:500</p> <p>Date: 09/01/2019</p> <p>Drawn By: CHC</p> <p>Scale: 1:500</p> <p>Date: 09/01/2019</p>
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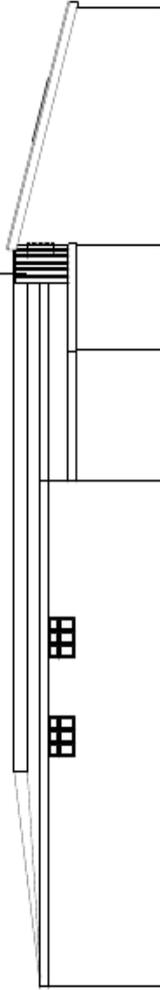


PROPOSED FRONT ELEVATION



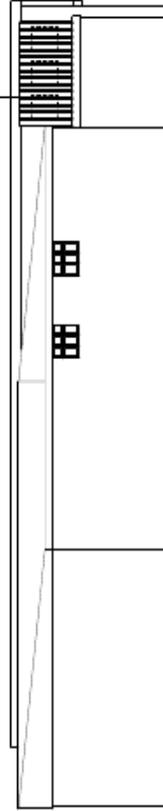
PROPOSED LEFTSIDE ELEVATION

AC Screen (timber slats cladding)



PROPOSED REAR ELEVATION

AC Screen (timber slats cladding)



PROPOSED RIGHTSIDE ELEVATION

Project: WORLD MISSION AGENCY  
 FORNHEISE CLOSE, BLETCHLEY, MILTON KEYNES, MK3 7JF



Prop: PROPOSED PLANS

Client Ref:	100/15/19/1008	Drawn by:	ONE	Checked by:	ONE
Date:	APRIL 2018	Scale:	1/100 (A3)	Drawn on:	
Project No.:	2017/0283/A/3	Project Name:		Site No.:	
Drawn by:		Drawn on:		Drawn at:	
Checked by:		Checked on:		Checked at:	

**SRe Ltd**  
 ARCHITECTURAL CONSULTANTS - PROJECT MANAGERS  
 2017/0283/A/3  
 100/15/19/1008  
 100/15/19/1008



## Appendix to 18/00720/FUL

### A1.0 RELEVANT PLANNING HISTORY

No relevant planning history on the site.

### A2.0 ADDITIONAL MATTERS

None.

### A3.0 CONSULTATIONS AND REPRESENTATIONS

A3.1 Ward Councillor Rankine  
No response received.

A3.2 Ward Councillor Wales  
No response received.

A3.3 Ward Councillor Clancey  
No response received.

A3.4 West Bletchley Parish Council  
Objected on the following grounds:

Parking- Have a detrimental impact on traffic and parking in this area generating additional traffic increasing the parking requirement in this area to an unacceptable level leading to both vehicle obstructions and dispersed parking in adjacent roads.

Noise- Create an unacceptable noise nuisance resulting in loss of amenity, having a detrimental impact on the quiet enjoyment of this area by local residents.

Levels and frequency of use- It is noted that the proposed building layout incorporates a large auditorium and four classrooms. Use of the 5 areas would be likely to attract visitors from beyond the local vicinity resulting in a disproportionately high use of vehicles further contributing to traffic problems.

Air Conditioning- That the ventilation system may cause nuisance and have an adverse impact aesthetically to residents backing on to the site visually.

CCTV- Planning permission may be needed to erect CCTV and the local residents feel this is an intrusion to their privacy

### A3.5 Environmental Health

I have reviewed the plans and supporting statements and have the following comments on the above application:

The premises has been the subject of noise complaints from local residents and several visits have been made during church services and activities over the past 10-12 months. Prior to submission of the application the noise assessment was submitted to Environmental Health for review. To verify the contents of the assessment a further visit was carried out on 11 March 2018 by myself and my colleague Gillian Clarke. During the visit activities associated with the chapel were assessed from the gardens of 83 and 89 Shenley Road.

The noise sources that were witnessed and are attributable to the church were; noise from the congregation arriving at approximately 09:45-10:15 (car engines, car doors closing and some voices), and a drumming sound that was audible in the gardens of both properties (albeit slightly clearer in the garden of 83 Shenley Road). The drumming sound was heard for 3 short periods (5-10 minutes) between 10:00 and 12:15 (approximately 10:15, 11:00 and 12:10). The drumming heard was subjectively of a lower level than visits made in July and September 2018, works had been carried out subsequent to those visits so it was expected that this would be the case. Before leaving the area it was confirmed that the congregation were leaving at around 12:20 and therefore the service was over.

The visit on 11 March confirmed the findings of the acoustic report as representative of the current situation and my professional opinion is that the noise from the drumming is not sufficient to be a Statutory Nuisance that requires enforcement action. During the Sunday service, noise from music (drumming) at Winners Chapel was barely measurable, and generally below existing background noise levels. I understand that the noise can be present on 1-2 evenings on weekdays however this is again for short periods. In my view this is not sufficient to warrant an objection to this application. Noise from use of the car park is not a matter that Environmental Health are able to control and Winners Chapel are clearly not responsible for all of the use of the car park or enforcement behaviour in the car park therefore I do not consider that this is a matter that is sufficient to object to this application or something that can be controlled by use of conditions.

In order to control use of the building to the level currently experienced I would recommend a condition regarding hours of use, in addition I would recommend a condition regarding noise level at the site boundary as suggested by the applicant.

The following conditions are therefore recommended:

- Noise from church activity within the building shall not exceed 50 dB LAeq 5 mins.
- The use of the building for church activities shall be restricted to the

following hours: 09:00-21:00

### A3.6 Highway Officer

I visited the site yesterday [20<sup>th</sup> May] between just after 0900 – 1020.

When I arrived the All Saints Church service had already begun. Their car park was full. In addition there was some parking on double yellow lines in the access road to the car park. There were 5 cars parked on Shenley Road. These would appear to be associated with the All Saints Church because at 1020 after the service was over these cars had gone.

For the Winners chapel I did not witness any off-site parking problems. Within the car park itself they seemed well organised with parking marshals assisting people into parking spaces. The parking areas were utilised as efficiently as they could. Cars were parked within their site and the larger parking area on the north east side of the car park. A few cars were parked outside the community centre but some spare parking spaces were available in this area.

Minibuses were used to bring some people to the chapel.

Based on my observations I cannot see that on highway safety grounds there are reasons to object to the change of use.

### A3.7 Neighbour/Third Party Representations

Neighbour representations were received from the following properties

89 Shenley Road  
83 Shenley Road  
85 Shenley Road  
81 Shenley Road  
77 Shenley Road  
87 Shenley Road

The representations received objected to the proposal on the grounds of:

- Impact on residential amenity (noise)
- CCTV cameras (privacy)
- Air condition units and screening (noise and visual appearance)
- Impact on parking / highway safety