

**Application Number: 16/01309/FUL
Minor**

Change of use from office accommodation (use Class B1(a)) to non residential institution (use class D1)

AT Unit 10, Walker Avenue, Wolverton Mill

FOR Hazara Community Milton Keynes

Target: 24th October 2016

Ward: Wolverton

**Parish: Wolverton & Greenleys Town
Council**

Report Author/Case Officer: Angela Brockett

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

- 1.1 The main body of the report set out below draws together the core issues in relation to the application including policy and other key material considerations. This is supplemented by an appendix which brings together planning history, additional matters and summaries of consultees' responses and public representations. Full details of the application, including plans, supplementary documents, consultee responses and public representations are available on the Council's Public Access system www.milton-keynes.gov.uk/publicaccess. All matters have been taken into account in writing this report and recommendation.
- 1.2 This application has been referred to the Development Control Panel for determination as the application has been objected to by Wolverton Parish Council and two objections have been received from neighbouring properties.

The Site

- 1.3 The application site contains a vacant two storey unit in Walker Avenue within the employment area of Stratford Office Village, Wolverton Mill. A number of the employment units in this area have planning permission to be used for alternative uses under use class D1.
- 1.4 The unit is located on the northern corner of the employment area with four assigned parking spaces to the front of the unit and two assigned spaces within the 50 shared visitor car park in front of the site. In addition, the applicant has confirmed that a further six spaces are assigned to unit 10 in the car park to the west of the development. The unit provides an overall

floorspace of 418 square metres and is faced in brick with a pitched tiled roof.

- 1.5 Directly adjoining the site to the north is unit 12 where along with unit 14 it has been deemed as permitted development under reference 13/02071/FUL to convert these units to a residential use under the prior notification procedure as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). To date these notifications have not been implemented. Beyond the site to the north are residential properties along Walker Avenue, Alvrice Way, Hamon Way and Turneys Drive. To the east of the site are further commercial premises with residential dwellings beyond; to the south are commercial units with larger industrial premises beyond and to the west are a mixture of commercial and residential properties along Walker Avenue and East Moor Drive.

The Proposal

- 1.6 The application seeks planning permission for a community hub providing facilities for meetings and educational programmes linked to the Hazara community. The applicant has confirmed that the site will be operational during the hours of 07:00 to 23:00 hours.
- 1.7 The proposed layout consists of a main hall on the ground floor to be used for meetings with a kitchen and kitchenette, office and male toilets and ablution area. On the first floor are 3 classrooms for teaching/lecturing with a smaller secondary hall, female toilet and school office. No external alterations are proposed to the unit.
- 1.8 The primary use of the building is to be for teaching and/or lectures with additional group gatherings and social events. Prayer on the site will be on an informal basis only.
- 1.9 The application was accompanied by a Transport Statement, Planning Statement and Noise Assessment.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

National Policy

- 2.1 National Planning Policy Framework 2012 (NPPF) paragraphs:

7 – Achieving sustainable development

14 – Presumption in favour of sustainable development

17 – Core Planning Principles

70 – Delivering the social, recreational and cultural facilities and services the community needs.

109 - Enhancing the local environment

123 – Noise

Parking

2.2 Local Policy

Core Strategy (2013)

CSA – Presumption in favour of sustainable development
CSA 16– Supporting small businesses

Adopted Milton Keynes Local Plan 2001-2011 Saved Policies)

D1 (i) and (iv) – Impact on development proposal on locality
T3 and T4 – Pedestrians and cyclists
T5 – Public transport
T15 – Parking provision
E11 – Protection of small business units
C1 – location of community facilities
C4 - Education

Supplementary Planning Document

Parking Standards (2016)

Other relevant policy documents

Wolverton Neighbourhood Plan (2016)

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

- 3.1
- Principle of development
 - Traffic, car parking and accessibility
 - Impact on the occupiers of existing and approved residential properties
 - Sustainability

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 It is recommended that planning permission be granted subject to the conditions set out in Section 6 of this report.

5.0 CONSIDERATIONS

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

5.1 Principle of Development

Saved Policy E11 of the Milton Keynes Local Plan 2001 – 2011 resists the loss of small business units from class B uses. As such the proposal would be against this adopted policy. However, since this policy was adopted, the Permitted Development requirement for changing the use of office buildings has changed and it is now possible to change the use of small business units

to residential use without the need for planning permission through the prior notification procedure as set out in Schedule 2, Part 3, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 subject to a number of conditions and limitations. Unit 10 has been deemed to have met these conditions and limitations under Prior Approval reference 14/00530/FUL.

5.2 Units 12 and 14 have also been through the prior notification process and are also deemed suitable for being converted to residential use as established under Prior Approval reference 13/02071/FUL. It has therefore already been established that the B1 use is likely to be lost.

5.3 Saved Policy C1 of the Milton Keynes Local Plan 2001 – 2011 supports community facilities providing they are sited adjacent to or within District and Local Centres. The site is located within an area of commercial B1 uses on the edge of a residential area. It is not located within a Local or District Centre.

5.4 However, the application has to be considered in the light of a recent appeal decision given in June 2016 at 35 Barton Road, Bletchley where the Inspector found that the location of the appeal site for a proposed community use within an existing employment area did not comply with the Council's policies in the Milton Keynes Local Plan 2001 – 2011 but that he considered demand for places of worship and community venues exceeded supply. The Inspector concluded that the Local Plan policy, in seeking to direct such uses to town centres, was not up to date and restrictive and so attached limited weight to this policy. Whilst not within an existing centre, the Inspector considered that the site was within an accessible location that served the people who were likely to use the premises.

5.5 Paragraph 70 of the National Planning Policy Framework (NPPF) states that planning decisions should be positive about the provision and use of community facilities such as places of worship to enhance the sustainability of communities. As part of this appeal hearing, it was acknowledged by the Council that demand now exceeds supply for venues where the city's large number of religious groups can meet. The Inspector stated that given the emphasis in paragraph 70 of the NPPF on planning positively for the provision of places of worship, saved policy C1 of the Milton Keynes Local Plan in requiring that places of worship be located within or adjacent to centres 2001 – 2011 is unduly restrictive and not up to date. Limited weight was therefore attached to this policy.

5.6 The principle of the change of use would be acceptable subject to the following material planning considerations.

5.7 Traffic, car parking and accessibility

Saved Policy D1 (i) of the Milton Keynes Local Plan 2001 – 2011 seeks to ensure that new development would not cause harm in terms of additional traffic generation which could cause undue disturbance, noise or fumes.

- 5.8 Saved Policies T3, T4 and T5 seek to ensure that the needs and safety of pedestrians and cyclists are accounted for in all new developments
- 5.9 Saved Policy T15 of the Milton Keynes Local Plan 2001 – 2011 and the Parking Standards Supplementary Planning Document (SPD) seeks to ensure that adequate parking provision is provided to serve new development in accordance with the council's car parking standards.

- 5.10 The application includes a Transport Statement prepared on behalf of the applicant by Sanderson Associates, Consulting Engineers, this includes a TRICS analysis comparing the existing traffic with the proposed use. For a B1 use this was:

B1 office

AM peak 10 trips (total, two-way)

PM peak 11 trips (total two-way)

Proposed community hub (community education)

AM peak 4 trips (total, two-way)

PM peak 4 trips (total two-way)

- 5.11 The proposed use as a community use is shown to have lower peak hour traffic than the existing use. This analysis is considered by the Highway's Engineer to be robust given that the statement mentions that during the week the hub will only be used for administrative purposes with just two members of staff. Therefore during the day midweek the levels of traffic will not be impact on the highway and a corresponding demand for parking spaces will not exceed the availability.
- 5.12 Provision is made for 12 car parking spaces which are available to serve the proposed use. Under the adopted parking standards SPD there is no single standard that covers the activities mentioned although the "others" standard of 1 space per 22m² (public areas) is probably reasonable. Based on a floor area of approximately 350m² (being the public areas) the requirement is 16 spaces.
- 5.13 During the day (midweek) the unit will be used mostly for administrative purposes which as described above will not be at capacity from 2 members of staff. Use as a community hall (D1(g)) has a parking standard of 1 space per 30m² (which is the same as a B1 office).
- 5.14 The main use of the centre is for education purposes for children aged 4 to 16. The parking standard D1(c) covers ages 4-11 and 11+ but these standards relate to schools and are at a level where a significant level of walking trips would take place, which may well not be the case with the proposed use.
- 5.15 Within the 12 spaces allocated for the site, the 6 staff can be accommodated leaving 6 spaces for parents (approx. 1 space per 7 pupils). This is around

the pick-up and drop off standard for D1 (c) of 1 space per 8 children but this may not be sufficient due to the type of operation. 50 visitor spaces are available in the western car park and with a weekend operation availability across the site will not be an issue. However, the provision of the allocated spaces and the larger area of visitor spaces are somewhat dispersed from the unit, which is a concern, and may lead to on-street parking as this is more convenient to the entrance of the unit. The pick-up and drop off activity will occur over a short period of time and longer term parking off site is therefore unlikely.

- 5.16 The supporting information provided with the application confirms that the unit would be used by a significant proportion of the community who live within close proximity to the centre within a mile radius from the centre. A planning statement and transport assessment has been provided which demonstrates that there are existing bus stops within easy walking distance, less than 100 metres of the site on Great Monks Street which serves a frequent bus service to Milton Keynes. Although the site will likely generate significant levels of car trips to the weekend education sessions the site is not completely inaccessible with local bus services close by and the potential for walking and cycling trips from close by residential areas of Greenleys, parts of Wolverton, Fullers Slade and parts of Stony Stratford.
- 5.17 The proposed change of use is therefore considered to accord with Saved Policy D1 (i) and T3, T3, T5 and T15 of the Milton Keynes Local Plan 2001 – 2011 and the Council's Parking Standards SPD.

Impact on the occupiers of existing and approved residential properties

- 5.18 The following parts of saved Policy D1 of the Milton Keynes Local Plan 2001-2011 are applicable to the proposal:
- 5.19 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 and
 - (iv) An unacceptable pollution by noise, smell, light or other emissions to air, water or land
- 5.20 Paragraph 123.of the National Planning Policy Framework seeks to ensure that planning decisions aim to avoid noise from giving rise to a significant adverse impact on the health and quality of life as a result of new development.
- 5.21 The nearest residential properties to the application site are 64, 66, 68 and 70 Walker Avenue which are at right angles to the site on the opposite side of the road. However, the residents in the two blocks of terraces either side of Alvrice Way could also potentially be affected by the proposed development.

The front of the application unit and main entrance faces onto the communal car parking area. The windows in the building face the front and the rear and there are no windows in the side elevation. There will therefore be no loss of privacy in terms of overlooking into nearby residential properties.

- 5.22 As the application is to convert an existing unit and no external changes are proposed, the proposal will not cause a visual intrusion.
- 5.23 With regard to any potential increase in noise and disturbance in the area, as a result of the activities being carried out in the building and the likely traffic generated by the proposal, the applicant has submitted a noise report carried out by Enzigo, Environmental Consultants which assesses the likely impact of the proposed use on the residential area. It concludes that it is not considered that the development poses any adverse impact on residential amenity relating specifically to teaching/lecturing or community meetings. Other activities may pose a noise impact risk and these could be controlled by hours of operation and usage of the unit.
- 5.24 The application confirms that during the day in the week the unit will be used for mostly administrative functions with one community meeting involving about 15 people being held each month.
- 5.25 During the evenings in the week the unit will be open from 18:00 to 22:00 although this may not be necessary every evening. For those times when the unit is not in use the applicant has confirmed the premises would be available for the community to book.
- 5.26 During the weekends, classes will be held for about 40 children during the day on Saturday and Sunday from 10:00 to 13:30.
- 5.27 All the activity associated with the proposed use will be confined to inside the building as there is no space around the unit for outside activities to take place.
- 5.28 Due to the hours of operation and the nature and intensity of the proposed use and the evidence submitted with the noise report, it is not anticipated that the use would cause unacceptable levels of noise or disturbance to the local residents.
- 5.29 The proposal is therefore considered to accord with saved Policy D1 (iii) and (iv) of the Milton Keynes Local Plan 2001 – 2011.

5.30 Sustainability

Sustainability is identified in paragraph 7 of the NPPF as having three dimensions which give rise to the need for the planning system to perform a number of roles which are environmental, social and economic. As demonstrated above, the development is not considered to cause an environmental impact in terms of unacceptable noise from or regarding traffic or parking.

- 5.31 With regard to social aspects, the development is considered to provide a hub for the Hazra community and allows it to make provision for education and a focal place for meetings and occasional worship which would provide a community benefit.
- 5.32 With regard to economic impacts, whilst the proposed use would involve a loss of an existing employment use, there is no evidence that there is a shortfall of employment uses in the area.

Conclusion

- 5.33 On balance, the proposed change of use is considered to be acceptable as the site is located within a sustainable location and will meet the needs of the community. Due to the level of intensity, the proposed use will not create harm to the residential amenities of the occupiers of nearby residential properties and will not create a detrimental impact on car parking provision which would harm existing businesses in the area. The proposal will accord with the national and local policies sited above.

6.0 CONDITIONS

(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable)

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

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 51 of the Planning and Compulsory Purchase Act 2004.

2. The use hereby approved shall not commence until the windows in the proposed classrooms are fixed shut and a supplementary form of ventilation used. The details of the supplementary ventilation shall first be submitted to and agreed in writing by the Local Planning Authority. The windows shall permanently remain fixed shut thereafter.

Reason: To safeguard the residential amenities of the occupiers of nearby residential properties and to accord with Saved Policies D1 (iv) and (iii) of the Milton Keynes Local Plan 2001 - 2011

3. Prior to the first occupation of the development hereby permitted the proposed bicycle parking shown in the approved drawings shall be provided and be retained thereafter.

Reason: To ensure that adequate cycle parking facilities are provided to serve the development and to accord with Saved Policy T4 of the Milton Keynes Local Plan 2001 – 2011.

4. No activities associated with the use hereby approved shall be carried out outside the following times 9:00 to 22:00 Monday to Friday; 10:00 to 22:00 on Saturdays and 10:00 to 14:00 on Sundays and Bank Holidays.

Reason: To ensure that the development does not prejudice the enjoyment by neighbouring occupiers of their property and to accord with Saved Policy D1 (iv) of the Milton Keynes Local Plan 2001 – 2011.

5. The car parking area provided to serve the use hereby approved 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 and to accord with Saved Policy T15 of the Milton Keynes Local Plan 2001 - 2011

6. The use hereby approved shall not commence until a Management Scheme of Parking to reduce the impact of traffic/parking on residents in the vicinity has been submitted to and agreed in writing by the Local Planning Authority. The agreed Management Scheme of Parking shall be implemented on commencement of the use and shall be adhered to at all times thereafter.

Reason: To ensure that the car parking and traffic generated by the use does not harm the residential amenity of local residents and to accord with Saved Policy D1 (i) of the Milton Keynes Local Plan 2001 - 2011.

7. The use hereby approved shall not commence until the mitigation measures outlined in the "Noise Impact Assessment for a Proposed Community Hub" produced by Enzygo Environmental Consultants have been implemented. The mitigation measures shall thereafter be maintained.

Reason: To safeguard the residential amenities of the occupiers of nearby residential properties and to accord with Saved Policy D1 (iv) of the Milton Keynes Local Plan 2001 – 2011.

8. The use hereby approved shall be as outlined in the Planning Supporting Statement prepared by Kirkby Diamond dated May 2016 only and operated as such and shall not include any other use under class D1 of the town and Country Planning (Use Classes) order 1987 (as amended).

Reason: In order to safeguard the residential amenities of the occupiers of nearby residential properties and to accord with Saved Policy D1 (iv) of the Milton Keynes Local Plan 2001 – 2011.

9. There shall be no use of acoustic equipment that is audible from outside the building.

Reason: In order to safeguard the residential amenities of the occupiers of nearby residential properties and to accord with Saved Policy D1 (iv) of the Milton Keynes Local Plan 2001 – 2011.

10. The maximum number of people on the premises at any one time for the purposes of the proposed use shall not exceed 40; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure control over the scale of the use in relation to the amenities of neighbouring residents and the availability of car parking.

Plan Title
Block Plan

Client
Hazara Community Milton Keynes

Proposed Change of Use
10 Walker Avenue
Stratford Office Village
Milton Keynes
Buckinghamshire
MK12 5 TW

Site Location 

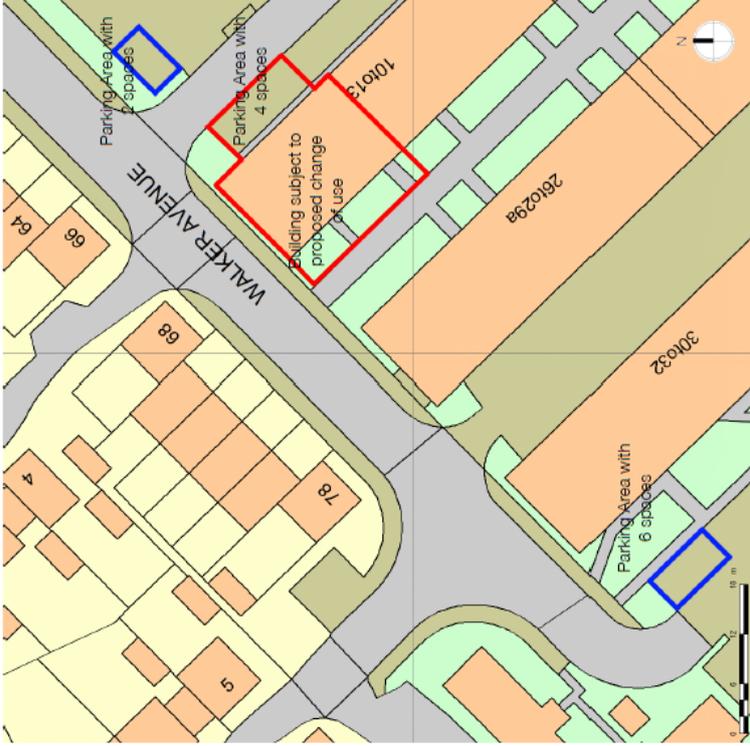
Other land in the Applicant's ownership 

Drawing
TFS1584-05

Scale
1:500@A3

OS License
100057474

Date
June 2016



General Notes

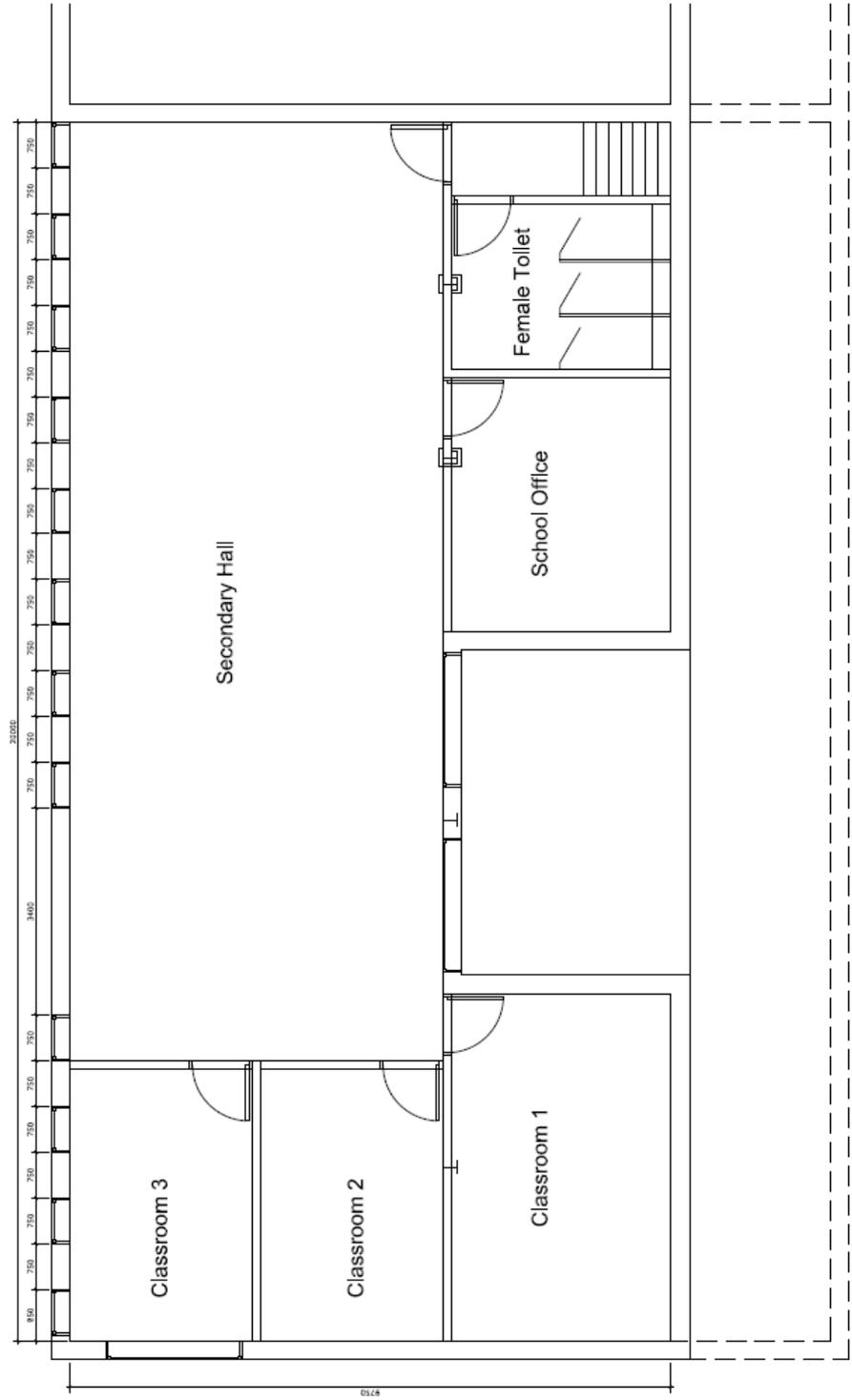
- 1. Do not scale off the drawing unless a note bar is provided.
- 2. Any quantities, conditions and notes on this drawing are to be read in conjunction with the contract documents.
- 3. All dimensions are in millimeters unless otherwise stated.
- 4. All dimensions, unless otherwise indicated, are to the rough finish face of the partition.
- 5. All dimensions are to be checked on the day discrepancies are to be notified immediately written requests before the commencement of work on site.
- 6. All loads are in meters unless otherwise stated.
- 7. The drawings to be used in conjunction with all other relevant drawings and specifications for this project.

Mr. [Name] - [Title]
 [Address]
 [City, State, Zip]

Client: Hazara Community/Milton Keynes
Project: Hazara Cultural & Educational Centre, Milton Keynes.
Site: [Address]
Date: [Date]
Project No.: [Number]
Drawing No.: [Number]

Architectural Drawing

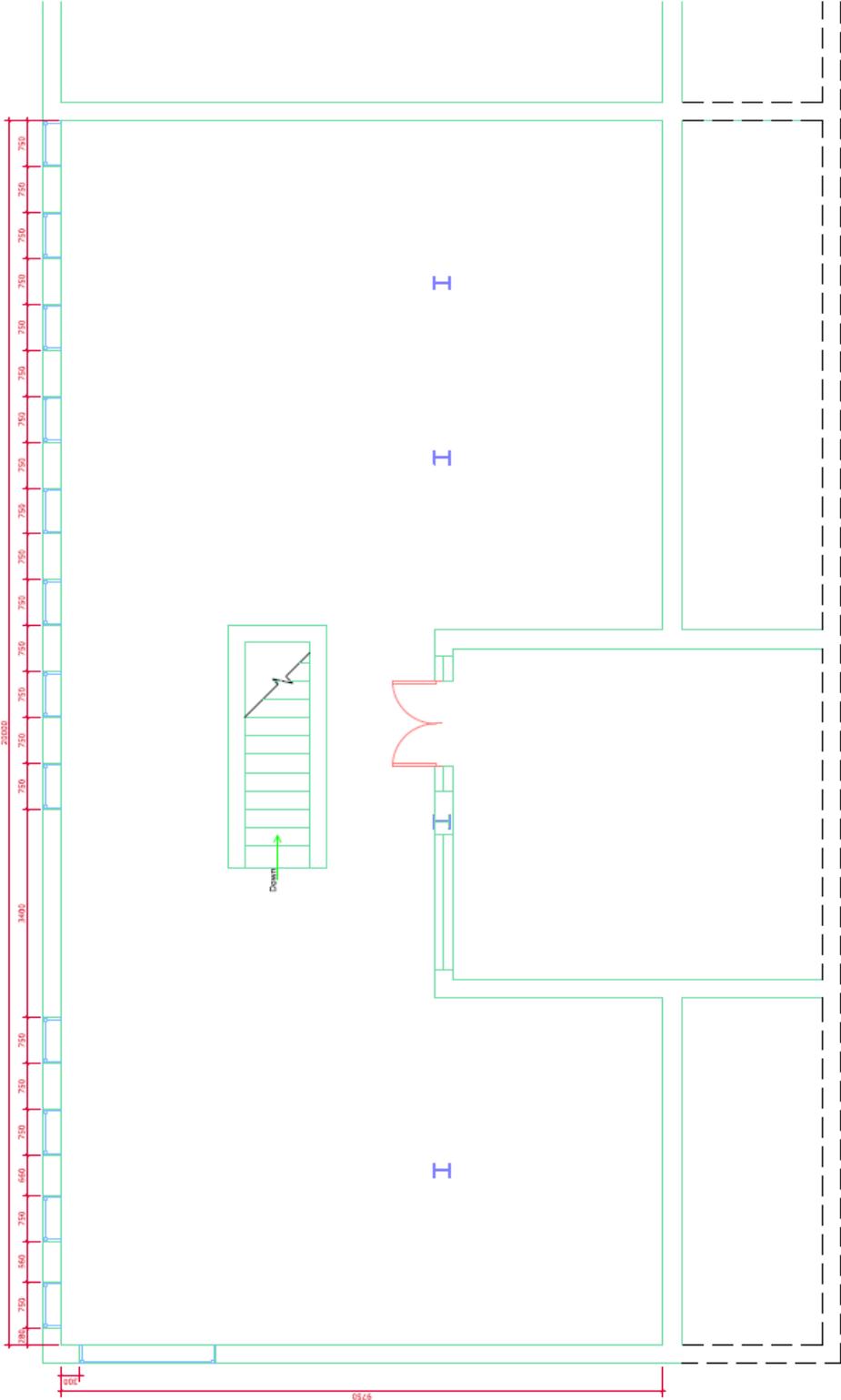
Sheet No.	1610	02	P1
Date	16/08/2016	Checked	AK
Drawn	AK	Checked	AK
Project No.	1610	02	P1



First Floor Plan
 Area: 172.96 sqm.

General Notes

- 1. Do not scale off the drawing unless a scale bar is provided.
- 2. Any modifications, omissions, and notes on the drawing should be notified immediately to the Architect before the commencement of work on site.
- 3. All dimensions are in meters unless otherwise stated.
- 4. All dimensions are to the centerline of the member unless otherwise stated.
- 5. All dimensions are to the centerline of the member unless otherwise stated.
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- 8. All dimensions are to the centerline of the member unless otherwise stated.
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- 10. All dimensions are to the centerline of the member unless otherwise stated.



Existing First Floor Plan Area: 172.96 sqm.

Project: Harris Community/Milton Keynes
Client: Harris Cultural & Educational Centre, Milton Keynes.
Discipline: Architectural Drawing

Drawn by: [Name]
Checked by: [Name]
Date: 16/10/2014
Scale: 1:100
Sheet No.: 04 of 04

Appendix to 16/01309/FUL

A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

A1.1 14/01582/FUL

Prior notification of Change-of-Use from offices (Use Class B1(A)) to residential (Use Class C3) for 5 x dwellings with parking spaces
Prior Approval Required and Approved 05.09.2014

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 None

A3.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

Comments

A3.1 Highways Development Control

On balance, I raise no objections to the proposals. It would probably be prudent to make this a personal permission because a different operator within the D1 use class could completely alter the travel patterns. Also it would be beneficial to set a maximum level of pupils as the assessments on parking are based upon 40 children as mentioned in the statements. You may also wish to remove the ability to make this a place of Worship which has a much higher level of demand for parking.

Officer Response

Conditions:

1. Prior to the first occupation of the development hereby permitted the proposed bicycle parking shown in the approved drawings shall be provided and be retained thereafter.

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

2. Prior to the occupation of the development hereby permitted the car parking area shown on the approved drawings shall be constructed, surfaced and permanently marked out. The car parking area

so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.

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

A3.2 Environmental Health Manager

No comments received

A3.3 Parish - Wolverton & Greenleys

Raise concern regarding traffic and lack of adequate parking on the edge of, if not within, a residential area and the principle of use within a residential area. Object to this application on the grounds that with the likely increase on gatherings this will indefinitely impact on the local residents quality of living and parking.

A3.4 Ward - Wolverton - Cllr Miles

No comments received

A3.5 Ward - Wolverton - Cllr Middleton

No comments received

Ward - Wolverton - Cllr Marland

No comments received

A3.7

Local Residents

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

72 Walker Avenue Wolverton Mill Milton Keynes
Unit 28 Walker Avenue Wolverton Mill

66 Walker Avenue Wolverton Mill Milton Keynes
70 Walker Avenue Wolverton Mill Milton Keynes
68 Walker Avenue Wolverton Mill Milton Keynes
Units 29 And 29A Walker Avenue Wolverton Mill
Units 12-14 Walker Avenue Wolverton Mill

One objection has been received from a local resident in Walker Avenue and one objection has been received from one the adjoining office units on the grounds of:

- additional traffic being generated by the development
- noise and disturbance from the proposed activities and additional traffic in a quiet residential area.
- lack of adequate car parking to serve the proposed use as well as the existing commercial units.