

Erection of cafe and takeaway (A3 and A5 use) with terrace decking to front and parking (retrospective)

AT Wolverton Indoor Car Wash, Stratford Road, Wolverton

FOR Eve Zack Limited

Target: 10th May 2016

Ward: Wolverton

Parish: Wolverton & Greenleys Town Council

Report Author/Case Officer: Matthew Pearce

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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 Reason for referral to Development Control Panel.

This application is referred to the Development Control Panel for determination due to an objection from Wolverton and Greenleys Town Council and a number of objections from Third Parties.

1.3 The Site

The application site is located on the northern side of Stratford Road towards the western edge of the settlement of Wolverton. The site contains a Car Wash (Wolverton Indoor Car Wash) which is adjacent to Murco petrol Filling Station to the east. The car wash comprises of a single-storey industrial building and a series of cantilevered canopies. The business operating from the site includes car washing service and cleaning operation of cars and other vehicles. To the west of the site is a vacant lot with a playing field beyond. Residential properties 18, 20 and 20A Caxton are located to the north western corner of the application site. To the north is a storage yard for vehicles associated with

the Car Sales business located further east on Stratford Road. The site is not within but is adjacent to Wolverton Conservation Area which is approximately 100 metres away.

1.4 The Proposal

The application seeks planning permission for the erection of a cafe and takeaway (Use Classes A3 and A5) with enclosed terrace decking to the front and associated car parking. The application is retrospective as building work commenced in June 2015 and has now been completed. The Café and Takeaway is constructed of portable cabins which have been clad in brickwork and has openings on the western and southern elevations. Internally there is a servery with store, customer toilets, and a seating area (associated with the Café A Use Class). The terrace is enclosed with a wooden frame with a retractable canopy. Associated parking is found to the west of the café and takeaway. Also to the west of the Café and Takeaway is the entrance off Stratford Road for the Car Wash.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework 2012

Section 2 - Ensuring the Vitality of Town Centres
Section 7 – Requiring Good Design

2.2 Neighbourhood Plan

Once a Neighbourhood Plan has been agreed at a referendum and is made (brought into legal force) by the local planning authority, it becomes part of the local planning authority's development plan as an official development plan document which carries statutory weight. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. If a policy contained in the development plan for an area conflicts with another policy in a development plan, the conflict must be resolved by the decision maker in favour of the policy which is contained in the latest document to become part of the development plan.

2.3 Neighbourhood Plans therefore form part of the development plan for the relevant area. They will necessarily be in general conformity with the strategic policies contained in the development plan for the area. If they are the most recent document to become part of the development plan, they will attract statutory priority. Neighbourhood plan policies will also take precedence over non-strategic development plan policies where there is conflict. Under some circumstances emerging Neighbourhood Plans can also carry weight as a material planning consideration, as with any emerging development plan document.

2.4 The application site is not within the boundary for the Wolverton Town Centre

Neighbourhood Development Plan 2015 – 2025 and as such the policies contained within the Neighbourhood Plan are not relevant to this application.

2.5 Local Policy

Milton Keynes Core Strategy 2013

Policy CS13 – Ensuring High Quality, Well Designed Places
Policy CS16– Supporting Small Businesses

Milton Keynes Local Plan 2001-2011 (Saved Policies)

Policy D1 – Impact of Development Proposals on Locality
Policy D2 – Design of Buildings
Policy E11 – Protection of Small Business Units
Policy T15 – Parking Provision

2.6 Supplementary Planning Documents

Milton Keynes Parking Standards SPD 2016

3.0 MAIN ISSUES

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

3.1 Principle of Development

3.2 Design of Buildings

3.3 Impact on neighbouring properties

3.4 Impact on parking provision and highways safety

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

4.1 It is recommended that planning permission be granted subject to the conditions set out in section 6.0 of this report.

5.0 CONSIDERATIONS

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

5.1 Principle of Development

A single storey side extension, at the application site, for a small coffee bar was permitted under application 11/00949/FUL. The application site is identified as partly Employment Land and partly as Housing within the Milton Keynes Local Plan 2001-2011 Proposals Map. The use of the application site is B2 (General Industry) as permitted by the application for the car wash (98/00524/MK). Saved Policy E1 of the Milton Keynes Local Plan 2001-2011 relates to existing employment land.

5.2 The Policy looks to ensure that any change from employment land does not conflict with existing or potential neighbouring uses. The café and takeaway uses will attract a number of visitors to the site who will either stay and eat or collect a takeaway and leave again in a relatively short period of time. The neighbouring car wash use also generates a number of customers to the site, however these customers will be present on the site for a limited period of time.

and:

- (i) *“The proposal would result in a significant reduction in the detrimental environmental impact of an existing use; or”*

The proposal would not result in a significant reduction in the *detrimental environmental impact of the existing B2 use given that it may generate a number of journeys by car for customers who live outside Wolverton, it is however likely to be of a similar environmental impact rather than an increase in impact.*

- (ii) *“The proposed use is one that cannot be satisfactorily accommodated other than in employment area; or”*

The Café and Takeaway are A3 & A5 use which is normally found close to or within residential and commercial areas as customers may be local residents or employees of a neighbouring business. It is considered that the proposed use is suitable in or close to an employment area where it can accommodate both customers from the residential area and the employment area.

- (iii) *“The proposed use will not significantly reduce the provision of local employment opportunities”*

The café and takeaway uses employ 5 full time employees; this is considered to provide a level of employment which is similar to other surrounding employment uses in the local area. As such, the proposed use will not significantly reduce the provision of local employment opportunities.

5.3 The uses are considered to be appropriate in the employment area given the lack of considerable conflict with neighbouring uses and the comparative employment generated. The proposal is considered to be acceptable in principle subject to the impact on the character of the area, impact on neighbouring properties and impact on highways safety.

5.4 **Design of Buildings**

Saved Policy D2 of the Milton Keynes Local Plan (2001-2011) states that developments proposals 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

ii) Relate well to and enhance the surrounding environment"

5.5 The Café and Takeaway is constructed of two portable cabins which have been clad in brick slips and has uPVC windows and doors, the front terrace has a timber enclosure with retractable canopy. The local area is predominantly brick buildings; however the commercial buildings to the east, including the car wash, petrol station, car repairs site and car sales showroom are constructed from metal sheeting, painted blockwork and other materials. The brick slip cladding creates a visually similar appearance to the surrounding brick building and the timber enclosure is also considered to be appropriate given the varied use of materials of the commercial buildings in the local area. The café and takeaway is single storey only and due to the flat roof is not visually dominant when seen within the streetscene of this part of Stratford Road.

5.6 In accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the conservation area. The application site is approximately 100 metres from the boundary of the Conservation Area. Given the mixed character, design and materials of the commercial building's closer to the conservation area it is considered that the café and takeaway building does not adversely affect the setting of the Conservation Area and thus the character and appearance of the Conservation Area is preserved.

5.7 The application is in accordance with Saved Policy D2 of the Milton Keynes Local Plan 2001-2011 and guidance within the National Planning Policy Framework 2012.

5.8 **Impact on neighbouring properties**

Saved Policy D1 of the Milton Keynes Local Plan 2001-2011 seeks to ensure developments do not adversely affect the locality including the impact on neighbouring properties.

Saved Policy D1(iii) states:

"Planning permission will be refused for development that would be harmful for any of the following reasons...an unacceptable visual intrusion or loss of privacy, sunlight and daylight"

Saved Policy D1(iv) states:

"Planning permission will be refused for development that would be harmful for any of the following reasons...unacceptable pollution by noise, smell, light or other emission to air, water or land."

5.9 The nearest residential properties are located on Caxton Road approximately 35

metres from the building of the café and takeaway. The scale of the building is such that it does not cause adverse impact in terms of loss of light or visual intrusion to these properties on Caxton Road. There are no windows which serve the café and takeaway which directly overlook these neighbouring properties, as such it is considered that an adverse loss of privacy is not created by the café and takeaway. The boundary treatment, a 1.8 metre high close boarded fence shields the neighbouring properties from the parking area of the application site and prevents adverse loss of privacy to these neighbouring properties. These neighbouring properties are located to the north west of the application site. The majority of the customers will be located towards the south of the site, entering and exiting the building by the front entrance and will sit either within the building or the covered terrace. The noise created by customers entering and exiting the site and the mechanical ventilation will create an increase in background noise. It is however considered that the noise generated does not adversely affect the neighbouring properties on Caxton given the separation distance and the location of the entrance to the south of the site.

- 5.10 A comment regarding emissions from the air vents/extraction systems was received in regards to the impact created by smells from the café and takeaway. The vent for the kitchen is located on the roof of the building close to the car wash building. The separation between it and the neighbouring properties is considered sufficient to ensure adverse impact in terms of smells is not caused. A condition has been imposed on the kitchen extraction system to ensure the system remains in optimum condition to avoid the equipment creating undue odours or noise pollution which could have a detrimental impact on the occupiers of the nearby residential properties.
- 5.11 Residential properties are also located to the south of the site, across Stratford Road, on Christchurch Grove and Stratford Road. The closest being 1 Christchurch Grove and 142 Stratford Road at a distance of approximately 38 metres. This distance and the scale of the building, ensures that the building does not cause adverse impact in terms of loss of light, visual intrusion or loss of privacy to these neighbouring properties. The noise created by customers entering and exiting the site to the south, opposite these neighbouring properties, is considered to be acceptable given the background noise of Stratford Road and the car wash which are more audible.
- 5.12 The car wash is not adversely affected by the cafe and takeaway given the commercial nature of the car wash and the noise that the car wash itself generates.
- 5.13 The application is considered to be acceptable in terms of impact to neighbouring properties, including noise disturbance given the separation between the application site and residential properties and the background noise created by Stratford Road and the Car Wash. The application therefore accords with Saved Policy D1 of the Milton Keynes Local Plan 2001-2011.
- 5.14 **Impact on parking provision and highways safety**

Saved Policy T15 of the Milton Keynes Local Plan 2001-2011 looks to ensure sufficient parking at an application site is available so that it does not create

highways safety issues. Milton Keynes Parking Standards SPD 2016 set out the requirements for on-plot parking provision for developments. According to the Parking Standards SPD 2016 a café (A3) in Zone 3 requires 1 space per 2m², a Hot food takeaway (A5) in Zone 3 requires 1 space per 2.5m². The on-plot parking provision for the application site also includes parking for the car wash which is accommodated under canopies to the north and east of the car wash and café/takeaway.

- 5.15 The Highway Engineer reviewed the parking layout and raised no objection to this application. Given the location close to residential properties in Wolverton and the likelihood that the main customer base is drawn from this local area, it is considered that a number of customers will walk to the site and thus parking requirements are likely to be lower than in other locations. The car wash operates daily between 08.00 and 18.00, the peak time for the Café and Takeaway is likely to be in the evening during dinner service after the car wash has closed. During the peak time of the café and takeaway, the car wash will be closed and the site vacant of any cars not associated with the café and takeaway. As such, it is considered that a conflict will not occur between the parking requirements of the car wash and the parking requirements of the café and takeaway. The parking provision for the café/takeaway is therefore considered acceptable and will not create additional on-street parking to such an extent that it would cause Highway Safety Issues.
- 5.16 The location close to residential properties in Wolverton and the likelihood that the main customer base is drawn from this local area is likely to prevent traffic levels from rising to such a significant level that it would cause highways safety issues. Again the peak hours of the cafe and takeaway will not conflict with the car wash so that additional traffic is likely to be low during the daytime when the car wash is busiest. The parking for the café and takeaway and the through route of the car wash are configured so that customers of the café and takeaway may have to cross over the car wash access to enter the building. The site allows for clear visibility when entering the site and Vehicle speed is naturally slowed to access parking or the car wash and as such allows for safe pedestrian movement. The bin storage is located to the rear of the café and takeaway with further bin storage in the north western corner. Bin removal is conducted under staff supervision and the speed of cars is very low as mentioned above. This bin arrangement is considered to be acceptable.
- 5.17 The application is considered to be acceptable in terms of parking provision and the impact on highways safety given its location within Wolverton and the difference in peak times between the car wash and the café and takeaway. The application is therefore considered to be in accordance with Saved Policy T15 of the Milton Keynes Local Plan 2001-2011.

5.18 **Other matters**

An objection was raised in regards to the possibility of an increase in litter as a result of the takeaway component of the site. Given that the site is not

within the Town Centre of Wolverton, it is unlikely that people will travel to the takeaway and consume the food outside. Instead it is likely that food and packaging will be taken back to residential properties and then disposed of.

- 5.19 An objection has also been raised in regards to the devaluation of property as a result of the café and takeaway. The impact created by development in terms of the value of property is not a material consideration.
- 5.20 An objection has been raised in regards to the possibility of anti-social behaviour due to the café and takeaway possibly obtaining an alcohol license. Alcohol licenses are not controlled under planning legislation and are handled by the licensing department of the Council. Strict controls are placed upon alcohol licenses to ensure the possibility of anti-social behaviour is restricted.
- 5.21 An objection was raised by the Town Council regarding the previous application in 2011 and the coverage of uses. Only the current uses proposed within this current application can be taken into account when determining the current application.
- 5.22 Comments were received regarding the requirement of large volumes of fresh clean air to supply the gas cooking appliances. Combustion air for the café and takeaway is drawn from a vent from the top of the building which is clear of any sprays from the enclosed car wash.
- 5.23 Comments were also received regarding the size of the servery; this is not a material planning consideration.

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 premises hereby permitted shall not be open to customers outside of the hours of 08.00-21:30 Monday -Saturday and 08.00-20.30 Sundays

Reason: To safeguard the amenities of neighbouring residential properties in accordance with Saved Policy D1 (iv) of the Milton Keynes Local Plan 2001-2011 and Paragraphs 17 and 123 of the National Planning Policy Framework (2012).

2. The applicant shall maintain the kitchen extraction system in accordance with the manufacturer's instructions. This shall include a maintenance contract with a qualified body, the details of which shall be provided to the Local Planning Authority for inspection upon request.

Reason: To ensure that the system remains in optimum condition to avoid the equipment creating undue odours or noise pollution which could have a detrimental impact on the occupiers of the nearby residential properties.

3. Pursuant to the Town and Country Planning (General Permitted

Development) (England) Order 2015 or any Statutory Instrument revoking or re-enacting that Order, the provisions of Class A of Part 3 of Schedule 2 to the said Order (*relating to* a change of use of a building from a use falling within Class A3 (restaurants and cafes...or A5 (hot food takeaways) of the Schedule to the Use Classes Order, to a use falling within Class A1 (shops) or Class A2 (financial and professional services) of that Schedule.) and Class D of Part 4 of Schedule 2 to the said Order (*relating to* a change of use of a building and any land within its curtilage) from a use falling within...Class A5 (hot food takeaways)...to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of that Schedule, for a single continuous period of up to 2 years beginning on the date the building and any land within its curtilage begins to be used for the flexible use or on the date given in the notice under paragraph D.2(a), whichever is the earlier.) shall not apply to the building or any land to which this permission relates and no such development shall be carried out without the permission of the Local Planning Authority being first obtained.

Reason: To maintain the open plan character of the housing development and ensure that enclosure of gardens does not detract from the appearance of the area.

Appendix to 16/00545/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 MK/1060/84

CHANGE OF USE FROM RESIDENTIAL TO OFFICES, CONSTRUCTION OF CAR PARKING AREAS AND USE OF GARAGES AS STORE
PER 17.03.1986

MK/1457/89

VARIATION OF CONDITIONS 3, 4 & 5 OF PERMISSION MK/1060/84 TO ALTER PARKING CONDITIONS
PER 06.07.1990

98/00524/MK

DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT OF SITE TO PROVIDE CAR WASH FACILITY AND NEW VEHICULAR ACCESS
PENAMZ 02.03.1999

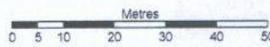
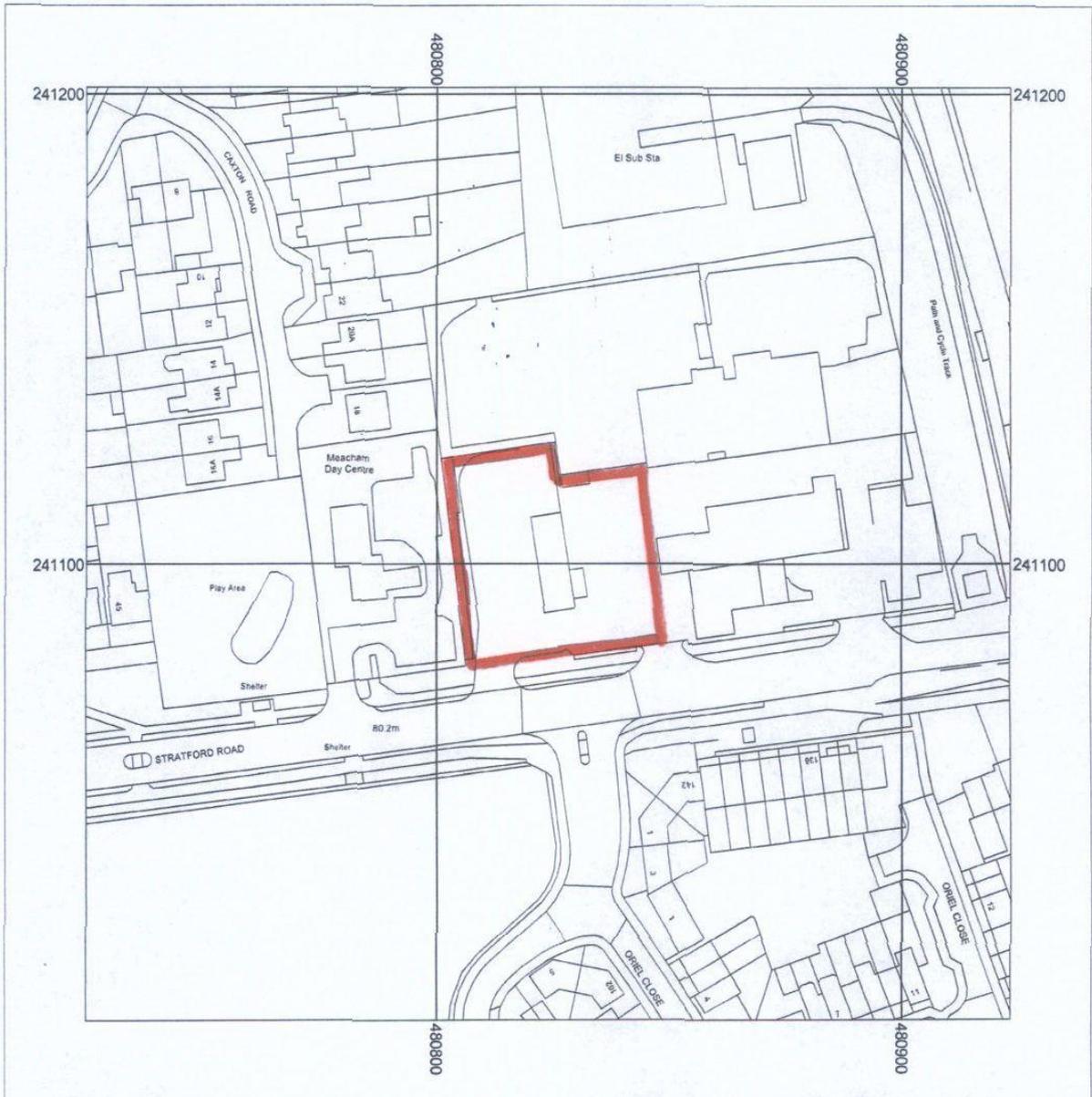
11/00949/FUL

Erection of single storey side extension
PER 29.06.2011

A2.0 ADDITIONAL MATTERS

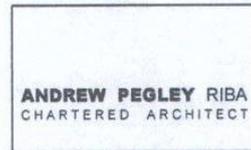
(Matters which were also considered in producing the Recommendation)

A2.1 None



Scale: 1:1250

MK12 5LX



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1075-40 SITEPLAN
WOLVERTON INDOOR CAR WASH
STRATFORD ROAD
WOLVERTON MK12 5LX

Plot centre co-ordinates: 480824,241102
Download file: Print.zip
Project name: 07145

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PROPOSED EXTERNAL MATERIALS

- ROOF** Low pitch, felt roofing
WALLS Brick cladding slips
STEEL Steel panels
WINDOWS Single glazed, aluminium frames
DOORS Double glazed, PVCu frames
TERRACE Treated timber decking
 Timber pergola frames
 Retractable plastic fabric canopy
 Retractable clear plastic sheet shutters
 Single glazed PVCu frames
 Timber planters and perimeter boards
- Car parking provisions January 2016 Accessibility Zone 3
 A3 Cafe 20m² dining area 1 per 2m² 10 spaces
 A5 Hot food takeaway 22.5m² public area 1 per 2.5m² 10 spaces
 Sui generis Car related uses (as Parking standards 2005) 3 / bay (MoT / Tyres / Exhaust) 6 spaces
 Total on-site requirement 26 spaces
 Total on-site provision 32 spaces

NORTH

SOUTH

WEST



GROUND FLOOR

EAST

1075-44 12/11/2016
 1:100 @ A3
PROPOSAL 1:100
WOLVERTON INDOOR CAR WASH
STRATFORD ROAD
WOLVERTON MK12 5LX

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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

Officer Response

A3.1 Environmental Health Manager

The following comments were raised:

Pedestrian safety between customers to the Café and Takeaway and the cars using the Car Wash.

Noted and discussed in paragraph 5.16

Bin storage is to the rear of the café and takeaway, not enough space for commercial wheelie bins. The wheelie bin for the restaurant is across the yard of the car wash. Making this a hazard for restaurant staff.

Noted and discussed in paragraph 5.16

Conflict between a car wash and a restaurant. A restaurant requires large volumes of fresh clean air to supply the gas cooking appliances. Drawing in air from a car wash area is not good practice.

Noted and discussed in paragraph 5.22

The servery lay out is very small area to safely contain a pizza oven, full cooking range, wash up area and prep area.

Noted and discussed in paragraph 5.23

The proposed time of opening is from 7:30 to 22:00 Monday to Saturday and Sunday 8:00 to 21:00 hours. The mechanical extraction system is likely to be operating all these hours and will increase the background noise level of the area

Noted, the opening times have been amended to 08.00-21:30 Monday -Saturday and 08.00-20.30 Sundays and this matter is discussed in paragraph 5.9 - 5.11

A3.2 Highways Development Control

No objection was raised by the Highways Engineer

A3.3 Ward - Wolverton - Cllr Miles

No comments received

A3.4 Ward - Wolverton - Cllr Middleton

No comments received

A3.5 Ward - Wolverton - Cllr Marland

No comments received

A3.6 Parish - Wolverton & Greenleys

Objection

The Committee RESOLVED to OBJECT to this applications change of use to A3 and A5. The permission granted in 2011 was for A1 use and did not cover as suggested in this application the use A3/A5.

Noted and discussed in paragraph 5.21

An inappropriate use outside of Town Centre location

Noted and discussed in paragraph 5.1-5.3

Does not provide sufficient parking

Noted and discussed in paragraph 5.15

Impact on the local residents quality of living within the vicinity

Noted and discussed in paragraph 5.9 - 5.11

Proximity to the conservation area.

Noted and discussed in paragraph 5.6

Design is not fitting with the recent building for this area such as the McCorquodale site.

Noted and discussed in paragraph 5.5

Local Residents

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

A3.7 Unit 4 & Wolverton Murco Service Station, Stratford Road
Wolverton

A3.8 A site notice was also posted to the front of the application site on Stratford Road notifying members of the public regarding this application.

A3.9 10 comments in support of the application were received from the following addresses: Noted

8 & 108 Anson Road, 13 Buckingham Street, 2 Windsor Street, 42 Aylesbury Street, 44 Cambridge Street, 44 Peel Road, 84 Stratford Road, 30 Field Lane, Greenleys

Comments in support of the application related to:

- Scheme will make Wolverton more of an attractive destination to visit
- New independent business will create diversity in Wolverton

- Family orientated eating space
- Beneficial to local economy
- Good location for those at the other end of Wolverton
- Attractive design
- Good location near to residential properties
- Creation of jobs
- Good location for students of Radcliffe School
- Noise created by traffic is already high so scheme won't make it worse

A3.10 3 Comments in objection to the application were received from the following properties:

102 Oriel Close, 3 Christchurch Grove, Caxton Road

Objections raised related to:

- | | |
|-------------------------|---|
| • Noise and disturbance | Noted and discussed in paragraph 5.9 - 5.11 |
| • Emissions from flue | Noted and discussed in paragraph 5.9 |
| • Traffic generation | Noted and discussed in paragraph 5.16 |
| • Parking issues | Noted and discussed in paragraph 5.15 |

- Out of character (commercial property) Noted and discussed in paragraph 5.5
- Out of scale Noted and discussed in paragraph 5.5
- Loss of privacy Noted and discussed in paragraph 5.9 - 5.11
- Litter Noted and discussed in paragraph 5.18
- Devaluation of property Noted and discussed in paragraph 5.19
- Anti-social behaviour – Possible alcohol license Noted and discussed in paragraph 5.20

A3.11 One comments 29 Bettys Close, Newton Longville was received stating that comments were not appearing online Noted, all comments are available and visible on the Councils Public Access Website.