

# ITEM 5(d)

**Application Number:** 20/00709/FUL

**Description** Conversion of redundant landscape depot to amenity building and extension of the existing site to locate temporary accommodation in the form of the bus shelter, office, communal building, kennels and a bike shelter plus parking for 5 cars.

**At** Milton Keynes Council Landscape Depot, Crosslands, Stantonbury, Milton Keynes, MK14 6DB

**For** The Bus Shelter MK

**Statutory Target:** 27<sup>th</sup> May 2020

**Extension of Time:** Yes

**Ward:** Stantonbury Ward

**Parish:** Stantonbury Parish Council

**Report Author/Case Officer:** Richard Edgington  
Senior Planning Officer

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## 1.0 RECOMMENDATION

1.1 It is recommended that permission is granted subject to conditions set out in this report.

## 2.0 INTRODUCTION

### The Site

- 2.1 The application site is currently occupied by a vacant storage building (Use Class B1(c), formerly operated by Milton Keynes Council's Landscaping Department. The site is located within Crosslands to the east of the highway and is surrounded by a band of established landscaping containing mature trees and hedgerows. The site currently consists of an existing storage building and yard, surrounded by landscaping with a small parking area to the front of the building for up to three vehicles.
- 2.2 To the rear of the site, beyond the landscaping, lies a redway running alongside the V8 Marlborough Street. The site is also sited within a residential area with the closest

dwellings located on the opposite side of Crosslands, approximately 20m from the main building.

### The Proposal

- 2.3 The application seeks consent for the conversion of the former landscape depot to create temporary accommodation facilities for the homeless (Use Class C2), with a total of ten bed spaces. The application seeks to provide a shared amenity building to include kitchen and bathroom facilities alongside accommodation facilities as a women's shelter. The application also seeks consent for the siting of a double deck bus, a communal building, kennels and bike shelter to the rear, the siting of an office to the front of the site and the removal of landscaping to the east and south of the site to accommodate five car parking spaces.

### Reason for referral to committee

- 2.4 The application has been referred to committee in accordance with Part 2 of the adopted scheme of delegation, which states that no delegated decision shall be made where the development in the opinion of the delegated officer is likely to be of a controversial nature. In this instance the Case Officer considers that given the proposal was considered recently (December 2019) for the same scheme of works, albeit in a different location, and the balance of representations in supporting and objecting to the proposals it is appropriate for it to be referred to committee for determination.

### Scope of debate/decision

- 2.6 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 (February 2019) (NPPF)

Section 4 - Decision-Making

Section 8 - Promoting Healthy and Safe Communities

Section 12 - Achieving Well-Designed Places

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

### **The Development Plan**

- 3.2 The Emerging Stantonbury Neighbourhood Plan (2020)

An examination in public was held on the Plan in 2019 and the Examiner raised a number of questions which were included in the Examiner's Report in June 2019. The Examiner, in his report, recommended that policies SNP14, SNP16 and SNP17 should be deleted from the Plan.

In the Council's view, these policies are capable of being amended in order to overcome the Examiner's concerns and to meet the basic conditions. The Council proposes to retain policies SNP14, SNP16 and SNP17 with modifications.

In January 2020 it was determined that a further examination has been deemed necessary to examine policies SNP14, SNP16 and SNP17 of the Stantonbury Neighbourhood Plan. Mr Andrew Ashcroft has been appointed to carry out the examination.

The Council notified individuals and organisations who made comments on the submitted Stantonbury Neighbourhood Plan and statutory bodies. Following the receipt of the Examiner's report following the re-examination of the Neighbourhood Plan, Milton Keynes Council decided that the plan, as modified, should proceed to a referendum.

In April 2020 the following statement was published by Milton Keynes Council:

'The referendum relating to the adoption of the Stantonbury Neighbourhood Plan, which was due to be held on Thursday 7th May 2020, has been postponed as a consequence of the coronavirus outbreak.

This postponement has been confirmed through The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020. These regulations exercise powers vested in the Secretary of State, via the Coronavirus Act, to postpone and defer referendums due to be held between 7 May 2020 and 5 May 2021. The Act and Regulations provide that any neighbourhood plan referendums arising in the above period are deferred until Thursday 6 May 2021. However, the Secretary of State does have the power to lay further regulations allowing for an earlier commencement.'

Further guidance in April 2020 set out that neighbourhood plans awaiting referendums can be given significant weight in decision-making. The Neighbourhood Plan can be attributed significant but not full weight. The relevant policies within the draft neighbourhood plan include:

SNP 3 - Parking Enhancements  
SNP 4 – Design Principles

### 3.3 Plan: MK (March 2019)

Policy ER5 - Protection of Small Business Units  
Policy HN6 - Housing for Temporary Accommodation  
Policy CT2 - Movement and Access  
Policy CT3 - Walking and Cycling  
Policy CT10 - Parking Provision  
Policy D1 - Designing a High Quality Place  
Policy D2 - Creating a Positive Character  
Policy D5 - Amenity and Street Scene

Policy NE1 - Protection of Sites  
Policy NE6 - Environmental Pollution

### 3.4 Supplementary Planning Documents/Guidance

Parking Standards SPD (January 2016)  
New Residential Design Guide SPD (2012)

### 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.

### 3.6 Equalities Act (2010)

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

## 4.0 **RELEVANT PLANNING HISTORY**

4.1 There is no relevant planning history associated with the application site.

## 5.0 **CONSULTATIONS AND REPRESENTATIONS**

### 5.1 Stantonbury Parish Council

No comments received at the time of writing this report.

### 5.2 Cllr Hannah Minns – Stantonbury Ward

No comments received at the time of writing this report.

### 5.3 Cllr Martin Petchey – Stantonbury Ward (Member of Development Control Committee)

No comments received at the time of writing this report.

### 5.4 Cllr Alex Walker – Stantonbury Ward

No comments received at the time of writing this report.

### 5.5 MKC Highways

This application proposes the change of use of the existing council depot to a shelter for the homeless. There are no proposed changes to the site access, with only relatively modest changes on site including the provision of parking.

Given the nature of the proposed use it is unlikely that parking demand will be high or that traffic generation from the site would be as high as when it was used as a depot. Consequently, there is no objection to this application.

As there are no changes affecting the highway, there is no recommendation to make.

#### 5.6 MKC Environmental Health

No objection in relation to land contamination, no further formal comments had been received at the time of writing this report.

#### 5.7 Neighbour/ Third Party Representations

A total of fifteen third party representations have been received, five of which supporting the application and ten objecting to the application, a summary of the comments are as follows;

Supporting Comments:

- The use will be of benefit to Milton Keynes and will assist with removing residents off the streets

Objection Comments:

- Noise pollution during construction works
- Parking Issues
- Lack of a direct pedestrian route on east side of Crosslands
- Noise associated with on-site kennels
- Increased perception of crime
- Detrimental to amenity of nearby residents
- Bus on site would be detrimental to the character of the area
- Loss of trees
- Lack of public consultation

### 6.0 **MAIN ISSUES**

Principle of development  
Highway matters and parking  
Impact on character of the area  
Residential amenity  
Landscaping

### 7.0 **CONSIDERATIONS**

Principle of development

- 7.1 The application seeks consent for the conversion of the existing building alongside the installation of associated structures including a bus, kennels, site office, community building and a cycle storage unit.

- 7.2 The proposed development seeks to provide a solution to the existing shortage of temporary shelter for homeless people within the borough by providing required accommodation and associated facilities for its users. The Bus Shelter MK has previously operated at a site off Silbury Boulevard under a temporary permission (ref: 17/02656/FUL), and more recently has been granted permission for a site off Avebury Boulevard, also under a temporary permission (ref. 19/02431/FUL). This application seeks consent for full consent as opposed to temporary to provide a permanent site for the development.
- 7.3 The application site does not have an employment designation within Plan:MK, although the site is currently considered to have a B1 usage. Policy ER5 of Plan:MK sets a presumption against the loss of small B1 units under 300 sq. m. However, in this case it is considered that the change of use is acceptable given the site would retain small scale employment uses within the site under the proposed C2 use class.
- 7.4 Also relevant with regards the principle of development is Policy HN6 which refers to temporary accommodation. Within the pre-text of the policy, paragraph 7.47 notes that the Borough has recently experiences a rise in the number of rough sleepers, homeless people and facilities who urgently require alternative accommodation. The pre-text notes that there are existing issues in providing suitable accommodation within the Borough.
- 7.5 In response Part A of HN6 states that proposals for housing to provide temporary accommodation for households in emergency or urgent need will be permitted provided that; the proposal is consistent with the Council's Homelessness Strategy, a good level of amenity will be provided, the proposal incorporates or is close to relevant support services and the accommodation would be managed by an organisation with a proven track record.
- 7.6 Whilst the proposal is for a C2 use class, the policy is deemed relevant in this case. The proposed development is considered to accord with HN6 given that the use is existing within the Borough and is understood to be administered in consultation with Milton Keynes Council. As proposed the site plan allows for shared internal and external amenity space to ensure that appropriate amenity provision is provided for future occupiers. It is also considered that given in-house services will be provided seven days per week, administered by employees and volunteers, this also meets the criterion within HN6. Finally, the Bus Shelter MK are in the Case Officer's view a well-known organisation which has a track record through operating the site in other locations within the borough.

#### Highway matters and parking

- 7.7 When considering the proposals in accordance with Policy CT10 of Plan:MK, there is a requirement for development proposals to meet the adopted car parking standards. In addition, the policy states that on-site parking should not be reduced below the Council's full expectations if this would increase additional pressure in off-street parking that could not be resolved by on-street parking controls.
- 7.8 Policies CT2, CT3 and CT10 also seek to ensure that development proposals provide safe access for all highways users, including pedestrians and cyclists.

- 7.9 In this case the site is located within a residential area within Stantonbury and lies within Parking Zone 3 as defined within the adopted Parking Standards SPD (2016). To create parking within the site, the application seeks consent to extend the area of hardstanding to the southern boundary by 3.5m to accommodate five parking bays to serve the development. As existing the 50 sq. m of B1 floor space requires two parking spaces to be provided, in this case these spaces are directly in front of the existing building, which will be lost as a result of the siting of the office. Overall, there is a gain of three parking spaces on site as a result of the proposed development.
- 7.10 Considering the adopted standards, it is noted that there is no prescribed standard within the Parking Standards SPD (2016), instead the SPD states that each application will be assessed on a case by case basis subject to the number of car-owning residents. In this instance it is extremely unlikely that there will be associated car ownership with the future residents of the site. As such it is considered that five spaces are sufficient on the basis that one space can be provided per full-time employee, in this case four spaces, with one space provided for visitor parking.
- 7.11 Whilst it is noted that neighbours have objected to the proposal on the basis that parking within the area is already an issue, which could be exacerbated by the proposed use on the site. The Highways Officer has been consulted on the proposals and has noted that given the nature of the proposed use it is unlikely that parking demand will be high, and considers the spaces as proposed to be sufficient, as such the development has not been objected to by the Highway Authority. The application is therefore in accordance with Policy CT10.
- 7.12 The application proposes the installation of cycle storage facilities to the rear of the site for cycle parking for up to twelve bicycles. When applying the adopted cycle parking standards there is a total requirement for the site for 1 space per bedroom and 1 space per 10 full time equivalent employees. As proposed, there will be sufficient provision for one cycle space per bed space (10), plus two additional spaces for staff/visitor use. It is therefore considered that this meets the requirements of the adopted standards and is therefore acceptable.
- 7.13 In respect of pedestrian and cyclist access, it is noted that concern has been raised by residents that there is no pavement to the east of Crosslands. It is noted that there is no formal pedestrian linkage along Great Ground to the north of the site to the nearby redway, instead this route is connected to Crosslands to the south. Given that there is an existing pavement on the west side of Crosslands, it is considered that there is adequate infrastructure for pedestrians and cyclists to and from the site. It is therefore considered that the proposed development is in accordance with Policy CT6 of Plan:MK (2019).

#### Impact on character of the area

- 7.14 Policies D1 and D2 of Plan:MK seek to ensure that development proposals contribute positively to the character of the local area, this is also required within Policy SNP4

of the emerging Stantonbury Neighbourhood Plan which states that new buildings should integrate carefully within the setting having specific regard for scale, density and appearance, including landscaping.

- 7.15 The development proposal is situated within the residential area of Stantonbury in Crosslands. The area is defined by rows of modern terraced housing with areas of open space, there is also a notable proportion of landscaping within the area, which also wraps around the application site.
- 7.16 The Landscape Depot sits 10m away from the highway boundary, although this is proposed to be reduced to approximately 7m with an area of landscaping to the front of the site. The additional structures are proposed predominantly to the rear of the existing building and will therefore be largely concealed from the street scene, although the office building will be more visible from the public realm. It is likely this will appear as an extension of the existing building and will not be detrimental to the street scene.
- 7.17 The prominent feature within the site will be the double-storey bus which will be located alongside the existing building, the bus will be set back from the highway by 12m and, due to the level of landscaping around the site, will not be a prominent visual feature from the north or south along the highway. It is, however, acknowledged to be a more prominent feature for the residents adjacent to the site. However, on balance it is considered that given the setback of the bus and the separation distance between the bus and neighbouring dwellings totalling 28m, the location of the bus or other associated structures would not result in significant harm to the character of the local area that would be contrary to Policies D1 and D2 of Plan:MK or Policy SNP4 of the Stantonbury Neighbourhood Plan.

#### Residential amenity

- 7.18 Policy D5 of Plan:MK seeks to ensure that development proposals do not result in an adverse impact on the amenity of neighbouring dwellings, particularly in reference to loss of sunlight, daylight and privacy, or creating an unacceptable visual intrusion. In addition, Policy NE6 (Part G) of Plan:MK seeks to ensure that development proposals do not result in an adverse impact on human health as a result of unacceptable noise pollution.
- 7.19 The proposed development consists of modular buildings located approximately 17 metres, at their closest point, from neighbouring residential dwellings, there is proposed to be side elevational windows within the office building facing towards the adjacent dwellings. When considering the standards within the adopted Residential Design Guide SPD, there is a rear to flank separation distance requirement of 13.7m at first floor level. Whilst there are no ground floor separation distances within the design guide it is considered that given the first-floor rear to flank separation guideline is met, this provides an indication that the 17m separation distance at ground floor level taken from front to side is considered acceptable. It is therefore considered that the proposed development would not result in an adverse impact on the amenity of neighbouring dwellings, this separation distance is considered to mitigate any potential loss of privacy, sunlight and daylight or unacceptable visual intrusion as a result of the development.

- 7.20 In respect of noise pollution, the site as a landscape depot would have likely resulted in additional noise levels beyond what would be expected from a residential dwelling. As proposed, there is also likely to be additional noise resultant from the intensification of the site. Concern has been raised by local residents in respect to the proposed kennels to the rear of the site. The Case Officer considers that given there is a separation distance between the nearest dwelling and the kennels of 37m, and the relatively small scale nature of the site, any resultant noise would not be considered to be adverse. At the time of writing this report Environmental Health has not made any comments in respect to noise, these will be provided within an update paper. However, based on the Case Officer's assessment at this stage, it is not expected that the increase in noise levels would result in an unacceptable impact that would negatively affect human health in accordance with Policy NE6.
- 7.21 It is also acknowledged that concerns have been raised in relation to an increased visitation to the site for non-residents. Within the application submission the applicants have indicated that any assessments of prospective residents will be undertaken off-site. The site will therefore be used for supported residential purposes which is considered compatible with the surrounding residential area. The

#### Landscaping

- 7.22 As previously indicated the application site is located within a designated wildlife corridor as defined within Plan:MK (2019). Paragraph 12.11 of Plan:MK note that wildlife corridor designations are specific to Milton Keynes and are treated in the same way as Local Wildlife Sites. The proposed development will result in the loss of approximately 100 sq. m of existing landscaping.
- 7.23 In accordance with Policy NE1 of Plan:MK states that development proposals which would likely cause harm to the nature conservation will not be permitted unless; there is no suitable alternative site to develop, there are imperative reasons of overriding public interest, all reasonable possibilities for mitigation have been put in place and compensatory provision can be secured with the intent to gain a net in biodiversity.
- 7.24 The development as submitted seeks to provide a permanent solution for the MK Bus Shelter project which has been sited previously in temporary locations. Whilst no sequential test has been undertaken as part of the application to establish as to whether there are suitable alternative sites, as this is not required by policy, the development of a former MK Council Landscape Depot is deemed acceptable in principle, and is considered to re-use a redundant site for a supported residential use within a residential location. Given the existing location of the site on a car park it suggests that there is a limited provision of suitable land which can be used to accommodate such facility.
- 7.25 With regard to on-site mitigation, it is acknowledged that there is a loss of shrubbery and trees as a result of the development, however there is also opportunity to enhance the landscaping provision within the site to the eastern frontage. Whilst no detailed landscaping condition has been submitted as part of this application, a landscaping condition has been secured via condition which requires details of the proportion and species of proposed landscaping to be submitted to and approved in

writing by the Local Planning Authority, with this condition attached it is considered that on balance the application is acceptable in this regard.

#### Other Matters

- 7.26 Within the representations received there has been reference to the absence of public consultation on the application. In this instance a full consultation was undertaken in accordance with local and national legislation. Letters were sent directly to adjoining neighbours and a site notice was also displayed on 16<sup>th</sup> April 2020.

### **8.0 CONCLUSIONS**

- 8.1 The proposal is found to be in accordance with relevant development plan policies and it is therefore recommended that planning permission is granted subject to conditions.

### **9.0 CONDITIONS**

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

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 91 of the Town and Country Planning Act 1990.

2. Prior to the first occupation of future residents of the development hereby permitted, details of the kennels indicated on the site layout plan shall be submitted to and approved in writing by the Local Planning Authority. These details shall be implemented and retained thereafter.

Reason: To accord with Policies D1 and D2 of Plan:MK (2019).

3. Prior to the first occupation of the development hereby permitted, details of the cycle storage indicated on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. This provision shall be in place prior to the first occupation of the development and retained thereafter.

Reason: To accord with Policies CT3, D1 and D2 of Plan:MK (2019).

4. Prior to the first occupation of the development hereby permitted, the parking area as presented within the approved plans shall be laid and permanently marked out, these spaces shall be maintained thereafter.

Reason: To accord with Policy CT10 of Plan:MK (2019).

5. The use hereby permitted shall be restricted to the residential occupation of up to ten residents at one given time.

Reason: To provide suitable temporary accommodation in accordance with Policy HN6 of Plan:MK (2019).

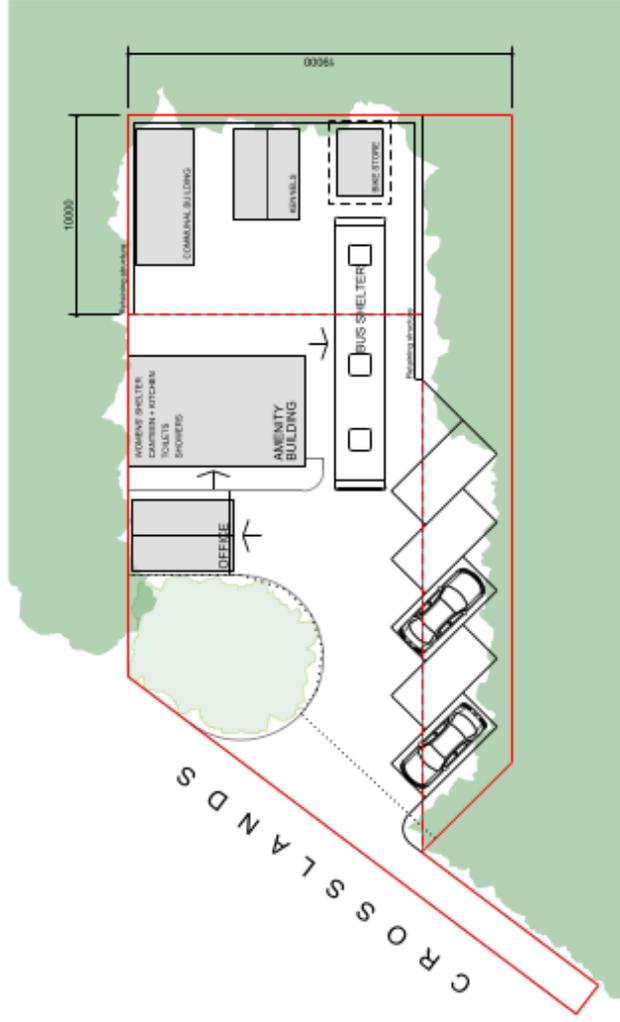
6. Notwithstanding the approved drawings, no development shall take place above slab level until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include existing trees and/or hedgerows to be retained and/or removed accurately shown with root protection areas; existing and proposed finished levels or contours; means of enclosure; visibility splays; areas of hard surfacing materials; proximity between street lights and tree planting; pedestrian access and circulation areas; civic space / public park furniture, play equipment, bins etc.; proposed and existing functional services above and below ground such as cables, pipelines, substations. Soft landscape works shall include planting plans at a minimum scale of 1:200 with schedules of plants noting species, plant supply sizes and proposed densities; written specifications (including cultivation and other operations associated with tree, plant and grass establishment; and the implementation programme.

Development shall be carried out in 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.

All hard and soft landscape works shall be carried out prior to the occupation of the building(s) or the completion of the development whichever is the sooner or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: To protect significant trees and hedgerows, safeguarding the character of the area and preserving habitat and to minimise the effect of development on the area in accordance with Policies NE1, NE4 and NE5 and Policy D1 of Plan:MK (2019).

## **Proposed Site Plan**



BUS SHELTER: SIDE ELEVATION  
 AMENITY BUILDING: See dwg: P10003 and 004



SANSOME  
 HALL  
 ARCHITECTS

PROJECT: BUS SHELTER MK - CROSSLANDS: STANTONBURY: MELTON KETNES

ARCHITECT: SANSOME HALL ARCHITECTS  
 15, GARDEN STREET  
 MELTON KETNES  
 MK43 5JF

DATE: 2002  
 JOB: MK2000  
 DRAWN: P10000

15, GARDEN STREET  
 MELTON KETNES  
 MK43 5JF



## **A1.0 FULL CONSULTATIONS AND REPRESENTATIONS**

### **A1.1 Stantonbury Parish Council**

No comments received at the time of writing this report.

### **A1.2 Cllr Hannah Minns – Stantonbury Ward**

No comments received at the time of writing this report.

### **A1.3 Cllr Martin Petchey – Stantonbury Ward (Member of Development Control Committee)**

No comments received at the time of writing this report.

### **A1.4 Cllr Alex Walker – Stantonbury Ward**

No comments received at the time of writing this report.

### **A1.5 MKC Highways**

This application proposes the change of use of the existing council depot to a shelter for the homeless. There are no proposed changes to the site access, with only relatively modest changes on site including the provision of parking.

Given the nature of the proposed use it is unlikely that parking demand will be high or that traffic generation from the site would be as high as when it was used as a depot. Consequently, there is no objection to this application.

As there are no changes affecting the highway, there is no recommendation to make.

### **A1.6 MKC Environmental Health**

No objection in relation to land contamination, no further formal comments had been received at the time of writing this report.

### **A1.7 Neighbour/ Third Party Representations**

A total of fifteen third party representations have been received, five of which supporting the application and ten objecting to the application, a summary of the comments are as follows;

Supporting Comments:

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Objection Comments:

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- Parking Issues
- Lack of a direct pedestrian route on east side of Crosslands
- Noise associated with on-site kennels
- Increased perception of crime
- Detrimental to amenity of nearby residents
- Bus on site would be detrimental to the character of the area
- Loss of trees
- Lack of public consultation