

1.0 Introduction

- 1.1 The application has been referred to the Panel due to a material conflict with Plan:MK Policy ER5.

2.0 Background

The site and its context

- 2.1 The site comprises of two vacant, small light industrial/general industrial/storage and distribution units (Use Classes B1(c)/B2/B8) located at Heathfield Gateway, within the commercial area of Stacey Bushes. The units are located at the end of a row of 6 units which were all granted permission for B1(c)/B2/B8 use in 2017, with construction in 2020. It should be noted that since the initial grant of permission, use class B1(c) has been replaced by use class E(g)(iii) under The Town and Country Planning (Use Classes) Order 1987 (as amended).
- 2.2 The block of 6 units benefits from a wrap-around parking area with access from Heathfield. Each unit also has 2 spaces directly outside the entrance doors to the units.
- 2.3 Heathfield runs through the existing employment area in Stacey Bushes, as designated within Plan:MK. Heathfield Gateway is not included within this designation but is sited immediately adjacent to the designation.

The proposal (to be read in conjunction with the plans pack)

- 2.4 It is proposed to merge units 1 and 2 to create one larger unit measuring 508sqm to provide a leisure use as a golf simulator (use class E(d)) with 6 golf bays, along with an exterior shutter change to a glazed door.

3.0 Relevant planning history

Application site

- | | |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 21/00806/FUL | Temporary change of use of units 1, 2 and 3 from B1/B2/B8 to sui generis test drive experience hub.
Approved 11/05/2021 – permission granted for 3 years. |
| 16/02996/FUL | Erection of a commercial building comprising 6 individual units for B1/B2/B8 use, access, parking, HGV layby, landscaping and associated works (including diversion of existing sewer).
Approved 23/08/2017 |

4.0 Consultations and representations

All responses and representations received can be viewed in full, online at www.milton-keynes.gov.uk/planning-register using application ref. 24/01703/FUL. The following paragraphs summarise those responses and representations.

4.1 Wolverton & Greenleys Town Council

No objection. Fits within the MK plan for sport and leisure opportunities. Makes an important contribution to the health and wellbeing of communities.

4.2 Councillor Marie Bradburn (Bradwell Ward)

No response received.

4.3 Councillor Rex Exon (Bradwell Ward) (Member of Planning Committee/Panel)

No response received.

4.4 Councillor Kerrie Bradburn (Bradwell Ward)

The late Cllr Robin Bradburn was originally consulted. Cllr Kerrie Bradburn has since been made aware of the application.

4.5 MKCC Highways Officer (Local Highway Authority)

The Parking Standards SPD require 51 parking spaces (1 space per 10sqm) for a unit of this size. The site has 14 spaces under the control of the applicant plus some communal spaces, use of which is unknown. Therefore, an insufficient number of parking spaces are available for an unrestricted leisure use. However, objection can be removed if use is restricted to an indoor golf simulator only.

4.6 Representations from interested parties

No comments received.

5.0 Relevant policies, guidance and legislation

The Development Plan

5.1 [Plan:MK](#) (adopted March 2019)

- Policy DS3: Employment development strategy
- Policy ER2: Protection of existing employment land and premises
- Policy ER5: Protection of small business units
- Policy CT2: Movement and access
- Policy CT10: Parking Provision
- Policy NE6: Environmental pollution
- Policy D3: Design of Buildings

Supplementary Planning Documents/Guidance (SPDs/SPG)

5.2 The following [topic-based SPDs/SPGs](#) are relevant:

- Parking Standards SPD (2023)

National planning policy and guidance

- 5.3 The [National Planning Policy Framework](#) (NPPF) and [Planning Practice Guidance](#) (PPG) are also material considerations.

Emerging policy

- 5.4 The Parish of Wolverton and Greenleys is preparing a Neighbourhood Plan. However, there are presently no emerging policies which can be afforded weight.
- 5.5 The regulation 18 draft [Milton Keynes City Plan](#) (MKCP) was consulted on from 17 July to 9 October 2024. In accordance with paragraph 48 of the NPPF, Local Planning Authorities *may* choose to give weight to policies in emerging plans. At this stage, the Council, as Local Planning Authority, has not determined to give weight to the draft MK City Plan 2050 for decision making purposes. However, supporting evidence may still be relevant, with it updating or informing existing policies of the development plan, listed above.

Legislation

- 5.6 In conjunction with the Town and Country Planning Act 1990 (as amended) (TCPA), and the Planning and Compulsory Purchase Act 2004 (as amended) (PCPA), the following legislation is particularly relevant:
- the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO'); and
 - The Town and Country Planning (Use Classes) Order 1987 (as amended).

6.0 Planning considerations

- 6.1 Taking account of the application type, the documents submitted (and supplemented and/or amended where relevant), the site and its environs, and the representations received; the main considerations central to the determination of this application are:
- Principle of development;
 - Parking provision and highway considerations;
 - Character and appearance; and
 - Residential amenity.

7.0 Appraisal

Principle of development

- 7.1 Part B of Policy DS3 of Plan:MK states that the economic needs of the borough will, in part, be delivered through the retention and development of existing employment sites. Part C also states that the plan will assist businesses to grow. Paragraph 85 of the NPPF confirms that

“significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.

7.2 Policy ER2 of Plan:MK states that planning permission will be refused for the change of use or redevelopment of any land identified for employment use on the Policies Map and for any building used for employment purposes (whether identified on the Policies Map or not) to another purpose, unless the applicant can demonstrate there would be no conflict with existing or potential neighbouring uses and:

- 1. The proposal would result in a significant reduction in the detrimental environmental impact of an existing use; or*
- 2. The proposed use is one that cannot be satisfactorily accommodated other than in an employment area; or*
- 3. The proposed use will not significantly reduce the provision of local employment opportunities.*

7.3 In terms of criteria 1, it is not considered that the existing use creates a detrimental environmental impact. In terms of criteria 2, it is acknowledged that the unit could be accommodated within a reasonably sized retail/leisure unit elsewhere.

7.4 In satisfying criteria 3, it is not known how many employees the existing uses could cater for given that the site has not been under employment use since completion, with the temporary consent being the sole use to date. The previous temporary use as the test drive experience hub accommodated 22 full time and 8 part time employees. However, it is noted that this took place across 3 units. The proposed use would provide employment opportunities for 3 full time and 5 part time employees. Having regard to part B of policy ER2, set out below, the evidence shows that there is currently no demand for these units, and therefore the proposal would not significantly reduce the provision of local employment opportunities, given that they are currently vacant and have been vacant/unable to fulfil their lawful use since being constructed.

7.5 Part B of Policy ER2 requires evidence, including marketing of the site, that there is no longer a reasonable prospect of it being used for the existing or designated employment use. Applicants must also demonstrate that the continued use of the site for employment purposes is no longer viable, taking into account the site’s existing and potential long-term market demand for an employment use.

7.6 The submitted marketing information attempts to demonstrate that there is no market demand for the existing light industrial and warehouse use of the site. The evidence demonstrates that the units have been vacant for over 1 year, and that they have been advertised since December 2022 online and with visual boards adjacent to the site, with limited interest. Those who were interested discounted the units due to costs associated with fitting them out, the customer finding alternative accommodation or contractual issues. Therefore, on the basis of the submitted information, the requirements of Part B of policy ER2 are satisfied.

7.7 Linking back to part A.3 of Policy ER3, this demonstrates that there is no significant loss of local employment opportunities as a result of the proposal.

- 7.8 Policy ER5 states that planning permission will be refused for proposals involving the loss of small business units through the change of use from class B of the Use Class Order, or expansion of small units into larger units exceeding 300m² gross external floorspace. The objective of this policy is to protect the current and future supply of small business units *“to meet the needs of microbusinesses (9 employees or fewer) and small businesses (10-49 employees)”*. It goes on to state that established firms can expand by utilising existing stock and vacant land.
- 7.9 The two units have a combined total floor space of approximately 508sqm and, as such, individually are categorised as small business units (measuring under 300sqm). Therefore, their combining results in a conflict with Policy ER5.
- 7.10 The nature of the proposed use as an indoor golf sporting venue requires a larger floorspace and permitting this application would allow the business to continue to grow, in accordance with Part C.2 of Policy DS3 and the objectives of the NPPF. However, this does not overcome the fact that the proposal would reduce the stock of smaller units within Milton Keynes.
- 7.11 The limited interest and no uptake following continued marketing of the units, other than for the proposed use/business, demonstrates that there is presently limited demand for units of this nature, particularly noting that these are new ‘grade A’ units and therefore more attractive than other, older premises of similar use and size in the city. Furthermore, the proposal explicitly meets the aims of this policy by supporting 9 employees or fewer.
- 7.12 Therefore, whilst there is a conflict with policy ER5, the proposal still achieves its objectives and the proposed use is a compatible use with the surrounding units and land uses, as demonstrated by the presence of the existing golf simulator within Stacey Bushes. The marketing exercise demonstrates that there is a lack of demand for units of this grade, size and type. The business would also be in a location characterised by mixed, small business uses, supporting Policy DS3 of Plan:MK and therefore the principle of the development is acceptable.

Parking provision and highway considerations

- 7.13 Policy CT2 of Plan:MK seeks to ensure that development proposals provide safe, suitable, and convenient access for all potential users, whilst not compromising the safety, operation or accessibility of the surrounding highway network.
- 7.14 The proposal would utilise existing access arrangements, which would remain unchanged. The site is also served by existing public transport, with bus routes 4, 6 and 33 passing close to the site and operating at times which would serve the proposed hours of operation for the business for use by customers and staff.
- 7.15 Policy CT10 of Plan:MK requires developments to meet the adopted car parking standards, as presented within the Parking Standards SPD, unless mitigating circumstances dictate otherwise.
- 7.16 Following the units being combined, the SPD sets out that the site would require 51 parking spaces (1 space per 10sqm) for the proposed class E(d) use. The premises would contain 6 golf bays in total, each which host up to a maximum of 4 visitors at once. Given the nature of the simulator use and the sport it emulates, it can also be reasonably assumed that individuals sharing a bay would share a vehicle, or that only 1 or 2 persons would use a bay at any time.

- 7.17 The statement provided by the applicant states that the site has 14 spaces under the control of the applicant which consists of 4 at the front entrance to the units, and 10 immediately to the west, plus some communal spaces to the further west and south of the units. A plan has been submitted demonstrating the location of the spaces under the control of the applicant. It is unknown how often the communal spaces are used and therefore the use could operate at the same time as other units drawing on these.
- 7.18 Currently, in Zone 4, the Parking Standards indicate the units would require 26 spaces for light industrial use, or 7 spaces for general industrial use, or 4 spaces for storage and distribution use. Therefore, if the units were to be used for light industrial use, which is one of the currently permitted uses, the parking requirements would be similar to that required for the proposed use as an indoor golf simulator.
- 7.19 Based on the use of the units as use, there is an insufficient number of parking spaces. A blanket leisure use in Class E(d) would allow for other types of leisure facilities which could bring a greater number of customers beyond what has been assessed as acceptable here, for this particular use. In addition, permitted development rights allow for movement between sub-classes in the UCO. Whilst the current permitted use allows for light or general industry, or storage & distribution, or a mixture of these; it does not presently allow for other Class E uses – even with the change in the UCO to categorise light industry as Class E. This is because what is permitted is a mixed (sui generis) use and therefore movement between any use classes is currently not possible without seeking planning permission.
- 7.20 As a result, a condition will be attached to ensure the use as an indoor golf simulator only, rather than blanket leisure use, to ensure that sufficient parking is available. Subject to condition, the Highways Officer has no objection to the proposal and the scheme would comply with Policies CT2 and CT10 of Plan:MK.

Character and appearance

- 7.21 Plan:MK Policy D3 seeks to ensure that the appearance of buildings contribute to the enhancement or creation of a positive character, and that the building's form and façade elements are carefully designed to create character and visual interest.
- 7.22 The proposed alterations would be minor, comprising the insertion of a glass panel along the frontage of unit 1 within the existing recess of the shutter door. Given the nature of the site being surrounded by mixed use commercial, the proposed use would not have an unacceptable impact upon the character and appearance of the area and therefore the proposal complies with Policy D3 of Plan:MK.

Residential amenity

- 7.23 Policy NE6 seeks to ensure that pollution, including noise pollution, does not have an unacceptable impact on general amenity.
- 7.24 The site is within a mixed-use commercial area. However, it is acknowledged that there are residential properties approximately 90 metres to the north of the site, separated by

Heathfield. The proposed hours of operation would be Monday to Saturday 8am to 10pm, and 8am to 4pm on Sundays. It is recognised that this is outside of the traditional hours of operation associated with the existing use. However, the nature of the use and the separation to nearby residential properties is such that it is unlikely to have any detrimental impact in terms of noise pollution, therefore complying with policy NE6 of Plan:MK.

8.0 Conclusions

- 8.1 Whilst proposed change of use to an indoor golf simulator would result in the loss of an employment premises which Plan:MK seeks to protect, there would not be a significant loss of employment opportunities, nor would the change conflict with neighbouring uses. The proposal would result in the loss of a small business unit as defined by policy ER5 of Plan:MK, but marketing demonstrates that there is presently no interest in the units for their current use. In addition, whilst not being able to provide sufficient on-site parking spaces for an unrestricted leisure use, the use can be limited by condition, and it is unlikely that the parking would overflow onto the public adopted highway nor have an unacceptable impact on highway safety.
- 8.2 None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations are recommended where meeting the tests for their imposition.
- 8.3 Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change and human rights legislation (including 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).

9.0 Recommendation

- 9.1 It is recommended that permission be **granted** subject to the conditions set out below (as may be supplemented/modified in any accompanying written or verbal update to the Panel).

10.0 Conditions

1. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990:

Plans received 02.08.2024

1715_OGA_Rev B - Proposed General Arrangement

1715_003 - Proposed Facade Elevation

Units 1 and 2 Heathfield Gateway- Site Location plan

1715_005 A Existing and proposed parking plan

Reason: For the avoidance of doubt and in the interests of securing sustainable development.

2. 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 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. The development hereby approved shall be carried out in accordance with the materials specified on the approved plans.

Reason: To ensure that the new work complements the existing building and to ensure the development does not detract from the character and appearance of the area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any Order revoking and re-enacting that Order with or without modification, Units 1 and 2 Heathfield Gateway shall be used only as an indoor golf simulator and for no other purpose whatsoever.

Reason: Only the approved use has been considered in establishing whether the proposal would have acceptable impacts in this location, and other uses would require further detailed consideration by the Local Planning Authority.