

APP 02

Application Number: 12/01878/FUL

Other

Change of use from general industrial (use class B2) to leisure (use class D2) (retrospective)(resubmission of 12/01384/FUL)

AT 38 Alston Drive, Bradwell Abbey, Milton Keynes

FOR Immortal MMA

Target: 5th November 2012

Ward: Wolverton

Parish: Bradwell Parish Council

Report Author/Case Officer: James Kirkham

Contact Details: 01908 252039 james.kirkham@milton-keynes.gov.uk

Head of Team: Jackie Fox

Contact Details: 01908 252283 jackie.fox@milton-keynes.gov.uk

1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The Site

The application site is a mid-terrace employment unit located in an established employment area. Details of the location of the site and its relationship to surrounding properties can be seen in the plans attached to this report.

1.2 The Proposal

The current application seeks retrospective consent to change the use of the building from a B2 industrial use to a D2 gymnasium use. The business has been operating since 2011. The unit is currently occupied by Immortal Mixed Martial Arts Gym which the applicants states is a not for profit organisation and a specialist martial arts gym. No external alterations are proposed to the building. Details of the proposal as described above can be seen in the plans appended to this report.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework paragraph:

- 7: Achieving Sustainable Development
- 14. Presumption in favour of sustainable development
- 17. Core Planning Principles
- 23 – 25: Ensuring the vitality of town centres
- 27: Sequential approach

Local Policy

Core Strategy

CS4: Retail and Leisure Development

Adopted Milton Keynes Local Plan 2001-2011

D1: Impact of Development Proposals on Locality

E1: Protection of existing employment land

T10: Traffic

T15: Parking Provision

L9: Commercial Leisure

Supplementary Planning Guidance

Adopted Parking Standards and Addendum

3.0 MAIN ISSUES

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

- 3.1 Whether the proposed location of the development is acceptable in light of national and local planning policy. The NPPF seeks to direct leisure uses to town centre locations. The applicant has not adequately demonstrated a sequential approach to site selection. Whilst there are social and economic benefits arising from the scheme these are not considered to outweigh the conflict with the sequential testing policy.

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 It is recommended that planning permission be refused for the reasons set out at the end of this report.

5.0 CONSIDERATIONS

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

5.1 Principle of Development

This application seeks to change the use of the site away from an employment use (B2) to a D2 use. The application site is designated as an employment area on the Milton Keynes Local Plan 2001 – 2011 Proposals Map. In such areas B1, B2 and B8 uses are acceptable. Policies L9 and E1 of the Milton Keynes Local Plan 2001 – 2011 are of particular relevance.

5.2 Policy L9 states:

“New facilities for arts, entertainment, tourism and commercial leisure should be located in Central Milton Keynes or other town or district centres accessible by public transport. Planning permission will only be granted for proposals elsewhere within the city and other settlements providing that:

- A sequential approach has been adopted to site selection.
- There is capacity for the facility proposed.

- The proposal would not significantly undermine town centre vitality and viability
- The proposal would not cause significant noise and disturbance to nearby residents.”

- 5.3 Section 2 of the NPPF also states that planning authorities should apply a sequential test to planning applications for main town centre uses that are not in existing centres. The current proposal is considered to constitute a 'main town centre' use as defined in Annex 2 of the NPPF. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre or out of centre preference should be given to assessable sites that are well connected to town centres (Para 24). Paragraph 27 states that where an application fails to satisfy the sequential test it should be refused.
- 5.4 Furthermore policy L9 requires that a development of the nature proposed should be located in the Central Milton Keynes, town or district centres. Clearly Bradwell Abbey is not a town or district centre, nor is it adjacent to such a centre.
- 5.5 The applicants have stated that given the club is a specialist martial arts club, the small scale of the use and the fact that the applicant is a not for profit organisation limited weight should be attached to the sequential approach. Whilst it is accepted that some flexibility should be given the sequential testing for these reasons it is still considered the sequential approach should have significant weight as it is a key principle of reducing the need to travel and ensuring the vitality of existing centres. However the weight attributed to the sequential approach is a matter for the decision maker.
- 5.6 In the current case the applicant has not provided convincing evidence that a sequential approach to site selection has taken place to find a more central accessible location for the proposal. The applicant's agent submitted an explanatory letter outlining their sequential assessment of alternative sites. This is based on a 2009 survey of empty units and includes only sites located in Central Milton Keynes (CMK). It does not include any sites that are currently available, instead it covers sites that were available three years ago, and secondly it only covers CMK and ignores the remaining town, district and local centres. No examination at all is made of edge of centre sites either. Of the sites examined most were considered unviable due to financial reasons. Therefore the proposal is contrary to the NPPF and Policy L9 it does not provide convincing evidence of sequential approach to site selection. In order for this proposal to be acceptable in planning policy terms, the applicants would need to demonstrate that they have taken a sequential approach to site selection and more suitable sites where not available. The principle of the change of use is therefore not considered to be acceptable.
- 5.7 There are however social and economic benefit arising from the proposal which need to be balance against the policy conflict outlined above. The proposed development has brought an empty unit back into use and provides

employment for 2 full time members of staff and 4 part time staff according to the applicant. They have stated that being in a more central location would increase rents and render the operation of the gym unviable.

- 5.8 In regard to the social benefits Councillor Wallis has written in support of the application and has stated that the club provides leisure facilities to children who would otherwise be unable to afford such amenities and has gone on to state the police has provided support for the proposal as it has stopped children causing anti-social behaviour. The centre offers benefits to young people in every day life and has proved to be a change which has improved behaviour for some children and given them confidence.

5.9 Conclusion

There are some economic and social benefits arising from the proposed development and these need to be balanced against the local and national planning policy requirement to sequentially test main town centre uses such as this. The weight to attach to these different issues is a matter for the decision maker and the flexibility can be made in the sequential approach in regard to the scale and specialist nature of the proposal. However weight does have to be attached to the sequential testing requirement and it is not considered that the applicant has demonstrate in the current case that full consideration has been given to existing centres, edge of centre or more accessible out of centre locations. It is therefore recommended that planning permission be refused.

6.0 REASONS

(The reasons that officers recommend that the application should be refused. The reasons must be ones that the Council can demonstrate with evidence, should the applicant appeal against the refusal.)

1. The proposed development would lead to a 'main town centre use' being located in an 'out of centre' location. The applicant has not demonstrated that a sequential approach to site selection has been undertaken and that other suitable sites are not available in central, edge of centre or more accessible locations. The proposal is therefore contrary to Section 2 of the National Planning Policy Framework and Saved Policy L9 of the Local Plan 2001-2011.



Ordnance Survey © Crown Copyright 2012 All rights reserved.
License number 100026419 (Plan of Great Britain) 1:2500

Scale 1:1,250 @ A4

Appendix to 12/01878/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 12/01384/FUL - Change of use from general industrial (use class B2) to leisure (use class D2) (retrospective) - WDN 10.09.2012

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 Loss of employment land

Policy E1 states that planning permission will be refused for the change of use or redevelopment of any land identified for employment use on the Proposals Map to other purposes, unless there would be no conflict with existing or potential neighbouring uses and:

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

- A2.2 Criterion (i) does not apply as there will be no physical redevelopment of the site. The applicant must, therefore, either demonstrate that the use cannot satisfactorily be accommodated elsewhere (this type use could presumably be accommodated in other areas, such as town centres or more accessible areas), or that the proposed use would not significantly reduce the provision of local employment opportunities.

- A2.3 In terms of the latter point, the applicants have not provided any information in regard to the time the site had been vacant prior to their occupation or how long it was unsuccessfully marketed for employment purposes (B1, B2, and B8). However it is noted from the site visit that there are a number of other similar vacant units in the area. Additional information on the length of marketing and vacancy of the current and neighbouring units would be of assistance to help demonstrate that the loss of the unit in question would not result in a significant reduction in the provision of local employment opportunities. However on balance when the size of the unit along with the vacant units in the area are taken into account, the loss of employment unit is not considered to justify refusal.

A2.4 Parking

The highway engineer was consulted on the previous application and their comments are still considered to be relevant. Under the council's parking standards the proposals have a maximum parking requirement of 14 spaces

(1 space per 22m² - zone 3 location). The submitted plans show a red line only around the building rather than any of the parking spaces although it is reasonable to expect that the 4 spaces to the front will be for the applicant's use.

- A2.5 During site visits the units to the west of the applicant's site appeared either unoccupied or very low use which has meant that the spaces up to unit 32 were all unoccupied. To the east, occupied units were using almost all of their spaces to the front and one car was parked on the verge to the side of unit 41. The highway engineer has raised a concern that were all the other units to be occupied there would likely be a shortfall in parking on this part of Alston Drive. To a certain extent this could be managed by the double yellow lines which protect the access to the units and around the junction although on-street parking could still take place on the main part of Alston Drive which would impact on road safety.
- A2.6 Were increasing pressures on the parking spaces to the front taking place (and other spaces to the west) it is possible that the applicant could use the spaces to the rear of the unit. This would add a further 4 or 5 spaces making a total of 8 or 9 spaces. The highway engineer has stated that this is not an ideal location for this type of use and it would be better located within a district, local or town centre or co-located with other leisure uses where there would more likely be more suitable parking arrangements and increased opportunities for linked trips. However, taking account of the above on balance no objections have been raised and the parking is considered to be acceptable.

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 Councillor Pauline Wallis

I have this evening visited the Imperial Martial Arts Centre at 38 Alston Drive Bradwell and fully support their bid for planning permission to change the use of this address from Industrial to leisure. The club provides leisure facilities to children otherwise unable to afford such amenities. Some 100 members attend regularly and it is proving to be popular with other units on Alston Drive in that the constant use and activity deters vandalism to surrounding properties. The Police have given support as it has stopped children causing antisocial behaviour by keeping them occupied with the activities provided at the Club.

Noted. See 5.7-5.9. Policy L9 and Section 8 of NPPF.

I have seen for myself how well the place is set up with permanent ring for Boxing and Kick Boxing. Safety flooring which would otherwise not be available in say, for example a leisure centre, where an organisation of this size needs equipment set up for use constantly would not allow.

I have spoken to the children and the organiser Darren Ward and am satisfied that this facility is bringing a breath of fresh air to an area which would otherwise be neglected.

Placed in another area it would prove to be too expensive to run and therefore deter children from families suffering hardship in these economic times from attending.

The centre offers benefits to the youngsters in every day life as it has proved to be a change which has improved behaviour for some children, suffering in

some cases bulling and given them confidence.

Any activity that can benefit children's out look on life is good for the community and the expertise of Darren and his other teachers should be supported. An organisation like this would not be able to sustain its self if forced to move to a more central area.

A3.2 **Highways Development Control**

Under the council's parking standards the proposals have a maximum parking requirement of 14 spaces (1 space per 22m² - zone 3 location). The submitted plans show a red line only around the building rather than any of the parking spaces although it is reasonable to expect that the 4 spaces to the front will be for the applicant's use.

Noted. See A2.4-A2.6. Policy D1, T15 and adopted parking standards.

The units to the west of the applicant's site appeared either unoccupied or very low use which has meant that the spaces up to unit 32 were all unoccupied. To the east, occupied units were using almost all of their spaces to the front and one car was parked on the verge to the side of unit 41. There is a concern that were all the other units to be occupied there would likely be a shortfall in parking on this part of Alston Drive. To a certain extent this could be managed by the double yellow lines which protect the access to the units and around the junction although on-street parking could still take place on the main part of Alston Drive which would impact on road safety.

Were increasing pressures on the parking spaces to the front taking place (and other spaces to the west) it is possible that the applicant could use the spaces to the rear of the unit. This would add a further 4 or 5 spaces making a total of 8 or 9 spaces. During my site visit I did not witness any parking problems associated with this use and having spoken with Planning Enforcement they have not had a complaint on parking issues either.

This is not an ideal location for this type of use and it would be better located

within a district, local or town centre or co-located with other leisure uses where there would more likely be more suitable parking arrangements and increased opportunities for linked trips. However, taking account of the above on balance I raise no objections.

A3.2 **Development Plans Manager** Sequential Assessment

Paragraph 24 of the NPPF states that Local Planning Authorities should require applications for main town centre uses, such as leisure, to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Policy L9 of the Local Plan also states that planning permission will only be granted for such uses outside CMK, town and district centres where a sequential approach has been taken to site selection. A sequential approach means that the applicant should first look at centrally located sites (i.e. town, district and local centres) for their use before looking at edge of centre and out of centre locations. The current application is not located in any defined centre and is also not an edge of centre location. The applicant has not provided convincing evidence that a sequential approach to site selection has taken place to find a more central accessible location for the proposal. The applicant's agent submitted an explanatory letter outlining their sequential assessment of alternative sites. This is based on a 2009 GOAD survey and includes only sites located in Central Milton Keynes. As such the sequential assessment is flawed. Firstly, it does not include any sites that are currently available, instead it covers sites that were available three years ago, and secondly it only covers CMK and ignores the remaining town and district centres.

See para 5.1 – 5.6. Policy L9 and Section 2 of NPPF

Employment

Policy E1 of the Local Plan seeks to protect employment land identified on the Local Plan Proposals Map from a change of use to other purposes. Policy E1

See para A2.1 and A2.3. Policy E1.

states that applications for a change of use of employment land to other purposes will be refused unless there would be no conflict with existing or potential neighbouring uses and that it meets one of three criteria.

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

In this case the use of the unit is not considered to conflict with existing neighbouring uses. However, the submitted information does not demonstrate that the application satisfies any of the above criteria.

The agent claims that there are usually a number of units within the industrial estate being offered to let at any one time with limited demand for floorspace. Whilst I accept that this may be the case I would still expect the agent to provide a list of vacant properties in the local area as part of the planning statement.

A3.3 **Parish – Bradwell**

As we stated on the original application, Bradwell Parish Council has no objection to the change of use for the specific leisure activity currently being carried on at these premises, but if the applicant leaves the premises we would like to see it revert to general industrial use class B2 before any other occupier takes over as there are certain leisure activities of which we may object. Noted

A3.4 **Local Residents**

The occupiers of the following properties were notified of the application:
24-29, 36-48 Alston Drive

A3.5 **Two letters of support were received with the application.** One of these was from Mark Lancaster MP and one was from an occupier of a neighbouring unit. These has stated that they are impressed with the visit to the gym last year and support the planning application and that the gym does not cause any problems with parking or noise to neighbouring units. Noted