

Milton Keynes Council Response to AP35 of Action Points arising from Stage One Plan:MK Examination Hearing Discussions (MK/EXAM/015)

AP35 sought clarification on policy ER19: *Policy ER19 – clarification on what is meant by ‘non-retail’ use in criterion 2. An ordinary reading on ‘non-retail’ would mean all uses other than A1 (which appears to be reflected in Table 6.3). There was contradictory evidence at the Matter 6 session that needs to be clarified.*

MKC response: Non-retail use in criterion 2 of policy ER19 does refer to all uses other than use class A1 (Shops). Policy ER19 has been modified to clarify what is meant by non-retail uses and to improve comprehension of the policy. Text in green and in bold and underlined is additional new text. Text in red is text that is proposed to be deleted from the policy.

Revised Policy ER19

NON-RETAIL USES ON GROUND FLOORS IN TOWN CENTRES

Planning permission will be granted for non- ~~class retail~~ **A1** uses in town centres if they satisfy all of the following criteria:

1. The proposed use is appropriate within a town centre setting.
2. There is not an existing over-concentration of non- class **A1** ~~such~~ uses within the town centre boundary. ~~and they do not create a continuous frontage of 3 or more units in non-retail use within the primary shopping frontage~~
3. The general restrictions on the location and proportion ~~of~~ ~~on~~ non-retail uses set out in table 6.3 **are met.**
4. The proposed use would enhance the vitality of the town centre by extending the range of facilities offered and/or stimulating activity outside normal shopping hours.
5. ~~The non-retail uses~~ **They** would not have an adverse effect on any nearby residential property.
6. The proposed use would maintain an appropriate window display to avoid the creation of a dead frontage.

Above ground floor level, proposals for residential (**class** C3) financial and professional services (**class** A2) and office floorspace (**class** B1a uses) will be encouraged.

Non retail uses are defined as defined as any use class other than class A1 (Shop uses) as defined in the 1987 Use Classes Order as amended.

Modifications to policy ER19 appear in an updated schedule of proposed main modifications (MK/SUB/004) The Glossary has also been modified to define non-retail uses as all uses other than Class A1 (Shops). Glossary modification is AddM161.