

STRATEGIC PLACEMAKING SCRUTINY SUB-COMMITTEE

23 AUGUST 2018

6.30 PM

ROOM 1.02, CIVIC OFFICES

Members of the Committee:

Councillor: Bint (Chair)

Councillors: Morla and two Labour representatives and one Liberal Democrat representative

If you have any enquires about this agenda please contact Shelagh Muir (Committee Manager) on 01908 254271 or e-mail: shelagh.muir@milton-keynes.gov.uk

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AGENDA

1. Welcome and Introductions

The Chair to welcome Members and officer colleagues to the meeting and introduce those present.

2. Apologies

3. Disclosure of Interests

Councillors to declare any disclosable pecuniary interests, or personal interests (including other pecuniary interests), they may have in the business to be transacted, and officers to disclose any interests they may have in any contract to be considered:.

4. Call-Ins of 31 July 2018 Delegated Decisions - Adoption of the Planning Obligations Supplementary Planning Document and Approval of the Daubney Gate, Shenley Church End Development Brief

The Chair to outline the procedure to be followed at the meeting.

At the meeting of Delegated Decision on 31 July 2018, the responsible Cabinet member for Customer Services made the following decisions in respect of two items:

1. Adoption of the Planning Obligations Supplementary Planning Document:

- (a). That the new Planning Obligations Supplementary Planning Document be rescinded from 1 September 2018;
- (b). That a new Supplementary Planning Document be introduced in terms of the policy requirements in the emerging Plan:MK, and the impact on delivery of strategic sites in the Plan;
- (c). That proposals for a new Supplementary Planning Document be fully consulted upon following a delegated decision by the Cabinet member, and any decision to adopt an amended Supplementary Planning Document be referred to the Cabinet. Production of this amended document will be managed so that it is capable of being adopted upon adoption of Plan:MK (anticipated February 2019); and
- (d). Any decisions above be informed by consideration of the Council's position regarding Community Infrastructure Levy (CIL).

This Delegated Decision has been called-in by CMK Town Council for the following reasons

- “1. The decision potentially leaves a policy vacuum - it is unclear which planning policy document(s) will be used to guide s106 contributions in CMK/Campbell Park if the recently adopted 2018 Planning Obligations SPD is rescinded.

2. If the intention is for the 2005 CMK Planning Obligations SPG to be re-instated, the decision may be unsound - it is relying on a 13-year-old planning document to be in better conformity with recent NPPF and PPG policies than the SPD adopted just 3 months ago.
3. The paper accompanying the recommendation says that some developers/landowners say they were not informed about the consultation on the new SPD and there's a risk of legal action. The Town Council notes that 17 representations were submitted during the consultation, including 5 by developers/landowners or their agents, and it would set a dangerous precedent to now rescind the SPD on the basis that the consultation was allegedly inadequate or unlawful.
4. The 2005 SPG puts CMK/Campbell Park communities at a significant disadvantage relative to the rest of the Borough in terms of the social infrastructure that is needed, and the decision does not address how this inequity will be mitigated until a new SPD is brought forward. Note: to put this into perspective, the community facilities contribution for a 2-bed dwelling in the new SPD is £3,420, which is essentially what all areas outside the city centre currently receive (slightly uplifted for inflation). However, the current contribution in CMK/Campbell Park is just £612. This is 5-times lower than what all other areas in MK receive, and have been receiving since 2005, to support delivery of community facilities for their communities.
5. At a time when a substantial amount of residential development is rapidly coming forward in CMK/Campbell Park, the decision-maker cannot guarantee that Plan:MK will be adopted by February 2019 or that a new SPD will be in place before thousands of new dwellings are approved or subject to pre-app negotiations or masterplans based on out-dated or non-existent guidelines. Note: work began in 2010 to replace the 2005 SPG, but was never completed. For many years, the Town Council has requested that MKC update the old SPG, and a policy in the CMK Alliance Neighbourhood Plan (adopted in 2015) specifically raises the planning obligations issue, and it still took 3 years for MKC to bring forward the recently adopted SPD.
6. The decision reflects the preferred option recommended by officers but options were not discussed beforehand with CMK Town Council although our parish is the only one severely impacted by the recommendation. Given the projected 5,000 new flats to be built in CMK/Campbell Park over the coming years, the need for social infrastructure is urgent, particularly as flats have more limited lounge and garden space than other dwelling types for social gatherings and other community activities. We believe a better option could have been developed in consultation with ourselves.”

A copy of the report and annexes considered by the Cabinet member are attached at Item 4(a) (**Pages 7 to 11**) and the decision sheet is attached at Item 4(b) (**Page 12**).

The Sub-Committee is requested to consider the reasons set out in the call-in request and, in accordance with the Council's Constitution, either:

- (a) refer the item back to the Cabinet, setting out the nature of the Committee's concerns;
- (b) not refer the item back; or
- (c) refer its views to the Council.

2. Approval of the Daubney Gate, Shenley Church End Development Brief

That the proposed changes to the Daubney Gate, Shenley Church End Development Brief arising from the public consultation be agreed and the Development Brief be approved.

This Delegated Decision has been called-in by Ward Councillors Brunning and Dransfield for the following reasons

- "1. All the existing secondary schools in the Western Flank have post-16 education provision. The Council has proposed the building of a new secondary school in the Whitehouse grid square with an 11-16 age range without post-16 provision. The new school is due to open in 2020 with 6 Forms of Entry [FoE], 180 pupils, and grow to 12 FoE, 360 pupils per year, over the following few years with a total of 1800 pupils. The Council has not published its plans for the education of the new school's students when they finish mainstream school in 2025.
- 2. I [Councillor Dransfield] responded to the consultation, as did Shenley Church End Parish Council and the Denbigh Multi Academy Trust. The main response to the three comments was, "Not accepted" without even the courtesy of addressing the points raised. Until such time that the issue of post-16 education provision for those pupils finishing mainstream education at the new school is addressed, this site should remain available as a possible 6th Form establishment."

A copy of the report and annexes considered by the Cabinet member are attached at Item 4(c) (**Pages 13 to 28**) and the decision sheet is attached at Item 4(d) (**Page 29**).

The Sub-Committee is requested to consider the reasons set out in the call-in request and, in accordance with the Council's Constitution, either:

- (a) refer the item back to the Cabinet, setting out the nature of the Committee's concerns;
- (b) not refer the item back; or
- (c) refer its views to the Council.

ADOPTION OF THE PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

Responsible Cabinet Member: Councillor Legg, Cabinet member for Customer Services

Report Sponsor: Tracy Darke, Service Director Growth Economy and Culture

Author and contact: Sarah Evans, Infrastructure Policy and Programme Manager, Tel: 01908 253326

Executive Summary:

On 6 March 2018 Cabinet approved a new Supplementary Planning Document (SPD) that consolidated and brought up to date the Council's guidance on planning obligations, to be used in negotiating obligations from developers for a range of infrastructure to mitigate the impacts of development proposals. For operational reasons adoption and implementation of the new SPD is planned from 1 September. This report highlights various changes to the policy and housing market context since the Cabinet decision, the risks and issues these represent in bringing forward the new SPD, and the option of not adopting the SPD on 1 September, as currently planned, (as clarified in Sections 2 and 3 below) but reviewing the SPD and aligning it with Plan:MK.

1. Recommendation(s)

- 1.1 That the new Planning Obligations Supplementary Planning Document be not adopted from 1 September 2018.
- 1.2 That the Supplementary Planning Document be revisited in terms of the policy requirements in the emerging Plan:MK, and the impact on delivery of strategic sites in the Plan.
- 1.3 Proposals to amend the Supplementary Planning Document be fully consulted upon following a delegated decision by the Cabinet member, and any decision to adopt an amended Supplementary Planning Document be referred to the Cabinet. Production of this amended document will be managed so that it is capable of being adopted upon adoption of Plan:MK (anticipated February 2019).
- 1.4 Any decisions above be informed by consideration of the Council's position regarding Community Infrastructure Levy (CIL).

2. Issues**2.1 Policy**

- 2.2 The new SPD is based on policies in the currently adopted Local Plan and Core Strategy. At the time of the Cabinet decision on the SPD the adoption of

Plan:MK was not anticipated until summer or autumn 2019. This would have given the SPD a 'shelf life' of around 12 months. Although this is relatively short a project to update and consolidate the guidance has been running since 2010 and was seen as a way of mitigating the risk of continuing to operate policy guidance that pre-dated the CIL Regulations. However the Plan:MK Examination has since started earlier than expected, and the adoption of the Plan is now anticipated in February 2019. This means that the SPD will need to be reviewed with immediate effect anyway in order to have a new SPD in place attached to the new Local Plan. Once the new Local Plan is adopted the SPD will have very limited weight as it would not be attached to the current Local Plan.

- 2.3 The Cabinet decision on 6 March 2018 included a commitment to bring a report to Cabinet to review bringing in a Community Infrastructure Levy (CIL). The Council has since responded to a Government consultation (launched on 5 March – the day before the Cabinet decision on the SPD) on amendments to the CIL Regulations, which would give the Council more flexibility in terms of planning obligations, especially the ability to pool obligations for strategic infrastructure. The Government's response to this consultation is expected over the summer and would affect how the SPD is structured. As adopted the SPD seeks contributions to further education and strategic highway infrastructure items from only the largest sites in order that the Council can pool the largest contributions.
- 2.4 Housing Delivery
- 2.5 Milton Keynes (MK) is failing to deliver homes against its Local Plan target and housing trajectory. This is an issue that was reported to Cabinet on 2 January 2018. MK also currently does not have a 5 year housing land supply and currently the Council must consider residential applications on the basis of national policy rather than Local Plan policies.
- 2.6 The Council are seeking to address the 5 year housing land supply position through the adoption of Plan:MK and the development strategy within that. Part of that strategy relies on key sites coming forward in Central Milton Keynes, including Campbell Park (CMK). The new Planning Obligations SPD will apply in CMK, seeking an equal level of contribution from developments here as elsewhere in the Borough. Under the current policy developments in CMK pay a lesser amount of contributions.
- 2.7 The viability testing of Plan:MK and the Planning Obligations SPD found that the full level of contributions from sites in CMK (including affordable housing) would not be viable. However where sites are being actively promoted then the Council has included them within its development strategy and housing trajectory.
- 2.8 With the 1 September implementation of the new SPD coming up, market signals from developers in CMK is that the SPD puts in jeopardy the delivery of sites in the Council's housing trajectory and there are strong indications that these sites may not come forward for planning consent in the timescales anticipated. Although site viability can be discussed as part of the negotiation process there is a strong desire, and expectation, that sites in public ownership (which many of the residential sites in CMK are) will be policy

compliant. The Council has also been challenged for not being as expansive in its consultation on the draft SPD as it should have been, which has had an impact on bringing these issues to light sooner. There is a risk therefore that the Council maybe be challenged on the SPD from the outset of its operation.

- 2.9 The level of under delivery of homes in MK will trigger the need for the Council to produce an Action Plan when the Government publish its first official Housing Delivery Test results in the Autumn. The Action Plan must set out what the Council is doing to support and accelerate delivery of homes.
- 2.10 The Council is also trying to promote investment in CMK through Renaissance CMK – one of the big six MK 2050 projects. A Prospectus is being developed to promote ambitions for the future of CMK, but the impact of the incoming SPD appears to be adverse on current planned developments, potentially undermining the Council's ambition for CMK.

3. **Options**

3.1 The Council has the following options

(a) Adopt the SPD and Seek Immediate Review

Bring in the implementation of the agreed SPD from 1 September as planned but seek to update the policy immediately to bring forward a new SPD capable of being adopted upon adoption of Plan:MK.

This is likely to prove a challenging option operationally as the timescale for the currently approved SPD to apply will be limited. This may also further unsettle the market and delay delivery, especially in CMK, with developers potentially challenging the application of the policy and waiting for the replacement SPD. This is likely to affect the delivery of affordable housing disproportionately. Changes to the CIL Regulations in the interim (to remove pooling restrictions) would mean that the thresholds set in the SPD related to more strategic scale developments and infrastructure would unnecessarily limit what the Council can negotiate. This option is not recommended.

(b) Do Not Adopt the SPD at this Time and Review Aligned to Plan:MK

This option would allow the Council to review the SPD against the policy requirements in the emerging Plan and give more consideration to the viability issues in CMK. This approach carries less risk to the development strategy in Plan:MK, which is currently at Examination, and would support the Council's Action Plan, aimed at unlocking delivery of more homes in Milton Keynes. It would also allow the SPD to reflect changes to the CIL Regulations.

Although the current SPD has taken a long time to develop, it is capable of being used as the basis for the review. It is likely to be much clearer operationally and more efficient to do this rather than adopt the current SPD for a short period of time and bring in another new policy document.

Any amendments should be consulted on, ensuring that this consultation is as expansive as possible to include all relevant interests, with approval for adoption to be taken by Cabinet. The review should be managed so that the

updated document is capable of being adopted as soon as Plan:MK is adopted. This is the recommended option.

3.2 The Cabinet decision in March also committed to a review of the Council’s position on CIL. Regardless of the options above this action will continue to be pursued and any impact on the production of a revised SPD will be taken into account at the relevant time.

4. **Implications**

4.1 Policy

The approved SPD is supplementary to extant Local Plan policy. The emerging Plan:MK will replace these policies once adopted (currently anticipated in February 2019). SPDs can only be supplementary to adopted policy and cannot introduce new policies as part of their content. The SPD, once adopted needs to support the Council objectives of Growth and Affordable Housing, Economy, Education and Skills, Transport and Environment by helping to support the infrastructure associated with these priorities.

4.2 Resources and Risk

Planning Obligations are a significant contributor to the Council’s Capital Programme and provide a source of revenue funding for such works as the maintenance of open space. The only significant uplift in contributions sought in the SPD compared to previous policy is in relation to education contributions because of increasing pupil numbers. Currently the Council opens negotiations at a maximum of £8,562.54 per home, where as the new policy would open negotiations at a maximum of £17,380 per home. Delaying adoption of the SPD does delay implementation of this increase in contributions sought. In recommending the preferred option in this report this delay has been weighed against the benefits of aligning the whole document to Plan:MK and mitigating current risks to implementing from 1 September, particularly delivery of homes. It should also be noted that the Council would not necessarily be forgoing higher receipts in the intervening period as the negotiated outcome will continue to vary from site to site (as it currently does) and have to take account of viability issues.

Any work associated with the recommendations above is being funded by existing budget provision.

Y	Capital	Y	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

4.3 Carbon and Energy Management

None.

4.4 Legal

The SPD already carries some weight as it has reached the stage of being approved by Cabinet for adoption. However to avoid any problems with retrospectively applying the SPD to applications already registered with the Development Management Service the SPD was proposed not to be adopted until 1 September 2018. An adoption statement has therefore not yet been published. Current negotiations on Planning Obligations are therefore still being carried out in accordance with existing policies, and would continue to do so until a new SPD is adopted.

4.5 Other Implications

N	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	N	Stakeholders	N	Crime and Disorder

Background Papers: [6 March 2018 Cabinet Meeting](#)

Annex(es): None

DELEGATED DECISION 31 JULY 2018

Present:	Councillor Legg (Cabinet member for Customer Services), S Evans, (Infrastructure Policy and Programme Manager), L Gardner (Principal Solicitor) and D Imbimbo (Committee Manager).
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Subject	Decision	Decision Maker	Documents / Representations Taken into Account
Adoption of the Planning Obligations Supplementary Planning Document	<p>1. That the new Planning Obligations Supplementary Planning Document be not adopted ^{rescinded} from 1 September 2018.</p> <p>2. That the ^{on new} Supplementary Planning Document be revisited ^{introduced} in terms of the policy requirements in the emerging Plan:MK, and the impact on delivery of strategic sites in the Plan.</p> <p>3. That proposals to amend the ^{for a new} Supplementary Planning Document be fully consulted upon following a delegated decision by the Cabinet member, and any decision to adopt an amended Supplementary Planning Document be referred to the Cabinet. Production of this amended document will be managed so that it is capable of being adopted upon adoption of Plan:MK (anticipated February 2019).</p> <p>4. Any decisions above be informed by consideration of the Council's position regarding Community Infrastructure Levy (CIL).</p>	Councillor Legg (Cabinet member for Customer Services)	Report

I agree to the decision set out above:


.....

Councillor Legg
(Cabinet member for Customer Services)

Dated: 31 July 2018

Wards Affected:

Loughton and Shenley

ITEM 4(c)**STRATEGIC PLACEMAKING SCRUTINY
SUB-COMMITTEE****23 AUGUST 2018****DAUBENEY GATE, SHENLEY CHURCH END DEVELOPMENT BRIEF**

Decision Taker: Councillor Legg, Cabinet Member for Customer Services

Report Sponsor: Tracy Darke, Service Director, Growth, Economy & Culture
Tel: (01908) 252394

Author: David Blandamer, Urban Designer, Tel: (01908) 254836

Executive Summary:

This Development Brief provides planning and design guidance to inform the future development of the land at DaubeneY Gate, Shenley Church End. It has been the subject of public consultation, and changes are proposed to the Brief as a result.

This report seeks approval of the DaubeneY Gate, Shenley Church End Development Brief.

1. Recommendation

- 1.1 That the proposed changes to the DaubeneY Gate, Shenley Church End Development Brief arising from the public consultation be agreed and the Development Brief be approved.

2. Issues

Background

- 2.1 DaubeneY Gate is one of the sites that transferred from the Homes and Communities Agency (HCA) to the Milton Keynes Development Partnership (MKDP). The Council has adopted a protocol for the preparation of development briefs. This requires Cabinet to approve a Development Brief before MKDP can market/sell any of the sites under its control.
- 2.2 Development Briefs are the key documents which will influence what a site is eventually used for and therefore engagement with key stakeholders and citizens of Milton Keynes to establish their issues, views and aspirations is essential to the process of preparing and adopting Development Briefs.
- 2.3 The primary purpose of the draft Development Brief is to provide prospective developers with planning and design guidance to enable them to submit informed and high quality proposals for the development of this site. The draft Development Brief will reflect best practice guidance as well as local stakeholder aspirations for the site. A key aim of the draft Development Brief is therefore to streamline and speed up the process of submitting and determining planning applications.

- 2.4 The draft Brief has been informed by a desk top analysis of the site and a resulting understanding of the strengths, weaknesses, opportunities and threats as well as an understanding of the existing policy position.

Consultation

- 2.5 Following a Delegated Decision on 19 December 2017, the Draft Development Brief was published and circulated to key stakeholders for a 6 week public consultation from the 4 January to 16 February 2018. Formal consultation was undertaken in accordance with the Council's Statement of Community Involvement, as well as the adopted protocol for preparing Development Briefs.

- 2.6 The consultation involved:

- Copies of Development Brief displayed in Central Library and Civic Offices
- Document published on the Council's website, in the Members Weekly News, Council's Consultation Finder
- Copies/web links of Draft Development Brief sent to Cabinet Members, Cross Party Planning Spokespersons, Loughton & Shenley Ward Councillors and Shenley Church End Parish Council
- Residents immediately abutting the site were also provided with letters informing them of the consultation
- All relevant Council officers were formally consulted

- 2.7 Comments were received from 11 respondents. A schedule of the comments received with officer response and proposed changes is contained at **Annex A**. The most significant representations concerned the following subjects:

Principle of development

Three respondents, including a local ward councillor and the parish council, stated that the site should be reserved for education purposes. Two respondents, including a local ward councillor, stated that the site should be brought forward for housing.

Response

The principle of development has been established through the Site Allocations Plan, which was adopted by Council on 18 July 2018. The Plan allocates the site for housing. Text within Section 2 of the Brief has been updated to reflect the adopted status of the Site Allocations Plan.

Scheduled Ancient Monument (SAM)

Historic England and Development Control Committee stated that the development brief should include a buffer zone to protect the setting of the SAM.

Response

A buffer zone around the SAM has been included on the Parameters Plan in the development brief. The Council's Senior Archaeology Officer has recommended a buffer of 15m from the site's boundary. This area should be kept free of development and maintained as public open space.

3. Options

- (a) Not to approve the Development Brief. This would be contrary to the MKDP agreement which require development briefs to be prepared and approved prior to the marketing and sale of the site. This option is not therefore recommended.
- (b) The preferred option is to approve the amended Development Brief as attached at **Annex B**. This will not only provide key planning and design guidance for the development of the sites but would allow MKDP to market and dispose of the sites. This will help meet Corporate Aims and deliver Core Strategy targets.

4. Implications

4.1 Policy

The Development Brief is not a Key Council Document, nor is it a Development Plan Document.

4.2 Resources and Risk

It is anticipated that the consultation process will be undertaken from within existing resources.

There are no known risks associated with the proposed consultation.

N	Capital	N	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

4.3 Carbon and Energy Management

There are no known carbon and energy management implications associated with the proposed consultation.

4.4 Legal

Development Briefs prepared and adopted by the local planning authority are a legitimate tool to inform developers and other interested parties of the opportunities and restrictions of a site in planning terms. While it is possible to adopt a development brief as a supplementary planning document (“SPD”), it is not proposed that the Development Brief is adopted as an SPD in this instance. As such, it is not necessary to examine whether or not the document meets the legal requirements for SPDs.

Once approved the Development Brief, while not part of the Council’s Local Plan, is capable of being a material consideration in determining any forthcoming planning applications related to the site.

In the light of this advice, there is no real identifiable risk to the Council should it take the recommended action.

4.5 Other Implications

E-Government: The Development Brief will be made available on the Council website.

Stakeholders: Consultation with a wide range of stakeholders will be undertaken in accordance with statutory requirements and the MKC Statement of Community Involvement.

Equalities: This decision is not relevant in regard to equality issues.

N	Equalities/Diversity	Y	Sustainability	N	Human Rights
Y	E-Government	Y	Stakeholders	N	Crime and Disorder

Background Papers:

Annex A: Comments Table and Officer Response

Annex B: [Daubeney Gate, Shenley Church End Development Brief Annex B](#)

REPRESENTATIONS RECEIVED ON DRAFT DAUBENEY GATE, SHENLEY CHURCH END DEVELOPMENT BRIEF

Consultee	Comment	Officer Response (proposed change in bold, with new text underlined)
Milton Keynes Development Partnership		
1.1 Matt Green, MKDP	Amend para 1.2.4 to read: 'The Development Brief has been commissioned, not by the Planning Authority, but rather by the landowner and it has not been subject to all the statutory requirements that a planning document would have to undergo. The Brief has however been prepared to accord with current national and local Planning Policy and has been subject to public consultation. In addition it will be submitted for approval by MKC Cabinet and if approved will therefore be a material consideration in helping determine planning applications albeit with limited planning weight.'	Accepted. Amend para 1.2.4 to read: '<u>The Development Brief has been commissioned, not by the Planning Authority, but rather by the landowner and it has not been subject to all the statutory requirements that a planning document would have to undergo. The Brief has however been prepared to accord with current national and local Planning Policy and has been subject to public consultation. In addition it will be submitted for approval by MKC Cabinet and if approved will therefore be a material consideration in helping determine planning applications albeit with limited planning weight.</u>'
MKC Councillors		
2.1 MKC Development Control Committee	How should setting of SAM be protected? It was commented that the Brief should be more specific in respect of arrangements to protect the entrance to and the setting of the scheduled ancient monument and any developer would be best advised to contact Historic England to seek to realign the boundary of the monument	See response to rep no 11.2 (Historic England).

Consultee	Comment	Officer Response (proposed change in bold, with new text underlined)
	to allow development to take place.	
2.2	Don't allow site boundary and boundary of SAM to overlap.	A buffer zone has been included to ensure that development won't encroach on the SAM or its setting (see response to rep no 11.2).
2.3	Add in that MKC own MKDP.	Accepted. Amend first sentence of footnote on page 6 to read: "MKDP is a limited liability partnership set up and owned by Milton Keynes Council to facilitate Milton Keynes's continued growth....."
2.4	No active frontage or access onto Daubeney Gate.	Not accepted. It is a key urban design principle that development should front the street. Access onto Daubeney Gate will be limited.
2.5	No 3 storeys.	Accepted. Amend para 5.4.1 to delete sentence: "3 storeys may be appropriate to mark key buildings."
2.6	Need tracked changes document. The Committee asked that when the revised brief was presented to the Committee it contain 'tracked changes'.	Noted.
3.1	I would like to see this site going forward as housing with at least 30% affordable housing, preferably more which is desperately needed. I know the site was originally allocated for an independent school but there has been nothing coming forward for the school. We looked at it for a special school but the schools forum voted against this. Part of the site was also looked at for a primary school but there is not a need in the immediate area and all that would do is draw people in	Noted. The Site is allocated for housing in the Site Allocations Plan.

Consultee	Comment	Officer Response (proposed change in bold, with new text underlined)
	<p>from other areas.. The parish and neighbours were against having a school there as well because of the traffic when people are either driven to school or they drive themselves in the case of older young people.</p> <p>I understand that some people think sixth form college might be appropriate but I would not support this view. There is already sixth form provision at Denbigh and at Hazeley in the area. In my view the best solution would be housing. It is not too far from the station which offers good opportunities for work either locally or in London. It is not very far from the local shops. I would like to see starter homes or other sorts of homes which are more affordable or council housing, for example bungalows similar to those on Engaine Drive, on the site.</p>	
4.1	<p>Councillor Andy Dransfield</p> <p>As well as being a Milton Keynes councillor representing the Loughton and Shenley ward, I am also a trustee of the Denbigh Multi Academy Trust which has recently been awarded the new school at Whitehouse.</p> <p>The Whitehouse school is proposed with an 11-16 age range with no post 16 provision. Even though the Council's Education Department has confirmed that the site is no longer required for education use – I am advised that means Primary – there is no clear plan for post 16 education on the Western Flank to accommodate the pupils who will reach 16 in about 2025. The Denbigh MAT should have written to you to express similar concerns.</p> <p>Therefore, I think that it is premature to market or dispose</p>	<p>Not accepted. <u>The Site Allocations Plan</u> allocates the site for housing.</p>

Consultee	Comment	Officer Response (proposed change in bold, with new text underlined)
	of this area which is currently designated for Education use. I will expand on this issue if you insist on proceeding to the Development Control Committee, and formally 'call in' a similar Delegated Decision.	
5.1	<p>I know that many residents have responded to the consultation, and I would urge all those involved in decision-making to review the submissions in detail, as I am sure you always would.</p> <p>Among the concerns are issues relating to traffic management, building design, privacy, drainage, impact on wildlife, impact on historic sites and noise and disruption generally. I wanted to highlight a few of those points in particular.</p>	<p>Where it can, the brief addresses the concerns raised (see responses below, 5.2-5.4).</p> <p>However, many of the issues will only be fully resolved through the planning application process when a detailed scheme is submitted.</p>
5.2	Traffic flow and entry/exits to the site need to be considered carefully, especially given the width of Daubeney Gate itself. I can well imagine the impact locally of lots of additional cars trying to drive through and park along the road.	<p>Any planning application for housing would require the developer to submit a Transport Statement/Assessment. This would assess the impact of development on existing roads and propose measures to mitigate those impacts, where necessary. <u>Include new para after 5.7.2 to read: "Planning applications for proposals must include a Transport Statement/Assessment. A Transport Statement/Assessment"</u></p>

Consultee	Comment	Officer Response (proposed change in bold, with new text underlined)
		<u>identifies what measures will be taken to deal with the anticipated transport impacts of the scheme and to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport.</u>
5.3	Those adjacent to the site will want reassurance about their privacy and also the height and design of any planned buildings.	See response to rep no 2.5 with regard to building heights. With regard to privacy, any development will be expected to accord with the guidance in the Residential Design Guide SPD.
5.4	With regards to wildlife, residents have mentioned great crested newts and foxes. There should be active plans to assess and manage impacts. Drainage should also be considered to prevent flooding.	Para 5.10.2 of the brief requires that proposals for development should be accompanied by a Preliminary Ecological Appraisal, which will identify and mitigate impacts on wildlife. Para 5.10.1 requires that surface water drainage is taken into account in the design of new development.
5.5	I am aware that various of these issues have been addressed in the draft brief, but residents will want clarity that all concerns have been heard and reflected in the brief, and that safeguards are in place.	Noted.
6.1	(Former) Councillor Matt Clifton There is no meaningful local demand or need for either an	Noted. The site is allocated for housing in the Site Allocations Plan.

Consultee	Comment	Officer Response (proposed change in bold, with new text underlined>
	<p>independent, primary or special school at this site.</p> <p>A school would increase peak time traffic in a residential area where people are crying out for better traffic calming measures.</p> <p>Similarly a sixth form college would not be appropriate, not least because there is already sixth form provision at Denbigh and at Hazeley.</p> <p>However, from so many conversations with so many people, I can say there is a huge demand and need for housing and affordable housing.</p> <p>The site offers good opportunities for work either locally or in London and is close to local amenities.</p> <p>Therefore I would like to see more affordable housing and/or council housing at Daubeney Gate.</p>	
Parish Council		
7.1 Shenley Church End Parish Council	<p>Following the PC meeting the Parish Council would like to put forward the following comments:</p> <p>The area should be retained as a Reserve Site for future schooling needs.</p>	<p>The site is allocated for housing in the Site Allocations Plan.</p>
7.2	<p>If this is not a feasible option: Rear parking should be avoided. It has been proven time</p>	<p>Direct access to properties cannot be taken off Daubeney Gate. Rear parking would be</p>

Consultee	Comment	Officer Response (proposed change in bold, with new text underlined)
	and again that this does not work and residents will simply park in the road outside their properties clogging them up and leaving the parking areas empty. Parking should be on plot or to the front of the properties	only considered for these properties. The brief does suggest that an alternative arrangement could be short private drives parallel to Daubeney Gate and Vache Lane serving a number of properties. The majority of the site would have front or side parking.
7.3	3 storey properties will not be in keeping with the area and would look out of place	Amend para 5.4.1 to delete sentence: “3 storeys may be appropriate to mark key buildings.”
7.4	Serious consideration should be given to the suggestion of contemporary designs as these may not be in keeping with the existing properties in the area.	The brief makes it clear that the appearance of new housing should be informed by the site’s context. Existing development along Daubeney Gate has a more contemporary feel and therefore it would be appropriate to reflect this character.
7.5	Consideration to schooling and medical provision for the increase in residents must be given. The additional houses on the 3 sites within the parish that have development potential will increase the strain particularly on health services which are already stretched within the parish.	Noted.
Other Stakeholders		
8.1	Ken Brewis, Daubeney Gate	First and foremost I welcome the use of this land, whether it be for housing or school. Noted.
8.2	Copy of your letter, on page 2, I have identified an area which is prone to flooding from October to March every year, this is obviously the lowest part of the field adjacent to Daubeney Gate and directly opposite the cul-de-sac for	Noted. Any development proposal will be required to ensure that existing surface water drainage issues are addressed. Para 5.10.1 of the Brief emphasises the need to

Consultee	Comment	Officer Response (proposed change in bold, with new text underlined)
	houses 1 to 4. Drainage for this area is a priority and must be taken into account, as it would be totally unacceptable for it to impact on the relevant cul-de-sac.	ensure that surface water management is fully integrated into the development.
8.3	<p>I have attached a photograph taken within the last few days which also shows the flooded area.</p> <p>A number of houses along Daubeney Gate face directly onto the proposed development area and therefore careful consideration should be taken into account regarding design and structure, so as not to detract from the existing properties; e.g. all residents would oppose the construction of 3 story dwellings along Daubeney gate.</p>	<p>Para 5.1.2 of the Brief states that development proposals should be based on a thorough appraisal of the site's context.</p> <p>Para 5.5.1 states that the architectural approach to development should be informed by the contextual analysis.</p> <p>Amend para 5.4.1 to delete sentence: "3 storeys may be appropriate to mark key buildings."</p>
8.4	Daubeney Gate is quite a narrow and well inclined road, as well as being on a busy bus route; therefore it would not be in the best interest for all concerned to have additional entries/exits along its route. Ideally there should be a single entrance/exit to the new development along Vache Lane, which is NOT on the bus route.	<p>Not accepted. It is considered that the access points proposed would provide the best solution to development of the site.</p> <p>Access off both Vache Lane and Daubeney Gate is required to enable houses to front the street and for parking to be provided to the front or side of the property.</p>
8.5	To avoid parking along the main length of Daubeney Gate it would also be advantageous for there to be double yellow lines both sides, as this would provide safety for all users concerned.	Noted. This not a matter for the Development Brief.
9.1 Ashley & Joan Mirfin, Vache Lane	As local residents we are particularly concerned that the proposed development will have a material effect on the quiet enjoyment of our property. During the construction period access to the site and the parking for contractors' vehicles must be properly controlled and enforced. We	<p>Accepted. Site traffic can be controlled through a Construction Management Plan.</p> <p>Include text to state "A planning condition will be imposed on any consent for housing requiring a</p>

Consultee	Comment	Officer Response (proposed change in bold, with new text underlined)
	believe that it should be mandatory for all such parking to be provided on site by the developer.	Construction Management Plan to be submitted and approved by the local planning authority prior to commencement of development.
9.2	Daubeney Gate is a bus route and is not suitable for long term parking. Vache Lane is not of sufficient width to facilitate parking on either side. We witness the daily school runs where a single parked vehicle is enough to disrupt the free flow of traffic between V3, the schools and local centre. In our view the site should be planned and designed for there to be sufficient usable and accessible parking within the confines of the site for all the vehicles of future residents.	Development must provide parking on site in accordance with the Council's adopted parking standards.
9.3	The opportunity in the Brief for up to three access points to the site contributes to the potential parking issues. We believe a single access road would best serve the site. This access road should be at the western end of Daubeney Gate as close to H5 as possible. This would reduce site traffic using Daubeney Gate and Vache Lane. It should be noted that the adjoining development on Duncan Grove has a single access point from Vache Lane close to V3.	Not accepted. It is considered that the access points proposed would provide the best solution to development of the site. Access off both Vache Lane and Daubeney Gate is required to enable houses to front the street and for parking to be provided to the front or side of the property.
9.4	Houses in the development fronting Daubeney Gate and Vache Lane should each complement the existing houses in terms of colour, construction and size.	Noted. The existing context should inform the design of new housing. Para 5.1.2 of the Brief states that development proposals should be based on a thorough appraisal of the site's context. Para 5.5.1 states that the architectural approach to development should be informed by the contextual analysis.
10.1	We write regarding the future of the land at Daubeney	Not accepted. Site is allocated for housing

Consultee	Comment	Officer Response (proposed change in bold, with new text underlined>
Squires, Denbigh School	<p>Gate, Shenley Church End. Historically this plot has been set aside for educational purposes but this is now apparently under scrutiny, and at risk of being disposed of. It is my understanding that this is largely due to the four new primary schools being built on Whitehouse and Fairfield, however whilst there may no longer be a need for primary provision, there most certainly is a growing need for Post-16 provision.</p> <p>The Regional Schools Commissioner and the Local Authority recently informed us that, The Denbigh Alliance Multi Academy Trust has been awarded the running of the Secondary School, soon to be built on the new Whitehouse Development. This new school which is 1.4 miles from Denbigh School will provide an additional 1800 places for students aged 11-16. The entry will be for 360 students in each year group.</p> <p>The new school is due to open in September 2020. Therefore, by 2025 there will be a significant group (approximately 500) of Post-16 students for whom there is no current or future provision. The Sixth Form at Denbigh School has an excellent retention and recruitment rate and could not currently support this increased capacity in its existing buildings. There is not enough provision on the Western Flank to accommodate these additional students.</p> <p>The development at Whitehouse has not been allocated any space for a purpose built Sixth Form Centre. It would seem prudent therefore, to retain the land at Daubeney Gate, which lies, between the new School and Denbigh</p>	<p>in the Site Allocations Plan.</p>

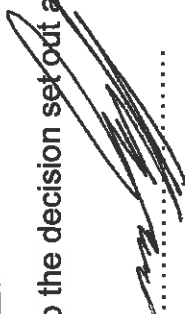
Consultee	Comment	Officer Response (proposed change in bold, with new text underlined)
11.1	<p>School for potential future Sixth Form provision.</p> <p>We would strongly urge that the council reconsider any plans to dispose of or change the usage of this plot, as there is a definite future need for Post-16 educational provision in this area.</p> <p>I have consulted my colleague, David Wilkinson, Assistant Inspector of Ancient Monuments. David has confirmed that he is satisfied that the previous archaeological evaluation has shown that the area of the site close to the scheduled monument does not contain archaeological remains of national importance - indeed, the evaluation suggests, from the sample that was investigated, that archaeological remains are very sparse. We are satisfied that the remainder of the site can be investigated by a pre-determination archaeological evaluation.</p>	Noted.
11.2	<p>With regard to the setting of the Scheduled Monument, the impact of a housing development on the significance of the monument is likely to be different to that of a single-storey school set in its own grounds. However, we are aware that Policy SAP9 includes the requirement for proposals to incorporate a buffer to the adjacent Scheduled Monument.</p> <p>We consider that if this buffer zone is adequate in terms of nature and extent, then harm to the significance of the Scheduled Monument would be avoided or reduced to an acceptable level.</p> <p>We therefore advise that the development brief being prepared by the Council's Urban Design and Landscape Architecture Team for the site covered by Policy SAP9,</p>	<p>Accepted. Amend para 5.10.5 to read: “<u>A buffer zone, measured at 15 metres from the southern boundary of the site, has been defined around the Scheduled Ancient Monument, in order to protect its setting. This area should be kept free of development and should be maintained as public open space. Housing adjacent to the buffer zone should be a maximum of 2 storeys to ensure that built development does not adversely affect the setting of the Scheduled Ancient Monument.</u>”</p> <p>Amend Parameters Plan to show buffer zone around SAM and area to be</p>

Consultee	Comment	Officer Response (proposed change in bold, with new text underlined)
	<p>with advice from the Council's Senior Archaeological Officer, should include a requirement for a buffer zone for the scheduled monument of appropriate size (minimum to be specified) and nature (rather than requiring any future development merely to 'have regard to the setting of the scheduled monument').</p> <p>With this safeguard in the development brief, Historic England would be satisfied that the development of the site covered by Policy SAP9 would be acceptable in terms of impact on the significance of the Scheduled Monument. We therefore withdraw our objection to Policy SAP9 and to the Proposed Modification MM16 in anticipation of this requirement being included in the development brief.</p>	<p>maintained as public open space.</p>

DELEGATED DECISION 31 JULY 2018

Present:	Councillor Legg (Cabinet member for Customer Services), L Gardner (Principal Solicitor), D Blandamer (Urban Designer) and D Imbimbo (Committee Manager). <i>D. Blandamer</i>
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Subject	Decision	Decision Maker	Documents / Representations Taken into Account
Approval of the Daubney Gate, Shenley Church End Development Brief	That the proposed changes to the Daubney Gate, Shenley Church End Development Brief arising from the public consultation be agreed and the Development Brief be approved.	Councillor Legg (Cabinet member for Customer Services)	Report and Annex(es)

I agree to the decision set out above:


Councillor Legg
(Cabinet member for Customer Services)

Dated: 31 July 2018

A request to call-in the decision, bearing the names of two Members of the Council, the Chair or Clerk of a Parish or Town Council, or signed by twenty residents of Milton Keynes, should be sent to the Head of Legal Services, Civic Offices, 1 Saxon Gate East, Central Milton Keynes, MK9 3EJ, Telephone: (01908) 254195 or e-mail: paul.cummins@milton-keynes.gov.uk no later than **5.00 pm on Friday 10 August 2018**.

A form which twenty residents of Milton Keynes may complete to request that a decision is called in can be accessed from the link: <http://milton-keynes.cmis.uk.com/milton-keynes/PublicDocuments/Call In Request Form>