

# APP 1b

Application Number: 13/00266/OUT

Major

**Demolition of the existing National Badminton Centre, health club and residential accommodation block and outline planning consent for a C3 residential development consisting of up to 104 units including the retention of the existing farmhouse building**

**AT National Badminton Centre, 96 Bradwell Road, Loughton Lodge**

**FOR Badminton England**

**Target:** 13th May 2013

**Ward:** Loughton Park

**Parish:** Loughton Parish Council

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## 1.0 INTRODUCTION

*(A brief explanation of what the application is about)*

1.1 The main section of the report set out below draws together the core issues in relation to the application including policy and other key material considerations. This is supplemented by an appendix which brings together, planning history, additional matters and summaries of consultees' responses and public representations. Full details of the application, including plans, supplementary documents, consultee responses and public representations are available on the Council's Public Access system [www.milton-keynes.gov.uk/publicaccess](http://www.milton-keynes.gov.uk/publicaccess). All matters have been taken into account in writing this report and recommendation.

## 1.2 The Site

The application site, which has an area on 4.43 hectares, lies between the A5 dual carriageway and part of Bradwell Road in Loughton. Danstead Way (H4) encloses the western boundary of the site and the elevated Portway (H5) encloses the eastern boundary of the site. The application site is currently occupied by the National Badminton Centre, a residential accommodation block, a copse of trees and a man made grass bund, which was formed from spoil from the original A5 dig. To the south of the site lies a complex of four apartment blocks known as Woodward Place which are three storeys in height fronting onto Bradwell Road and two storeys in height to the rear. To the east of the complex lies Heron Lodge Girl Guides centre and to the west lies Lodge Lake and a car park for users of the park. To the north of the application site lies Daytona Karting Centre accessed from Garrett Drive.

### 1.3 The Proposal

This application seeks demolition of the existing National Badminton Centre, health club and residential accommodation block and outline planning consent for a Use Class C3 residential development consisting of up to 104 units including the retention of the existing farmhouse building. The scheme would have a density of approximately 30 dwellings per hectare. Only the accesses are to be determined as part of this application. All other matters which include layout, scale, appearance and landscaping are reserved for a future detailed reserved matters application.

- 1.4 The application was accompanied by a Design and Access Statement; Geo-Environmental Ground Investigations Report; a Heritage Desk Based Assessment; an Extended Phase 1 Survey; a Flood Risk Assessment; a Pre-development Tree Survey; a Landscape and Visual Analysis; a Tree Constraints Plan; a Transport Assessment; a Travel Plan; an Air Quality Assessment; a Utilities Appraisal; a Planning Statement; a Site Options Appraisal; an Interim Statement of Viability; a Statement of Community Involvement; a Report on Existing Noise Climate; an Energy Strategy; and a revised draft illustrative layout plan. 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 (2012)

Para 11 Conserving and enhancing the natural environment

Para 14 Presumption in Favour of Sustainable Development

Para 17 Core Planning Principles 2,3,7,12

Para 32, 34, 35, 36, 37 Transport Assessment, Sustainable Modes of Transport

Para 39 Parking

Para 51 Change of Use To Residential

Paras 56, 57, 60, 61,63,64 Design

Paras 7, 109 and 118 – Biodiversity Enhancements

Para 69 Crime

Paras 70,73,74 Provision of Community Facilities

Para 98 Sustainability

Para 103 Flood Risk

Para 111 Reuse of Brownfield Land

Para 121 Ground Conditions

Para 120, 121, 123 Noise

186, 187, 196, 197 Decision Making

## 2.2 Local Policy

### Adopted Milton Keynes Local Plan 2001-2011

S1 General Principles  
S12 Linear Parks  
D1 Impact of Development Proposals on Locality  
D2 Design of Buildings  
D2A Urban Design Aspects of New Developments  
D4 Sustainable Construction  
NE1 (iii) Nature Conservation Sites  
NE2 Protected Species  
NE3 Biodiversity and Geological Enhancement  
T2 Impaired Mobility  
T3 Pedestrians and Cyclists  
T10 Traffic  
T11 Transport and Travel Plans  
T15 Parking Provision  
H2 Priority Housing  
H3 -H5 Affordable Housing  
H7 Housing On Unidentified Land  
H8 Housing Density  
H9 Housing Mix  
L2 Protection of Public Open Space and Existing Facilities  
L3 Open Space Standards of Provision  
P01 & P02 Planning Obligations  
P04 Percent for Art

## 2.3 Supplementary Planning Guidance

Planning Obligations SPG for Education Facilities (2004)  
Planning Obligations SPG for Leisure, Recreation and Sport Facilities (2005)  
Addendum to Parking Standards for Milton Keynes (2009)

## 2.4 Supplementary Planning Documents

Social Infrastructure Planning Obligations (2005)  
Affordable Housing (2007)  
Sustainable Construction (2007)  
Affordable Housing (2013)  
New Residential Development Design Guide (April 2012)

## 2.5 Core Strategy

CS8 Other Areas Of Change  
CS10 Housing  
CS11 A Well Connected Milton Keynes  
CS12 Delivering Successful Neighbourhoods  
CS13 Ensuring High Quality Well Designed Places  
CS16 Delivering Economic Prosperity

CS19 Healthier and Safer Communities  
CS20 The Historic and Natural Environment  
CS22 Delivering Infrastructure

Objective 14: To develop Milton Keynes as an International Sporting City

## 2.6 Other Documents

The Wildlife Corridors Of Milton Keynes (1996)  
Milton Keynes International Sporting City Final Report (November 2011)  
evidence to inform the plan making process.

## 3.0 **MAIN ISSUES**

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

- 3.1
1. Whether the principle of residential development of the site would be acceptable.
  2. Whether the proposed density and design scale of the development is appropriate for the site.
  3. Impact on the highway network and transport
  4. Whether the proposed reduced S.106 Contributions towards Education, Leisure, Recreation and Sports Facilities, Social Infrastructure and lack of Affordable Housing (required as set out in Supplementary Planning Guidance/Documents) is acceptable having regard to this proposal and the merits and benefits of this proposal being accepted as enabling development for the new badminton Centre proposed at "The Bowl Site".

## 4.0 **CONSIDERATIONS**

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

### 4.1 Principle of Development

This proposal seeks the demolition of the National Badminton Centre, health club and residential accommodation block and outline planning consent for a C3 residential development consisting of up to 104 units including the retention of the existing farmhouse building. The current National Badminton Centre site is designated as '**Community Facilities**' on the Milton Keynes Local Plan 2001 – 2011 Proposals Map. The adjoining land which is held in freehold by Milton Keynes Council and is the subject to a 999 year lease to Milton Keynes Park Trust is designated as '**Recreation Open Space**' and located within an area designated as a '**Linear Park**' and a '**Wildlife Corridor**' on the Milton Keynes Local Plan 2001 – 2011 Proposals Map.

- 4.2 Planning applications must be determined in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 which reiterates the duty originally imposed under section 70(2) of the Town and Country Planning Act 1990 and requires that all decisions must be made in accordance with the development plan unless other material planning considerations indicate otherwise.

- 4.3 The development plan comprises the Milton Keynes Local Plan (Saved Policies – 2008). The emerging Core Strategy, which has been subject to a recent Examination in Public and the consultation on the Main Modifications (as recommended by the Planning Inspector), is a material planning consideration and significant weight should be given to its strategic and area based policies. The assessment also covers selected policies of the National Planning Policy Framework which are considered relevant to establishing whether principles of the development are acceptable or not.
- 4.4 Policy H7 (Housing development on unidentified sites) of the Milton Keynes Local Plan 2001 – 2011 sets out the criteria where residential development will be acceptable on sites not identified on the Milton Keynes Local Plan 2001 – 2011 'Proposal Maps'. The application falls in two distinct parts; the south of the site, has been 'previously developed' as the National Badminton Centre, and the north of the site is identified as open space. The acceptability of residential development on both areas needs to be considered individually.
- 4.5 Redevelopment of the National Badminton Centre appears to broadly satisfy the six criteria set out under policy H7:
- (i) the site has been previously developed;
  - (ii) there are buildings on the site that are suitable for residential conversion;
  - (iii) the location of the site and accessibility to jobs, shops and services by other means than the car could be improved with regards to public transport and linkages into the wider redway network;
  - (iv) the proposed housing development would be compatible with existing land uses in the surrounding area;
  - (v) there is sufficient capacity in existing infrastructure including water supply, drainage and other utilities and mitigation measures could be provided as part of the development through S106 Planning Obligations to mitigate the impact of the development on existing community facilities and infrastructure such as schools and health facilities which would ordinarily be required to serve the development; however, the applicant has confirmed that viability is an issue, **please see the section below on planning obligations**;
  - (vi) there are not considered to be any physical and environmental constraints such as contamination noise and flood risk, affecting the site.
- 4.6 The development of the area of existing open space is more complex. Locationally this part of the site is close to areas of existing residential development. However, the site is clearly not 'previously developed' and there are a number of landscape and wildlife restrictions affecting the site that will need to be considered as part of the determination of this application.

4.7 Paragraph 6.12 of the Milton Keynes Local Plan 2001 -2011 explains that “Wildlife Corridors are linear pathways containing habitats that encourage the movement of plants and animals between important wildlife sites. The Wildlife Corridors in Milton Keynes were defined through an innovative project in the mid 1990s, sponsored by the local authorities, Commission for New Towns, the Parks Trust and English Nature (*The Wildlife Corridors of Milton Keynes*, 1996). Four types of corridors were identified – wetland, woodland, railway and road corridors. Where development proposals lie within or adjoining a Wildlife Corridor, the Council will consider whether the proposals would damage the viability of the Corridor.”

4.8 *The Wildlife Corridors Of Milton Keynes* shows that the application site is located partially within the boundaries of the A5 Wildlife Corridor (p. 102).The site is not directly linked to the Loughton Brook Wildlife Corridor, which is an important consideration.

4.9 The Loughton Brook valley is defined on the Milton Keynes Local Plan 2001 – 2011 Proposals Map as a Linear Park. The overarching objective of policy S12 is “to protect and enhance the main river valleys running through and adjoining the City”. Policy S12 states that:

“Development proposals in the Linear Parks should contribute to achieving the following objectives:

- (i) Protecting and improving the landscape
- (ii) Protecting and enhancing features of nature conservation value
- (iii) Retaining and improving public access to land and water areas for countryside recreation
- (iv) Flood control
- (v) Minimising any adverse impact on local residents and agriculture
- (vi) Protecting and interpreting areas of archaeological interest”

4.10 In assessing this proposal it will be important to determine its impact on the Loughton Brook valley and more specifically whether the proposed residential development can contribute to achieving the relevant objectives of policy S12. It is important to note that Bradwell Road physically separates the site from the valley and that, based on information included in *The Wildlife Corridors Of Milton Keynes (1996)*, the site does not form part of the Loughton Brook Wildlife Corridor. Therefore, the application site, despite falling within the defined linear park is not integral to maintaining the primary function of the linear park, which is fulfilled by the area to the west of Bradwell Road. The area is essentially amenity open space given its nature and function.

4.11 Policy NE1 (iii) (Nature Conservation Sites) of the Milton Keynes Local Plan 2001 – 2011 states that:

“Development which would be likely to harm the biodiversity or geological conservation value of a site of county-wide (RIGS, MK Wildlife sites) or local importance (Local Nature Reserves, Wildlife Corridors, local wildlife sites) will only be permitted if the importance of the development outweighs the local value of the site”.

- 4.12 The application site is almost entirely within the boundaries of the A5 Wildlife Corridor with the exception of the area where the National Badminton Centre and associated hard landscape are built. The Loughton Brook wet wildlife corridor is adjacent to the south of the site and the rail wildlife corridor is adjacent to the north. Wildlife Corridors are afforded the same status as Milton Keynes Wildlife Sites (equivalent to County Wildlife Site status in other areas) and are recognised in the National Planning Policy Framework and under policy NE1 of the Milton Keynes Local Plan 2001 - 2011.
- 4.13 Under Government Circular 06/2005, which is still extant, and the National Planning Policy Framework local planning authorities must fully consider a proposed development's impact upon protected species as they are a 'material consideration' in the determination of planning applications. In the context of bat surveys, this infers that where there is a reasonable likelihood of protected species being materially impacted upon by a development, surveys must be carried out before a planning application is determined. Surveys for European Protected Species cannot form part of a planning condition and their presence or absence must be determined prior to planning permission being granted.
- 4.14 An Extended Phase 1 Report was provided in support of this application. The author of the report states that the site was investigated for the presence of badger and for its potential to support bats. In addition, incidental observations of current or historical presence of protected/notable species were recorded, though a thorough search did not form part of the Extended Phase 1 survey.
- 4.15 The desk study revealed a number of protected species records in the proximity of the site, including bats, Great Crested Newts, badgers and reptiles. However, the quality of records held by the Buckingham and Milton Keynes Environmental Records Centre can be variable as it relies heavily on data supplied by members of the public and therefore a lack of records is not evidence of the absence of a species. The western end of the proposed development site is not easily accessible so there are few opportunities for submissions of sightings by members of the public.
- 4.16 The Countryside Officer advises that all Great Crested Newt records held are outside suitable foraging distance of the site. The closest badger record is 630 metres from the application site. There is no evidence of badgers using the site.
- 4.17 The Countryside Officer advises that several records of bat species exist in close proximity to the site, along the A5 wildlife corridor that contains much of the application site and the wetland corridor associated with it. Brown long-eared, Noctule and pipistrelles have all been sighted within 600 metres of the site. The author of the report states that none of the trees on the application site were considered to provide suitable roosting habitat for bats. However, a combination of the nearby bat records, the habitat in the wildlife corridor, woodland edge offering foraging habitat and a commuting route for bats, and the concerns of Natural England provide sufficient evidence that there is a

reasonable likelihood that bats use the site and that a bat survey should be undertaken prior to determination. Should bats be found to be using the site for commuting and foraging, a mitigation strategy should include a proviso that any external lighting of the rear of the properties should be kept to a minimum and directed away from the woodland belt. The applicant has appointed consultants to carry out a detailed bat survey and provide details of any mitigation measures should there be evidence of bats using the site for commuting or foraging. **The results of any survey and mitigation measures will be included in a written update to the Development Control Committee prior to the meeting.**

- 4.18 A records search revealed that several reptile records exist in very close proximity to the application site and the walk-over survey proved that some habitats in the western part of the site have potential for reptile species. The report recommends that a survey should be undertaken to determine the presence or absence of reptile species on the site. The Countryside Officer concurs with this recommendation. The applicant has appointed consultants to carry out a detailed survey and provide details of any mitigation measures. The results of any survey and mitigation measures will be included in a written update to the Development Control Committee prior to the meeting.
- 4.19 All wild birds and their habitats are protected following an amendment to the Conservation of Habitats and Species Regulations 2010, which came into force on 16<sup>th</sup> August 2012. This applies to all wild birds, their eggs, nests and habitats as per Regulation 1 of the Birds Directive and has the following objective: 'the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat, as appropriate, having regard to the requirements of Article 2 of the new Wild Birds Directive.' (*Article 2 being a balancing measure having regard to economic and recreational requirements*).
- 4.20 The nests, eggs and young of all wild birds are protected from intentional disturbance, destruction or damage by Section 1 of the Wildlife & Countryside Act 1981. Nests under construction are also protected. An informative should be added to any planning permission advising that 'The breeding season for most bird species is considered to be March to August inclusive. The developer should avoid clearance of vegetation during the nesting season. If habitat destruction during the nesting season is unavoidable, a competent ecologist should check for nests and, if present, either defer or modify the works'.
- 4.21 Policy NE3 (Biodiversity and Geological Enhancement) of the Milton Keynes Local Plan 2001 – 2011 requires:
- All new development exceeding 5 dwellings (in the case of residential development) or incorporating gross floor space in excess of 1000 sq m (in the case of other development) will be required to incorporate proposals to enhance biodiversity and geological features which are appropriate to, and where possible compensate for, impacts on the



immediate area and the site characteristics.

- Measures may include use of native species in landscaping schemes, or the improvement or creation of wildlife habitats or features of geological interest.
- Priority will be given to woodland planting and other habitats and species identified by local Biodiversity Action Plan.
- Where enhancement is not possible on the site, appropriate enhancements will be sought on other land.”

4.22 The Ecological Survey report states that trees within the site have moderate potential to support nesting birds. Many of the trees would be removed to enable development and in addition to the removal of scrubby habitat favoured by some species, the proposed level of re-planting is considered to be insufficient to recompense for the loss of wild bird habitat.

4.23 The report suggests that at least bird boxes should be mounted on trees as mitigation for the loss of the breeding bird habitat. Trees of sufficient maturity for boxes to be mounted on are in the area close to the A5 and susceptible to disturbance. Nest boxes mounted on trees require maintenance and are susceptible to damage, thus requiring replacement. Incorporating permanent mitigation measures for birds and bats into buildings is preferable and is more sustainable due to requiring virtually no maintenance for the lifetime of the building. A condition should be imposed on any planning permission requiring a plan that mitigates for the loss of wild bird habitat.

4.24 The report suggests a planting scheme that includes native species, particularly in those areas adjacent to the Wildlife Corridors. The applicant has stated that the Highway boundary is only 5 – 10 metres from the A5 road. The Countryside Officer advises that offering an additional 5 – 10 metres means that the width of the wildlife corridor could potentially be reduced to 10 metres in total in some areas, which is unacceptable. This width is inadequate to recompense for the permanent disturbance that will inevitably occur from a housing scheme such as this or to offer sufficient refuge for wildlife. In the Countryside Officer's opinion the on-site section of the Wildlife Corridor should be increased to 20 metres wide from the Highway land boundary at any point.

4.25 However, the applicant's agent advises that such a depth, would affect the viability and overall return of the housing scheme, which in return would impact on the deliverability of the proposed new badminton centre on the Bowl site. There is no set guidance or policy on the depth of wildlife corridor's adjacent to highways. The Countryside Officer is advising, what in their opinion, is best practice. Policy D2 (v) states landscaping and boundary treatments that integrate with those of the surrounding area should be provided. As this is an outline planning application with layout, appearance and landscaping reserved for a future application and there may be opportunities to provide a greater depth of wildlife corridor than the applicant

is currently suggesting on the proposed indicative layout plan in some areas: these matters can be dealt with in detail at a later stage .

4.26 The report recommends that a number of log piles should be situated within the Wildlife Corridors to increase habitat diversity and provide animal refugia. The Countryside Officer concurs with this recommendation. However, log piles are not durable and only offer a short-term benefit. In addition, the erection of a permanent hibernaculum in the Wildlife Corridor should be considered.

4.27 Policy L2 also states that:

“In considering proposals involving the loss of amenity open space, the council will take into account the criteria set out in Appendix L2”. In such cases planning permission will only be granted if:

1. The land does not now or is unlikely in the future to fulfil a useful purpose in terms of its appearance, landscaping, recreational use or wildlife value.
2. The loss of amenity open space would not set a precedent for other similar proposals which cumulatively would have an adverse effect on the locality.
3. The continued maintenance of the land for public amenity purposes would be impractical or unduly onerous.

4.28 Whilst the north part of the site is defined as linear park, it is worth considering the requirements of the appendix L2 as it has already been established that the open space area of the application site is incidental to the main linear park function. It appears that the land between Dansteed Way and the Badminton Centre does fulfil a useful purpose in terms of its appearance, landscaping and wildlife value.

4.29 However, appendix L2 also recommends that: *“In certain cases, the loss of amenity open space may be acceptable if it is adequately compensated by proposals for improvements to the quality of landscaping and appearance of amenity space elsewhere in the locality.”*

4.30 The site is one of the areas put forward by the Parks Trust for consideration for development through the Strategic Housing Land Availability Assessment process as it has been assessed as not being an accessible part of the parks system. The Parks Trust has a Policy Concerning the Acquisition, Disposal or Development of Land, which was adopted by the Board of Trustees in 2010. The Policy says that the Parks Trust will keep its Green Estate under review and from time to time it will consider whether there are any areas of relatively low value as open space that might be considered for disposal or development. The aim of the Parks Trust seeking development of underused and undervalued areas of its green estate is so it can maintain and improve the quality of open space across Milton Keynes and to ensure the Parks Trust is financially sustainable in the long term.

- 4.31 Paragraph 74 of the National Planning Policy Framework allows development of open space “*where an assessment has been undertaken which clearly shows the open space... to be surplus to requirements*”.
- 4.32 The Parks Trust carried out a review of its Green Estate (of which this site currently forms part) in 2010. This review consisted of a working group of Trustees assisted by officers. From a broad overview of the estate, a number of sites were identified that were then subject to a detailed assessment according to the following set of criteria:
- Its value in terms of informal leisure use, e.g. walking, quiet contemplation.
  - Its importance in terms of the continuity and coherence of the park network.
  - Its value in terms of its productivity e.g. hay crop/grazing, cricket bat willow production.
  - Its biodiversity value in terms of habitats or species of importance or priority on or adjoining the site and its contribution to the overall biodiversity network of the city.
  - Its recreational value in terms of its use for sport and formal leisure use.
  - Its value as a piece of landscape and for its visual amenity.
  - The financial contribution it makes to the Trust.
  - Its historical value or other cultural significance.
  - Whether it has any specific technical functional use – e.g. as an area for flood control/water management or noise attenuation.
  - The sensitivity of the site to any change of use e.g. its proximity to residences or its prominence.
- 4.33 The Parks Trust advise that "Out of this assessment, the site at Loughton Lodge was identified as being of low relative value in Green Estate terms. It is an area of sloping land that is isolated from the main area of linear park at Lodge Lake by the Bradwell Road and has little functional use as an area of green estate because of this physical separation. It is also separated visually from the main parkland area by tree cover on the Lodge Lake side of the Bradwell Road. There are no public access routes within the site and the grassland and trees/shrubs on the land are of no particular wildlife value".
- 4.34 The Parks Trust carried out a planning assessment of the site. This assessment concluded it would be a suitable location for residential development, in line with Milton Keynes Council's objectives of increasing housing growth in part from infill sites within Milton Keynes. The precedent for residential development in this part of Loughton Lodge has already been set

by the nearby Loughton Lodge apartments to the south west of this site and this site would be a sustainable location for such development given its proximity to bus stops on Bradwell Road and the redway network along Danstead Way.

- 4.35 The assessment undertaken by the Parks Trust shows that this area of open space is not needed and would be surplus to requirements thereby in accordance with paragraph 74 of the National Planning Policy Framework could be considered for development. The Parks Trust, being a registered charity, have stated that they would reinvest any receipt from the sale of the site, that they may obtain, in improving the quality of open space elsewhere in the Milton Keynes.
- 4.36 One of the main objectives of policy L12 of the Milton Keynes Local Plan 2001 - 2011 is to facilitate the intensification of the use of the Milton Keynes Bowl and Elfield Park for commercial leisure and recreational purposes. This outline application would assist in the delivery and an enlarged Badminton facility and associated leisure facilities and well as delivering tennis facilities (see application 13/00267/FUL) which are deficient in Milton Keynes according to the Leisure Strategy on land adjoining the Milton Keynes Bowl.
- 4.37 The submitted *Interim Statement of Viability for the National Badminton Arena and Enabling Development at Loughton* confirms that all the funds that will become available from the eventual sell-off of the land at Loughton to a housing developer will be fully re-invested into the proposed new building” (Badminton Arena). It is considered that policy L12 of the Local Plan 2001 – 2011 applies to this outline application as there is a clear link between the proposed development and the main policy objective. There is also a link between policy L12 and Appendix L2 which states that in certain cases the loss of amenity open space may be acceptable if compensated by improvements to the quality of landscaping and appearance of amenity open space elsewhere in the locality.
- 4.38 Also paragraph 74 (3<sup>rd</sup> bullet point) of the National Planning Policy Framework allows for the loss of existing open space when “*the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss*”. Since the proposed residential development is to enable a larger sporting facility at the Bowl it is considered that paragraph 74 (3<sup>rd</sup> bullet point) of the National Planning Policy Framework is therefore a consideration.
- 4.39 One of the objectives of the Core Strategy is to develop Milton Keynes as an International Sporting City (ISC) [see objective 14 in table 4.1 Core Strategy Objectives). Policy CS16 (Delivering Economic Prosperity) states that Milton Keynes will develop as a Major City with a high skilled workforce. Key projects include “the development of sites to support major sporting, tourist and cultural events.” The Core Strategy Main Modifications document (January 2013) includes a number of additions and changes to the Core Strategy targets requiring timely delivery of the International Sporting City ‘Supporting Infrastructure’ and ‘Locations and Clusters’ including “an early delivery of the ‘team training base’, ‘major cycling facility’, and ‘sports and

science/medicine hub', if practical, with these facilities having planning permission (and possibly operation) within 2013/14" (Consolidated Table of Core Strategy Main Modifications p.30). It is acknowledged that the proposed new National Badminton Centre at the Bowl would support objective 14 and the Core Strategy targets.

4.40 The International Sporting City Final Report (2011), is not planning policy but evidence to inform plan making. The issue of the International Sporting City and the report were discussed at the hearing sessions of the examination of the Core Strategy. The Inspector's final report is still awaited but at the time of the Examination In Public (EIP) no significant issues on this matter were raised by third parties, the Council or the Inspector.

4.41 However, a modification to the Core Strategy was suggested prior to the Core Strategy hearing sessions to provide some policy support for the International Sporting City. This modification was on the back of receiving the International Sporting City Final Report in response to the final consultation on the draft Core Strategy prior to its submission. The modification states:

*16.10 The sites and policies needed to help deliver facilities relating to the International Sporting City will be considered through the forthcoming new Local Plan (Plan:MK). This should include consideration of delivery and funding arrangements that could be explored, including the potential for land use exchanges and/or opportunities for enabling development in accordance with relevant planning policy. Where appropriate, this will also be reflected in the development of the new (or future revised) Local Investment Plan. When considering any early proposals relating to the International Sporting City project, the economic and other benefits should be recognised.*

4.42 The part of the paragraph that is underlined is the most relevant to this application. It is intended that this paragraph forms part of the delivery of the infrastructure chapter (it is one of the delivery mechanisms). The Development Plans Manager considers that some weight could be given to the proposed policy, however, the weight attributed should take into account the fact that the policy is not finalised and may yet be subject to change.

4.43 The National Planning Policy Framework in paragraph 17 sets out a range of core land-use planning principles that should underpin both plan making and decision taking. It is considered that the following principles (2<sup>nd</sup>, 3<sup>rd</sup>, 7<sup>th</sup> and 12<sup>th</sup>) are of special relevance to both the outline and the full planning application:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- pro-actively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider

opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

4.44 Paragraph 70 of the National Planning Policy Framework states in order to enhance the sustainability of communities and residential environments planning policies and decisions should plan positively for the provision and use of community facilities (including sport venues).

4.45 On balance, it is felt that there is a good case for supporting redevelopment of the whole site for housing, particularly given support for this type of development from the National Planning Policy Framework. This is subject to the receipt of acceptable protected species reports and mitigation measures relating to bats and reptiles. The outcome of which will be included in an update report to the Development Control Committee.

#### 4.46 Density

Policy H8 of the Milton Keynes Local Plan 2001 – 2011 states that the density of new housing should be well related to the character and appearance of development in the surrounding area. In zone 3 the Council will seek average net densities of 35 dwellings to the hectare. The developable site area measures 3.34 hectares. On the basis of the site developable site area being developed with up to 104 dwellings this would equate to 30 dwellings per hectare, which would be below the average net density for the area. The applicant advises that constraints of the site such as flood mitigation, the requirement to retain landscape buffers around the site as part of the wildlife corridor, the levels issues on the site and as well as market considerations in terms of the mix of dwellings in this location are all having an impact on the density of the overall proposed density. The proposed density would be below that set out in the local plan, however, this is an outline application, the actual density which will end be achieved will be established at the reserved matters stage. A condition should be imposed on any consent permitting up to 104 dwellings on the site.

#### 4.47 Design

In terms of design of the proposed development matters of appearance, layout and scale are reserved for future detailed applications. However, the application has been accompanied by a revised indicative site layout plan (php architects Drawing number 4039-100 P6) which illustrates housing and

landscaping layout of how up to 104 units and one retained building could be developed upon the site. The plan also shows illustrative sections of housing on the site.

4.48 Whilst the proposed indicative layout would provide a good distinction between public and private space, concern has been expressed by the Council's Senior Urban Designer and Crime Prevention Design advisor about the lack of defensible space across the development as a whole in front of the dwellings; the blank side elevations fronting Bradwell Road providing a poor frontage to Bradwell Road; the proposed cul-du-sac to the North-West of the site having a layout where dwellings overlook the rear of the dwellings on Bradwell Road resulting in poor enclosure of the street, an inactive edge to the cul-de-sac and potential security issues for future residents. A back to back arrangement of properties would be preferable. The lack of a useable public open space to serve development if the existing accommodation block is retained; the lack of space to accommodate trees within the streets; the lack of a footpath serving all the dwellings along Bradwell Road; the garden sizes on a number of plots being below the depths set out in the Residential Design Guide.

4.49 **All these concerns relate to details that would be considered at the reserved matters stage.** The application could not be refused on the basis of a poor layout being proposed as this matter has been reserved until a later stage. However, it is recommended that a condition be imposed on any consent informing any future developers that the proposed indicative site layout plan shown on php architects drawing number 4039-100 P6 is purely an indicative layout. The issues raised by the Senior Urban Designer and Crime Prevention Design Advisor would need to be addressed at the detailed stage. A further condition should be imposed to ensure that any residential development achieved the Secured By Design accreditation awarded by Thames Valley Police.

#### 4.50 Scale

Whilst the application is at the outline stage and detailed elevations are not shown, the proposed indicative residential scale of development is consistent with the scale of the existing built-form, showing two storey dwellings and two and a half storey flats. A condition should be imposed on any consent to ensure that the scale of the development was no greater than two and a half storeys in height.

#### 4.51 Impact on the highway and transport network

The site is proposed to front Bradwell Road. Bradwell Road is a local distributor road that leads to Loughton Village and connects with city grid road Danstead Way (H4) at its northern extent. The road is not a residential road and was built by Milton Keynes Development Corporation to city road standards hence its width of 7.3 metres for the vast majority of the site frontage and that narrows to 6.2 metres further south. As a form of vehicle restraint it has 45 degree splay kerbs on each side with a kerb face of 160

millimetres. The kerb type and face is not recommended for residential development and would need replacement with something more appropriate.

- 4.52 The proposed development would require a footway on the development side of Bradwell Road and confirmation that this is to be provided as part of the proposal is contained within the Transport Assessment. However, this is not assisted by the fact that the existing kerb has a 45 degree splay profile that is not considered a safe type of kerb in this situation as it does not have the vehicle restraint criteria of a half battered kerb profile. Additionally the current kerb face of 160 millimetres does not lend itself to natural transitions for dropped kerbs to individual dwelling accesses. The road is subject to a 30 miles per hour zone and through the installation of ATC equipment it has been found that the 85<sup>th</sup> percentile traffic speeds are 37.5mph in both directions.
- 4.53 Ideally the road width should be reduced to 5.5 metres as part of this development to provide something that is more in keeping with residential standards and to assist in lowering the traffic speeds. Additionally Bradwell Road will require a series of traffic calming measures to lower traffic speeds. All residential streets in Milton Keynes should be laid out to achieve a 20 miles per hour design speed. Whilst Bradwell Road might be considered by some as not being an integral part of the development it does have a long and very close frontage with the road with just a minimum set back from the road edge sufficient to allow a 2 metres footway to be constructed. Whilst the Senior Highway Engineer may be able to accept the current width of Bradwell Road, cannot accept the existing kerb type or face and will need to see additional speed management measures installed.
- 4.54 The applicant has agreed with the Senior Highway Engineer regarding the suitability of the kerbs on the development side of Bradwell Road and has stated that the kerb line will be taken out and replaced with kerbs of an acceptable profile and face height. The applicant has confirmed that a 2 metre wide footway will be installed on the development side of Bradwell Road.
- 4.55 The Senior Highway Engineer has agreed that the width of Bradwell Road would not need altering if speed management measures are applied to Bradwell Road. Discussions have taken place regarding the provision of traffic calming measures along Bradwell Road. The locations where speed management features will be required:-
- A table junction at the northern development access.
  - A table junction at the southern development access.
  - A flat-top hump at a point to be agreed between the southern junction and where the Portway (H5) overbridge crosses Bradwell Road.
- 4.56 Both the works for the Toucan crossing and the installation of the road humps will be included in the S106 agreement for the development. The toucan crossing and the road humps will be the subject of separate consultation



processes and cannot be determined through the planning application. The proposed development will not be acceptable without the toucan crossing and the traffic calming works. All works on the public highway will also be the subject of a S278 legal agreement under the Highways Act.

- 4.57 Traffic counts were undertaken at the two access points into the existing development to record a base line traffic flow. It is noted although the Fusion Health Club operates from 06:30hrs that surveys did not start until 08:00hrs. Generally the Senior Highway Engineer is satisfied with the traffic count periods and the observed peaks as they accord with what is normally expected on the local highway network. No personal injury accidents have been recorded on this length of Bradwell Road or at the junction of Bradwell Road with Danstead Way in the last three years. The Transport Assessment makes the statement that the proposed development is not expected to result in any increase in personal injury accidents.
- 4.58 The Transport Assessment deals with the issues of 'Sustainable Transport' to the site and goes through pedestrian, cycle, bus and rail access. The Transport Assessment includes a plan to show that Central Milton Keynes railway station is within the recognised 2 kilometre distance considered by the Institute of Highways and Transport (IHT) to be the preferred maximum walk distance. Whilst this may be the case, the Senior Highway Engineer considers that it is unlikely, that many would consider the walk from the site to the rail station as a safe option during the hours of darkness. Whilst the Transport Assessment is keen to promote the site as being wholly accessible by walking it fails to consider the provision of pedestrian access to the site from the south on a local basis. On the proposed indicative site layout plan there is no direct footway link to the site on the development side of Bradwell Road and whilst one is proposed as part of the development that pedestrians need to get from the west side of Bradwell Road to the east as the footway link further south on this side of the road is interrupted. The Senior Highway Engineer has previously mentioned that a southern pedestrian link to the proposed development will be required. The applicant has confirmed that a 2 metre wide footway will be installed on the development side of Bradwell Road.
- 4.59 The Transport Assessment considers that the site is wholly accessible by cyclists and that this can be improved as part of the development. Accessibility by bus has been commented on separately by the Passenger Transport Officer and the Senior Highway Engineer agrees with the comments made. As previously mentioned the rail station is within 2 kilometres walk distance and offers regular services to major centres such London, Birmingham, Manchester and to local centres such as Northampton, Bletchley and Wolverton.
- 4.60 Parking

The indicative site layout plan shows that up to 104 dwellings are being proposed on the application site. Milton Keynes car parking standards are quoted and further the text explains that car parking provision will exceed the

minimum requirement. At this stage it is only necessary to state that the development will comply with the Milton Keynes car parking standards in force at the time of any reserved matters planning application. The applicant has confirmed that all car parking for the proposed residential development will comply with Milton Keynes Council car parking standards in force at the time of any subsequent reserved matters planning application.

- 4.61 As previously mentioned a traffic count was undertaken at the main site access and flows were recorded from 0800-2300 hours and the two peak hours of 08.15-09.15 and 1700-1800 were established. The Senior Highway Engineer has no reason to dispute the recorded peak hour flows. The TRICS database was interrogated to establish trip rates and these have previously been agreed. A comparison of the TRICS data using the trip rates against the established peak hour flows shows that in the morning peak the proposed development will result in 2 additional two-way trips and in the evening peak the development will result in a net reduction of 45 two-way trips.
- 4.62 The threshold mentioned in paragraph 5.1.2 of the Transport Assessment is acknowledged. As requested the junction capacity of Bradwell Road with Dansteed Way has been analysed but the Transport Assessment has not analysed the junction of Lincslade Grove with Bradwell Road due to the small forecast changes in traffic flow. The Senior Highway Engineer's original request included an analysis of this junction as it was thought it would be a route used to gain access to Portway (H5) and then the A5D. The Transport Assessment quotes that Milton Keynes Council requested site specific growth rates (to 2018). A check on other committed development has been made so that it could be taken into account but it was found that there is no other planned committed development in the area.
- 4.63 The capacity assessment of the Bradwell Road/Dansteed Way junction shows that in 2018 it will operate well within the 85% ratio of flow to capacity design threshold and therefore the Senior Highway Engineer would have no issue with the junctions ability to cope with the development flow. It is noted that some objectors have cited difficulties in exiting from this junction onto the relatively fast length of Dansteed Way (H4) but this is common to a number of junctions with grid roads. The Personal Injury Accident (PIA) record shows that drivers waiting to access have no difficulty in selecting a 'window' in which to emerge onto Dansteed Way (H4) even though this may have taken a time to seize. A study of the site access junctions has also been undertaken and for robustness testing has been carried out on the basis that only one of the junctions will operate although in reality both will obviously be available. The study shows that the junction will operate within the 85% ration of flow to capacity design threshold which is acceptable.
- 4.64 The Transport Assessment shows that both the residential development accesses can provide full junction visibility to Manual for Streets standards (2.4 metres x 43 metres) and that they have 6 metres radii on 5.5 metres wide access roads. In the case where the development receives planning consent the works to provide the accesses together with the other necessary highway works will be subject to a S278 agreement. The accesses as shown are

acceptable and can be conditioned as part of any planning consent.

- 4.65 Paragraph 3.4.1 details the measures that are to be provided to improve sustainable travel infrastructure. A Toucan crossing on Bradwell Road is proposed. For the location of the Toucan crossing as indicated, unobstructed forward visibility of 65 metres to a point 2 metres either side of the crossing (laterally) needs to be provided. This will entail the need for some vegetation on the western verge/embankment being removed. Given that the recently recorded 85 percentile traffic speeds are 37.5 miles per hour, traffic calming features should be implemented on both approaches. The north-east bound pedestrian approach to the crossing point is via a steep embankment. It should be ensured that this approach is a suitable gradient for mobility impaired users.
- 4.66 Whilst the outline application is for access consideration only an indicative site layout for the development has been provided for illustrative purposes only. The Senior Highway Engineer raises a number of concerns with regards to the proposed indicative layout which include the location and provision of unallocated (visitor) car parking. There does not seem to be sufficient provision of this and its distribution is not evenly geographically spread throughout the development. All unallocated car parking spaces must be on the public highway and should be placed parallel to it and not perpendicular. Unallocated spaces placed within private plots are not acceptable. Footways to the rear of parking bays should form a flowing alignment and should not follow the back edge of the parking bays. Neither should footways take sharp 90 degree deviations in horizontal alignment. Parallel parking spaces should be accompanied by entry and exit splays at either end of a group. Apartment block car parking should not include visitor spaces. However, these are detailed matters which can be resolved at the reserved matters stage and a condition should be imposed on any planning permission to ensure that any allocated and unallocated car parking for the housing scheme would comply with the parking standards which are in force at the time when any reserved matter application is made.
- 4.67 In Summary the Senior Highway Engineer advises that there are no technical highways reasons not to permit this development subject to a S106 being completed for a toucan crossing and traffic calming measures.
- 4.68 Affordable Housing Provision

Under policy H4 of the Milton Keynes Local Plan 2001 – 2011 developments of 15 dwellings or more expected to provide 30% of new housing on a site as affordable housing. Under the Affordable Housing Supplementary Planning Document (2013) 25% of the dwellings should be affordable rent (5% at Social Rent Equivalent levels) and 5 % shared ownership. This would equate to the applicant providing 26 Affordable Rent Units and 5 Shared Ownership Units. However, the applicant has indicated that the development is not viable based on the Council's normal tenure mix of 25% Affordable Rent and 5 % Shared Ownership. Any variation to the required mix will need a viability assessment as per the Affordable Housing Supplementary Planning

Development (2013), which will be subject to a decision by the Development Control Committee. The applicant has submitted a viability appraisal which has been assessed by the Council's Valuer and Planning Obligations Officer and is discussed in more detail in the Planning Obligations section.

#### 4.69 Planning Obligation Requirements

Policy P01 of the Milton Keynes Local Plan 2001 – 2011 states:

"The Council will seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the proposed development. In making an assessment of such needs, it may be necessary to take into account the cumulative effect of a number of developments on the existing infrastructure of the surrounding area. Developers will be expected to meet the full costs of facilities required as a consequence of development and contribute to resolving existing deficiencies where these would be made worse by the development."

4.70 Policy P02 of the Milton Keynes Local Plan outlines the main types of developments where the Council will seek improvements to infrastructure and community facilities criteria iv includes proposals for new housing such as being proposed by this development.

4.71 Policy P04 requires where new development is proposed, developers are encouraged to allocate at least 1% of the capital cost of a development towards the incorporation of public works of art that enhance the appearance of the development.

4.72 This contribution should be split as follows in accordance with the Council's adopted Supplementary Planning Guidance and Documents for Planning Obligations. These documents are in place to support the Local Plan policy requirement for Planning Obligations and demonstrate the requirement based on a policy-based approach to ensuring the impact of new developments are mitigated and the developments are made acceptable in planning terms.

4.73 It is considered that these contributions meet the necessary legislative and legal requirements for Planning Obligations, notably the National Planning Policy Framework (NPPF) and the Community Infrastructure Levy (CIL) Regulation 122 for Planning Obligations and the three Statutory Tests for Planning Obligations which an authority must be satisfied when requesting any Planning Obligations.

These tests are:

1. it is necessary to make the development acceptable in planning terms
2. it is directly related to the development
3. it is fairly and reasonably related in scale and kind to the development

4.74 In line with the adopted Supplementary Planning Documents /Guidance Notes the development would ordinarily require the following contributions:

**Social Infrastructure - £636,082**

- Library - £ 28,440.72
- Adult Continuing Education in Wolverton - £13,502.16
- Crematorium/Burial Grounds £11,491.20
- Museums and Archives £20,109.60
- Health Facilities £196,786.80
- Waste Management £32,462.64
- Social Care – Day Care £6,894.72
- Social Care – Older Persons Housing £42,230.16
- Emergency Services £6,320.16
- Voluntary Sector £23,844.24
- Milton Keynes University £90,780.48
- Milton Keynes College £ 32,175.36
- Inward Investment £23,844.24
- Public Art £96,800 to be provided on site.
- Waste Management Receptacles - £10,400

**Leisure and Recreation £598,820.04**

- Playing Fields - provision £ 60,458.08 and maintenance £51,710.40
- Local Play Provision £ 90,493.20 and Maintenance - £64,350.72
- Neighbourhood Play Provision £86,184.00 and Maintenance £110,315.52
- Community Hall – £26,680.27
- Local Parks Provision £11,491.20 and Maintenance £16,662.24
- District Parks Provision £22,982.40 and Maintenance £33,324.48
- Allotments –£10,773
- Sports Hall - £5,979

**Education £914,571**

- Additional school places in the vicinity of this development site. The following contributions would be required.
- Early Years - £73,679
- Primary School - £364,062.32
- Secondary - £391,838.30
- Post 16 - £84,991.30

**Public Transport**

- Annual bus pass for every household (previously estimated to be £425 each)
- Travel pack to each household showing the redway route to/from the

stop, as well as other pedestrian/cycling information.

- Enhanced signage from the application site along the redway promoting the bus stops.

- **Carbon Offset £48,400 estimated**

- **Total Contribution £2,197,873 or £21,133.394 per dwelling.**

4.75 The viability information submitted has been assessed by the Council's Valuer and Planning Obligations Officer. Based on the information submitted, it is considered and supported by the Council's Valuer that the development could afford to meet the full S106 requirements including providing affordable housing and still achieve an acceptable land value. This is based on an acceptable developer profit level being factored into the assumptions.

4.76 The land value is considered to be artificially inflated as it is understood to be based on the assumption of limited S106 or affordable housing, which is not considered an acceptable approach in normal circumstances. If the Development Control Committee are minded to support the applications and see the land value invested into the replacement Badminton facility, then further assessments would not likely change the position in terms of the amount of s106 or affordable housing that can be provided if this is all to be invested into the delivery of the replacement facility.

4.77 However, an offer of £780,343 has made by the applicant towards the following:

Education contribution	£500,000
Local Play capital	£90,493
Local Play maintenance	£64,350
Toucan crossing for cyclists and pedestrians	£30,000
Access Rd platforms x 2 estimate	£50,000
Pedestrian crossing estimate	£25,000
Redway extension at £50/m estimate	£7,000
Footway as required by MKC	£13,500
	<b>£780,343</b>

4.78 A contribution of £500,000 is offered towards Education provision serving the development. Member may (if approving this development) wish to specifically allocate this funding as part of deciding this application. However, as a significantly reduced contribution is offered, it is recommended this is split across the relevant Supplementary Planning Document /Guidance items to ensure those facilities which are considered essential to mitigate the impact of the development in line with the Supplementary Planning Document /Guidance requirements are delivered. The contributions towards playing fields, sports hall and community facilities can be considered by the proposed development at the "Bowl site".

4.79 It is considered that this approach meets the statutory tests of the National Planning Policy Framework and Community Infrastructure Levy Regulations as the impact of the development has been assessed in accordance with the adopted Supplementary Planning Documents and Supplementary Planning Guidance however due to the reduced amount, the flexibility to allocate the reduced contribution across these Heads of Terms will best enable impacts of the development to be reduced or mitigated.

4.80 There have been other examples where either nil or reduced S106 planning obligations have been accepted on housing development in order that leisure schemes can be provided or sites with heavy regeneration costs mitigated, these include Bletchley Leisure Centre (06/00489/MKCOD3) where no planning obligations were taken, Radcliffe School Wolverton (07/00554/FUL and 10/01385/MKCOD3) where a reduced level of planning obligations were agreed and Wolverton Park where no planning obligations were received. However, in each case Affordable Housing was provided. There are examples where reduced affordable housing numbers have been accepted such as at Nampak.

#### 4.81 **In summary**

At face value the provision of no affordable housing and a reduced S106 planning obligations means that the proposed development if it were a stand alone application would be contrary to policies H4, P01, P02 and PO4 of the Milton Keynes Local Plan 2001 – 2011 and without sufficient evidence of lack of viability would be recommended for refusal. However, the funding generated by the sale the housing development is to be re-invested in the provision of an enlarged national badminton centre with associated tennis, leisure and conference facilities which are currently deficient according to the Council's Leisure facility. The related application 13/00267/FUL would also meet one of the key corporate aims of the Council, ensuring the development of Milton Keynes as a Sporting City. This proposed development would also assist the Council in meeting its housing provision, by delivering housing on a windfall site. It is for the Development Control Committee to determine with the lack of affordable housing provision and reduced S106 Planning Obligations are outweighed by the provision of a new enlarged facility. In other words is there harm generated by the proposal that a) cannot be outweighed by planning conditions; some section 106 funding; and b) set against the benefits that this scheme will enable at the bowl site.

5.0 If the Development Control Committee consider this application to be acceptable then a section 106 agreement will be required to cover a range of issues including tying the implementation of the permission to the letting of a contract for the enabling development at the bowl Site and the following conditions should be imposed on any planning permission

1. Approval of the details of the layout, scale, appearance of the buildings, access thereto and landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced. (O11)

Reason: Outline Planning Permission only is granted in accordance with the application submitted.

2. Notwithstanding the illustrative details submitted as part of this outline permission application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun on or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved. (O13)

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Prior to the commencement of development details for the phasing of development, including the demolition of the existing new National Badminton Centre, shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use

5. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.



d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying Secondary A aquifers, EU WFD DrWPA and surface water features) from potential pollutants associated with current and previous land uses in line with NPPF (paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

6. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying Secondary A aquifers, EU WFD DrWPA and surface water features) from potential pollutants associated with current and previous land uses in line with NPPF (paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying Secondary A aquifers, EU WFD DrWPA and surface water features) from potential pollutants associated with

current and previous land uses in line with NPPF (paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

8. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying Secondary A aquifers, EU WFD DrWPA and surface water features) in line with NPPF (paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements G1 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (Suds) such as soakaways, unsealed porous pavement systems or infiltration basins.

9. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason (5)

To protect and prevent the pollution of controlled waters (particularly the underlying secondary A aquifers, EU WFD DrWPA and surface water features) in line with NPPF (paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statement N7. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

10. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying Secondary A aquifers, EU WFD DrWPA

and surface water features) from potential pollutants associated with current and previous land uses in line with NPPF (paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

11. The development hereby approved shall not be brought into use until the Travel Plan has been approved in writing by the Local Planning Authority. The travel Plan shall include the following:
- The target of a 10% mechanism in the single occupancy vehicle car driver modal share by the end of the monitoring period;
  - The methods to be employed to meet these targets.:
  - The mechanisms for monitoring and review:
  - The mechanisms for reporting:
  - The mechanisms for mitigation including budgetary provision;
  - Implementation of the travel plan (from construction until one year after occupation of the final dwelling):
  - Mechanisms to secure variations to the travel plan following monitoring and reviews.

The completed development shall be occupied in accordance with the approved Travel Plan as agreed in writing by the Local Planning Authority.

Reason: To ensure the A5 trunk road continues to serve this purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the A5 trunk road and connecting roads in accordance with section 10 of the Highways Act 1980.

12. No development approved by this planning permission shall take place until such time as a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- Full calculations detailing the existing surface water runoff rates for the QBAR, Q30 and Q100 storm events;
  - Full storm event simulation results with appropriate inputs and parameters demonstrating the surface water runoff rates for the QBAR, Q30, Q100 and Q100 (plus climate change) storm events, of the critical storm season and duration;
  - Full results of proposed drainage system modelling in the above-referenced storm events, inclusive of all collection, conveyance, storage, flow control and disposal elements, together with an assessment of the system performance;

- Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions, and pipe reference numbers;
- Full details of the proposed attenuation and flow control measures, including dimensions, design and water levels, gradients and ' where a vortex flow control is used ' the manufacturer's design flow curve;
- Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites;
- Full details of the maintenance and/or adoption of the system inclusive of all collection, conveyance, storage, flow control and disposal elements.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the impact of flooding on the proposed development and future occupants.

13. No development approved by this planning permission shall take place until such time as a scheme for the provision of compensatory flood storage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the location and volumes of compensation required as well as clear details of how this will be achieved (Flood compensation must be provided on a level for level, volume for volume basis in the close vicinity of the site).

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the impact of flooding on the proposed development and future occupants.

14. No development approved by this planning permission shall take place until such time as scheme detailing flood mitigation measures has been submitted to and approved in writing by the Local Planning Authority. This may include a combination of raising finished floor levels and flood proofing.

Reason: To prevent flooding by ensuring the satisfactory storage

of/disposal of surface water from the site. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the impact of flooding on the proposed development and future occupants.

15. The application (s) for reserved matters approval submitted to the Local Planning Authority pursuant to condition 2 are not to exceed the following amount in total up to 104 Residential Units (Use Class C3);

Reason: To ensure development conforms to the outline planning permission.

16. Reserved matters applications shall incorporate measures to minimise the risk of crime in accordance with Secured by Design Principles. In particular for residential development shall achieve 'Secured by Design' accreditations as awarded by Thames Valley Police. Written confirmation of these measures is to be submitted to and approved by the Council. The approved measures shall be implemented prior to the first occupation of the residential dwellings, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To design out crime and promote well-being in the area

17. No overhead lines, wires or cables, whether for the purpose of telephones, electricity, wired television or any other purpose shall be erected on, over or across any part of the application site unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of the locality.

18. Details of the proposed finished floor levels of all buildings and the finished ground levels in relation to existing surrounding ground levels shall be submitted to and approved by the Local Planning Authority prior to the development commencing. Development shall be undertaken in accordance with the approved levels.

Reason: To ensure that development is carried out at suitable levels.

19. Reserved matters applications shall be accompanied by a Sustainability Statement for including as a minimum details required by policy D4 and accompanying Supplementary Planning Document Sustainable Construction Guide.

Reason: To ensure Sustainable Construction

20. Sample Panels of the external materials to be used in the development shall be erected on site and approved in writing by the Local Planning Authority prior to development of that phase commencing.

Reason: To ensure that the development does not detract from the

appearance of the locality

21. The details to be submitted for the approval of in writing of the Local Planning Authority in accordance with condition 1 above shall include a scheme for parking and manoeuvring in accordance with the Local Planning Authority's "Car Parking Standards". The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

22. Prior to development commencing the details of the adoptable estate roads shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the construction of the estate road in accordance with the approved details has been secured and implemented.

Reasons: To provide satisfactory adoptable highway connections to the local highway network.

23. Access to and egress from the site during construction works shall not be obtained except from Bradwell Road via H4 Danstead Way unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise the impact of the development on occupiers of residential properties in Bradwell Road.

24. The hours of working on any phase of the development during the construction period shall be restricted to 08:00 hours - 18:00 hours Mondays to Fridays, 08:00 hours to 13:00 hours on Saturdays and no working shall take place on Sundays and Public Holidays. The term 'working' shall for the purpose of clarification of this condition include; the use of plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of the site. Any 'working' outside these hours on any phase shall have prior written consent of the Local Planning Authority.

Reason: To minimise disturbance to occupiers of completed and nearby dwellings.

25. Prior to the commencement of development a scheme showing the proposed boundary treatments for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be in accordance with the approved details f and be completed prior to the first occupation of each dwelling.

Reason: To ensure a satisfactory appearance for the development in the interests of visual amenity and privacy.

26. All existing trees to be retained are to be protected according to the provisions of BS 5837: 2012 'Trees in relation to design, demolition and construction - Recommendations' All protective measures especially the fencing and ground protection must be put in place first, prior to any other work commencing on site (this includes vegetation clearance, ground-works, vehicle movements, machinery / materials delivery etc.) The fencing shall be of the same specification as that depicted in figure 2, page 20 and ground protection as specified in 6.2.3.1 - 6.2.3.5 pages 21/22 in BS 5837: 2012.

Signs informing of the purpose of the fencing and warning of the penalties against destruction or damage to the trees and their root zones shall be installed at minimum intervals of 10 metres and a minimum of two signs per separate stretch of fencing.

The Root Protection Area (RPA) within the protective fencing must be kept free of all construction, construction plant, machinery, personnel, digging and scraping, service runs, water-logging, changes in level, building materials and all other operations, personnel, structures, tools, storage and materials for the duration of the construction phase.

The developer shall submit details of the proposed layout and general arrangements of the site in relation to the trees to be retained. In particular details of storage areas including what substances will be stored and where, locations of car parking, welfare facilities, cement plant, fuel storage and where discharge, filling and mixing of substances will take place. The details should include site levels to enable risks posed to trees to be quantified. The RPA will be amended as the arboriculture officer feels appropriate after taking account of the details submitted.

No fire shall be lit such that it is closer than 20 metres to any tree or that flames would come within 5 metres of any part of any tree.

Earthworks, service runs, foundations and all other works involving excavation should not be located within the root protection areas.

Reason: To ensure adequate protection of trees to be retained.

27. A full arboricultural impact assessment, tree protection plan and arboricultural method statement all in accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction - Recommendations' for all the trees within the site or adjacent to the site which will or could be affected by the proposals or which could have an influence on foundation design shall be submitted for approval.

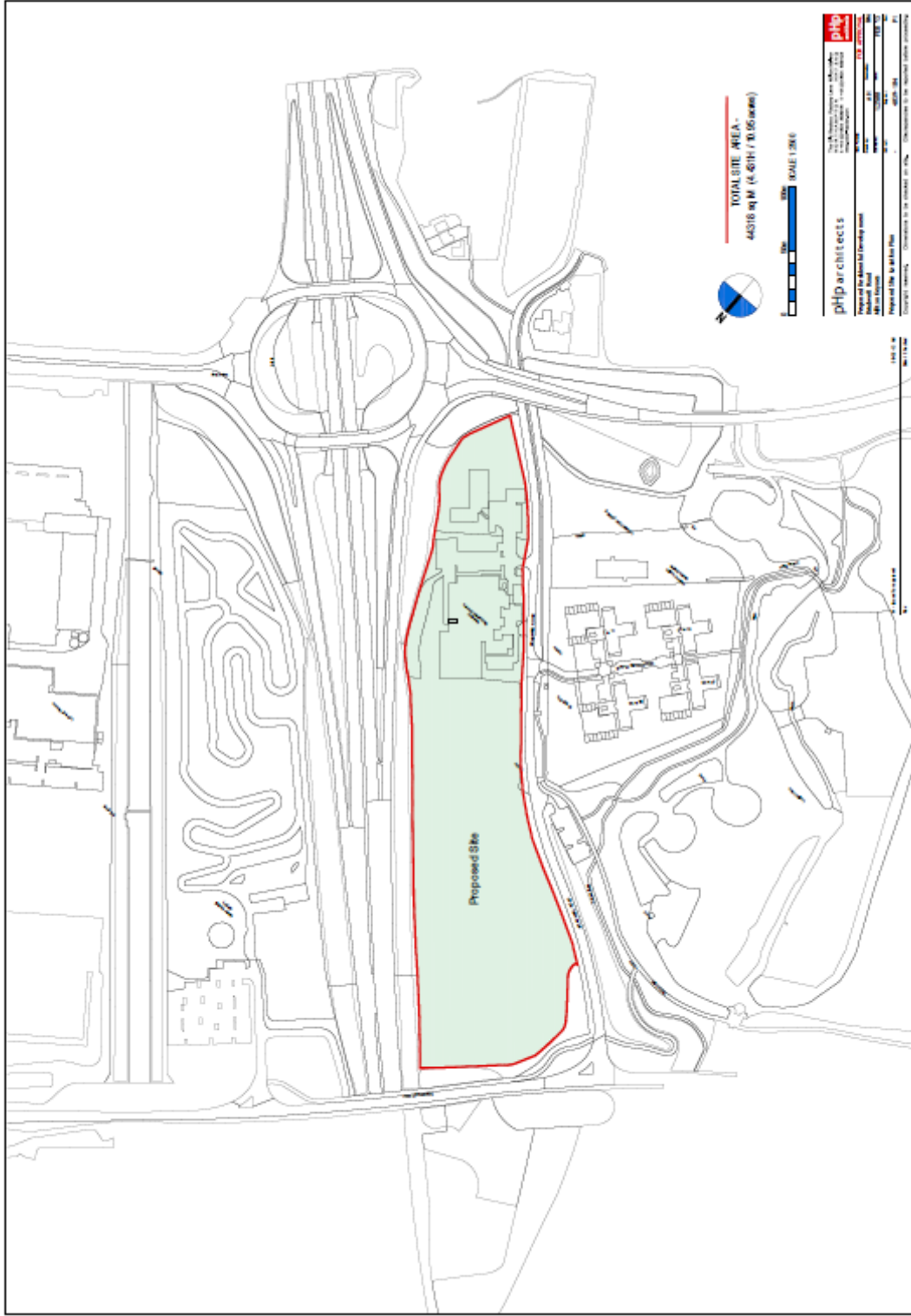
Reason: To ensure that adequate tree protection measures are in

place

28. The development shall be no more than two and a half storeys in height unless otherwise agreed in writing by the Local Planning Authority.

Reason: To respect the character and appearance of the surrounding area.





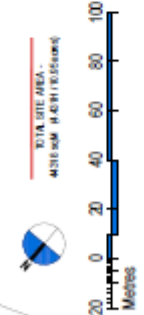
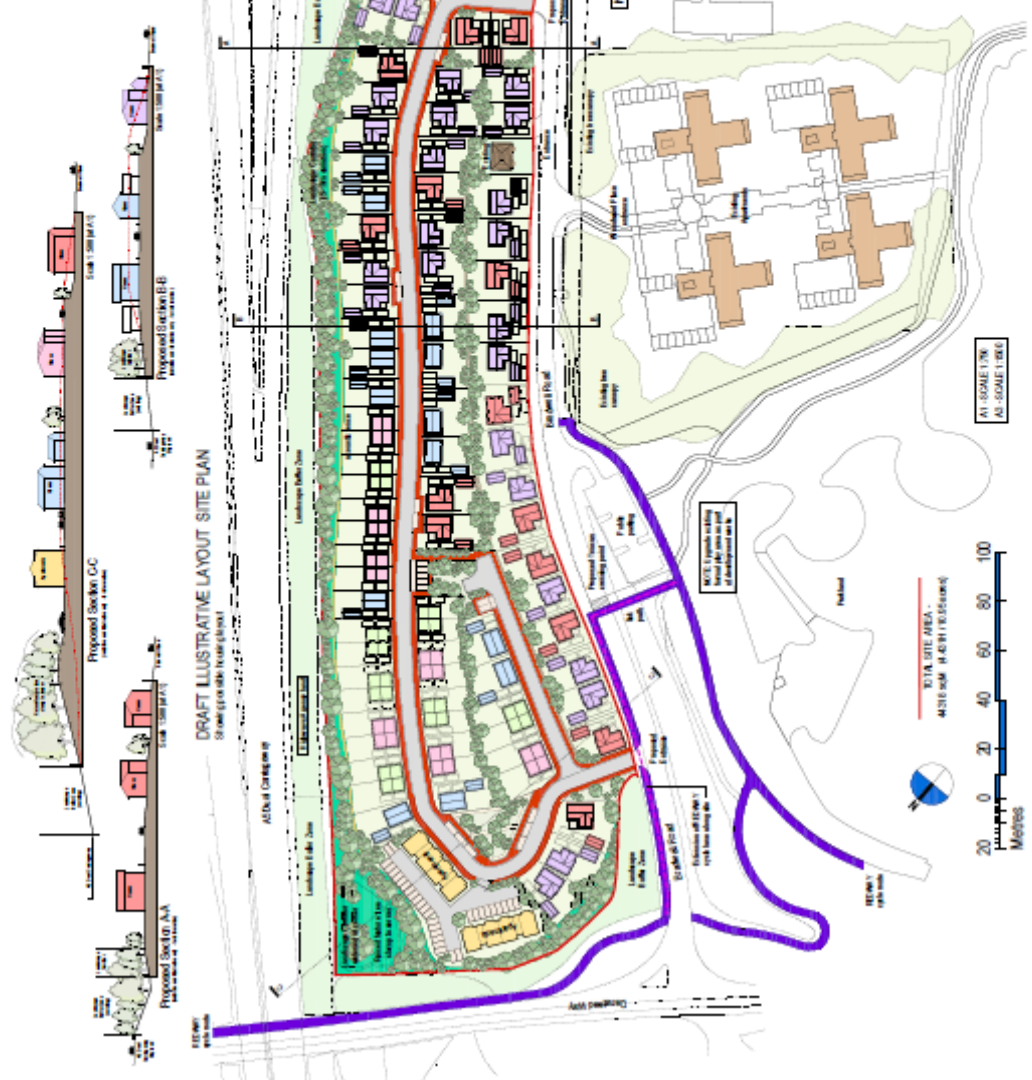
**SITE LEGEND**

Unit Type	Count	Area (sqm)	Count	Area (sqm)
2 bed semi	14	4 bed det.	24	
3 bed semi	14	5 bed det.	14	
3 bed det.	14	Apartments	24	

**Total Units: 104**

**DRAFT ILLUSTRATIVE LAYOUT SITE PLAN**

Scale: 1:1000 (not to scale)



**pip architects**  
 1111 11th Street, Suite 100  
 Vancouver, BC V6C 2E6  
 Tel: 604.681.1111  
 Fax: 604.681.1112  
 Email: info@pip.ca  
 Website: www.pip.ca

NOTE: Landscaping and landscape lighting shown in purple ink on site plan.

NOTE: 3.5m depth of water shown in blue ink on site plan.

NOTE: 2.0m depth of water shown in green ink on site plan.

NOTE: 1.0m depth of water shown in yellow ink on site plan.

NOTE: 0.5m depth of water shown in light green ink on site plan.

NOTE: 0.2m depth of water shown in light yellow ink on site plan.

NOTE: 0.1m depth of water shown in lightest yellow ink on site plan.

NOTE: 0.05m depth of water shown in lightest yellow-green ink on site plan.

NOTE: 0.02m depth of water shown in lightest yellow-orange ink on site plan.

NOTE: 0.01m depth of water shown in lightest orange ink on site plan.

NOTE: 0.005m depth of water shown in lightest orange-red ink on site plan.

NOTE: 0.002m depth of water shown in lightest red ink on site plan.

NOTE: 0.001m depth of water shown in lightest red-orange ink on site plan.

NOTE: 0.0005m depth of water shown in lightest red-orange-red ink on site plan.

NOTE: 0.0002m depth of water shown in lightest red-orange-red-orange ink on site plan.

NOTE: 0.0001m depth of water shown in lightest red-orange-red-orange-red ink on site plan.

NOTE: 0.00005m depth of water shown in lightest red-orange-red-orange-red-orange ink on site plan.

NOTE: 0.00002m depth of water shown in lightest red-orange-red-orange-red-orange-red ink on site plan.

NOTE: 0.00001m depth of water shown in lightest red-orange-red-orange-red-orange-red-orange ink on site plan.

NOTE: 0.000005m depth of water shown in lightest red-orange-red-orange-red-orange-red-orange-red ink on site plan.

NOTE: 0.000002m depth of water shown in lightest red-orange-red-orange-red-orange-red-orange-red-orange ink on site plan.

NOTE: 0.000001m depth of water shown in lightest red-orange-red-orange-red-orange-red-orange-red-orange-red ink on site plan.

## Appendix to 13/00266/OUT

### 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 MK/615/80

Change of use to administrative offices club and meeting rooms and residential accommodation and erection of sports training hall (outline)  
Permission 02.06.1980

#### MK/1444/80

Erection of sports hall conversion of farm buildings to offices club and meeting room and residential accommodation  
Permission 29.01.1981

#### MK/167/84

Extension of office building and construction of car park  
Permission 26.04.1984

#### 96/01139/MK

Badminton centre extensions including 5 court hall extension, 25 bedroom accommodation block, function room and ancillary works  
Reserved Matters Consent Granted 04.02.1997

#### 01/00555/FUL

Extension to provide sports science department  
Permission 26.06.2001

#### 02/01816/FUL

Construction of 26 no. additional parking spaces and new vehicular access  
Permission 17.12.2002

#### 02/02069/FUL

Installation of 15 no. additional car parking spaces and widening of existing car park access road within the site boundary  
Permission 17.01.2003

#### 05/01459/FUL

Rear car park extension with additional car park lighting  
Permission 02.02.2006

#### 06/00076/FUL

Erection of 3.3m high carved sculpture  
Permission 10.03.2006

#### 07/01904/FUL

Two storey side extension  
Permission 28.12.2007

08/01429/FUL

Relocation of main entrance and erection of a canopy  
Permission 30.09.2008

12/02110/EIASCR

Screening opinion request for proposed C3 residential development of approximately 120 units comprising the National Badminton Centre and Health Club, The Lodge (an overnight accommodation facility) and land to the north west of the Badminton Centre running up between the A5 and the Bradwell Road to Danstead Way.

Environmental Impact Assessment Not Required 29.10.2012

12/02174/EIASCR

Screening opinion request for a proposed C3 residential development of up to 150 units (revised) comprising of the National Badminton Centre and Health Club, The Lodge (an overnight accommodation facility) and land to the north west of the Badminton Centre running up between the A5 and the Bradwell Road to Danstead Way

Environmental Impact Assessment Not Required 06.11.2012

## A1.2 **Related Planning Application**

13/00267/FUL the construction of a new National Badminton Centre including an arena of 17 x badminton courts and 6 x indoor tennis courts; 6 outdoor courts; associated fitness and conference facilities; administrative and overnight accommodation together with ancillary uses; associated car parking and landscaping works.

To be determined by the Development Control Committee at their meeting on 29<sup>th</sup> April 2013.

## A2.0 **ADDITIONAL MATTERS**

*(Matters which were also considered in producing the Recommendation)*

### A2.1 Policy D4 – Sustainable Construction.

In the event that outline permission is granted and a reserved matters application is subsequently submitted, they will be required to demonstrate that the development will satisfy policy D4 of the Milton Keynes Local Plan 2001 – 2011 and the accompanying Sustainable Construction Supplementary Planning Document. A condition should be imposed on any planning permission to ensure that this requirement is met.

### A2.2 Air Quality Impact

The Council's Senior Practitioner, Environment Team has assessed the Air Quality Assessment which accompanied the Planning Application and advises that for residential development at the existing site, concentrations of nitrogen dioxide and particles (PM<sub>10</sub> and PM<sub>2.5</sub>) have been predicted using the ADMS-Roads dispersion model.

A2.3 The model output indicates that nitrogen dioxide concentrations will be at their highest in the northern corner of the site, but that concentrations across the development site will be below the objective level for mitigation. The highest concentrations are to be expected in close proximity to the H4 Danstead Way and A5D roads. The highest predicted concentration at the site boundary is approximately 30  $\mu\text{g}/\text{m}^3$  for the 'with emissions reduction' scenario, and 33  $\mu\text{g}/\text{m}^3$  for the 'without emissions reduction' scenario compared to the annual mean objective concentration of 40  $\mu\text{g}/\text{m}^3$ . This suggests that air quality for future residents within the development will be acceptable.

A2.4 The predictions in 2014 are based on worst-case assumptions regarding the increase in traffic flows, such that all committed developments and the proposed development, are assumed to be fully operational. This will have overestimated the traffic emissions, which will, in part, offset any potential underestimation in future concentrations using the official emission factors. Predicted PM10 and PM2.5 concentrations are very low across the development site, with all concentrations well below the objectives.

A2.5 The recommendation in paragraph 6.2, reproduced below is endorsed by the Senior Practitioner in the Environment Team:

*"6.2 In light of the suspected under-prediction of concentrations close to the A5, it is recommended that the developer applies some caution, and ensures that new residential properties are constructed as far from the A5 and its sliproads as is practicable, ideally with gardens and not the properties backing onto these roads, in order to guarantee acceptable amenity to future residents of the site with respect to air quality."*

A2.6 The conclusions of the air quality assessment are agreed and apart from the recommendation in paragraph 6.2, which should be appended as an informative to any planning permission, the Senior Practitioner in the Environment Team has no objections to the proposed development on air quality grounds.

A2.7 Noise

The Senior Enforcement Officer, Regulatory Unit has reviewed the site location plan, the revised draft illustrative layout plan and the 'Report on Existing Noise Climate' and has no objections regarding the noise assessment that has been carried out to support the application and agrees with its conclusions. It is recommended that conditions are imposed on any planning permission requiring a scheme providing for the insulation of the proposed dwellings against the transmission of external noise and details of a solid barrier to protect external gardens from noise.

A2.8 In response to concerns raised by Loughton Parish Council the Senior Enforcement Officer, Regulatory Unit advises that the noise assessment details the current noise climate in the area, and shows that noise levels within dwellings and gardens will meet the relevant British Standards

provided certain conditions are met (glazing specs, ventilation specs and a noise barrier). The levels measured at the site are not especially high compared to those experienced close to traffic corridors in Milton Keynes and there are properties in Loughton that are in similarly close proximity to the A5 slip road and carriageway, The Senior Enforcement Officer, Regulatory Unit is not aware of any of these properties being blighted by noise. It is not considered that railway noise is likely to have anything other than a negligible impact upon the site. Similarly the Council has received only received 4 complaints in the past 5 years from residents living in the vicinity of the Daytona go-karting track, these were all related to the annual 24 hour race and noise at night. The Senior Enforcement Officer, Regulatory Unit has no evidence that noise from the track is currently a problem, noise from the karting circuit has been also considered in the noise assessment

#### A2.9 Impact on Heritage Assets

The farmhouse and threshing Barn survive as remnants of the original farmstead which pre-dated the development of Milton Keynes. Whilst they have been extensively and unsympathetically extended and altered as part of the now sprawling National Badminton Centre, they are the sole remainder in this part of Bradwell Road that reflect the once rural nature of the area. As such, they are heritage assets.

#### A2.10 The definition of heritage assets is contained within Annex 2 of the National Planning Policy Framework:

*A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).*

#### A2.11 Paragraph 135 of the National Planning Policy Framework states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

#### A2.12 As heritage assets, they also have a setting as defined by Annex 2 of the National Planning Policy Framework:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

A2.13 In this case the rural landscape that once formed the setting of the buildings is now washed over with the new town of Milton Keynes. Milton Keynes Development Corporation streetlights, footpaths and manicured landscapes, in addition to the A5 and later developments are all features of this. However, the modern development is set back from the road, behind trees and the survival of open space and the quantity of greenery preserve a more informal, less urban feel than in many other places in Milton Keynes.

A2.14 The National Planning Policy Framework also states:

*128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.*

A2.15 *129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*

A2.16 *131. In determining planning applications, local planning authorities should take account of:*

...

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

A2.17 *132. ... Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification*

A2.18 *137. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.*

A2.19 The Conservation and Archaeology Manager considers that it is entirely possible that the later additions can be stripped away to leave the two original buildings, reinforcing the once rural nature of the area which is part of

its local character and distinctiveness (the nearby Loughton Conservation Area also retains a rural feel).

- A2.20 Whilst the proposed scheme outlined on the revised proposed indicative site layout plan (php architects drawing number 4039 – 100 Rev P6) removes the current additions to the farmhouse, unfortunately, it completely removes the original threshing barn. This removes the relationship between the two buildings leaving the farmhouse as an isolated survival without any of its farm buildings. The total loss of the barn would cause harm to it as a heritage asset and the setting of the adjacent farmhouse.
- A2.21 The proposed revised indicative site layout plan is an arbitrary one, accommodating the retained farmhouse in a standardised plot. It makes no deviation from the standard layout to leave the building as a feature of Bradwell Road, indeed it aligns it with and behind the new housing proposed, which would have the effect of disguising its survival in amongst the numerous new proposed dwellings. It would convey no real sense of presence or stature and any concept of rural survival would be entirely lost by the dense, regimented layout shown.
- A2.22 The wider scheme continues to harm the setting of any retained heritage assets and whilst the barn and farmhouse could both be retained, they would need to have a much wider amount of green space around them to continue to play any part in the street scene. The houses along Bradwell Road are mostly shown to have gables to the front, a very assertive form for a dwelling, this would exacerbate the harm caused by any proposal.
- A2.23 The applicant in a written response from their agent Seviles dated 8<sup>th</sup> April 2013 has given further consideration to the potential retention of the existing barn on the site, and can confirm that at the detailed stage, without obligation, the option of preserving the barn as part of the scheme could be considered further by the end-developer. The concerns are however that potential retention is likely to have a major impact on the scheme's viability.
- A2.24 In summary, the proposed indicative layout scheme would cause harm to the heritage assets on the site and their setting, contrary to the National Planning Policy Framework for the reasons sited above. However, the indicative site layout plan has been submitted for illustrative purposes only to show how the site could be laid out. As all matters are reserved which include appearance, access, layout, scale and landscaping, an informative should be added to any planning permission seeking the retention of the farmhouse and associated the threshing barn within any proposed detailed development scheme, including associated parking in accordance with the Parking Standards For Milton Keynes (2005) and/or the Addendum to the Parking Standards for Milton Keynes (2009). At the detailed stage Officer's would have an opportunity to ensure that any detailed proposed layout would not harm the setting of the retained heritage assets and the design of any surrounding dwellings would respect key features on the retained heritage assets.



## A2.25 Impact On Neighbours

Policy D1 (iii) seeks to ensure that new developments would not result in unacceptable visual intrusion, loss of privacy, sunlight or daylight. As this is an outline application with layout, design and appearance reserved for a future application, the impact on privacy and daylight on existing properties would be assessed at that stage. The indicative layout indicates that residents in Woodward Place would experience a change in outlook, however, no one has a right to preserve a particular view or outlook in planning terms. Although the proposed development would result in a change in outlook for residents of these properties from a collection of old and extended elements associated with the existing leisure, conference and office facilities to one of a more domestic scale. It is considered that the benefits of permitting this housing scheme to enable a new iconic and enlarge Badminton Centre and associated facilities to be delivered at the Bowl as part of one of the emerging Core Strategy policies of establishing Milton Keynes as a Sporting City and wider community and economic benefits to Milton Keynes would outweigh the harm caused to the loss of outlook.

### **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 Highways Development Control**

No objection subject to the completion of a S106 agreement for a toucan crossing and traffic calming measures and conditions relating to details of new means of access, details of alterations to existing access, details of access gradient, compliance with adopted parking standards when a reserved matters application is received and details of pedestrian crossing.

See paragraphs 4.50-4.66 and See Section 6 conditions 21, 29 - 32  
T3, T4, T5, T10, T11, T15, T17 MKLP 2001 – 2011  
Parking Standards For Milton Keynes (2005) and Addendum to Parking Standards For Milton Keynes (2009)

#### **A3.2 Senior Practitioner, Environment Team**

The conclusions of the air quality assessment are agreed and apart from the recommendation in paragraph 6.2,

See Appendix A2.2 – 2.6.  
D1 (iv) MKLP 2001 - 2011

*"In light of the suspected under-prediction of concentrations close to the A5, it is recommended that the developer applies some caution, and ensures that new residential properties are constructed as far from the A5 and its sliproads as is practicable, ideally with gardens and not the properties backing onto these roads, in order to guarantee acceptable amenity to future residents of the site with respect to air quality."*

There are no objections to the proposed development on air quality grounds.

### A3.3 Conservation and Archaeology Manager

The farmhouse and threshing Barn survive as remnants of the original farmstead which pre-dated the imposition of Milton Keynes. Whilst they have been extensively and unsympathetically extended and altered as part of the now sprawling National Badminton Centre, they are the sole remainder in this part of Bradwell Road that reflect the once rural nature of the area. As such, they are heritage assets.

The definition of heritage assets is contained within Annex 2 of the National Planning Policy Framework:

*A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).*

Paragraph 135 of the National Planning Policy Framework states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

As heritage assets, they also have a setting as defined by

See Appendix A2.9 – A2.24 above.

Paragraphs 128, 129, 131, 132, 135, 137 and Annex 2 of the National Planning Policy Framework (2012)

Annex 2 of the National Planning Policy Framework:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

In this case the rural landscape that once formed the setting of the buildings is now washed over with the new town of Milton Keynes. Milton Keynes Development Control streetlights, footpaths and manicured landscapes, in addition to the A5D and later developments are all features of this. However, the modern development is set back from the road, behind trees and the survival of open space and the quantity of greenery preserve a more informal, less urban feel than in many other places in Milton Keynes.

It is entirely possible that the later additions can be stripped away to leave the two original buildings, reinforcing the once rural nature of the area which is part of its local character and distinctiveness (the nearby Loughton Conservation Area retains also retains a rural feel).

Whilst the proposed scheme removes the current additions to the farmhouse, unfortunately, it completely removes the original threshing barn. This removes the relationship between the two buildings leaving the farmhouse as an isolated survival without any of its farm buildings. The total loss of the barn causes harm to it as a heritage asset and the setting of the adjacent farmhouse.

The proposed indicative layout is an arbitrary one, accommodating the retained farmhouse in a standardised plot. It makes no deviation from the standard layout to leave the building as a feature of Bradwell Road, indeed it aligns it with and behind the new housing proposed, which would have the effect of disguising its survival in amongst the numerous new dwellings. It would convey no real sense of presence or stature and any concept of rural survival would be entirely lost by the dense, regimented layout shown. It should be noted that the building has even been shown with no vehicular access.

The wider scheme continues to harm the setting of any retained heritage assets and whilst the barn and farmhouse could both be retained, they would need to have a much wider amount of green space around them to continue to play any part in the street scene. The houses along Bradwell Road are mostly shown to have gables to the front, a very assertive form for a dwelling, this would exacerbate the harm caused by any proposal.

Expect it to be feasible to retain the two buildings mentioned within a more sympathetic immediate setting.

#### **A3.4 Thames Valley Police**

Having undertaken a qualitative examination of the scheme and the impact on policing the Local Police Area Commander has requested a contribution of £27,850 for the following items:

Automatic Number Plate Recognition Camera x 2 £22,000

The Planning Obligations Officer has recently discussed developer contributions with Thames Valley Police and have agreed that for instances where Thames Valley Police consider a contribution is necessary from a development, officer's will seek to negotiate on their behalf provided they provide a robust justification over and above Milton Keynes

Bicycles x 2 including necessary kit to assist in enabling PCSO's and PC's to access the site and have a visible presence in the area.

Remote IT Facility £4250

The infrastructure identified has been specifically identified as infrastructure required to deal with the likely form, scale, intensity of incidents that the development will generate.

Council's Supplementary Planning Document/Guidance requirements and any other policy requirements. Therefore, if a development is unable to support the Council's s106 requirements identified as being required to mitigate the impact of the development, officer's will not be in a position to negotiate a contribution for Thames Valley Police. In this instance, and subject to seeing the viability appraisal, it is unlikely that Officer's will be able to pursue a contribution for Thames Valley Police.

DCLG guidance document "Community Infrastructure Levy An Overview".

### A3.5 **Natural England**

This proposal does not appear to affect any statutorily affected sites or landscapes or have significant impacts on the conservation of soils. The protected species survey has identified that bats a European protected species may be affected by this application. The Phase 1 Habitat Survey states "It is recommended that bat licensed tree climbers are used to check trees with potential for roosting bats within the broad leaved woodland area. This is followed by "if the tree climbing survey is inconclusive, it may be necessary to undertake dusk and or dawn surveys to determine if bats are roosting with specific trees, before any work is undertaken in this area".

See Paras 4.11 – 4.26  
NE1 and NE3 MKLP 2001 - 2011

### A3.6 **Leisure Facilities Officer**

Writing in support of the planning applications (Ref 13/00266/OUT & Ref 13/00267/FUL) submitted to Milton Keynes Council by Badminton England. Providing the

Noted.  
L2 and C2 MKLP 2001 – 2011 and CS4 emerging Core Strategy.

conditions set out below are in place before any development on this application is started.

The use of enabling funding from the development of housing at the Loughton Lodge site (Ref 13/00266/OUT) will secure the development of enhanced replacement facilities at the Bowl site and mitigate the loss of the facilities currently on the Loughton Lodge site.

The development of a new National Badminton Centre at the Bowl (Ref 13/00267/FUL) delivers the aspirations as set out within the adopted International Sporting City (ISC) report whilst also delivering better access for the local community to participate in sport and physical activity. The facility delivers on some of the requirements outlined in the refreshed Sport and Leisure Strategy most notably an indoor tennis venue and the creation of a 12 court plus sports hall with spectator seating providing the opportunity to host major sporting events (again a major aspect of the ISC concept).

To mitigate the loss of sport and leisure facilities on this site in line with Policy L2 and C2 the following conditions should be in place for this application:

1. To ensure that the replacement facilities on the new Bowl site are of the equivalent or of an enhanced facility provision for Badminton and community use, and that any new facility has full funding and planning permission in place before any development of this site for housing is undertaken.
2. That a s106 agreement is in place to ensure that any

money received as a result of this development is used for the new replacement facilities on the Bowl site.

### A3.7 **Housing Strategy (Affordable Housing)**

As per Loughton Site – Planning Statement, Para 5.31 “*the Council’s target will be to secure 30% of new housing in the Borough as affordable housing.*”

See Para 4.68  
H2-H5 and H9 MKLP 2001 -2011 and Affordable Housing Supplementary Planning Document 2013

The Affordable Housing Supplementary Planning Document 2013 requires 30% Affordable Housing on all new sites of 15 dwellings or more – 25% Affordable Rent & 5% Shared Ownership. Policy allows for a reduction in Affordable Housing where viability testing shows the above mix is not viable and/or deliverable,

The Affordable Housing should be “peppercotted” through the site and not concentrated in one particular area as per the Affordable Housing Supplementary Planning Document 2013.

An affordable housing schedule and plan should form part of any detailed planning application if not provided at outline stage.

### A3.8 **Crime Prevention Design Advisor**

This illustrative layout contained within this application still gives me fundamental concerns from a crime prevention and community safety point of view. This is not helped by the applicant’s refusal to address these issues and their misunderstanding that they can ignore other crime prevention attributes, as long as they provide some

See Paras 4.47 -5.50  
D2/D2A MKLP 2001 - 2011



surveillance. If such a layout was submitted as part of reserved matter planning application, then I would have no option but to object on the grounds that it did not address crime and community safety.

### Bradwell Road Frontage

The applicant appears to be under the impression that there are concerns about the houses fronting onto Bradwell Road. This is not the case and I fully support the Council's request, to have properties front onto this road. What I do have concerns about is the lack of defensible space these houses have and the fact that the applicant has included a 'leaky', one sided, cul-de-sac behind these houses. This will leave the Bradwell Road houses vulnerable to crime and anti-social behaviour. Pleased that the applicant has agreed to remove the proposed footpath and that they will be submitting an amended illustrative layout plan.

### Defensible Space

Have concerns that the applicant has misunderstood my concerns with regards to the lack of defensible space. To clarify, my concerns are not just with regards to the Bradwell Road houses, but throughout the scheme. Reiterates that providing surveillance does not make up for the lack of defensible space. If such a layout was submitted, as part of a reserved matters application, then I would have no option but to object to it, on the grounds that it did not address crime and community safety. Request that the illustrative layout be amended to incorporate this constraint. Adequate defensible space in this instance would be at least 2

metres.

### Cul-de-sac

It is extremely disappointing that the applicant has failed to address the fundamental concerns with regards to this cul-de-sac. Again they attempt to argue that the insecure nature of this cul-de-sac can be resolved by natural surveillance. Unfortunately, surveillance is lost when the occupants close their curtains during the hours of darkness and when the dwellings are left empty during the working day. Surveillance should also be part of a safe sustainable design and not viewed as a solution to rectify poor design. Again this area of the illustrative layout fails to meet the attributes of creating safe sustainable communities, as details within Safer Places – The Planning System and Crime Prevention. This is a further reason to object to the inclusion of the illustrative layout within this application.

### Apartments

Accept the applicant's point that parking facilities associated with the proposed apartments, should be dealt with at the detailed design stage. However, again highlight that the submitted illustrative layout is not indicative of a layout that would provide a safe and secure development.

Have no objection to the development of this area, do object to the inclusion of an illustrative layout that fails to demonstrate how a safe and secure community can be achieved. It is therefore requested that this illustrative layout is amended to incorporate the crime prevention concerns, prior to planning approval being considered.

### Landscape/Wildlife Corridor

The applicant appears to suggest that the scheme can either have landscape/wildlife corridor or the defensible space between Bradwell Road and the housing frontages. Do not see how these are connected and would suggest that both are constraints, which will affect the reserved matter layout. As such, the submitted illustrative layout does not appear to be, a true representation of the layout that can be achieved within this area.

#### **A3.9 Senior Landscape Officer**

The application site is designated within the Local Plan as 'Recreation Open Space' and located with an area designated as a 'Wildlife Corridor' with extensive vegetation & many established trees. The proposals profoundly impact on all of these.

Recreation Open Space.  
(Dwg 4039-100 P6. php architects. Proposed Indicative Site Layout Plan).

The site levels, layout and access at present do not encourage use as public open space, although it does offer design opportunities to create a more usable area. However as a visual element it does create an open setting when accessing or egressing Loughton Village and augments the open aspect to the west of Loughton Lodge open space.

The proposals do indicate some open space within the south corner, although the drawing also indicates the possible retention of the existing building which would

See Paras 4.11 – 4.26  
D1(v), D2(v), L2, NE1 (iii) , NE3 MKLP 2001 – 2011 and  
National Planning Policy Framework Para 74.

fundamentally compromise on site open space provision. The dwelling numbers trigger the provision of a Local Play Area (in accordance with the standards within Local Plan Policy Appendix L3) as stated in the councils Supplementary Planning Guidance for Leisure, Recreation & Sports Facilities . The drawing does state that a formal play will be provided off site within the adjacent Loughton Lodge open space. This would be acceptable providing the play area can achieve the requirements within Local Plan Policy Appendix L3. This must be confirmed.

### **Linear Park**

Local Plan Policy S12 states that any development proposals in the Linear Parks should contribute to a number of landscape objectives & include the protection & enhancement of the landscape. The proposals remove very large area of existing planting & fail to offset the planting loss.

Wildlife Corridor, Trees & Vegetation.  
(Dwg 4039-100 P6. php architects. Proposed Indicative Site Layout Plan).

A Tree Survey (Midland Tree Surgeons) & Tree Constraints Plan (Barry Chinn Landscape Architects) support the application. Most trees have been surveyed as category 'B' of 'C' within the British Standard guidance: BS 5837 2012 & Would like to see many retained & incorporated within the layout.

The layout shows extensive loss of existing trees and hedging and would accept that some loss must be agreed to allow development, however the loss is too great adjacent to the A5 dual carriageway with inadequate planting shown to offset this loss. To maintain the objectives of the Wildlife Corridor & provide adequate landscape buffer space from the road, I would require a 20m deep area of planting beyond the planting within the highway corridor to the rear of the proposed residential units. If an acoustic fence is required, this could be located and mitigated within this landscape area and not form part of the garden rear fencing.

Trees of appropriate quality along the site frontage should be kept to assist in integrating the development within the wider landscape structure & help preserve the character of Bradwell Road.

If the existing building within the southern corner is retained, then associated trees & hedging must also be retained.

Indicative Layout (Dwg 4039-100 P6. php architects) & Landscape Strategy (Dwg Appendix A. Figure 5. Barry Chinn Landscape Architects).

Accept the proposals are shown indicatively and at outline stage, however a number of fundamental landscape principles must be established at an early stage; some of these have been mentioned above. Landscape principles must include:

- Providing a much greater width of landscape adjacent to the A5 Dual carriageway. I have suggested a 20m width in addition to the planting within

the highway. This would provide a meaningful landscape separation from the A5 & maintain the principles of the Wildlife Corridor.

- A housing layout that provides space to achieve a tree structure within the street & not rely on trees within front garden space.
- Provide on site usable open space to help offset the loss of the land designated as Recreation Open Space.
- Provide a landscape interface along Bradwell Road. This should consist of retaining appropriate existing trees & provision of new planting. I would not accept front garden areas as part of the landscape structure.
- Include a tree structure to break up large parking areas associated with the indicated apartments.
- Many rear garden sizes are below the recommendations as stated in the council's Residential Design Guide.

### A3.10 **MKC Urban Design**

Accept that some residential development may be possible on this site the illustrative layout and the proposed density raise a number of concerns.

This is an outline application and the proposal layout is illustrative and subject to change at the reserved matters stage. However, this layout (Dwg No: 4039-100 Rev: P6) does determine the density of development proposed on the site and therefore needs to be acceptable.

See Paras 4.47-4.50  
D2/D2A/D1 MKLP 2001 – 2011, CS13 Core Strategy and  
New Residential Development Design Guide

## **Character**

This is not an obvious site is for residential development. The site is relatively isolated from facilities and sits within a landscaped setting, part of the site provides sports provision and the majority of the site is a landscaped bund partially created from the soil that was excavated during the construction of the A5(d) and Lodge Lake this bund provides a sound buffer as the busy A5(d) is on the other side. Given the nature of the sites landscape setting, its location and topography uncomfortable with the proposed change of use (across the whole site) and the proposed density. The constraints of the site suggest to me that accommodating 104 dwellings in an acceptable layout will be challenging.

The outline application and the illustrative master plan do not convince me that 104 dwellings can be accommodated on this site in a manor that will result in a high quality development in terms of layout and appearance, and therefore not convinced it will make a positive contribution to the character of the area in which it is located.

## **Continuity and enclosure**

The proposed illustrative layout has a good distinction between public and private space. However, the proposed cul-du-sac to the North–West of the site has a layout where dwellings overlook the rear of the dwellings on Bradwell Road this results in poor enclosure of the street, an inactive edge to the cul-de-sac and potential security issues for future residents. A back to back arrangement of properties

would be preferable.

In front of the existing apartments the proposed building line is set back in order to improve privacy for the existing residents on the other side of Bradwell Road. Given the distance between the building line and the existing apartments and the trees in front of the existing properties privacy is not a issue. However, in order to set back the proposed residential buildings, the layout indicates blank side elevation of garages fronting Bradwell Road. These blank garage elevations potentially results in a poor frontage and animation of the street.

### **Quality of the public realm**

There is not the detail at the outline stage to fully assess the quality of the public realm. However, with the exception of the streets there are very few public spaces proposed on the layout, especially if the existing apartments are retained. The public spaces that are created seems to be left over space that ca not be developed on.

The existing open space around Lodge Lake is well overlooked by the proposed development providing some surveillance of the lake and car park. The streets on the illustrative layout should have the space to accommodate a tree structure.

### **Ease of movement**

For vehicles the proposed layout is easy to get to and move through and will provide residents with direct access to the



Grid Road Network. However, more consideration should be given to all modes of transportation, Bradwell Road should have a footpath / Redway in front of the proposed new dwellings. The illustrative layout has an unnecessary pedestrian permeability at the end of the cul-de-sac.

### **Legibility**

Whilst the proposed layout provides recognisable streets and junctions, there is a lack visual landmarks and spaces which help with orientation helping people to navigate their way around.

### **Diversity**

The proposed development has some variety in terms of tenure but lacks any variety in terms of layout and use, which is unfortunate as the site is relatively isolated.

Understandably as this is an outline application there is limited information regarding visual interest.

## **DESIGN OF BUILDINGS (*POLICY D2*)**

### ***Scale***

Whilst the application is at the outline stage and detailed elevations are not shown, a residential scale of development is consistent with the scale of the existing built-form.

### ***Landscaping And Boundary Treatments***

At the outline stage detail regarding the boundary treatment is not shown.

Some rear garden sizes are below the recommendations as stated in the council's Residential Design Guide. Like wise the boundary treatment at the front of some of the properties does not offer enough defensible space.

Whilst the site is rarely used for this purpose its worth noting that the majority of the site is allocated in the Local Plan as Recreation and Open Space (L2, C7) and is part of an allocated Wildlife Corridor (NE1).

#### **Suggested Changes**

- Uncomfortable with the proposed density, on a site that has a number of constraints.
- Aware this is an outline application but there is no guarantee that this development will be of a high quality in terms of layout and appearance, and make a positive contribution to the character of the area in which it is located.
- In order to set back the proposed residential buildings the layout indicates blank side elevation of garages fronting Bradwell Road. These blank elevations potentially result in a poor frontage to the street and weak continuity and enclosure of the street.
- The proposed cul-du-sac to the North–West of the site has a layout where dwellings overlook the rear of

the dwellings on the Bradwell Road this results in poor enclosure of the street and potential security issues for future residents.

- There are a lack visual landmarks and spaces which help with orientation, these help people to find their way around and add to the quality of the development.
- The streets on the illustrative layout should have the space to accommodate a tree structure.
- Bradwell Road should have a footpath / Redway in front of the proposed new dwellings.
- The illustrative layout has an unnecessary pedestrian permeability at the end of the cul-de-sac.

#### **A3.11 Highways Agency**

Directs a condition with regards to a travel plan to be imposed on any planning permission which may be granted. See condition 11  
T11 MKLP 2001 - 2011

#### **A3.12 Environment Agency**

Have reviewed the information received from BWB Consulting, on 19 March 2013 and wish to make the following comments. See Section 6 conditions 5 -10 and 12 - 14  
D1 (ii) MKLP 2001 - 2011

We consider that planning permission could be granted to the proposed development as submitted if the nine planning conditions (see section 6 conditions 5 – 10 and 12 – 14) are imposed on any planning permission. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and would object to the application.

## Groundwater and Contaminated Land

We have reviewed LBH Wembley Phase 1 report (Reference LBH 4083b Ver 1.0) dated September 2012 and Opus International Geo-Environmental Ground Investigation Report (Reference J-M154.01.R1) dated 16 January 2013 among other documents submitted with the application.

Our technical comments on these reports can be found in Appendix 2. We will expect that these are resolved in future submissions.

*(Please note that any reference to controlled waters includes inland freshwaters, coastal waters and relevant territorial waters plus groundwater as may be relevant for the proposed development site).*

The west of the site overlies the Kellaways Formation, and is adjacent to the Cornbrash Formation (Secondary A aquifers). The superficial head deposits (clay, silt, sand and gravel) to the south-east of the site are also classified as a Secondary (undifferentiated) aquifer. Secondary aquifers are often capable of supporting water supplies at a local scale and normally provide an important source of flow to some rivers. The use of groundwater in the area makes the site vulnerable to pollution. The aquifers form part of the Upper Bedford Ouse Oolite groundwater body and are in an EU Water Framework Directive (WFD) Drinking Water Protected Area (DrWPA). Although the site is not within a Source Protection Zone (SPZ), the designations of Secondary aquifers and DrWPA mean that the groundwater beneath the site is a valuable resource that needs to be

maintained, protected and its poor EU WFD status improved. Surface water features are also present on-site and near to the site.

### A3.13 **Scientific Officer Environmental Protection**

Has read the Geo- Environmental Ground Investigation Report dated 16th January 2013 regarding this site. Whilst there is nothing in the report that would preclude the specified development, in itself the report is insufficient to fulfil the requirements of our usual site investigation condition. The main reason for this is that due to access restrictions it appears that the report does not fully characterise the site. In addition because there are substantial thickness of made ground on the site, significant amounts of which will have to be removed and/or reprofiled, it would be sensible to carry out the ground investigation after these works have been undertaken. There is no point in considering the potential contamination profile of material which may very well not remain on the site. Also there are some minor issues with technical aspects of the report, specifically the treatment of the Cr analyses is illogical, and (as acknowledged in the report) the ground gas regime has not been adequately characterised and there may be significant gas issues arising from the buried soil profiles on the site (and possibly other sources). It is recommended that a condition be imposed on any planning permission requiring the developer to carry out an assessment of ground conditions to determine the likelihood of any ground, groundwater or gas contamination of the site.

See Section 6 condition 5  
D1 (ii) MKLP 2001 - 2011

### A3.14 Passenger Transport Officer

- To fully comply with both Policy T5 and our Bus Strategy, significant contributions would be required to make the site fully accessible by public. It is the Passenger Transport team's view that this could not be achieved easily given the location and layout of the site. See Para 4.72 Planning Obligations MKLP 2001 - 2011
- It is proposed that instead of a service to the site, every effort should be made to promote the bus stops on Portway that are currently served by Routes, 2, 4, 7, 24 and 25.
- Whilst these stops are more than 400m, the service level is of a high quality that with the right incentives it could prove viable for residents.
- These incentives should include (but not be limited to):
  - Annual bus pass for every household (previously estimated to be £425 each)
  - Travel pack to each household showing the redway route to/from the stop, as well as other pedestrian/cycling information.
  - Enhanced signage from the application site along the redway promoting the bus stops.
- The details of the pack should be conditioned for the Passenger Transport team to approve and packs should be issued/managed by the developer.

### A3.15 Senior Archaeological Officer

Has assessed the site against the known archaeological resource as contained in the Milton Keynes Historic Noted  
HE1 MKLP 2001 - 2011

Environment Record and also digested the report submitted alongside the application. The site is not regarded as being of significant archaeological potential. It is not necessary to conduct any pre-determination archaeological investigation or recommend any archaeological condition in respect of the site.

#### **A3.16 Senior Enforcement Officer, Regulatory Unit**

Have reviewed the plans and information submitted in support of the above application and have the following comments: See section 5 and 6  
D1 (iv) MKLP 2001 - 2011

I have no objections regarding the noise assessment that has been carried out to support the application and agree with its conclusions. Recommend that conditions are imposed requiring a scheme providing for the insulation of the proposed dwellings against the transmission of external noise and details of a solid barrier to protect external gardens from noise.

#### **A3.17 Sport England**

Sport England has assessed the application in the light of Sport England's Land Use Planning Policy Statement 'Planning Policies for Sport'. The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary, new sports facilities should be fit for purpose, and they should be available for community sport. The protection of existing sports facilities used for sport is vital for its continued development, the overall quality of life and protection of the Noted.  
C2 and L2 MKLP 2001 – 2011 and CS4 of emerging Core Strategy

environment. However, as sport is a relatively low value land use, sports facilities are often under pressure from other forms of development.

It is Sport England's policy to prevent the loss of facilities which are important in terms sports development. Should redevelopment be unavoidable, an equivalent (or better) replacement facility should be provided in a suitable location.

In addition, the National Planning Policy Framework (paragraph 74) states:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:  
an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements*

*the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location*

*the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

The existing Fusion Health Club and National Badminton Centre provides:

- Sports Hall (8 Badminton Courts)
- 1 Studio
- Changing
- 63 Station Gym
- Restaurant/Bar

The proposed new Badminton Centre will comprise the



following:

- New Area (12 badminton courts)
- Sports Hall (5 badminton courts)
- Tennis Hall
- Changing
- 120 Station gym
- Three studios (including one spinning studio)
- 18 metre swimming pool
- Restaurant
- Bar
- Overnight Accommodation 30 rooms

The new arena 12 badminton courts and seating for 820 people or 4 badminton courts and 2300 seats. The sports hall, will be 43m x 20m and can accommodate a further five badminton courts. The arena and sport halls can also be used for netball, volleyball, basketball, tennis, fencing or handball.

Thus, whilst the existing National Badminton Centre will be lost as a result of the site's redevelopment, a new facility will be provided in its place as part of application reference 13/00267/FUL. It is evident from the above that the new facility will provide new facilities substantially in excess of the current level of provision.

Notwithstanding the above, it will be important to ensure that the two planning application are robustly linked through the planning process to ensure that the new facility is delivered (built and made fully operational) either prior to the

demolition of the existing facility. The existing facility can not be allowed to be redeveloped without certainty, secured robustly by legal agreement, that the replacement will be delivered.

Therefore, whilst Sport England is supportive of the scheme as a whole and the overall investment into providing new spring facilities, further information is required on the legal mechanisms proposed to be put in place to ensure the new National Badminton Centre is replaced and continuity of provision maintained throughout. A S106 legal agreement would likely be the most appropriate mechanism. Sport England requests visibility of the S106 head of terms as they currently stand, and also formally requests to be consulted on the draft S106 before completion so that it can ensure that the interests of sport, and in particular ice sport, are afforded adequate protection. In light of the above, Sport England offers its support for this application and raises no objection subject to the successful completion of a S106 agreement which links both applications such that continuity of sports provision is secured.

The following planning condition should be imposed if application 13/00266/OUT be approved:

*Prior to the commencement of development details for the phasing of development, including the demolition of the existing new National Badminton Centre, shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development shall be carried out in accordance with the approved details. Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a*

*continuity of use*

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

**A3.18 Landscape Technical**

The proposals generally will result in the considerable loss of green infrastructure along with the visual amenity, wildlife corridor function and the biodiversity it provides, and will cause a major change in the character of the area.

D1 (v) MKLP 2001 - 2011

Existing Group trees are graded category A as a group, i.e. the trees as individuals are not category A but as a group they are, because of their particular importance as a landscape feature contributing to visual amenity, the wildlife corridor, noise mitigation and the setting of Lodge Lake Park. The group is composed of a belt of trees purposely planted on the bank facing the A5 and a belt of natural regeneration tree growth between the planted belt and the hedge on the boundary with the A5 highway land. Loss of this feature would be most regrettable but to develop the site for housing on the scale proposed would necessarily require significant earthworks as well the majority of the space occupied by the tree belt, so its retention would unfortunately not be possible in that scenario.

The tree group G25 is another important group on the site which makes a significant contribution to the green and

leafy setting of that part of Bradwell Road and it would good if at least some depth of this group could be retained by a re-adjustment of the proposed layout incorporating the hedge and some of the depth of the tree group behind into the development. Failing this the frontages along this stretch of Bradwell Road should allow space for landscaping with appropriate tree and hedge planting to mitigate for the loss.

There are a number of good quality trees among the natural regeneration that has grown up within the body of the site, in particular on the top of the hillock there are some promising young Pines, Birches and Oak. On a relatively flat site at least some of these could be retained in gardens or public spaces, however as with the group G27 the significant earthworks required would mean the loss of all of these trees. Further down toward the southeast end of the site however there is a good quality Yew tree (T21) just to the north of the old farm house and a group of Purple Leaved Plums (G20) just to the south and on the Bradwell Road frontage, both of which should not be onerous to retain so I would like to the site layout adjusted so that they are retained and protected.

The Hawthorn hedge (G19) along the existing watercourse should be retained and protected and it appears that this is proposed.

The existing trees around accommodation block at the south end of the site would mostly be lost under the proposals to reduce the mounding to seek fill material - is there not enough material in the area of the site north of the badminton centre? Use of this would avoid the unnecessary

loss of those trees. Failing this replacement tree planting will be required to mitigate for the loss.

Revised layout proposals that accommodates existing trees and hedgerows; a 15 metre wide minimum tree and shrub buffer inside the site to the A5 (G27), part retention of G25 to Bradwell Road frontage or space for mitigation planting, T21, G20 and G19, should be submitted for approval.

Conditions should be imposed on any planning permission requiring tree protection of trees to be retained, arboricultural impact report and replacement planting for the loss of the trees.

#### A3.19 **Countryside Officer**

A site visit in April proved that the western end of this site is made up from a variety of habitats that have potential for wildlife. The central area of the bank nearest the road is managed as mown amenity grass and contains a number of common wild flower plants. However, this slope is flanked on three sides by areas with greater habitat potential. The plateau between the top of the mound and the A5 embankment is slightly indented creating a boggy area with *Phragmites australis* and other wetland plants, providing habitats for birds, invertebrates and small mammals. The area shown as 'tall ruderal' in the report also contains other habitats. There are significant areas of thick ground moss and wet hollows offering habitats for invertebrates, which in turn will attract birds, bats and other small mammals to the site. Rough tussocky grassland areas that have potential for raptors are also present and on the day of my site visit, I

See paragraph 4.11- 4.26  
NE1 and NE3 MKLP 2001 – 2011 and National Planning  
Policy Framework

observed a Kestrel hunting for prey in these zones and a flock of Goldfinches feeding on seed-heads. The many anthills in the grassland are of ecological importance. In addition to the trees on site, scrub and brambles provide excellent bird nesting and feeding opportunities.

The eastern part of the site contains the existing buildings, car park and is managed as amenity landscape, therefore offering lower potential for wildlife habitats. However, the woodland planting along the A5 slip road forms part of the Wildlife Corridor and a wet ditch that is a drainage receptor may offer limited wildlife potential. If the building at the eastern end of the site is retained, the opportunity to provide features offering additional benefits for wildlife in the small amount of public open space remaining will be limited.

**Recommended the following:**

- A reptile survey shall be undertaken at the appropriate time of year and submitted to the Local Planning Authority prior to determination. If reptiles are found to be present on the site appropriate mitigation must be put in place and agreed with the Local Planning Authority prior to any site clearance.
- A bat survey for foraging and commuting bats shall be undertaken and submitted to the Local Planning Authority prior to determination. If bats are found to be using the site, appropriate mitigation must be put in place and agreed with the LPA prior to any site clearance.

- Consideration must be paid to the loss of wild bird habitat and bird nesting opportunities. A plan that mitigates for the loss of wild bird habitat shall be submitted to the Local Planning Authority for approval prior to development of the site.
- Require a commitment from the applicant that the on-site contribution to the Wildlife Corridor shall be a minimum 20m width and will not be reduced when reserved matters are dealt with.
- A landscape plan detailing a net gain in benefits for wildlife shall be submitted to the Local Planning Authority for approval prior to development of the site.
- The developer should avoid clearance of vegetation during the nesting season. If habitat destruction during the nesting season is unavoidable, a competent ecologist should check for nests not more than 48 hours prior to commencement of the works and, if present, either defer or modify the works.

#### **A3.20 Loughton Parish Council**

The Parish Council has considered all the consultation comments in relation to the application as they appear and can be accessed via the public access planning portal. On Monday 8th April 2013 it met for a second time for the exclusive purpose of considering this application and the issues which arise in it. Now that all the representations have been submitted we have been able to make a

summative assessment of the application and write to explain our position and the reasons for it. We would be grateful if this further letter would be taken into account in this application. This is an application for outline consent and as such we will focus on the overall position rather than matters of fine detail and in particular focus on the questions as to (1) whether the application should be granted in its present form, and (2) if permission is granted then what conditions should be attached thereto.

Should permission be granted in its present form?

We strongly contend the application should **not** be granted in its present form for the following reasons:-

(1) The application does not comply with the local plan & core strategy and the design for the area. As the Landscape Officer has pointed out, this application does not comply with the local plan in that the land is mainly dedicated to open space and community use, wildlife corridor & trees and vegetation, and forms part of the linear park. The linear park is specifically dealt with in the Core Strategy and is to be protected. This application therefore fails to comply both with the local plan and the Core Strategy. In the letter of Mr Rawlings of Savills dated 25th March 2013 he says that there will still be some open space at one end of the new estate and some space on the opposite side of Bradwell Road which is part of the Lodge Lake area. This is totally inadequate a justification. The grant of planning permissions would mean a huge area of open green space – mainly



precious park land – being lost.

This park land was designed as part of the setting of Lodge Lake and as a green buffer between the A5 & railway line on one side and Lodge Lake on the other side. Lodge Lake is a centre for local outdoors recreation and is the “jewel in the crown” of our local area. This application would totally destroy the setting of Lodge Lake and ruin forever an area of beauty and the natural environment which would be a grievous loss to local people.

There have been a totally unprecedented number of representations received through the planning consultation from members of the public. These representations have all strenuously objected to the application on the grounds that the quality of life of local residents will be adversely affected by the development through the effect of the destruction of the setting of Lodge Lake. If permission was nevertheless granted this would be an appalling example of Milton Keynes Council riding roughshod over the wishes and interests of local people. The “statement of community involvement” submitted by the Applicant clearly is embarrassingly misjudged when compared to more than 140 public representations submitted – **not a single one** supportive of the scheme.

We appreciate there would be some benefit to be gained by the development of a new Badminton Centre at the Bowl, however the benefit to be gained is clearly insufficient to justify such a draconian development scheme. There is an excellent racket sports facility available only 10 minutes away at the David Lloyd centre and this has excellent

Badminton court facilities, and will still be better overall than the proposed new Badminton centre. The overwhelming view of local residents is that the damage to the setting of Lodge lake is in no way compensated for by the new facility. It seems the major driver for the new centre is from Milton Keynes Council itself which wants to promote itself as a supposed "International sporting city". This is essentially a vanity project for Milton Keynes Council officials and members to posture themselves as being important in United Kingdom Sport. We urge the Development Control Committee to restrain those ambitions of vanity and to focus instead on whether the application complies with planning policy and is supported by local residents.

Milton Keynes Council is already considering applications to extend the time for developers to complete the western expansion area – showing developers have a lack of appetite due to the state of the economy to develop. It would be better if those areas were developed first rather than allowing developers to be diverted into developing Loughton – which is becoming seriously at risk of losing its character as a good place to live due to inappropriate development.

#### Suitability of the site, density & development design

The design of this outline proposal has not been determined by what an appropriate design would be to develop this particular site. Instead, the driver of design has been how the maximum amount of money can be made. This has resulted in a totally inappropriate design being submitted for outline approval and we submit that this should clearly be refused. We do not consider this is a suitable site for such a

location. In particular :-

(a) The density of development is far too great. 104 houses on this site is a completely inappropriate and would blight the landscape. Whilst we have no objection to some development of the existing Badminton centre site this should be done consistent with the local area – which is characterised by a good deal of open space and a good level of spacing around the buildings. There should be a mix of buildings and design and more creativity to create an area of interest. The proposed design greatly clashes with that typical development of the area and is clearly hugely overcrowded. There is inadequate gardens provided and the houses are far too close together. The houses should not encroach on the park land which is open amenity land. The site is not amenable to development in this way.

The design of the estate is sterile and driven by the maximisation of developable revenue rather than creating a good place for people to live. The Development Control Committee should reject the design of the massed serried ranks of houses created for the sole purpose of profit – rather than creating a place of good urban design and a great place to live. We agree with the Senior Urban Designer, Matthew Clarke's comments of 5th March 2013 :-  
“-this isn't an obvious site for residential development. The site is relatively isolated from facilities and sits within a landscaped setting

- I'm uncomfortable with the proposed change of use (across the whole site) and the proposed density
- there is no guarantee that this development will be of a high quality in terms of layout and appearance, and make a

positive contribution to the character of the area in which it is located

- the layout indicates blank side elevation of garages fronting Bradwell road. These blank elevations potentially result in a poor frontage to the street and break the continuity and enclosure of the street

- the proposed cul-de-sac to the north-west of the site has a layout

where dwellings overlook the rear of the dwellings on the Bradwell Road [and] this results in poor enclosure of the street and potential security issues for future residents

- there are a lack of visual landmarks and spaces which help orientation, these help people to find their way around and add to the quality of the development”

(c) We are concerned the site will suffer terribly from noise blight. This area has never been one designated for residential development because of the proximity of the A5 and the west coast main railway line (as recently extended by an additional track in each direction) and it is also located right next to the Daytona race track. We already receive complaints from local residents as far away as Church Lane in Loughton about noise from Daytona. We are concerned that if this residential development were to go ahead there would inevitably be a clamour from residents to prevent Daytona from operating. This would adversely affect local business and recreation opportunities. The gardens of all of the houses on the site will be blighted by noise pollution and we do not consider this is an appropriate location to establish a large dense residential development.

A2.7 – 2.8

D1 (vi) MKLP 2001 - 2011

(d) There is inadequate provision for affordable housing and inadequate proposals for s.106 payment in lieu. 4.67 and 4.68 Planning Obligations H4, PO1, P02, P04 MKLP 2001 - 2011

(e) The tree and landscaping proposals are objected to. We agree with the comments of Senior Landscape Architect Mark Haynes who said on 2nd April 2013:- 4.11 – 4.26 NE1 and NE3 MKLP 2001 -2011

- There needs to be a 20 metre wide landscape/wildlife corridor
- There needs to be an appropriate design to retain the trees along Bradwell Road as part of a tree structure

(f) There is no provision for a suitably sized children's play area within the development.

(g) The height of the 3 storey apartments will tower over the surrounding areas and ruin the views across the area. The original design principles of the new town included that no building would be higher than the tallest tree. The new apartments which are to be built on a raised bank would breach this policy if allowed. 4.47 – 4.50 D2 and D2A MKLP 2001 - 2011

(h) Bradwell Road was not designed or built as a residential street. Senior Highways Engineer A E Swannell's observations dated 8th April 2013 raise a number of serious concerns about the suitability of building such a residential development at this site. These concerns have not been adequately addressed in the outline application:-  
"Bradwell Road is a local distributor road that leads to Loughton Village and connects with city grid road Dansteed Way (H4) at its northern extent. The road is not a residential road and was built by Milton Keynes Development 4.51-4.56 T10 MKLP 2001 - 2011

Corporation to city road standards hence its width of 7.3 metres for the vast majority of the site frontage.....As a form of vehicle restraint it has 45 degree splay kerbs on each side with a kerb face of 160mm. The kerb type and face is not recommended for residential development.....It is not considered a safe type of kerb in this situation.....Additionally the current kerb face of 160mm does not lend itself to natural transitions for dropped kerbs to individual dwelling accesses -the road is subject to a 30mph zone.....[but] ....Installation of ATC equipment found that the 85th percentile traffic speeds are 37.5mph in both directions -...the road width should be reduced to 5.5m as part of this development to provide something that is more in keeping with residential standards and to assist in lowering the traffic speeds -In the case of pedestrian access the current arrangement has not been improved upon and this is unacceptable and one that I need to object to given the potential safety hazard that exists...”

### **(3) The heritage assets**

The Conservation Officer has delivered, we would contend, the final nail in the coffin of this scheme in his submission dated 20th March 2013 which pointed out:-

“...the proposed scheme .....completely removes the original threshing barn. This removes the relationship between the two buildings leaving the farmhouse as an isolated survival without any of its farm buildings.

The total loss of the barn causes harm to it as a heritage asset and the setting of the adjacent farmhouse.

The propose scheme is an arbitrary one, accommodating the retained farmhouse in a standardised plot. It makes no deviation from the standard layout to leave the building as a feature of Bradwell Road, indeed it aligns it with and behind the new housing proposed, which would have the effect of disguising its survival amongst the numerous new dwellings. It would convey no real sense of presence or stature and any concept of rural survival would be entirely lost by the dense, regimented layout shown. It should be noted that the building has even been shown with no vehicular access. The wider scheme continues to harm the setting of any retained heritage assets and whilst the barn and farmhouse could both be retained, they would need to have a much wider amount of green space around them to continue to play any part in the street scene. The houses along Bradwell Road are mostly shown to have gables to the front, a very assertive form for a dwelling, this would exacerbate the harm caused by the proposal”.

This submission by the Conservation Officer is a powerful submission which is convincing in its argument that the outlined scheme is harmful. We were disappointed that the Conservation Officer was subsequently cajoled by the Head of the Planning Department to write a further submission referring to the perceived “benefit” from the development of the new centre. The demotion of the ancient threshing barn would be unprecedented destruction of a valuable and beautiful heritage asset. It would leave the farmhouse isolated and damage it too. The farmhouse should not be

contained in the proposed development where it would be disguised. It deserves a much more creative approach.

### **Conclusion : Is this sustainable development?**

The NPPF requires the development to be sustainable. That means not causing harm and that the future will be better rather than worse. Many of the statements submitted on behalf of the Applicant are glib arguments, lacking in real meaning to attempt to argue that a plainly profit-driven scheme should be permitted when this is a classic example of unsustainable and harmful development. The Applicant is intending to leave the Bradwell Road site altogether and therefore will not be there in the future to contend with the problems which the development may have caused. It is local residents who will remain and live with the development who are best placed to judge whether the application is truly a sustainable one. Their clear view is that it is not. Having listened carefully to all the arguments both for and against we are of the view the application amounts to unsustainable development and therefore should be refused.

The problems with the application are so profound that we cannot see how these could be resolved by merely applying certain conditions to the grant of permission. The application would need substantial revision if it were ever to be granted permission and therefore we contend that as the application is clearly unsustainable it is inevitable that this application in its present form must be rejected.



If however, contrary to our main contention, the DCC was minded to give permission; we contend that the following conditions should be applied:-

1. The numbers of houses should be dramatically reduced, to no more than 30 in a wholly revised design which is more sympathetic to the setting and thereby sustainable
2. The development should be contained in the main to within the site of the existing Badminton centre site, preserving as much as possible of the park land and open space, trees, vegetation, with a 20m wide wildlife corridor
3. The current proposed plan needs to be completely re-worked to make a more creative and interesting scheme with better gardens and access, and to create buildings more spaced apart.
4. The barn must be preserved and worked into a new scheme which affords more space around the farmhouse and barn and creates an appropriate setting for them
5. An adequate children's play area must be provided within the estate
6. There must be much larger parking facilities and no access from Bradwell Road directly into properties fronting it.
7. The junction of Bradwell Road and Dansteed Way will need significant work to make it safer such as a roundabout. We are not convinced that the difficulties reported by residents of presently negotiating the junction have been understood.
8. 30% Affordable housing should be included and "peppercotted" through the site and not concentrated in any one area in accordance with the policy adopted by MK Council
9. Bradwell Road should be narrowed to 5.5m and re-

designed to avoid safety hazards which will otherwise exist with significant traffic

calming measures and more than one pedestrian crossing facility.

10. The outline plan must be revised re the lack of a wide footway the length of

Bradwell Road in front of the development as this will cause vulnerable road

users to be forced into the road or close to it and present an unacceptable

collision hazard. The redway should be extended along the front of the

development. The comments by the Crime Prevention Adviser about other negative aspects of the design – the lack of defensible space, vulnerability of properties to access from an inactive cul-de sac, lack of secure parking for the apartments must be addressed through major design revision

11. The trees along Bradwell Road should be retained as part of a tree structure

design – an adequate design should really be available before outline

permission is granted.

12. A significant portion of the development gain should be committed to s.106

agreement and secured for local community benefit.

We have no doubt that there will be enormous pressure on the DCC to allow this application. However we urge the DCC to resist such pressure and to ensure it ensures that any development is sustainable and avoids harm to this area.

### **A3.21 Loughton Parish Council**

Following on from the meeting of Loughton Parish Council held yesterday (Monday 18th March 2013), to request that a site visit is held by officers and members of the Development Control Committee, regarding planning application 13/0226/OUT so that members of the committee will get a better idea of the site and its environs in relation to what is proposed by the applicant, and that Loughton Parish Council would also like to request that a Parish Councillor is in attendance purely to answer any questions that members of the Development Control Committee may have and not of course to lobby or influence members in any way.

### **A3.22 Loughton Parish Council**

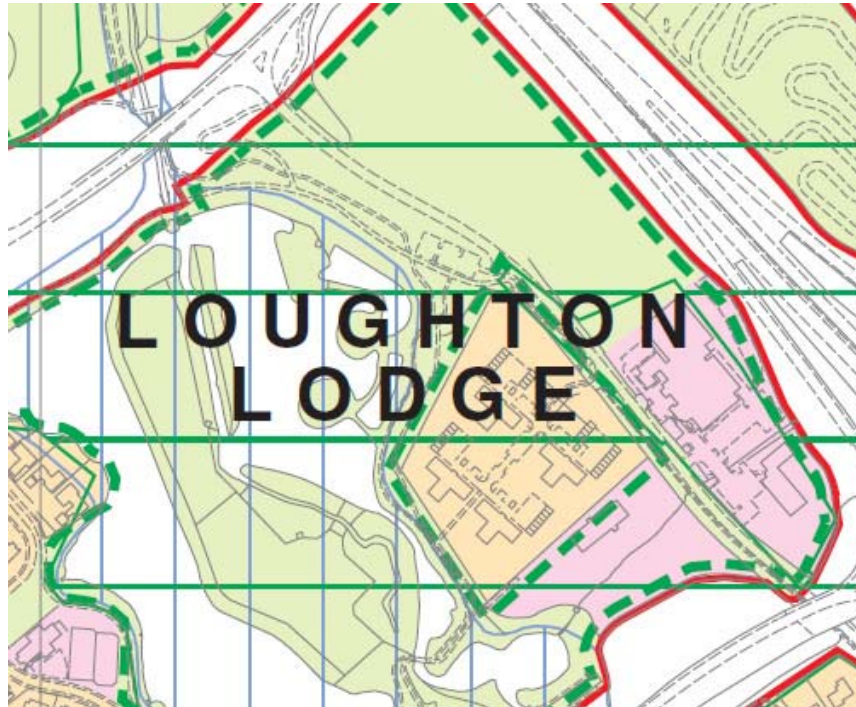
Two Councillors, namely Cllrs Dransfield and Harrison voiced support for this application.

The remainder either were opposed outright to the application or had various concerns about it as submitted which are set out below. On a vote, it was agreed that the Parish Council would send this letter to Milton Keynes Council setting out the views and reasons given by the members of the Parish Council on application 13/00266/OUT both for and against in order that the Council and the Development Control Committee would be fully informed about these issues.

#### **The 2005 Local Plan**

Some members of the Council referred to the local plan for the Loughton Lodge area as contained in the Milton Keynes

local plan 2005, which remains in force. The plan for the area is as shown in the excerpt from the local plan below.



According to the key to the plan, the area shaded green is allocated to recreation and open space (L2,C7), pink is community facilities (C2) and the area light brown is housing. It was submitted that the application therefore does not accord with the planning policy for this area in that it proposes housing development where the plan was for recreation and open space or community facilities. It was noted that the 2005 plan identified a number of sites suitable for housing development, but this site was not one

of them. The total numbers of houses in the Parish envisaged to be developed had already been exceeded and this was a very large application indeed. There is a great degree of pressure to develop in Loughton Parish due to the close location of the railway station and there is a severe risk that the character of the area is being adversely affected by overdevelopment and loss of the open spaces which provide the character of the area. This is a point which numerous residents have raised and which feature in the representations which have been made on this application

### **MK's Urban design**

A number of members of the Council expressed the view that Milton Keynes was designed as a place which would be a green city, with many parks, green open spaces and free from overly urbanised development. They contended this was an important aspect of the nature of Milton Keynes and a reason why they had come to settle in this area.

There was less concern about the development of the Badminton centre site as housing development, although many residents of Woodward Place attended the meeting and raised concerns about the impact of development even on the Badminton Centre land, particularly in terms of parking and traffic (as mentioned below).

A clear majority of members of the Parish Council were opposed to development of housing on the part of the land which is currently leased to the Parks Trust on a 999 year lease. They considered this land was designed as

a green buffer between the A5 and Lodge Lake – formed by the excavation of Lodge Lake and part of the setting of Lodge Lake – an area of special environmental sensitivity. There were concerns that the development would erode the natural barrier that the land created from the noise from the A5. The land had been created with a contour for visual amenity and to form a solid sound barrier and this should not be removed, especially due to the additional track now laid of the West Coast main line which increases the noise emitted from the railway significantly.

### **Density**

Various concerns were expressed about the size of the development and the number of houses proposed. That the density was not in keeping with other areas in Loughton and should be more reflective of the housing already built as a whole. Some members were of the view that the Badminton Centre could still raise revenue with less housing and of a size and spacing that is more typical of Loughton generally.

### **Traffic**

There were concerns about the increase in traffic that this development would bring about. Residents said that there had recently been an accident near to the entrance of the proposed site, and that it was already difficult to get out on to Danstead Way in the morning rush hour. There was a contrary view that the current Badminton Centre may generate more traffic although there was disagreement about this. Suggestions were made that there should be a

slip road that would be a left turn only or a roundabout installed to help keep the traffic flowing at peak hours. Other residents expressed the view that the safety of pedestrians would be compromised. Questions were raised about which schools children would attend and the fact traffic would be increased by parents driving their children to school. Cllr Dransfield pointed out that in fact local schools in Loughton Parish have capacity and additional children in the Parish will just displace other children from outside.

A concern was expressed that the planned Western expansion will also increase traffic density in this area, particularly on Dansteed Way.

### **Parking**

It was feared that visitors to or residents from the new development would therefore use the nearby car park intended for Lodge Lake recreational users, resulting in insufficient parking spaces for them. This would affect the sport of angling and many other recreational users of the Lake.

### **Environmental**

Many people expressed their concerns at the loss of such a large area of landscaping and trees, and the detrimental effect it would have on the view from Lodge Lake. It would also result in the loss of the much valued rural feel when entering Loughton Lodge. Concerns were raised about the considerable reduction in the size of the mound of earth at the Dansteed Way end of the proposed development. The removal of much of this large and extensive mound would

result in a lot more noise being heard in the parish from the traffic on the A5, trains on the West Coast main line and the Daytona race track. Surprise and disappointment was expressed at the Parks Trust giving away a large area of the Parish's open land for a housing development. Cllr Ballantyne feels strongly the Trustees of the Parks Trust should not have agreed to allow park land to be developed; certainly with no commercial gain for the Parks Trust.

### **Affordable housing**

We understand that MK Council's policy requires a development of this size to contain a minimum of 30% of properties to be affordable properties. It was noted by at least one member that the application does not appear to satisfy this requirement and contains no affordable housing despite containing 104 properties. Some members suggested this should require a substantial s.106 payment in lieu.

### **The heritage assets**

The Chairman of the Parish Council noted that although a desktop survey had been undertaken, no field survey had been carried out. He commented that it was a shame that a field survey had not been undertaken and that he thought this was necessary because of the two significant assets on the site – the farm house and the barn.

We welcome the fact that the development proposal intends to retain Loughton Lodge Farmhouse. The building is attractive and retains the history and character of the area and its former use for agricultural purposes prior to the



development of the new city.

However we are disappointed at the proposal to demolish the Barn of the Farm site which is older than the house (circa 1750 to 1800). It is built of stone and is of fine proportions. Some members contended that the barn is an attractive property which should be retained as part of the heritage of the site.

The inside of the barn upstairs has a room containing beautiful original wooden beams. The barn already has a lift and stairs installed for access to the large open space on the first floor. The upstairs of the barn is currently used as a restaurant and is in very good condition.

There have been discussions between the Badminton Centre and the Parish Council about the proposed development and I have attached to this letter an email from the Chief Executive of the Badminton Centre received on 25th February 2013 regarding their proposal to donate the Loughton Lodge farm house to the Parish Council for use as a Parish office/community facility. This Parish Council does not currently have any premises and an office at this location would be of significant benefit to the local community. At a recent site meeting to discuss and explore this possibility with architects for each party it became clear that the Farmhouse would present a number of challenges. It does not contain a lift which would have to be fitted to comply with disabled access building regulations. This would be expensive and difficult to do inside the property. There is no large meeting space so it would be suitable only for offices rather than holding public

meetings. It contains no toilet facilities at the moment. There would be rather more office space than needed. The costs of adaptation and renovation might be prohibitive and it might not be possible for the Parish Council to take up this, admittedly generous, offer. The barn however would be an ideal building for a Parish office - with meeting space upstairs and some office space below. We encouraged the applicant to consider donating the barn rather than the farmhouse and instead subject to permission to sell the farmhouse off as a house. Whilst adjoining buildings have been added to the barn, we believe these could be removed to restore the barn back to its original form – preferably leaving the lift and stairs which are already installed in place.

If permission for the development was granted then we would suggest that consideration is given to requiring the applicant to retain the barn and not demolish it. We believe it would be unprecedented for a distinguished heritage asset of this kind to be demolished. Ideally we would prefer the applicant to undertake an obligation in planning to donate the barn rather than the house for community use. We are doubtful that the Farmhouse is a viable proposition but are confident that the barn would be – due to the appropriate size and proportion of meeting space and office space.

### **Children's play area**

At least two members expressed the view that the current proposal does not provide adequate facilities on the site for children to play. They thought the suggestion that the

children of the estate should access play areas by crossing the busy Bradwell Road over to Lodge Lake was unsatisfactory and that there is a risk that children might be put at risk if they are encouraged to cross unsupervised and parents would probably regard this as an unacceptable risk. They thought there should be provision for a play area on the site, and that the number of houses should be reduced to create an area of a suitable size to enable the children to have somewhere to play outside, particularly as the gardens provided for the houses are of a minimum size.

#### **A3.23 Loughton Lodge Residents Association**

As you should be aware this development would be in Loughton Lodge which is an area of public wooded parkland with a large lake and is a leisure facility enjoyed locally and by visitors including fishermen from across the city. Loughton Residents are pleased to have the National Badminton and Fitness Center close by as this enhances the leisure atmosphere of the area. Bradwell Road retains much of the semi-rural character of an ancient route between villages and the appearance of the proposed high density housing would be seriously detrimental to the whole area.

Albeit this application has been submitted for what is in all intense and purposes two pieces of land it has been presented as one overall application. We feel it is worth noting that there are two distinctly different areas and should be dealt with separately.

The area currently occupied by the National Badminton

Centre (NBC) is developed for a commercial sports orientated activity therefore a change of use for this to a sympathetically styled and density of residential units is not that onerous. With this being for outline planning the suggested occupancy level must be adjusted from the proposed plan to reflect a more suitable density to replicate the existing housing styles and land use in this part of Loughton.

As for the remainder of the site, presently believed to be under the control of the Parks Trust, leading out to the H4 Danstead Way is a totally different proposition and should be dealt with separately. This is to the point that it should not be developed in any way and left as it is. As there is only one planning application this would need to be rejected as presented and resubmitted in a more considered form.

The rationale for leaving the area alone is:

This land is the opening statement for those entering Loughton with its 13<sup>th</sup> century church and high regarded conservation area.

The land, although man made, forms an extremely attractive and now mature setting for Lodge Lake and should be protected against urbanisation. Investigating the numerous changes to the town plan over the years the area around Lodge Lake has always been considered very sensitive and protected from this or any type of development

The proposal to lower the ground level at the highest point of the mound to accommodate the extremely high density of

housing and two apartment blocks will in our opinion destabilise the area and remove a good part off its original intensions as a buffer for noise pollution from the A5 trunk road and the Western Main line railway line. Both of which have high levels of noisy vehicles passing through at noise amplifying speeds.

Milton Keynes is peppered with inappropriate developments close too or leading into heritage or original village sites and it is unacceptable for yet another misrepresentation of Milton Keynes credentials of a Garden City to be built here.

Should the development unfortunately go ahead we believe:

The proposed density is far too high and should be reduced by at least 50%.

The proposed 17 dwellings that will front directly onto the Bradwell Road contravene your Highways Policy of a drive on drive off requirement as none have space for a vehicle to turn round on their or shared land. These properties should be set back so that an inner service road is constructed thus allowing free passage on Bradwell Road and the proposed entrance/exit to the estate moved further away from the junction with Danstead Way.

There is no provision for a children's play area that is visible from a majority of homes essential for parent's peace of mind and that proposed is across a busy road and too far away for parental supervision.

The proposed car parking arrangements for each property

and visitors is totally insufficient with the distinct possibility of over spill parking in Bradwell Road and the car park built specifically for the purposes of those using Lodge Lake and its facilities.

The size of this development should have a provision for affordable housing but none is suggested in the proposed plan.

The increase in population will put undue pressure on local schools and medical facilities, with a guaranteed increase of traffic through other local roads of Loughton, especially for school runs and to avoid the congestion at the Dansteed Way junction.

An improvement of the highly dangerous junction between Bradwell Road and Dansteed Way must be included in any development costs (section 106 monies) especially for the safety of traffic leaving Bradwell Road and wanting to turn right into Dansteed Way. It is suggested that, at the very least, a no right turn condition is set with appropriate road improvements to make this obligatory or a roundabout is provided. Unbelievably the design architect's assessment believes it would not be the site developer's responsibility.

The high cost of building on Made Ground should not be a reason for saturating the ground with high density housing to be able to recover a reasonable return on investment..

This is a critical piece in the jigsaw puzzle of the numerous parts that form what is considered an area of outstanding natural beauty within the confines of an urban environment

and must be retained as such.

It goes without saying this list of objections could cover far more pages but we consider these are sufficient to reject this proposal.

**A3.24 Local Residents**

The occupiers of the following properties were notified of the application:

77, 79, 83, 85, 87, 81, 82, 84, 86, 88, 90, 92, 89, 93, 94, 95

Bradwell Road Loughton Milton Keynes

59, 61 Linceslade Grove Loughton Milton Keynes

Herons Lodge Guide Centre Bradwell Road Loughton Lodge

1- 36 Woodward Place (Inclusive) Loughton Lodge Milton Keynes

Phoenix Lodge 91 Bradwell Road Loughton

7, 8, 9 Bignell Croft Loughton Milton Keynes

Daytona International Garratt Drive Rooksley

**A3.25 165 letters of objection raising the following points:**

-Loss of open space

- Dense housing right on the road will destroy the current pleasant aspect.

-The proposed density on the site is too dense and inappropriate.

- Impact of additional traffic on the junction of Bradwell Road and Danstead Way. It is already difficult to turn right at busy times of the day.

-Increased traffic congestion along Bradwell Road,

increased noise and increased emissions pollution

-Shortfall of unallocated visitor parking on the indicative layout. No provision for visitor parking along Bradwell Road, result in parking issues particularly when there are events at the Girl Guide Centre.

- 3 accesses directly opposite the access to Woodward Place.

- impact of modifications to the current natural barrier adjacent to the A5D.

- fails to reflect the current mix of housing provided in the area.

- first new entrance will be 80 metres from the junction with Danstead Way. Increased potential of accidents if road remains 40 mph.

- All existing dwellings are set back from Bradwell Road, the proposed layout indicates that all dwellings that face Bradwell Road will have a building line no more than 2 metres from Bradwell Road. This is a dense urban characteristic incompatible with the surrounding area.

- lack of consideration of the biodiversity of the site and its surrounding area

.-17 accesses to dwellings directly onto Bradwell Road.

- request that plans are produced which show different owner ships of the application land.

- Object to publically owned land by Milton Keynes Council and Parks Trust being handed to a developer for commercial profit.

-The Transport Assessment document submitted with the proposal concludes there will be a change in the peak time tidal flows and the current and proposed infrastructure is sufficient. It is not clear, however if the forecast of proposed traffic flows are based on an appropriate model for this



situation. The Transport assessment document does not state an estimate for the number of vehicles. Estimating from the proposed number of car parking spaces based on spaces per dwelling type given in sections 3.1 and 3.2, and assuming 2 spaces per 5 bed property (as it is missing from the document) gives some 180 vehicles. Used mostly for getting to work and/or school trips; say 150 trips.

Approximately double the forecast of 76 in the morning peak. This will lead to significant problems at the junction of Bradwell Road and Dansteed Way. It is currently almost impossible to turn right out of Bradwell Road during the morning peak. Adding more cars trying travel North-Easterly along Dansteed Way will only lead to the junction becoming overwhelmed and cars stacking back way past the Bradwell Road and having wider traffic implications.

- The second entrance to the site is immediately opposite Herons Lodge Guide Centre, dangerous for parents using their cars and walking to and from the guiding centre

- There is insufficient provision for children's play facilities in the new development and the proposal to develop a new children's play area at Lodge Lake will change the natural setting of the Lake.

- The development is not commensurate of the existing Loughton Lodge Farmhouse, which brings important character and historical significance to the local area. The barn\_ is part of the old building that was build at the end of the 19 th. century and was an integral of the old farm. The special characteristics of this barn defines Loughton Village as one enters it, to demolish it would destroy part of the character of Loughton and is unacceptable to its residence.

The Badminton Association was given the lease to use this land but not the right to destroy its heritage. We haven't got too many historic sites in Milton Keynes and those few that remained should be protected.

-The existing Loughton Lodge development is a good example of blending buildings with the natural environment with reasonable green space and foliage, the proposed development offers a disproportionate amount of buildings and developed land to green space, where buildings will completely dominate the landscape. Nor does there appear to be any consideration or attempt to retain existing trees or green spaces within the development. The Layout and Siting, both in itself and relation to adjoining buildings, spaces and views, is inappropriate and unsympathetic to the appearance and character of the local environment.

-Question what the S106 Planning Obligations are being made to mitigate the impact of the development on infrastructure and services?

- Elder Gate Toastmasters, part of the global self-development group, Toastmasters International, meets at the NBC at least twice a month, and occasionally more often. This community club would be compelled to find a new location, and there is nothing remotely comparable nearby.

Lack of provision of affordable housing.

### A3.26 Petition

A 16 page petition has been received signed by 184 residents of Loughton, Great Holm and others objecting to this application.

The area closest to Danstead Way which is owned by The Parks Trust is a very strategic open space and forms a significant statement towards the area of Loughton and reflects the recreational atmosphere of Lake Lodge which has to be retained at all cost. The current proposal is to build 85 residential units on the land owned by the Parks Trust and 19 residential units on the adjacent land currently occupied by the National Badminton Centre. Apart from being a totally unacceptable loss of a green space will also bring untold traffic congestion to the area and make the Danstead Way/Bradwell Road junction very dangerous unless altered.

### 3.27 Letters of Support

36 letters of support has been submitted which advises that:

- By turning the existing site (at Loughton) into a residential development more opportunities will be enabled for the residents and business people of Milton Keynes.
- This application is linked to the new National Badminton Centre being developed at The Bowl in Milton Keynes. The new Centre will help with the high demand that exceeds the current one and more local businesses will be able to enjoy the benefits (conference rooms, event hosting etc).
- it may also attract further businesses and sports to Milton

Keynes, which would of course be beneficial to the local economy and no doubt help achieve the aspiration to become an international sporting city.

-Loughton would benefit from this extra accommodation available. There would be no added issue with traffic or noise management as the existing National Badminton Centre caters for gym members and also events etc. The new National Badminton Centre/Arena would be a fantastic opportunity and investment to MK. It would have significant national profile, attract national and international visitors and have significant economic benefit as the badminton event programme could expand.

-involved in Badminton since 11. Watched the National Badminton Centre grow from a three court hall with a small badminton community, to an 8 court facility where lucky to have the top badminton players in the country training. Seen the impact this has had on the local community, with more young people being involved in sport and how Badminton has grown from strength to strength.

-generate more economic growth within Milton Keynes as well as giving the community who live there a new facility to be proud of. It will bring more people from further afield to Milton Keynes to play, train or spectate at events which will give local residents the opportunity to watch world class badminton.

-Badminton is a phenomenal sport and should be given the chance to excel in a fantastic, vastly expanding town. As fellow residents of the Milton Keynes area should be joining together and praising BADMINTON England for the courage and pushing to bring badminton in England a brighter future.

-The building of new houses will create new homes for Milton Keynes and will enable the development of a larger,

better National Badminton Arena that will be a great facility for Milton Keynes. It will offer our growing city enhanced sporting facilities for community use, developing Olympic champions and hosting spectator events.

-The current building is an eyesore and its use as a conference centre gives traffic congestion problems at times which would be much alleviated by a housing development. There is also much pressure on greenfield sites for housing and this would be a good use for a brownfield site.