

Application Number: 16/01475/FUL

Demolition of existing public house and erection of 27 dwellings, two storey D1 use building for a nursery and associated car parking to east of St Augustines Church

AT Site At The Suffolk Punch, Langcliffe Drive, Heelands

FOR High Street Homes

Target: 13th September 2016 (Extension of Time Limit: 6th February 2017)

Ward: Bradwell

Parish: Bradwell Parish Council

Report Author/Case Officer: Adam Smith Senior Planning Officer

Contact Details: 01908 252499 adam.smith@milton-keynes.gov.uk

Team Leader:: Sarah Hine DM Manager North West Team

Contact Details: 01908 252283 Sarah.Hine@milton-keynes.gov.uk

1.0 INTRODUCTION

(A brief explanation of what the application is about)

- 1.1 The main body 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. All matters have been taken into account in writing this report and recommendation.
- 1.2 This application is referred to the Development Control Committee for determination as objections have been received from three of the Ward Councillors. Notwithstanding this, the application would need to be determined by the Development Control Committee as the Parish Council have objected to the application and also because more than one third party letter of objection has been received.
- 1.3 **The Site**
The site is situated to the north eastern side of Heelands, a predominantly residential grid square, and is designated on the Local Plan Proposals Map as 'Commercial Facilities, Local, District and Town Centres and Other Shopping'.
- 1.4 It is currently occupied by the Suffolk Punch Public House and associated landscaping and car parking, with a number of sewer easements running

across the site. The public house has brick and rendered elevations with a gabled slate roof and is presently boarded up with its car park blocked by bollards. The site also includes the access road to St Augustine's Church and an area of open space wrapping around the eastern side of the church.

1.5 The site is neighboured by Saxon Street (the V7) to the east with the Linford Wood employment estate set to far side of this. To the north and west, the site is bounded by Langcliffe Drive and East Dales with residential properties beyond of varied design and type, although these neighbouring dwellings are predominantly gabled roofed and of brick and tile construction. The site is neighboured to the south by St Augustine's Church and the Novotel hotel.

1.6 **The Proposal**

The application proposes the demolition of the existing public house and the erection of 27 dwellings and a nursery building (Use Class D1). The application also proposes the construction of 52 car parking spaces to the east of St Augustine's Church to serve the nursery building and the existing church.

1.7 The new dwellings would occupy the majority of the existing public house site with the nursery located adjacent to the southern boundary of this site. The layout of the development is strongly dictated by the presence of sewer easements which have resulted in a linear arrangement of buildings. The properties would be traditional in appearance with brick and timber elevations and a mix of gabled and hipped roofs. The scheme would have a density of some 54 dwellings per hectare and a mix of two storey semi-detached and terraced houses and three storey apartments. The overall housing mix comprises 18 x 2 bed apartments and 9 x 2 bed houses.

1.8 The redeveloped public house site would be served by two vehicular accesses with the existing vehicular access being closed. A vehicular access is proposed directly to the north of the existing vehicular access and this would measure 4.8 metres in width and serve 25 of the new dwellings. An additional vehicular access measuring 5.5 metres in width is proposed to the south west corner of the existing public house site and this would serve two dwellings, with the nursery also located off this access. Although, the parking for the nursery would be located to the east of the church.

1.9 The residential development would be served by parking courts and new parking along Langcliffe Drive located within the highway verge. A total of 36 allocated and 20 unallocated spaces are proposed for the residential element of the scheme with no tandem parking included as part of the proposal. Each apartment would be served by an allocated space and each dwelling would be served by two parking spaces. Eleven of the unallocated spaces would be located along Langcliffe Drive.

1.10 The application include the following supporting documents: Design and Access Justification Statement; Transport Statement; Sustainability Assessment; Arboricultural Survey; Preliminary Environmental Risk Assessment; Flood Risk Assessment (and Addendum); Preliminary Ecology

Appraisals; Bat and Reptile Surveys; Acoustic Assessment; and Viability Assessment.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework

Paragraphs 6,7,8 and 14 - Presumption in Favour of Sustainable Development

Paragraphs 11-16: Presumption in favour of sustainable development

Paragraph 17: Core Planning Principles

Section 1: Building a Strong Competitive Economy

Section 3: Supporting a Prosperous Rural Economy

Section 4: Promoting Sustainable Transport

Section 6: Housing

Section 7: Design

Section 8: Promoting Healthy Communities

Section 10: Meeting the Challenge of Climate Change & Flooding

Section 11: Conserving and Enhancing the Natural Environment

Paragraph 173: Ensuring Viability and Deliverability

Paragraphs 187 & 187: Positive Approach to Decision Taking

Paragraphs 196 & 197: Determining Applications

Paragraphs 203-206: Conditions and Obligations

2.2 Local Policy

Milton Keynes Core Strategy (Adopted 2013) – Policies:

CSA: Presumption in Favour of Sustainable Development)

CS1: Milton Keynes Development Strategy

CS10: Housing

CS11: A Well Connected Milton Keynes

CS12: Developing Successful Neighbourhoods

CS13: Ensuring High Quality, Well Designed Places

CS17: Improving Access to Local Services)

CS18: Healthier and Safer Communities

CS19: The Historic and Natural Environment

CS21: Delivering Infrastructure

Milton Keynes Local Plan 2001-2011 (Adopted 2005) – Saved Policies:

D1: Impact of Development Proposal on Locality

D2a: Urban Design Aspects of New Development

D2: Design of Buildings

D4: Sustainable Construction

NE2 Protected Species

NE3: Biodiversity and Geological enhancement

H7: Housing on Unidentified Sites

H8: Housing Density
H9: Housing Mix
T1-T5, T9, T10, T11 and T15: Transport
C1: location of Community Facilities
C2: Loss of Community Facilities
P04: Percent for Art

Supplementary Planning Guidance/Documents

New Residential Development Design Guide (April 2012)
Parking Standards (January 2016)
Sustainable Construction (April 2007)
Affordable Housing SPD (March 2013)
Social Infrastructure Planning Obligations (September 2005)
Planning Obligations for Education Facilities (December 2005)
Planning Obligations for Leisure, Recreation and Sports Facilities (2005)

3.0 MAIN ISSUES

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

3.1 The main issues for the consideration of this application comprise as follows:

- Principle of Development
- Community Facilities
- Design and Layout
- Landscaping and Trees
- Residential Amenity
- Land Contamination
- Parking and Highway Safety
- Flood Risk and Drainage
- Ecology
- Sustainable Construction
- Planning Obligations and Affordable Housing
- Planning Balance

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

4.1 It is recommended that planning permission be granted subject to the conditions set out in Section 6, a plan condition and a Section 106 Legal Agreement to secure a financial contribution of £195,000 for offsite affordable housing and the provision of the nursery building and associated parking.

5.0 CONSIDERATIONS

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

5.1 Principle of Development

The application site is located within the settlement boundary of Milton Keynes and is designated on the Local Plan Proposals Map as “Commercial Facilities, Local, District and Town Centres and Other Shopping”. However, this site does not fall within the Local Plan definition of a “local centre” and housing is acceptable in principle under Saved Policy H7 of the Milton Keynes

Local Plan 2001-2011.

- 5.2 Notwithstanding the above, it has been accepted by the Council that it cannot currently demonstrate a five year housing supply. As such Paragraph 49 of the National Planning Policy Framework is engaged and the Council must rely upon the provisions of Paragraph 14 of the National Planning Policy Framework (2012) for the determination of the application. This states that:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development”

For decision-taking this means:

- *Where the development plan is absent, silent or relevant policies are out-of-date the Council should grant permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

- 5.3 The starting point for the determination of this application is therefore that the Authority does not have a 5 year housing land supply, and the proposed development would contribute towards meeting the identified shortfall. An assessment must therefore be made as to whether the proposal can be considered to be sustainable development in terms of the economic, social and environmental roles as defined by the Framework and, ultimately, whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. In this instance, and as set out in more detail below, no adverse impacts of the development have been identified that would significantly and demonstrably outweigh the benefits, which arise from the provision of additional housing.

5.4 **Community facility**

The National Planning Policy Framework (2012, paragraph 70) outlines that a public house is a community facility that should be protected against unnecessary loss, so as to enhance local communities. Saved Policy C2 of the Local Plan and Policy CS17 of the Core Strategy are in accordance with the NPPF with Saved Local Plan Policy C2 stating that planning permission will be refused for proposals that involve the loss of an existing community facility unless:

- (i) There is no longer a need for the facility for any type of community use, or
- (ii) An acceptable alternative facility can be provided elsewhere.”

- 5.5 The existing public house whilst closed for some time is clearly valued by the

local community and this is reflected in the comments of the Ward Councillors, Parish Council and objection letters and in the public house also historically being listed as an Asset of Community Value (ACV) under the provisions of the Localism Act 2011. A listing as an ACV provides an opportunity for a community group to bid to purchase the asset and, whilst it is understood that there has been some community interest in the site, there has not been a successful community bid and the ACV designation has lapsed, with the Council recently deciding not to re-list the public house as an ACV.

- 5.6 Notwithstanding that the existing public house is valued by the community, Saved Local Plan Policy allows for the provision of alternative community facilities and this approach has been proposed by the applicant with a community facility included as part of the development in the form of a childcare nursery. This nursery would help address a shortfall in early years provision across Milton Keynes, which has been identified as part of the Planning Obligations Teams consultation with service providers, and would be secured by a Legal Agreement for the reasons detailed in the Planning Obligations section below should planning permission be forthcoming. The proposal therefore accords with Saved Local Plan Policy C2 and paragraph 70 of the NPPF.

5.7 **Design and Layout**

Saved Policies D2, D2A and H8 of the Milton Keynes Local Plan 2001 – 2011 and Core Strategy Policies CS12, CS13 and CS18 seek to ensure that all new developments are high quality, well designed and relate well to the surrounding area and that proposals design out the opportunities for crime. Further, the Core Planning Principles in Paragraph 17 of the National Planning Policy Framework state that planning should always seek to secure high quality design.

- 5.8 The development would have a linear layout, dictated by the presence of sewer easements running across the site, with dwellings facing towards and providing surveillance of Langcliffe Drive as well as the access roads and parking areas within the site. The three storey apartment blocks would be located to the northern part of the site, with two storey semi-detached and terraced houses and the nursery building located to the southern part of the site. The apartment blocks would be taller than neighbouring dwellings, however the hipped roofs would reduce the visual impact of these buildings. Furthermore, the Novotel hotel to the south of the site is three storey, with a taller tower feature which is clearly visible from Saxon Street, such that it is considered that the scale of the apartment blocks is acceptable. The houses would have gabled roof forms and would reflect the scale and design of neighbouring properties. The proposed dwelling would be predominantly constructed of red brick which is the primary elevation treatment within Heelands, with timber cladding used to add interest to the elevations. It is acknowledged that there are large areas of residential parking within the development, however this arises in part from the requirements in the Parking Standards and, in any event, there are still significant areas for landscaping

within the site. As such it is considered that the residential element of the scheme would integrate acceptably with the character and appearance of the surrounding area.

- 5.9 The nursery building would have a more contemporary design to distinguish it from the new residential properties, but would utilise the same materials palette such that it would integrate acceptably with the proposed dwellings and wider locality.
- 5.10 The additional car parking to the side of the church would wrap around the eastern side of the church to reflect the existing parking situation to the west side of the church.
- 5.11 Turning to residential density, the proposed scheme would have a density of 54 dwellings per hectare. This is above the 35 dwellings per hectare sought under Saved Policy H8. However, the purposes of Saved Local Plan Policy H8 is to ensure that development would relate to the character of the area and, as detailed above, it is considered the layout of the scheme would integrate acceptably with the surrounding area. In any event, this application should be viewed in the context of the Council not being able to demonstrate a five year housing land supply and the Government agenda to “boost significantly the supply of housing” as set out in paragraph 47 of the National Planning Policy Framework. As such, it is considered that this higher density should be welcomed in this instance.
- 5.12 The development would comprise only two bed properties, however a range of types of dwelling are proposed such that it is considered an objection could not be sustained under Saved Local Plan Policy H9.
- 5.13 Overall, no objections are raised to the design and layout of the scheme with regards to Saved Policies D2 and D2A of the Milton Keynes Local Plan 2001 – 2011 and Core Strategy Policies CS12 and CS13 and the New Residential Development Design Guide SPD.

5.14 Landscaping and Trees

Saved Policy D2 of the Milton Keynes Local Plan 2001 – 2011 details that proposals should include landscaping that integrates with the surrounding area.

- 5.15 The Senior Landscape Architect advises that the strong landscaped belt of existing trees and vegetation along Saxon Street is to be retained and should be augmented with tall growing screen planting to seek to screen boundary treatments from Saxon Street. The Senior Landscape Architect also seeks clarification of the proposed planting mixes. These matters can be addressed by a landscaping condition to ensure that the landscaping of the new development integrates acceptably with the surrounding area and helps soften the initial impact of the development.
- 5.16 The Arboricultural Officer has reviewed the submitted tree reports and advises that it is unfortunate that most of the best trees on the site would be

lost and seeks significant tree planting to make up for these losses. There is scope within the site for additional tree planting and this would also help to soften the initial impact of the development. As such it is considered that additional tree planting should be secured via a landscaping condition together with conditions to ensure that the trees to be retained are protected during the current stage of the development should planning permission be forthcoming.

5.17 In light of the above, no objections are raised to the development on landscaping and tree grounds under Saved Local Plan Policy D2, subject to conditions.

5.18 **Residential Amenity**

Saved Policy D1 of the Milton Keynes Local Plan 2001-2011 details that planning permission will be refused for development where it would adversely affect residential amenity of neighbouring properties. In addition, the New Residential Development Design Guide SPD (2012) provides guidance on achieving acceptable levels of amenities for future occupiers. Further, the core planning principles in the National Planning Policy Framework (Paragraph 19) details that planning decisions should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

5.19 In terms of the residential amenities, the proposed three storey apartment blocks would be the closest buildings to neighbouring properties. However, these would be set over 20 metres from the rear boundary of the gardens serving properties on Langcliffe Drive and as such it is considered that they would not give rise to unacceptable overlooking or appear visual intrusive or overbearing. Furthermore, it is considered that the development would not generate an unacceptable level of vehicle movements or noise and disturbance with regards to neighbour amenity and any impacts of construction could be mitigated by a condition requiring the submission of a Construction Management Plan should planning permission be forthcoming.

5.20 Turning to the amenities of future occupiers, the proposed houses would have 10 metre rear gardens to accord with the New Residential Development Design Guide. Further, the apartment blocks would have substantial communal garden areas including private areas. The Senior Landscape Architect has raised the issue that parts of the communal gardens are shown as shrubs on the landscaping plans, however revised details can be secured under a landscaping condition to ensure that there is an acceptable amount of usable amenity space for future occupiers. As such, subject to a landscaping condition, it is considered that adequate amenity space would be provided for future occupiers of the apartments.

5.21 The application has been accompanied by an acoustic assessment which recommends acoustic fencing to mitigate the impact of traffic noise from Saxon Street. Acoustic fencing is proposed as part of the application to the northern and eastern boundaries of the site and can be secured by condition.

Acoustic fencing is also proposed on the boundary between the nursery and the adjacent proposed residential property. Subject to a condition to secure this, and given that vehicle movements associated with the nursery would be focussed on the car park adjacent to the church and no objections have received from Environmental Health, it is considered that an acceptable level of amenity would be secured for the new dwelling that would neighbour the nursery use.

5.22 Overall, it is considered that the proposed development would not adversely affect the amenities of neighbouring residents and an acceptable level of amenity would be achieved for future occupiers of the site. As such, no objections are raised with regards to residential amenities and Saved Policy D1 of the Milton Keynes Local Plan 2001-2011.

5.23 **Land Contamination**

The Environmental Health Officer has reviewed the Phase 1 Site investigation submitted with the application and raises no objections subject to a condition to secure a watching brief for unforeseen contamination should planning permission be forthcoming.

5.24 **Parking and Highway Safety**

Saved Policy T10 of the Milton Keynes Local Plan 2001-2011 relates to highway safety and details that proposals will be refused for development if it would be likely to generate motor traffic that would exceed the highway capacity of the local road network or cause significant risk of accident. In addition, Saved Policy T15 of the Milton Keynes Local Plan 2001-2011 and the new Milton Keynes Parking Standards Supplementary Planning Document (2016) set out the parking requirements for proposed developments. The National Planning Policy Framework (2012) also details in Paragraph 32 that development should be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.25 In terms of parking provision, the application site is in Zone 3 under the Parking Standards. The table below outlines the parking requirements of the proposed residential development in accordance with the Council's Parking Standards

	<i>Total</i>	<i>Parking Standard</i>		<i>Total Requirement</i>	
		<i>Allocated</i>	<i>Unallocated</i>	<i>Allocated</i>	<i>Unallocated</i>
<i>2 bed apartment</i>	<i>18</i>	<i>1</i>	<i>0.75</i>	<i>18</i>	<i>13.5</i>
<i>2 bed house</i>	<i>9</i>	<i>2</i>	<i>0.25</i>	<i>18</i>	<i>2.25</i>
<i>Tandem</i>	<i>0</i>		<i>1 space per 2 tandem</i>		<i>0</i>
<i>TOTAL</i>		<i>-</i>	<i>-</i>	<i>36</i>	<i>16</i>

- 5.26 The proposed residential development would slightly exceed the Parking Standards with 36 allocated and 20 unallocated parking spaces proposed, including no tandem parking and unallocated parking distributed throughout the site. The provision of this parking together with the requisite cycle parking can be addressed by conditions should planning permission be forthcoming.
- 5.27 Turning to the proposed nursery, the parking requirement for a nursery is 1 space per member of staff and drop off spaces at 1 space per 4 children. The planning statement has indicated that the nursery will operate with 20 staff with circa 50 looked after children. This means the parking requirement would be a total of 33 spaces. A total of 52 new spaces are proposed for the nursery and to also serve the existing church. However, the 52 spaces would be far in excess of the Parking Standards and it would not therefore be reasonable to require more than the 33 spaces under this application. As such it is proposed to secure the provision of a minimum of 33 of these spaces under this application and this would be by means of a Section 106 Legal Agreement for the reasons detailed under the Planning Obligations section below.
- 5.28 A Transport Statement accompanies the application. This has been assessed by the Highway Engineer and he is satisfied that the proposal would not have an adverse impact on the local highway network. Further, the Council's Highway Engineer has confirmed that the proposed road layout and parking is acceptable subject to conditions and overall raises no objections on highway safety grounds.
- 5.29 Taking into account the above, no objections are raised to the proposal with regards to Saved Policies T10 and T15 of the Milton Keynes Local Plan 2001-2011, Milton Keynes Parking Standards Supplementary Planning Document (2016), and Paragraph 32 of The National Planning Policy Framework (2012).
- 5.30 **Flood Risk and Drainage**
Whilst the application site falls within Flood Zone 1 and is less than a hectare in size, it is a national requirement for developments of ten dwellings or more to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.
- 5.31 The Local Lead Flood Authority (LLFA) has assessed the submitted Flood Risk Assessment, which includes a drainage strategy that proposes surface water to be attenuated in below ground cellular storage, and advises that the submitted details are acceptable subject to conditions. Furthermore, Anglian Water raise no objections on drainage grounds subject to a condition and informatives.
- 5.32 **Ecology**
Saved Policies NE2 and NE3 of the Milton Keynes Local Plan 2001 – 2011 and Core Strategy Policy CS19 seek to protect wildlife and protected species and encourage biodiversity enhancements. This is supported by the NPPF which aims to conserve and enhance biodiversity (Paragraph 118).

5.33 The application is accompanied by Preliminary Ecological Appraisals (PEA) and Reptile and Bat Surveys. The Countryside Officer has reviewed the submitted PEAs and Surveys and raises no objections to the scheme subject to appropriate biodiversity mitigation and enhancement conditions. No objections are therefore raised with respect to protected species and biodiversity under the NPPF and development plan policies NE1, NE3 and CS19.

5.34 **Sustainable Construction**

Saved Policy D4 of the Milton Keynes Local Plan 2001 – 2011 and the Sustainable Construction Supplementary Planning Document (2007) requires all new development exceeding 5 dwellings to incorporate sustainable construction including renewable energy and carbon offset provision.

5.35 The applicant is proposing the use of photovoltaic panels to achieve the requirement for 10 per cent renewable energy and this could be secured by a condition should planning permission be forthcoming. There is also a policy requirement for a financial contribution for carbon offsetting, however as detailed below this contribution is not being sought by Officers on viability grounds.

5.36 **Planning Obligations and Affordable Housing**

Planning Obligations are required in accordance with Milton Keynes Core Strategy Policy CS21, Saved Policies D4 and PO4 of the Milton Keynes Local Plan 2001 – 2011 and the following relevant Supplementary Planning Documents (SPDs)/Guidance (SPGs):

- Affordable Housing SPD (2013)
- Education Facilities SPG (2004)
- Leisure Recreation and Sports Facilities SPG (2005)
- Social Infrastructure SPD (2005)
- Sustainable Construction SPD (2007)

5.37 However, the National Planning Policy Framework (2012) emphasises the duty to ensure development viability is not threatened. Indeed, Paragraph 173 of the National Planning Policy Framework (2012) states that:

“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

5.38 In addition, Paragraph 205 of the National Planning Policy Framework (2012) states that:

“Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.”

5.39 The National Planning Practice Guidance (NPPG) is also a material consideration in the assessment of the application and provides the following guidance in relation to viability:

“In making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance (Paragraph: 019 Reference ID: 10-019-20140306).”

5.40 The applicant has submitted a viability appraisal on the basis that the scheme cannot afford to deliver the full section 106 financial contributions and affordable housing requirements and this has been carefully assessed by the Council and Kirkby Diamond, the consultant appointed by the Council to provide an independent review the viability of the development. A copy of the Kirkby Diamond report is appended to this report as Annex A.

5.41 The above references SPD/Gs provide an indication of the likely planning obligations that would be required for the proposed development, namely £434,000 and 8 affordable units. However, the indicative financial contributions would need to be tested against Paragraph 204 of the National Planning Policy Framework and the CIL Regulations. Furthermore, following consultation with service providers and an initial assessment of the scheme by the Council’s independent viability consultant, it was clear that the indicative financial contributions and provision of affordable housing would exceed the amount the development could afford and would therefore have rendered the development unviable.

5.42 Detailed discussions have therefore taken place with service providers. In this respect, colleagues in the Children and Families department support the provision of the proposed nursery due to a shortfall in Early Years provision across Milton Keynes. Furthermore, they have advised that the Education contributions required in line with the Education Facilities SPG (totalling approximately £237k) can be removed to accommodate the viability of the scheme and the provision of the nursery, which is to be constructed by the

applicant and offered to a Nursery Provider with the Nursery Provider paying for the land. The car park which has been proposed by the applicant at 52 spaces exceeds the amount required for the nursery and therefore only 33 spaces have been allowed for in the viability appraisal.

- 5.43 In addition, discussions with other service providers have indicated that the anticipated impacts of the scheme could be accommodated within existing provision on this occasion, on the basis this is a relatively small development in a well-established location and that the viability of the development will be affected with the application of the SPD/G requirements.
- 5.44 The viability appraisal submitted by the applicant and assessed by Kirkby Diamond on behalf of the Council confirms that the scheme cannot afford to provide the contributions or provide onsite affordable housing in line with the Council's adopted SPD/Gs but can afford to provide a nursery and associated car parking and a contribution of £195,000. In order to accommodate this, the developer's profit level has been reduced from the generally accepted 20%. The allocation of the contribution has been discussed with the applicant and the Housing team and this would be ring fenced towards the provision of offsite affordable housing with the Housing Policy & Development Officer commenting that a financial contribution is preferred and would be allocated to a current project under the SCAPE or YourMK schemes.
- 5.45 To conclude, following extensive assessment of the viability appraisal and negotiations, discussions with service providers and CIL Regulation 122 and 123 compliance testing, Officers accept that there is a viability issue with this development and do not raise objections to the application with regards to Policies CS21, H4 and D4 and associated SPDs and SPGs. This is subject to the prior completion of a s106 Legal Agreement to secure the provision of the nursery and associated car parking and a financial contribution of £195,000 towards the provision of offsite affordable housing.
- 5.46 **Conclusion and Planning Balance**
To conclude, notwithstanding that it is considered that the application would accord with the development plan, the Authority currently accepts that it cannot demonstrate a five year housing land supply. Therefore, the Council must rely upon the provisions of Paragraph 14 of the National Planning Policy Framework (2012) which sets out the presumption in favour of sustainable development and that planning permission should be granted unless any adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Paragraph 7 of the Framework identifies three mutually dependant dimensions to sustainable development: it should fulfil an economic role, a social role and an environmental role.
- 5.47 Assessing the application against the three dimensions of sustainable development in the National Planning Policy Framework (2012), it is considered that the proposal would perform an economic role through the provision of construction activity in the local area, which would provide employment in the short term. It would also create investment in the local

and wider economy through the construction stage and new residents using local shops and services.

- 5.48 Turning to the social dimension, the proposal would provide 27 dwelling, including a viability tested contribution to offsite affordable homes, to help meet the housing shortfall of the Borough. In addition, whilst the proposal would result in the loss of public house which is valued by the local community, the development would provide an alternative community facility in the form of a nursery which would help to meet an identified shortfall in early year's provision in Milton Keynes.
- 5.49 Finally, with respect to the environmental consideration, whilst the proposal would result in the loss of a significant proportion of vegetation and trees within the site, some replacement planting and biodiversity mitigation measures can be secured by condition. Further, whilst a carbon offset contribution would not be made on viability grounds, 10 per cent of the energy demand from the development would be from renewable energy.
- 5.50 Overall, having weighed these matters, and in view of the emphasis in the National Planning Policy Framework to boost significantly the supply of housing, it is considered that the development would meet the definition of sustainable development in the National Planning Policy Framework (2012). The application would therefore comply with the provisions of Paragraph 14 of the National Planning Policy Framework (2012) as the adverse impacts of the development would not significantly and demonstrably outweigh the benefits.
- 5.51 As such, it is recommended that planning permission be granted subject to the conditions set out below together with an approved plans condition and a section 106 Legal Agreement to secure a financial contribution of £195,000 for offsite affordable housing and the provision of the nursery and associated parking.

6.0 CONDITIONS

(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable)

1) The development hereby permitted shall be begun 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.

2) Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period and include provision for the following:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials

- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security fencing/hoardings and lighting
- v. Welfare and other site facilities
- vi. Working hours and delivery times
- vii. Measures to control the emission of dust, dirt, noise and vibrations during construction

Reason: For the safety and convenience of users of the highway and to protect the amenity of neighbours during the construction process in accordance with the provisions of Saved Policy D1 of the Milton Keynes Local Plan 2001-2011.

3) Prior to the commencement of the construction of the development hereby permitted, a detailed design including drawings of the attenuation storage, interceptor and hydrobrake; confirmation of the discharge rate as agreed by the receiving drainage body and associated management and maintenance plan, for a surface water drainage scheme, based on the Flood Risk Assessment Addendum and drawing received by the local planning authority on 21st and 25th October 2016 shall be submitted to and be approved in writing by the local planning authority. The management and maintenance plan shall include a detailed timetable for the implementation of the surface water drainage scheme. The approved drainage scheme shall subsequently be implemented and retained thereafter in accordance with the approved details.

Reason: To ensure satisfactory and sustainable surface water drainage to prevent the increased risk of flooding on or off site in accordance with the Written Ministerial Statement issued on 18 December 2014 in relation to sustainable drainage systems.

4) Prior to the commencement of the construction of the development hereby permitted, details of the proposed re-location of the bus stop and associated works shall be submitted to and be approved in writing by the Local Planning Authority and no part of the development shall be occupied until the bus stop has been sited and laid out in accordance with the approved details.

Reason: For the safety and convenience of users of the highway.

5) Prior to the commencement of the construction of the development hereby permitted, details of the proposed finished floor levels of all buildings and the finished ground levels in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that development is carried out at suitable levels in accordance with Saved Policies D1 and D2A, of the Milton Keynes Local Plan 2001-2011.

6) Prior to the commencement of the construction of the development hereby permitted, a soft landscaping scheme shall be submitted to and approved in

writing by the Local Planning Authority. The scheme shall show all existing landscaping features within or adjacent to the site to be retained and removed and the numbers, types and sizes of new trees and shrubs to be planted and their location in relation to proposed roads, footpaths and drains. The soft landscaping scheme shall be carried out in accordance with the approved details within twelve months following commencement of development. Any trees or shrubs removed, dying, severely damaged or diseased within five years of planting shall be replaced in the next planting season with trees or shrubs of such size and species as may be approved in writing by the Local Planning Authority. All existing landscaping features shown to be retained shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect significant trees and hedgerows, safeguarding the character of the area and in the interests of biodiversity in accordance with Policies D2 and NE3 of the Milton Keynes Local Plan.

7) Prior to commencement of the construction of the development hereby permitted, a method statement for soft and hard landscaping works within the root protection areas of all existing trees and hedgerows to be retained shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect existing trees and hedgerows during the construction process in accordance with Saved Policies D2 and NE3 of the Milton Keynes Local Plan 2001-2011.

8) All existing trees and hedgerows to be retained shall be protected during the construction phase in accordance with the provisions of BS 5837:2012 'Trees in relation to design, demolition and construction-Recommendations'.

Reason: To ensure that there is adequate tree protection measures in accordance with Saved Policies D2A and NE3 of the Milton Keynes Local Plan 2001-2011.

9) The precautionary measures to be taken in relation to nesting birds, roosting bats, reptiles, and mammals during the site clearance and construction phase of the development as detailed in the submitted ecology surveys shall be adhered to throughout the site clearance and construction period.

Reason: To safeguard protected species and biodiversity in accordance with saved Policy NE2 of the Milton Keynes Local Plan 2001-2022.

10) Should any unforeseen contamination be encountered the Local Planning Authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination shall be carried out to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the site is fit for its proposed purpose and any potential risks to human health, property, and the natural and historical environment, are appropriately investigated and minimised.

11) Prior to the commencement of the construction of any buildings hereby permitted above ground floor slab level, details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and in accordance with Saved Policies D1, and D2A of the Milton Keynes Local Plan 2001-2011.

12) Prior to construction of any of the dwellings hereby approved above ground floor slab level, details of external lighting including security lighting shall be submitted to and approved in writing by the local planning authority. The plans shall show lighting proposed in accordance with BS5489 standards and detail how the presence of bats in the area has been taken into account. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from residential amenity and the appearance of the locality and in the interests of ecology and crime prevention in accordance with Policies D1, and D2A, and NE3 of the Milton Keynes Local Plan 2001-2011 and CS19 of the Core Strategy.

13) Prior to construction of any of the dwellings hereby approved above ground floor slab level, details of how the 10% renewable energy requirement will be achieved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include any elevation and design changes to any dwellings incorporating renewable energy technology including roof-mounted systems together with an Energy Statement confirming that 10% of the total CO₂ emissions. The approved details shall be completed for each dwelling prior to the occupation of that dwelling.

Reason: To ensure the development complies with saved Policy D4 of the Milton Keynes Local Plan and the Sustainable Construction SPD.

14) Prior to construction of any of the houses hereby approved above ground floor slab level, details of the proposed cycle storage for all the houses shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage for each house shall be provided in accordance with the approved details prior to the occupation of that house.

Reason: To ensure that adequate cycle storage facilities are provided to serve the development in accordance with saved Policy T3 of the Milton Keynes Local Plan.

15) Prior to construction of any of the buildings hereby approved above ground floor slab level, details of bird and bat boxes to be integrated into the

buildings and hedgehog passes to be incorporated into the approved enclosures shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of biodiversity in accordance with Policy NE3 of the Milton Keynes Local Plan.

16) Prior to the occupation of the development hereby permitted, the access road and car parking shown on the approved drawings on the Suffolk Punch site shall be constructed, surfaced and permanently marked out. The car parking so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway in accordance with the provisions of Policy T15 of the Milton Keynes Local Plan Adopted 2005

17) Prior to the first occupation of the apartments hereby permitted, the refuse storage and bicycle parking shown in the approved drawings to serve the apartments shall be provided and retained thereafter in accordance with the approved details.

Reason: To ensure that adequate parking and refuse facilities are provided to serve the development in accordance with saved Policy T3 of the Milton Keynes Local Plan.

18) The boundary fencing including acoustic fencing to serve the permitted dwellings as shown on the plans hereby approved shall be provided for each dwelling prior to the occupation of that dwelling in accordance with the details hereby approved.

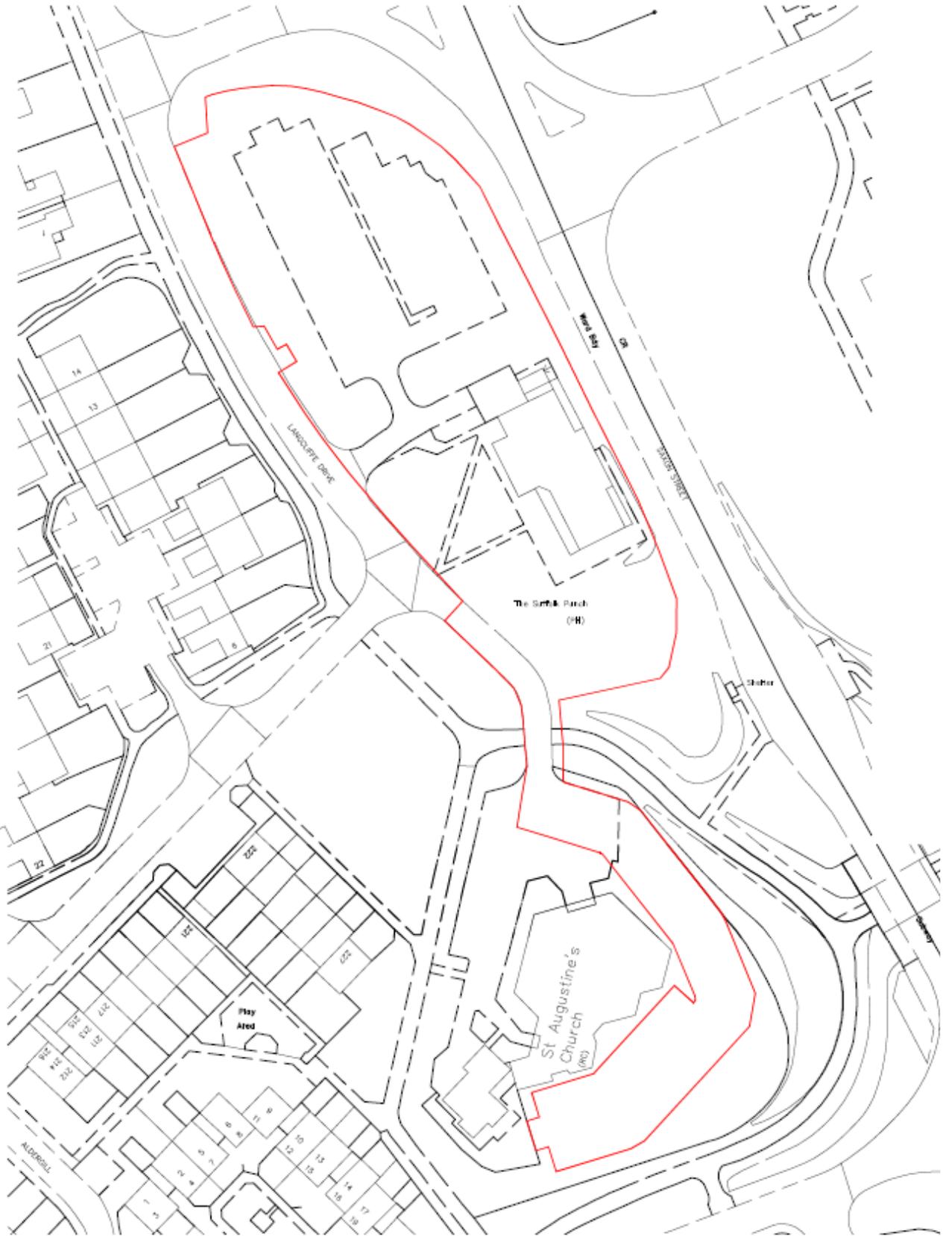
Reason: To protect the appearance of the locality, safeguard residential amenity and in the interest of crime prevention in accordance with Policies Policy D1 and D2 of the Milton Keynes Local Plan and Policy CS19 of the Core Strategy

19) All dwellings shall achieve Secured by Design accreditation. Prior to the occupation of each dwelling, a copy of the certificate confirming the achievement of Secured by Design accreditation for that dwelling shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of reducing crime and disorder and in accordance with Core Strategy Policy CS19.

INFORMATIVE: The applicant will be required to enter into a s.278 agreement for works within the highway. The applicant should contact the Council's Highways Adoptions Team for advice on the information required to complete this process and for technical approval for the roads and footways.

INFORMATIVE: The applicant's attention is drawn to the consultation response of Anglian Water which provides advice to the applicant regarding matters including the Anglian Water assets crossing the site and trade effluent.



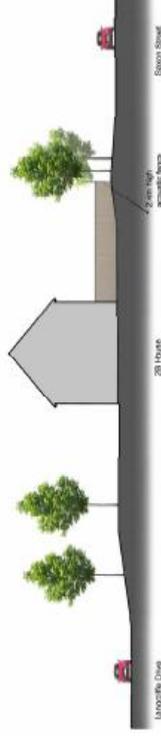


pk-04 pk-19 pk-20 pk-21 pk-22 pk-23 pk-24 pk-25 pk-26 pk-27 pk-28 - Nursery

Street Scene AA



Key - Scale 1:500



Site Section BB

A 1 2 3 4 5 6 7 8 9 10
MMS 1:100 1:200 1:500 1:1000



1 Colaba Court, 4th Floor
Mumbai - 400005, India

PROJECT: Land

DRAWING TITLE: §

SCALE: 1:500/8/11

DESIGNER: B & B

DATE: 11/2018

DRAWN BY: §

DATE: 11/2018



Front Elevation
1 : 100



Rear Elevation
1 : 100



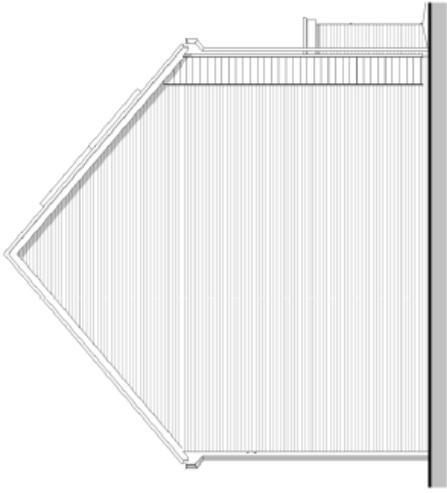
Side Elevation
1 : 100



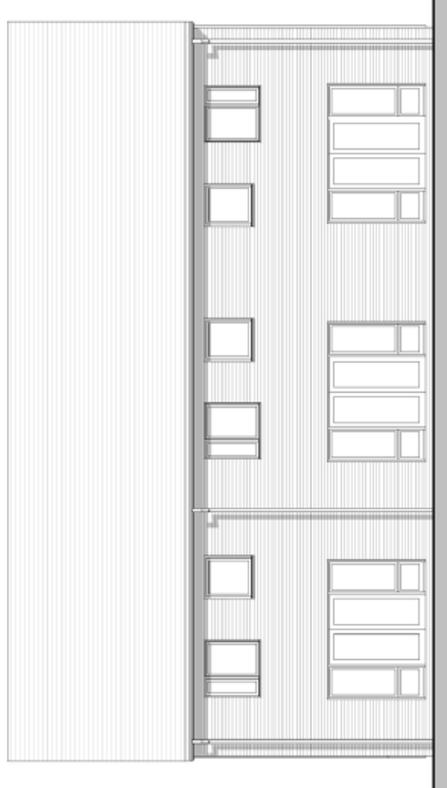
Side Elevation
1 : 100



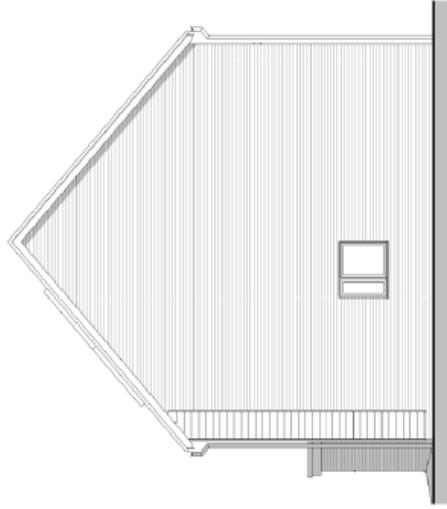
Front Elevation
1 : 100



Side Elevation
1 : 100



Rear Elevation
1 : 100



Side Elevation
1 : 100



Front Elevation
1 : 100



Rear Elevation
1 : 100



Side Elevation
1: 100



Side Elevation
1: 100

Appendix to 16/01475/FUL

A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

A1.1 15/01914/FUL

Demolition of the Suffolk Punch Public House and clearing of the site including the car park and associated works.
Withdrawn 13.10.2015

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 None

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 Parish - Bradwell

Objects to the application on the following grounds:

1. The Parish Council had the public house designated as an asset of community value. The proposed replacement of this asset is not appropriate under the Localism Act; it is not like for like.

2. The number of dwellings on the plan creates an overdevelopment of the site.

3. No affordable homes have been included in this application.

4. The three 3 storey blocks of flats are out of character for the neighbourhood and overlook other properties.

We request that this application comes before the full Development Control Committee.

Noted.

A3.2 Ward - Bradwell - Cllr M Bradburn

My comments are in objection to the application.

The grid square of Heelands would lose a public house a valuable community asset which, has not been justified by the application.

The facility of the public house or a Community alternative is clearly required

Noted.

by the local community and there exists a need for this facility in Heelands.

The community ownership model of such a Community Centre and that of a Licensed Residents Members club is one which I fully support.

What is required is a community hub again, used by all members of our community for a wide range and variety of applications. In fact it could house the proposed Nursery proposed in the scheme. Though there is already two nurseries on Heelands and no evidence has been submitted to show the demand for a Nursery submitted with the application. It could also become a new location for Bradwell Parish Council which are at present rented a Milton Keynes Council house as its offices.

Despite numerous attempts to have a consultation with both the Parks Trust and the developers High Street Homes to try and promote a compromise solution they have failed to respond to any invitation to attend. So all Ward Members and the Parish Council have not been able to fully discuss our concerns and plans.

One very substantial objection is the number of properties now proposed for the site even the plan itself shows levels of over development and there will be a loss of the much applauded open green space that Milton Keynes is renowned for.

Reducing the number of dwellings and the size of the extra car parking would enable a much more equitable approach.

When the public house was last open and trading poor business decisions were taken which by design or misfortune have caused the public house to go into decline.

The first poor decision was by the then leaseholders Greene King PLC to

remove the Pub from its managed estate and try and run it as a sub-tenancy which resulted in poor management of the public house it had poor levels of cleanliness, a poor selection of drinks and very poor quality welfare facilities.

The second bad decision was that of the Parks Trust failing to enforce the make good clause of the lease on Greene King thus making it a very poor property to let thus furthering the decline.

Then further issues such as a kitchen fire that removed the ability of the pub to provide food and the poor choice of holding tenants combined to force the Parks Trust to board the premises up in December 2014.

I am fully supportive of a community project, this will support so many aims, particularly a number of social aims that will be beneficial for our older people. It will also help Heelands have a place where the whole community can come together throughout the day, every day. This is something we have lacked in Heelands since the closure and something I want to see return as soon as possible.

The proposed community ownership model will offer much more than a traditional public house. It will be a place our older people can come during the day, the police can hold meetings with residents, other community groups can use the space, support celebrations for families and friends, as well as larger community held events. It would enable many local people to go to their local club again on an evening, without the need to drive or get expensive taxis. It would be a venue I would support and I look forward to working to such a scheme. I therefore ask you to refuse the application and allow all to go back to a solution that provides some housing but above all a Community Hub that serves all not just Children as a Nursery would.

A3.3 **Ward - Bradwell - Cllr R Bradburn**

Noted.

The developers have failed to engage with all three ward Councillors. The basis of my objection is set out below.

Contravenes paragraph 70 of the NPPF

Lack of any affordable housing

An overdevelopment of the site

Out of character with properties leading down East Dales

Loss of green open space

Few community facilities in the Heelands area

There is a need for a community focal point within Heelands

The distance to the nearest pub is an isolation factor for local residents, given the topography

Failed to justify the loss of public house

Lack of local amenities

Overlooking – flats will now overlook gardens across in Landcliffe Drive thus depriving privacy

Listed as Asset of Community Value in 2014

Community hub with some housing is supported and is a way forward.

A3.4 **Ward - Bradwell - Cllr Exon**

Noted.

I would like to register my formal objection to the Suffolk Punch application, Heelands.

The application should be refused based on the following planning grounds.

The provision of a nursery does not represent a replacement community facility for the residents of Heelands, compared to the loss of the pub / meeting place.

27 dwellings on this site represents an overdevelopment of the site.

The application offers no affordable housing, contrary to local planning policy.

A3.5 **Development Plans**

Noted.

No comments received.

A3.6 **MKC Urban Design**

Noted.

- The proposed dwellings are predominantly red brick which is the primary wall material within Heelands. Timber cladding has been used to add interest to the elevations.
- There are no side elevations provided for the nursery.
- The front entrance to block C is from the public realm not the car park. The area of visitor parking to the front of block C reduces the legibility of the entrance.
- Plot 19 has an inactive side elevation to the public realm. A single window provides limited surveillance and lack of animation to the elevation.
- Lack of surveillance of the apartments parking area, as all windows facing the parking court are bedrooms.
- The scheme provides a mix of building form – apartments, terraced and

semi-detached dwellings. However, there is no mix of dwelling sizes or tenure.

- The site is dominated by parking, which suggests that the density is too high.
- Insufficient private amenity space has been provided for the apartments. A single communal space has been provided which serves block C, but none has been provided to serve blocks A & B.
- The communal space for block C should be provided to the rear of the apartment block.

A3.7 Crime Prevention Design Advisor

No comments received.

Noted.

A3.8 Environmental Health Manager

No objections subject to a condition relating to unforeseen contamination.

Noted.

A3.9 Landscape Architect

The strong landscaped belt of existing trees and vegetation along Saxon Street is to be retained and should be augmented with tall growing screen planting (only 1m width of 'boundary mix' planting is provided). The 2.4m high boundary acoustic fencing should not be visible from the grid road. Boundary mix must be clarified.

Noted.

The D&A statement states "Private amenity space has also been provided for the apartments over two areas and exceeds the minimum requirements set out in the Milton Keynes Residential Design Guide." However this is not demonstrated. The total areas are not given and all open space around the apartment blocks is shrub planted leaving no useable amenity garden space.

Further details are required to clarify the planting mixes shown on the planting plans e.g. mix C4, C5, mix 1, mix 2,, boundary mix and so on, these

are not detailed and revised plans will be required with all the details provided.

The above matters can be agreed by condition.

A3.10 Landscape Services Manager - Trees

Noted.

All of the trees to be retained must be protected in accordance with BS 5837:2012. Most of the best trees on site, A and B category, are to be lost under the proposals and it is unfortunate that the design of the development does not take them into account and attempt to configure the layout so that they are retained as site assets in the finished development. General movement of built form along the east side of the site to the north should allow the retention of a number of the good quality trees which would otherwise be lost.

Where no-dig surfacing is proposed for root protection areas, it needs to be demonstrated that the proposed finished levels will accommodate and marry smoothly into the no-dig surfacing areas.

New tree planting must make up for tree losses which will be at least 30 trees. Some indication of tree planting is shown on the submitted plans but significant tree planting would be required if the losses are to be made up over time. There are spaces to the Langcliffe Drive and East Dales frontages and in and around the new car park. There may be some complications to this as the best area for replanting adjacent to the new car park by the church is outside the red line boundary.

A3.11 Countryside Officer

Noted.

Having regard to the submitted ecology surveys, no objections subject to conditions relating to construction methodology, lighting schemes, the provision of bird and bat boxes integrated into the buildings, hedgehog passes, and a landscaping condition.

- A3.12 **Beds, Bucks And Oxon Wildlife Trust** Noted.
No comments received.
- A3.13 **Highways Development Control** Noted.
The revised plans are acceptable subject to the following conditions:
- Parking condition
 - Estate road condition
 - Bus stop re-location
 - Bicycle parking
- A3.14 **Travel Plan Coordinator - Gemma Grant** Noted.
No comments received.
- A3.15 **Housing Strategy (Affordable Housing)** Noted.
1. The application appears to provide 0 (0%) Affordable Housing contrary to policy which requires 30% Affordable Housing units as per the Local Plan Policy H4 and the Affordable Housing SPD 2013.
 2. The Council's Plan 2016-20 approved at Council 8 June 2016 has the Key Priority:
 3. "Housing - supporting work on a progressive Plan:MK focussed on affordable housing, economic growth, investment and future prosperity of Milton Keynes for everyone and more strongly implementing the current 30% affordable housing requirement for new homes and to review that percentage in line with current needs;"
 4. The Tenure Mix should be at least 25% Affordable Rent (at a range of rental levels up to 80% including 5% at a level broadly equivalent to Social Rent) and 5% Shared Ownership. For this application, the mix breaks down to 7 Affordable Rent and 1 Shared Ownership.
 5. The proposed Affordable Housing house size mix should be in line with current affordable housing need and policy, and as appropriate for the site and development.
 6. The Council urgently needs Affordable housing for Rent for

households in housing need – it had 448 households placed in temporary accommodation of which 181 were in B&B at 10 July 2016.

- A3.16 **Childcare Provision** Noted.
No comments received.
- A3.17 **Local Lead Flood Authority** Noted.
No objections subject to conditions.
- A3.18 **Environment Agency** Noted.
No comments received
- A3.19 **Anglian Water** Noted.
No objections subject to a surface water management strategy condition and an informative.
- A3.20 **Sustainable Construction** Noted.
The submitted information confirms that the proposal would comply with policy D4 of the Local Plan. Please include a condition requiring details of PV panels to be submitted and approved by the LPA prior the construction above slab levels.
- Also, the applicants will have to sign a s106 that includes a carbon offset contribution.
- A3.21 **Planning Obligations** Noted.
The applicant is not offering the s106 contributions or Affordable Housing in line with the adopted SPD/Gs and instead are offering a Developer Contribution of £ 195,000, which is to be ring fenced for Affordable Housing, and the provision of 52 parking spaces (but will build 33 spaces as “ phase 1” of the Car Parking provision, with the remaining spaces to follow at a later

date).

This application should have provided a contribution of £434,000 based on the SPD/G requirements for the proposal of 27 x 2 bedroom units. Following consultation with service providers, it was clear that the contributions sought including Affordable Housing would exceed the amount the development could afford and would therefore have rendered the development unviable.

Further, a Nursery, which is to be constructed by the applicant and offered to a Nursery Provider with the Nursery Provider paying for the land, will result in the provision of a replacement community facility, which I understand would compensate for the loss of the former Public House. Colleagues in the Children and Families department have supposed the provision of the nursery due to a shortfall in Early Years provision across Milton Keynes, and have confirmed the Education contributions required in line with the Education Facilities SPG (totalling approximately £237k) can be removed to accommodate the viability of the scheme and the provision of the nursery.

Discussions with service providers has indicated that the anticipated impacts of the scheme could be accommodated within existing provision on this occasion, on the basis this is a relatively small development in a well-established location and that the viability of the development will be affected with the application of the SPD/G requirements.

The car park which has been proposed by the applicant at 52 spaces exceeds the amount required for the nursery and the development and therefore only 33 spaces have been allowed for in the viability appraisal.

The Kirkby Diamond report has concluded that;
'Further discussions with the applicant and their viability agent since their original application have resulted in a number of revisions to the application

itself and subsequently to the corresponding viability of the scheme.

To conclude, we have been able to reach an agreement with the applicant as to how much additional profit the scheme will generate over and above the benchmark land value of £960,000. As such we have agreed with the applicant that the scheme will produce an additional profit of £195,000.'

Therefore, the scheme can afford a total contribution of £195,000 with no affordable housing. It has been discussed with the applicant and the Housing team that the £195,000 would be ring fenced towards the provision of offsite affordable housing and the Housing Policy & Development Officer has commented that a financial contribution is preferred and would be allocated to a current project under the SCAPE or YourMK schemes.

Given the viability appraisal submitted by the applicant and assessed by Kirkby Diamond on behalf of the Council confirms that the scheme cannot afford to provide the contributions in line with the Council's adopted SPD/Gs but will provide a nursery and associated car parking and a contribution of £195,000 which has been suggested to contribute towards the provision of offsite affordable housing, I can confirm I support the developer's offer in light of the viability assessment and do not object to the application on this basis.

The provision of the nursery and associated car parking and the financial contribution should be secured through a Section 106 agreement, if the application is permitted.

A3.22 **MK Parks Trust**
No comments received.

Noted.

A3.23 Local Residents

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

- 1 - 4, 7 and 13 East Dales Heelands Milton Keynes
- 6 – 14, 17, 36, 38, and 222 - 227 Langcliffe Drive Heelands Milton Keynes
- St Augustines Rc Church and Presbytery Langcliffe Drive Heelands
- 6, 8 - 21, and 23 Aldergill Heelands Milton Keynes
- Novotel Leyburn Court Heelands
- Beech House Breckland Linford Wood
- Avalon House Breckland Linford Wood
- 2 Rylstone Close Heelands Milton Keynes
- 6, 11 Grizedale Heelands Milton Keynes
- 96 Tranlands Brigg Heelands Milton Keynes
- 7 Gordale Heelands Milton Keynes
- 1 Glovers Lane Heelands Milton Keynes
- 14 Coverdale Heelands Milton Keynes
- 15 Gibsons Green Heelands Milton Keynes
- 19 Aldergill Heelands Milton Keynes
- 1 Cricklebeck Heelands Milton Keynes
- 22 Ramsgill Court Heelands Milton Keynes
- Touchwood 10 The Craven Heelands Milton Keynes
- 1 Linton Close Heelands Milton Keynes
- 15 Scardale Heelands Milton Keynes
- 7 Coverdale Heelands Milton Keynes
- 3 Leyburn Court Heelands Milton Keynes
- 172, 247 Arncliffe Drive Heelands Milton Keynes
- 25 The Spinney Bradwell Milton Keynes
- 1 Haly Close Bradwell Milton Keynes
- 13 Merino Green Oakridge Park Milton Keynes
- 2 Normandy Way Bletchley Milton Keynes
- First Floor Lloyds Court Silbury Boulevard Central Milton Keynes

Milton Keynes

In addition, site notices were posted and an advert placed in the newspaper to publicise the application.

A3.24 Eighteen letters of objection have been received which include the following points: **Noted.**

- The public house was once popular and successful.
- There are no public houses serving Heelands.
- Public houses are as important as schools and doctor surgeries.
- The site has a community facility which is registered as an Asset of Community Value and its redevelopment should include a community facility.
- The Asset of Community Value should be replaced by a similar facility.
- A facility for the whole community is needed: a meeting place that is multi-functional.
- Heelands is lacking a community area.
- A licenced premises is needed in Heelands to provide a social hub.
- A nursery should not be considered to be a community facility.
- A nursery would only benefit a small portion of the community, whereas the public house served a wider community base.
- There are already nursery facilities nearby.
- Concerned location of nursery will render it unviable and it will be converted into housing.
- The proposal is contrary to the founding principles of Milton Keynes that all estates should have a meeting place and public house.
- A community centre with a smaller number of houses should instead be provided on the site.
- A community facility would be better placed near the local centre.
- The property should belong to the people of Milton Keynes and be developed in their interests; The Parks Trust should develop this site

for the benefit of the community.

- Absence of appropriate consultation from the Parks Trust.
- Inadequate information accompanies the application such as whether there is a need for a nursery and the level of parking required for nurseries.
- Concerned whether developer would be able to complete project.
- The properties will not be affordable for first time buyers.
- The proposal does not meet affordable housing needs.
- More housing is not needed in Heelands
- The proposal includes too many dwellings and is urban cramming.
- The proposal would result in a loss of green space.
- Loss of amenity.
- The three storey flats would over the garden and bedroom at No. 9 Langcliffe Drive.
- The proposal includes inadequate parking for residents and will exacerbate the existing parking, traffic and congestion problems on Langcliffe Drive.
- Langcliffe Drive is already under considerable strain at Church service times; the public house and the church used to share car parks to address this.
- The proposed parking around the church is likely to be used by future residents of the development.
- The proposal does not adequately deal with the church parking problem.
- The scheme would address the issue of parking near the church.
- The proposal would increase traffic at the junctions onto Saxon Street and Grafton Street from Heelands.

A3.25 Two letters of support have also been received which include the following points: **Noted.**

- The proposal would be an excellent use of the site.
- Housing is desperately needed in Milton Keynes.

- There are plenty of public houses in Milton Keynes.
- The site is an eyesore and was not a pleasant meeting place.
- There is no need for a community meeting place; such facilities are frequently underused.