

ITEM 7

Application Number: 12/00677/MKPCR

CONSULTATION RESPONSE

Application for approval of reserved matters for Phase 2 Landscaping pursuant to outline planning application 05/00291/MKPCO

AT Area 10, Western Expansion Area, Land West of Watling Street (V4) And

FOR Redlawn Land Ltd

Target: 15th June 2012

Ward: Stony Stratford

Parish: Whitehouse Parish Council

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 Introduction

Milton Keynes Council (MKC) has been consulted by Milton Keynes Partnership (MKP) on the tenure change on the above site.

The purpose of this report is to agree MKC's response to MKP in respect of this tenure change. The council's response will then be available to the MKP Planning sub-committee when it considers the matter. **As a consultation response, the considerations in this report focus on the compliance of the application with council policies and take account of the comments made by MKC officers on the proposal.**

1.2 The Site

The site forms part of the Western Expansion Area (WEA), allocated for development in the Milton Keynes Local Plan. The site is located to the south of Calverton Lane, west of Watling Street (V4) and north of Danstead Way (H4).

The application site is bounded by the existing residential areas of Two Mile Ash to the east with Crownhill and Grange Farm to the south. The west boundary of the site runs from the edge of Upper Weald to the southern tip of Hazeley Wood.

The site is mainly in agricultural use and consists of a number of farmsteads, comprising Upper Weald Farm, Shenley Grounds Farm, Common Farm, Shenley Hill Farm, Two Mile Ash Farm and Whitehouse Farm (which includes a Grade II Listed Building).

Details of the location of the site and its relationship to surrounding properties can be seen in the plans attached to this report.

1.3 The Proposal

The reserved matters application is for Phase 2 landscaping works for four public open spaces including Local Park 1, Orchard Play Area, Calverton Green and Western Balancing Pond.

The proposed works include the laying out of the public open spaces and balancing ponds, the provision of one multi use games area (MUGA), one neighbourhood equipped area of play (NEAP) and one local play area (LPA), hard and soft landscaping, footpaths, ecological mitigation and drainage

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 and Regional Policy

National Planning Policy Framework paragraph

Section 11

Regional / Sub-Regional Policy

South East Plan and MKSM Sub-Regional Strategy

The Localism Act entitles the Secretary of State to lay an order revoking one or more of the regional spatial strategies (RSS). Until that time the RSS remains a material consideration for the purpose of plan-making and planning applications.

The principle of development on the WEA has already been agreed, in accordance with regional and sub regional policies through the earlier outline permissions and this, together with the current status of the RSS as outlined above means that little weight is afforded to the RSS for the purpose of this application

2.2 Local Policy

Core Strategy

- Policy CS12 (Developing Successful Neighbourhoods)
- Policy CS13 (Ensuring High Quality, Well Designed Places)
- Policy CS19 (Healthier and Safer Communities)

- Policy CS20 (The Historic and Natural Environment)

Adopted Milton Keynes Local Plan 2001-2011

- Policy S1 (General Principles)
- Policy S3 (City Expansion Areas)
- Policy S4 (Phasing of the City Expansion Areas)
- Policy D1 (Impact of Development Proposals on Locality)
- Policy NE1 (Nature Conservation Sites)
- Policy NE2 (Protected Species)
- Policy T1 (The Transport User Hierarchy)
- Policy T3 (Pedestrians and Cyclists)
- Policy EA5 (Western Expansion Area)
- Policy L4 (Sites Allocation for New Facilities)

Supplementary Planning Guidance

- Western Expansion Area Development Framework (adopted November 2005)

Other Documents

Fairfield (Areas 10.1 to 10.3) Milton Keynes Development Brief (Approved May 2006)

- Western Expansion Area – Area 10 Master Plan and Highway Design Code (September 2008)
- Western Expansion Area Residential Design Code Area 10.1 Code Phase 1 (November 2009)

3.0 MAIN ISSUES

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

3.1

Whether the landscaping scheme is acceptable

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 That members agree the consultation response from MKC officers to the MKP Committee

5.0 CONSIDERATIONS

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

5.1 Provision of Public Open Space with Area 10

The approved Development Brief for Area 10 stipulates that a total of 25.67 hectares of parks, play areas and playing fields is to be provided to serve the

development. The outline planning permission 05/00291/MKPCO contains the following relevant planning conditions which are of particular relevance to the provision of public open space within Area 10:

Condition 1:

Approval of the details of the siting, design and external appearance of the buildings, the means of the access and the landscaping (hereinafter called “the reserved matters”) for each Development Parcel shall be obtained from the Local Planning Authority prior to the commencement of that Development Parcel.

Condition 2:

Submissions pursuant to this permission shall be in accordance with the Fairfield Development Brief, reference G.0100-117_1, and Masterplan, reference G.0100-115_1, save for any deviations there from otherwise agreed in writing by the Local Planning Authority.

Condition 24:

No development shall take place until an Open Space Specification which includes the details and specification for all areas of open space to be provided within the development this includes Public Open Space and Open Space; the timing for layout out the Open Space and if the developer wishes to lay out the Public Open Space the timing for laying out the Public Open Space; and the long term maintenance arrangements for Open Space and Public Open Space if applicable (including anticipated costs) has been submitted to and approved by the Local Planning Authority. The schemes shall be implemented in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

The Masterplan approved under the outline planning permission has identified the approximate size and locations of the main public open spaces and structural landscaping in accordance with the approved Development Brief

The current reserved matters application is pursuant to Conditions 1 and 24 for Phase 2 landscaping works which include the provision of four public open space areas, namely:

Local Park 1	4.45 hectares – including a MUGA and a NEAP
Orchard Play Area	0.19 hectares – including a local play area
Calverton Green	0.15 hectares
Western Balancing Pond	0.89 hectares

The proposal as submitted is therefore considered to be in line with the approved Development Brief and the outline planning approval.

5.2 **Local Park 1**

The site is currently used as pasture land for grazing. A mature hedgerow and tree copse run east/west through the centre of the site. In the lowest section of the site a further hedgerow runs north/south along a ditch line.

The eastern section of the site is to be used as a balancing pond to serve as a SuDs feature for the proposed surrounding residential areas. The existing ditch line is to be impounded and the adjacent ground remodelled to create the required capacity as a balancing pond. The majority of the existing hedgerow is proposed to be retained apart from a section which requires to be removed to allow the construction of the proposed dam.

The area to the west is to be developed into a public open space that includes a neighbourhood play area (NEAP) and a multi-used game area (MUGA). In line with MKC Local Plan Policy, the NEAP will include 9 pieces of play equipment to cater for children in different age ranges. Safety surfaces and seating will be provided. The MUGA will be surrounded by high ball fencing and a dedicated teen area where a shelter, basketball area and more challenging equipment are provided. All the play areas have been located to provide adequate off-set distance from adjacent housing development in line with MKP Local Plan Policy.

5.3 **Orchard Play Area**

The site currently forms part of the garden area associated with the existing farm house known as Common Farm which is to be demolished as part of the Area 10 development proposals. A large conifer hedge forms the western boundary of the site and there is a mix of orchard trees located in the centre which are proposed to be retained. A mature oak tree stands to the north of the space but due to its proximity to the proposed road and footpath, this will require to be removed.

This smaller scale park is primarily to provide a Local Play Area which includes 5 pieces of play equipment to cater for younger children. The equipment has been selected covering a range of movements: swinging, rocking and spinning. The surfacing to the play area is to be reinforced grass mats and seating will be provided to allow for passive supervision and resting place for carers. An open amenity grass area is created to the north east of the site to allow for informal activities

5.4 **Calverton Green**

The site is currently located in the centre of a field used for grazing and there is no existing vegetation within the proposed site boundary. The open space will be located at the centre of the proposed neighbourhood called Calverton Green and is intended to be a community focal point and meeting place within easy reach of local residents. While no formal play is to be included within the area, it will provide space for sitting, relaxing and small scale children's games.

The space will be surrounded by residential streets of housing on all four sides. Hedges are proposed at the corners and the north and south boundaries are more open and highlighted by tree planting in formal beds with seating below. A tree grove to the centre of the space will provide a focal point

5.5 **Western Balancing Pond**

The site is to be developed as a balancing pond to serve as a SuDs attenuation facility for the proposed surrounding residential areas. The location of this balancing pond has already been approved as part of the Area 10 Primary Infrastructure Reserved Matters Application 08/01289/MKPCR in December 2011. A pumping station, which will be subject to separate planning approval, will be located to the south west of the pond.

The pond will only contain a small amount of water most of the time but will be used for attenuation during heavy rainfall. To the north of the pond along Calverton Lane, the existing hedgerow will need to be removed as a result of the engineering works. However, significant areas of native shrub planting are proposed for the banks of the pond to soften the contours and provide seasonal colour and good habitat areas.

As part of the infrastructure works a new road and junction to Watling Street will be created around the balancing pond. A road barrier is proposed on the south side of the pond within the verge as a safety measure and details will be included as part of the Highways Agreement under S278 of the Highways Act

5.6 **Ecological Mitigation**

An Environmental Statement (ES) was submitted with the outline planning application in 2005. The ES includes a comprehensive assessment of ecological and nature conservation issues. The scope of the ecological impact assessment was agreed with the MKC Countryside Officer and English Nature (now Natural England). Habitat surveys were undertaken in August 2000, June 2003 and July 2004 for fields, woodland and hedges, water courses and ponds, badgers, great crested newts (GCN), bats, reptiles and birds.

Outline planning permission was subsequently granted in October 2007. Planning Condition 17 has been imposed to ensure that ecological mitigation is carried out in accordance with the findings of the ES prior to any development works beginning on site.

Condition 17 states:

“No development on a development parcel shall commence until a detailed mitigation conservation and management plan, for protected species has been submitted to and approved by the Local Planning Authority, and the approved Conservation/Mitigation measures have been implemented and the Local Planning Authority has received

written confirmation in accordance with the approved plan of such implementation”.

The applicant has since submitted a proposed Mitigation, Conservation and Management Plan (MCMP) in October 2011 including a badger mitigation report to discharge Condition 17. The MCMP includes updated survey information for bats (2007), GCNs (spring 2010), breeding birds (2010) and badgers (2010) including a bat marking survey undertaken in 2007. The MCMP is currently under consultation and a decision on the application to discharge the condition will be reached shortly.

The majority of woodland and hedgerows will be retained as part of the development.

Following the comments received from the MKC Countryside Officer, the proposal has been revised and an additional tree line has been added to the east of the housing parcel within Local Park 1. In addition, an artificial badger sett will be provided within Local Park 1 following recent survey of badger activities within the area. Further bat survey will be carried out by the applicant prior to the commencement work of each phase of the development in accordance with the details contained in the MCMP.

5.7 Footpath and Cycle Links

The proposed open spaces have been designed in a way to ensure that easy, safe, attractive and convenient access for pedestrians and cyclists could be achieved. In particular the links have shown good understanding of pedestrian desire lines across the sites giving connections to future development parcels. Cycle storage will be provided within Local Park 1.

Generally the open space areas will not be lit in accordance with the requirement of the Council, with the exception of Local Park 1 where the main path across the site will be lit as recommended by the Crime Prevention Officer. A condition will be imposed to ensure that details of lighting are to be submitted to the Local Planning Authority prior to the commencement of development works.

5.8 Hard and Soft Landscaping

The proposals include details of structural planting and existing trees and hedgerows to be retained in accordance with the ES submitted with the outline planning application.

The trees and hedgerows to be retained will be protected by appropriate fencing in accordance with the requirement as stipulated in the outline planning approval. A planning condition is however imposed to ensure that there are no site level changes around root protection areas without prior agreement from the Local Planning Authority.

Both Local Park 1 and Orchard Play Area include the provision of community

orchards. The proposed planting would provide enhanced amenity and biodiversity values in line with the advice contained in the NPPF.

The proposal includes high quality hard landscaping details including paving, edging, seating, benches, picnic tables that are suitable for wheelchair access, bins, fencing, and tree guards. It is considered that the proposed hard and soft landscaping for the site is appropriate and would provide good amenity value for future residents of the WEA.

5.9 Drainage

Surface drainage of the open spaces will be connected to the drainage networks at the adjoining roads. Existing field ditches and water courses have been retained and incorporated into the scheme to provide part of a sustainable drainage system (SuDs) which will act as attenuation for storm water run-off as well as enhancing biodiversity.

In particular the Western Balancing Pond is to be used as an attenuation pond for the surrounding housing development and is designed to accommodate surface water discharge from the new development. This balancing pond and the impounded pond in Local Park 1 will be maintained by Anglian Water and appropriate maintenance access will be provided adjacent to the installation.

5.10 Management and Maintenance

Apart from the balancing ponds, the rest of the open spaces will be maintained by the Parks Trust. The applicant is having ongoing negotiations with the Parks Trust and the Homes and Communities Agency on management and maintenance of the open spaces including appropriate commuted sums as required under the S106 agreement for the outline planning permission.

5.11 Phasing Programme

Under the outline planning permission, the applicant will need to submit a detailed phasing programme setting out the anticipated timing for development of each phase. It is important that the provision of open space is coordinated with the programme of housing development. The applicant is therefore expected to provide the open spaces and facilities as early as possible and this will be dealt with by the relevant planning condition discharge before commencement of development.

mitigation works will be carried out in accordance with the MCMP and the requirements from Natural England. It is considered that any likely impact on biodiversity as a result of the development is considered acceptable in planning terms.

6.0 REASONS

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

The proposal constitutes the second phase of open space provision for the development in Area 10 and is in line with the approved WEA Development Framework, the approved Development Brief, the outline planning permission and the approved Highway Design Code.

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Appendix to 12/00677/MKPCR

1.0 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)

1.1 05/00291/MKPCO

DEMOLITION OF ALL BUILDINGS, EXCEPT WHITEHOUSE FARM HOUSE, RESIDENTIAL DEVELOPMENT UP TO APPROXIMATELY 4320 UNITS, A RANGE OF EMPLOYMENT USES INCLUDING CLASS B1, B2 & B8 USES, ERECTION OF A SECONDARY SCHOOL AND 3 PRIMARY SCHOOLS (CLASS D1), A MIXED-USE CENTRE (INCLUDING CLASS A1, A2, A3, A4 AND A5 USES), COMMUNITY USES (CLASS D1), INDOOR SPORTS & OTHER LEISURE FACILITIES (CLASS D2 USES), BURIAL GROUND, ASSOCIATED STRUCTURAL LANDSCAPING, OPEN SPACE & PLAY AREAS, ASSOCIATED HIGHWAYS & INFRASTRUCTURE IMPROVEMENTS
PER 05.10.2007

08/01289/MKPCR

Reserved Matters Application for primary infrastructure works, including roads, footways, on-street parking, cycleways, drainage, attenuation areas, services, utilities and ecological mitigation works (amended plans)
PER 15.12.2011

11/01685/MKPCO

S73 Application to vary planning condition 6 and Table 1 of condition 15 of outline planning permission 05/00291/MKPCO to increase the permitted total retail floorspace within the proposed Area 10 High Street by 1,500 sq.m gross (from 7,500 sq.m gross to 9,000 sq.m gross) and allowing for 500 sq.m gross (convenience and/or comparison floorspace) at the proposed Area 10 Local Centre
PER 06.02.2012

11/02186/MKPCR

Application for approval of reserved matters for Phase 1 Landscaping pursuant to outline planning application 05/00291/MKPCO
PER 28.02.2012

11/02524/MKPCDC

Discharge of Conditions 17 (Ecological Mitigation) and 32 (CEMP) relating to outline planning permission 05/00291/MKPCO Area 10, WEA
PCO

12/00677/MKPCR

Application for approval of reserved matters for Phase 2 Landscaping pursuant to outline planning application 05/00291/MKPCO
PCO

2.0 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	Policy Reference
2.1 MKC Open Space Adoption Happy with the comments made by the Landscape Officer.	N/A	
MKC Water Management		
The reserved matters application is broadly in accordance with the outline application and the details have been negotiated and agreements reached through the WEA Landscaping/Open Space Sub Group. An updated Drainage Strategic Update has been prepared and considered to be acceptable and all flood risk management policy requirements are being complied with. From a water and flooding point of view, the application is in order, acceptable and unconditionally supported by the Council.		
Highways Development Control		
The application is in line with the highway network proposals for the relevant parts of Area 10. Have no objections to the proposals as none of them encroach onto the planned adopted highway but obviously adjoin the highway through pedestrian links to the redway and footway networks		
Senior Landscape Architect		
Original comments made on proposed planting density. The proposal has been revised in accordance with comments and the Landscape Officer has confirmed that the revised proposal is now acceptable		

Countryside Officer

Local Park 1 and Balancing Pond

Hedgerow severance due to dam construction

Some trees have been introduced to the development edge, to substitute the lost hedgerow, especially as a flight-line for commuting and foraging bats. However, although some clumping is acceptable, there are still some significant (20 – 25m) gaps in the line, and also between that and the orchard. Therefore I request introduction of further trees. I

understand that street trees proposed within the adjacent development may contribute to habitat continuity, and this would meet my concerns both if suitable species and forms were selected, and if phasing of the respective developments ensured that habitat continuity is disrupted for the shortest possible time.

Also in the middle of the line are 3nr Silver birch *Betula pendula* which being wind-pollinated are less attractive to insects (and hence bats) than insect-pollinated trees such as the Cherries and Rowans. Therefore I request the Birches are replaced with insect-pollinated trees. These could be more Cherries or Rowans, or possibly Lime.

Further, the existing proposals should be amended to extend the orchard southwards to meet this tree-line, if compatible with engineering constraints.

Barbastelle bat—hedgerow removal

I understand a condition is proposed for further pre-start bat surveys, with a focus on Barbastelle bat. Whilst it

is normally required for surveys to be completed before an application is determined, I understand the reason for a condition here is that development may be deferred for some years, so I accept a condition in this case.

Former badger sett BS4

I understand the position of the existing sett is not shown for security reasons, as the plans are public documents. However it should be stated whether works would disturb or destroy the existing sett as this is a material consideration in planning decisions

The artificial sett is good, but I'd recommend moving it further into the cover and away from the footpath and MUGA unless there is an over-riding reason for the location shown.

02. Orchard POS

Regarding removal of the oak tree T119, a further bat survey should be conditioned in the year prior to removal as this tree was identified with bat potential in the ES (2005) and has probably deteriorated further (so becoming more suitable for bats) in the intervening period. The survey should meet national guidance in terms of the number and timing of survey events.

03. Calverton Green

No issues.

04. Western Balancing Pond

No further comment