

**Officer response to questions from Members on application  
13/0066/OUT & 13/00267/FUL Item APP 01, 1a and 1b on the 29.4.13 DCC  
Agenda.**

**Question**

**Response**

**Questions from Cllr Ferrans  
13/00267/FUL**

Could we see what the S106 normal levels and scope would be for comparison please.

This type of development (leisure facility) would not attract any S106 contributions other than the Carbon Offset (Sustainable Construction SPD) – see report paras A2.7 – A2.11 (page 50). A contribution has been suggested by the Passenger Transport Officer as required to offset the impact, but this has not been included. A contribution towards a 30 minute service Mon-Sun daytime and an hourly service Mon-Sat evening and Sundays for the standard five year period would be £1.3 million. This could be reduced to £413,000 if the service was reduced during daytime hours (06:30-18:30), for a three year period. However, the cost of extending an additional bus service to serve the new development and a contribution towards the carbon offset fund would have an affect on the deliverability of the new national badminton centre, as it is difficult to secure funding for leisure facilities and the margins are always tight.

Can we have the promised confidential briefing about the level of profit the housing site will achieve and therefore how the 15% has been arrived at.

See paragraphs 4.68 – 4.81 Housing Report (Pages 91 – 95).

Is it possible to amend the wording about the overage proposed on the housing site so that some of it could potentially be used to support social housing elsewhere, since there will be none here.

This is possible.

Pg 25 top paragraph – is it currently

In her initial report the Inspector did

known, or unknown whether the inspector supports the change in policy to support enabling development?

not raise any issues with the proposed modification put forward by the Council at the examination. This suggests, by default, she is happy with the modification and supports it. However, until the final Inspectors Report is received, we cannot formally say this, hence the position outlined in paragraph 4.11. (page 25).

Condition 5 and 12 appear to be partial duplicates. Condition 5 includes some more detail on some cases, but does not contain the general provision covered by condition 12. It would concern me if that provision was removed, since there is a very wide variety of glazing proposed on the site, including whole glazed walls, and some may not be covered by current condition 5. Can these be resolved please?

Retain condition 5 and omit condition 12.

Can we add reduction of local congestion and carbon reduction to the reasons for travel plan as the current wording would only cover large events and the lack of a bus services raises issues for normal use too

The applicant has expressed concerns about the cost of such implications – any cost would have to come off the S106 figures being offered. It is not up to the Badminton England development to mitigate existing traffic problems, but to show that traffic impact can be accommodated and/or mitigated and this has been done. Conditions and costs can only be considered where it is reasonable, related and necessary to mitigate specific known impacts of a development.

After 7 years of living elsewhere and travelling to Furzton on bowl days, I can confidently advise that on major events days at the Bowl, travel around the area is seriously disrupted so that arriving on time for a sports slot would become almost impossible. The overflow parking is also very valuable on such days. It is therefore seriously questionable whether operation is

It would be unlawful to impose a condition on the National Badminton Centre consent restricting the use of their site due to activities that take place at National Bowl.

viable on such days. Would it be legal to condition to give the right to the Bowl to require closure on say up to 6 days a year to accommodate major events with an audience of over 40,000? (I understand that current proposals would be within that limit, and the Badminton Centre would be the existing occupant with right of protection if any extension to that was proposed.)

Typo in condition 9 – it should say siting not sitting!

Noted.

Can officers tell us where the cycle race track route currently is (or which plan it's shown on) and consider viable wording of a condition carefully please? Condition 21 would close the cycle track at the start of development, whereas the condition discussed alternative provision would only be contracted, not even become operational, when the building was occupied. There could potentially be a significant gap in between. Is any mitigation of this possible? Eg phased fencing?

A plan of the existing cycle track is shown on the submitted location plan on page 39 of the report.

Recommendation 3 (ii) seeks a S106 legal agreement to be drafted which stipulates that "the new sports building is not occupied until a contract for a suitable alternative cycling track is let; to mitigate the section lost by this development on the Bowl site or elsewhere".

This wording has been agreed with Milton Keynes Cycle Association.

Can you clarify whether a survey has been done to identify trees to be protected? Condition 26 seems to imply that that is still needed, but the responses suggest that it has been done. And what reserved matters stage? There are no reserved matters are there?

A tree survey has been carried out which identifies which trees are being retained and which trees are being removed. The reference to "at reserved matters stage is an error"

The condition should state the following:

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

design shall be submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented".

Carbon offset. Would it be possible to condition a further review to see if any further improvement in the carbon reduction of the plans could be achieved within the budget? Alongside the other D4 reviews maybe?

The approach that they will be required to follow by condition will ensure a D4 policy compliant development, including a significant carbon reduction through the use of renewable energy. There is not a policy basis for insisting on any further review.

Surface water drainage – the update is definitely needed! As far as I can see the site drains onto Watling Street and the Bowl site. Please consider that neither has much capacity for any further water – Watling Street, due to become busier soon, is already regularly covered in water after heavy rain, and presumably the plans at the Bowl would not welcome further water! Can we also condition permeable surface for the overflow parking? Sewage is also obviously a key issue!

Update will be verbally reported this evening. Condition 17 requires details of ground surface areas to be provided.

## Question

## Response

### Questions from Cllr Ferrans 13/00266/OUT

The report explains reasons why it might be acceptable to accept a density below the target, but does not give any reasons why it should ideally be below, and indeed, suggests that it might be possible to raise it. But a condition is then proposed to limit it to that density! Can we have an explanation of the reasons please? Surely a more appropriate condition might be to limit it to no more than the standard density?

Policy H8 refers to an 'average' density. The reasons why the density falls below 35 dwellings per hectare is due to constraints of the site such as flood mitigation measures potentially requiring the area of land where the existing residential accommodation building stands to be removed and retained as open space to accommodate excess run off, the need to retain a 5 metres landscape buffer adjacent to the A5D as part of a wildlife corridor and levels changes

are key reasons limiting the amount of development on the site. The reason why a condition is being imposed to limit the number of dwellings and density is to ensure that the Council can benefit from an increase in numbers of units on the site ie. Planning obligations. The imposition of such conditions on outline planning permission is common for instance at Oakridge Park the original outline planning permission 05/01429/OUT limited the number of dwellings to 530. The developers found that they could exceed this number and an application 12/01600/FUL for an eight phase was submitted for a further 33 dwellings. This development included the provision of additional affordable housing and planning obligations.

Can we add tandem parking to the list of concerns about the indicative layout please? Since there is no surrounding development to accommodate overflow parking, and the main road will be serving more properties than would previously have been permitted, it is essential that parking is actually accommodated viably within the site.

The issue of tandem parking is fully catered for in the Residential Design Guide. Applicant's attention is always drawn to the guidance given in this respect and always appears in the Senior Highway Engineer observations if appropriate. The layout appears to show some dwellings with an additional on-plot car parking space and the presumption is this is the architect's solution to visitor parking on Bradwell Road. These observations have been referenced in the Senior Highway Engineers consultation response dated 8<sup>th</sup> April 2013.

Highway officers comments on layout include a number of statements which are not, I believe, contained within our standards, and which reduce the flexibility for good layouts. Can we please see the justification for the following:

a. Parking on highway should not be at right angles to the highway – right angled parking areas adjacent to and on or off the highway on minor cul-de-sacs occurs very successfully in

The Senior Highway Engineer response regarding car parking not being placed at right angles to the carriageway was purely in respect of visitor car parking. Officer's have always stated that visitor parking should be parallel to the carriageway in order that it can be distinguished from on-plot parking that invariably sits at 90 degrees to the road. Visitor parking needs to be part of the public highway in order that it can be

many areas of Milton Keynes and often facilitates good layouts in other respects.

b. Footpaths should not take 90 degree angles. Where footpaths are around parking courts, surely 90 degree angles framing either the buildings or the parking are perfectly comprehensible to users?

Visitor parking should not be contained within private blocks – surely where there are shared parking areas in front of a group of houses or an apartment block, this is exactly where visitors parking, in close proximity to the building, should be? I agree that it should not be contained within secure parking at the rear of buildings.

Could we hear what the education contribution needed would be given no affordable housing please? (The number of children expected is usually greater in affordable housing)

Can you clarify what level of accessibility is now required for all housing? Eg would the housing be expected to have flat access, wheelchair width doorways, raised plug sockets, disabled handles in the bathrooms and level access showers, etc? if not, could we viably condition that a percentage of the housing did have these things, to compensate for the lack of elderly housing contribution? I would have thought that they would not add to the cost significantly if planned in from the start.

controlled by the highway authority if this becomes necessary.

The Senior Highway Engineer agrees that footpaths around courtyards can turn 90 degrees. What is not desired is footways that turn at sharp angles on what is otherwise a straight alignment. These don't look attractive and more importantly are not easily negotiable by pushchairs or wheelchairs.

The inclusion of visitor spaces within private courtyards always presents a problem and it is partly a safer by design issue as it requires members of the public to enter into what is otherwise a private space. Visitor spaces within a parking area for apartments are acceptable

The calculations for assessing the level of education contributions required per development does not distinguish between affordable and market housing, it is based on the number of 2, 3, 4 and 5 plus number of bedrooms.

Policy H9 of the MKLP 2001 – 2011 states that "all dwellings will be encouraged to meet lifetime homes standards". Part M of the building regulations covers accessibility and applies to all new homes. The Lifetime Homes standards goes a little further than the building regulations, in their requirements for adaptability and flexibility to be designed into the home. Lifetime Homes is not a policy requirement, merely an encouragement, we could not condition that a percentage of the homes were to lifetime homes standards.

Would it be possible to condition that signage or notices about redway routes to buses and main attractions be placed on a couple of lamp posts along the footpath at heavy use locations, in lieu of the household pack?

The provision of the play area contribution is appropriate since there is no neighbouring residential development. However, I do not see any site for facilities. Our policies state that sites must be within a distance where there are no other sites, and that they must be completed before development is occupied. This is clearly not possible unless a site is designated! Clearly a site within the park would be great, and within normal policy for the Parks Trust, so can we, in view of the potential breach of policy, condition that a site be negotiated before permission is given for reserved matters?

I don't see any condition in this that a contribution be made to the Badminton Centre, or the overage agreement discussed. Where are these? This is totally unacceptable as a plan without those conditions!

This should form part of the S106 Planning Obligations as the developer would be expected to pay for these signs.

The local Play area will either be sited on open space within the application site ie where the existing residential accommodation block currently is if the building cannot be retained due to flood mitigation requirements or within the existing park opposite to the site. This point will be covered in the S106 legal agreement.

This is discussed in the conclusion and recommendations for both of the reports on pages 17 and 18.