

Application Number: 16/03038/FUL

The demolition of the two existing buildings and the erection of one building of up to seven storeys in height comprising commercial floorspace (Use Class A1, A2, A3, A4, A5, B1 or D1) ancillary uses at ground floor; and 139 residential apartments (Use Class C3) on upper floors; together with landscaped gardens, off road car and cycle parking, and associated works (Resubmission of 15/02972/FUL) (Amended Plans and Description of Development)

AT Land At 809 To 811, Silbury Boulevard, Central Milton Keynes

FOR Mr Richard Topham

Target: 23rd January 2017 (Extension of Time: 6th February 2017)

Ward: Central Milton Keynes

Parish: Central Milton Keynes Town 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 more than one third party letter of objection has been received.

1.3 The Site

The application site is located on Silbury Boulevard in Central Milton Keynes within Block E1.3. It is bound to the west and east by North Twelfth Street and North Thirteenth Street respectively. The site is surrounded by surface level parking to the west, east and south and office and residential properties to the

north west.

- 1.4 No. 50 North Thirteenth Street (office) and Meridien House (converted from office to residential) lie immediately adjacent to the north west (rear of) the site.
- 1.5 Residential dwellings are sited on the other side of North Twelfth Street with frontages facing the development site. These dwellings are 3 storeys high and are classified as a non-designated heritage asset.
- 1.6 Henshaw House (office) and Seckloe House (residential) are located to the south west of the site on the other side of North Thirteenth Street and are both 3 storeys high.
- 1.7 The Grade II Listed shopping building lies opposite the site on the other side of Silbury Boulevard.
- 1.8 The site currently contains a pair of disused buildings separated by an area of pedestrian concourse and a porte cochere providing covered pedestrian access to the primary shopping area. The porte cochere is considered to be a non-designated heritage asset. The last known uses of the existing buildings were B1 (office) and A2 (job centre). The buildings are two storeys in height and constructed with brown brick appearance and dark tinted windows. The majority of the buildings within the immediate proximity of the site are 2-3 storeys in height; however John Ormond House which marks the corner of Silbury Boulevard and Malborough Gate is 5 storeys.
- 1.9 **Background**

The application is a resubmission of planning application 15/02972/FUL, which was refused by the Development Control Committee on 4th August 2016 for the following four reasons:

1) *The form of the proposed building, by way of its bulk, mass and height, is not well considered or responsive to the context of the site and would therefore be overbearing and dominant within the immediate locality and broader street scene. The development would therefore be contrary to policies G9b and G10a of the CMK Business Neighbourhood Plan, CS7 of the Milton Keynes Core Strategy, and D2(i) and (ii) of the Milton Keynes Local Plan 2001-2011.*

2) *The applicant has failed to demonstrate that the proposed development would not lead to a burden on or have an adverse impact on existing social and sustainable infrastructure, education and community facilities. The development would therefore be contrary to policies CS21 of the Milton Keynes Core Strategy, D4 and PO4 of the Milton Keynes Local Plan 2001-2011, the Planning Obligations for CMK SPG (2003) and the Sustainable Construction SPD (2007).*

3) *The applicant has failed to demonstrate that the proposed*

development would provide an appropriate contribution to the provision of affordable housing across the Borough. The development would therefore be contrary to policies T10 of the CMK Business Neighbourhood Plan, H4 and H5 of the Milton Keynes Local Plan 2001-2011, and the Affordable Housing SPD (2013).

4) The development would provide insufficient on-plot parking spaces to meet the demand generated by the development therefore it would result in off-site parking causing problems that cannot be resolved by providing on-street parking controls. The development would therefore be contrary to policy T15(ii) of the Local Plan 2001-2011 and T4c of the CMK Business Neighbourhood Plan and the Parking Standards SPD 2016.

1.10 The Proposal

The application seeks full planning permission for the demolition of the two existing buildings on the site and the erection of one building of up to seven storeys in height comprising 465sqm commercial floor space [Flexible use A1 (retail), A2 (financial/professional), A3 (restaurant/cafes), A4 (drinking establishments), A5 (hot food takeaways), B1 (business) or D1(non-residential institutions)] ancillary uses at ground floor; and 139 Private rental Scheme (PRS) residential apartments (Use Class C3) on upper floors; together with landscaped gardens, off road car and cycle parking, and associated works.

- 1.11 The building would form a u-shaped block with a principal frontage to Silbury Boulevard, including the commercial unit and main entrance lobby/residents lounge, and two 'wings' fronting North Twelfth Street and North Thirteenth Street. Parking would be provided at the rear of the block at ground and lower ground levels. The 'interior' of the block would provide a communal landscaped garden at first floor level that would be overlooked from residential apartments above. The rear boundary of the site between the development and the adjacent office unit (50 North Thirteenth Street) and residential block (Meridien House) would be marked by landscaping at ground floor level. Communal landscaped terraces would also be provided on upper floors.
- 1.12 The tallest part of the building would be 7 storeys; however a series of step downs and set-backs would be employed to provide varied heights throughout the development. The tallest element of the proposal would be to the eastern front corner of the site, at the junction of Silbury Boulevard and North Thirteenth Street, with the building stepping down on the Silbury Boulevard frontage to five storeys to the western front corner with North Twelfth Street. The building would also step down on both flanks to four storeys on the rear corners opposite Meridien House on North Twelfth Street and 50 North Thirteenth Street.
- 1.13 The building would be constructed with a mix of light and dark buff brick and grey metal cladding with feature balconies and guard rails to terraces. A covered walkway would wrap the three ground floor frontages to the building

and would connect to the existing porte cochere by a projecting canopy.

- 1.14 Vehicular access to the site would be via North Twelfth Street to lower ground level parking and via North Thirteenth Street to ground level parking. The total number of car parking spaces proposed is 122 (including 19 disability bays). The total number of cycle parking spaces proposed is 168.
- 1.15 The overall housing mix comprises 66 × 1 bed apartments and 73 × 2 bed apartments.
- 1.16 The application is a resubmission of 15/02972/FUL, which was refused by the Development Control Committee as noted above, and has also been amended since its submission to seek to reduce the scale and improve the design of the building, as well as reduce the total number of dwellings. The key differences between the previously refused scheme and the current proposal include:
- A reduction in the overall height of the development from eight to seven storeys, with all the storeys also reduced in height, such that the maximum height of the development has been reduced by some 6.9 metres.
 - Design alterations including setting back the top floors to the west of the Silbury Boulevard elevation and to the north of the North Thirteenth Street elevation.
 - A reduction in the number of proposed dwellings from 144 to 139.
 - The removal of the community room and separate residents lounge to the side elevations and green wall to the rear elevation to increase the number of parking spaces from 102 to 122.
 - A 50sqm reduction in the commercial floor space.
 - The resubmission also includes some affordable housing in the form of 14 discounted market rent units, a £40,536 contribution towards education and an £89,000 contribution towards community facilities.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework (2012)

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 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 183-185: Neighbourhood Plans
Paragraphs 196 & 197: Determining Applications
Paragraphs 203-206: Conditions and Obligations

The Planning (Listed Buildings and Conservation Areas) Act 1990: Section 66.

In addition, the National Planning Practice Guidance is a material consideration.

2.2 Local Policy

Milton Keynes Core Strategy (Adopted 2013) – Policies:

CSA: Presumption in Favour of Sustainable Development
CS1: Milton Keynes Development Strategy
CS2: Housing Land Supply
CS7: Central Milton Keynes
CS10: Housing
CS11: A Well Connected Milton Keynes
CS12: Developing Successful Neighbourhoods
CS13: Ensuring High Quality, Well Designed Places
CS14: Community Energy Networks
CS15: Delivering Economic Prosperity
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 Proposals on Locality
D2A: Urban Design Aspects of New Development
D2: Design of Buildings
D4: Sustainable Construction
E11: Small Business Units
HE5: Development Affecting the Setting of a Listed Building
NE2: Protected Species
NE3: Biodiversity & Geological Enhancement
T1: The Transport User Hierarchy
T2: Access for those with Impaired Mobility
T3: Pedestrians & Cyclists
T5: Public Transport
T10: Traffic
T11: Transport Assessments & Travel Plans
T15: Parking Provision
H4: Affordable Housing Target & Site Thresholds
H5: Affordable Housing: Site & Market Conditions
H7: Housing on Unidentified Sites

H8: Housing Density
H9: Housing Mix
TC19: Housing in Town, District and Local Centres
CC1: Shopping
CC7a: Key Transport Principles
CC7c: Key Principles for Parking
CC9: Design of New Buildings
CC10: Planning Obligations Policies in CMK
CC15: Enterprise & Knowledge Quarter
C1: Location of Community Facilities
PO4: Percent for Art

CMK Alliance Plan 2026 (Adopted 2015)

G1: Classic CMK Infrastructure
G6: Mixed Use
G6: Active Frontages
G8: Development Blocks and Blocklets
G9: Design and Height of Buildings
G10: Residential Development
T1: Access and Design
T2: Public Transport and Hackney Carriages
T3: Cycling
T4: Parking

Supplementary Planning Guidance/Documents

Affordable Housing SPD (2013)
Planning Obligations for Central Milton Keynes SPG (2003)
Parking Standards SPD (2016)
Residential Design Guide (2012)
Sustainable Construction SPD (2007)

2.3 Neighbourhood Plans

Once a Neighbourhood Plan has been agreed at a referendum and is made (brought into legal force) by the Local Planning Authority, it becomes part of the local planning authority's development plan as an official development plan document which carries statutory weight. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. If a policy contained in the development plan for an area conflicts with another policy in a development plan, the conflict must be resolved by the decision maker in favour of the policy which is contained in the latest document to become part of the development plan. Any non-compliance with a policy in a Neighbourhood Plan may not mean a proposal fails to comply with the development plan as a whole, or that having regard to all material considerations, planning permission cannot be granted.

2.4 Neighbourhood Plans therefore form part of the development plan for the relevant area. They will necessarily be in general conformity with the strategic

policies contained in the development plan for the area. If they are the most recent document to become part of the development plan, they will attract statutory priority and will take precedence over non-strategic development plan policies. Under some circumstances emerging Neighbourhood Plans can also carry weight as a material planning consideration, as with any emerging development plan document.

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:

- Planning History
- Principle
- Design and Density
- Trees and Landscaping
- Heritage
- Residential Amenity
- Parking and Highway Safety
- Surface Water Drainage
- Ecology
- Sustainable Construction
- Viability, Planning Obligations & 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 list condition and a section 106 Legal Agreement to secure financial contributions and discounted market rent housing as set out in paragraph 5.53.

5.0 CONSIDERATIONS

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

5.1 Planning History

The proposal is a resubmission of application 15/02972/FUL, which was refused by the Development Control Committee on the 4th August 2016. The reasons for refusal are set out in the Background section above. However, in summary, the four reasons for refusal of application 15/02972/FUL raised the following issues:

1. The bulk, mass and height of the development would result in an overbearing and dominant building within the immediate locality and broader street scene.
2. Failed to demonstrate that the proposal would not lead to a burden on or have an adverse impact on existing social and sustainable infrastructure, education and community facilities.
3. Failed to demonstrate that the proposed development would provide an appropriate contribution to the provision of affordable housing.

4. Insufficient on-plot parking spaces provided.

5.2 The decision of application 15/02972/FUL is a material consideration in the assessment of the current application and there have been no material change in site circumstances or the development plan since this decision was issued.

5.3 The key differences between the previously refused scheme and the current proposal are set out in the Proposal section above and include a reduction in overall height of the building by some 6.9 metres and the number of units by 5, an additional 20 parking spaces, and the provision of 14 discounted market rent units, a £40,536 contribution towards education and an £89,000 contribution towards community facilities.

5.4 **Principle**

The principle of a residential-led mixed use development on the site is supported through Policy G6 of the CMK Alliance Plan (2015), Saved Policies TC19 and CC1 of the Local Plan 2001-2011 (2005), and Policy CS7 of the Core Strategy (2013), all of which seek to allow residential development as part of mixed use schemes in Central Milton Keynes.

5.5 The proposal would result in the loss of two buildings with established uses for office and government administration including the loss of some small business units which is resisted through Policy E11 of the Local Plan. However these buildings are currently unoccupied and the applicant demonstrated under the previous application that marketing of the properties for the existing uses has been unsuccessful since 2010. Consideration about the loss of the existing office units should also consider the existence of permitted development rights (subject to prior approval procedures) for the conversion of office units to residential use.

5.6 The principle of the redevelopment of the site for a residential-led mixed use scheme on the site is therefore supported under the development plan.

5.7 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.*

5.8 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.

5.9 **Design & Density**

Saved Policies D2, D2A and H8 of the Milton Keynes Local Plan 2001 – 2011, Core Strategy Policies CS13 and CS18 and Policies G3, G7, G8, G9 and G10 of the CMK Alliance Plan 2015 seek high quality design and appropriate density that relates well to the surrounding area and design out opportunities for crime.

5.10 The previous application on the site (reference 15/02972/FUL) was refused on the basis that its bulk, mass and height would result in an overbearing and dominant building within the immediate locality and broader street scene.

5.11 The current proposal has been reduced by 5 units compared to the refused scheme. However, it would have a density of 463 dwellings per hectare such that it would still significantly exceed the guidance within CMK Alliance Plan Policy G10 which expects the density of residential development to “generally be 250 dwellings per hectare”. Density is however only a rough tool and the purpose of density policies is to seek to ensure that a scheme integrates acceptably with the surrounding area. Therefore it is necessary to also assess the layout, scale and design of a development before a conclusion can be reached on its relationship to the surrounding area.

5.12 The proposed development would retain a similar U-shaped perimeter block layout to the refused application with a main frontage to Silbury Boulevard and wings running along North Twelfth Street and North Thirteenth Street. Parking would be provided at the rear of the block at ground and lower ground levels with the interior of the block containing a communal landscaped garden at first floor level. However, the overall height of the building has been significantly reduced from eight to seven storeys, with all the storeys also reduced in height, such that the maximum height of the development has been decreased by some 6.9 metres. In addition, there have been design alterations with the built form incorporating stepped elements and set-backs to help break up the scale and mass of the building including stepping down

the height adjacent to the existing residential buildings to the south and office building to the west. As such, it is considered that the height and scale of the current proposal would better respond to the wider context of the site.

- 5.13 Turning to the design detail, the front elevation would have the appearance of three distinct elements through the incorporation of light buff brick, dark buff brick and light buff brick separated by recessed elements when viewed left to right such that it would have a strong presence to Silbury Boulevard. Furthermore, the proposal would deliver weather protection along its street frontages and a mixed use development with active frontages to Silbury Boulevard thus supporting Policy G7 of CMK Alliance Plan. The revised proposal has lost sections of active frontages to the side elevations to seek to address the parking reason for refusal; however these only comprise short stretches that would benefit from surveillance from the opposite sides of the streets. Although it is considered that it is important to ensure that the parking elements of these side elevations are designed to be as visually attractive as possible and this, together with the introduction of muted colour palette for the glass balustrades as sought by the Head of Urban Design and Landscape Architecture, can be addressed by a materials condition.
- 5.14 Taking into account the above, the comments of the Head of Urban Design and Landscape Architecture who fully supports the current proposal and that the CMK Alliance Plan Policy G9 actively encourages buildings on Gates and Boulevards of up to 8 stories, it is considered that the proposal would relate well to the immediate locality of the site and the wider character of CMK such that the previous objections of the Council have been overcome.

5.15 **Trees and Landscaping**

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

- 5.16 The application site does not currently benefit from any soft landscaping but is neighboured by tree lined streets to the west, east and south. The Senior Landscape Architect has raised concerns under both the previous and current application regarding the potential for conflict between the Juliet balconies that would extend slightly over the highway/public footway on Silbury Boulevard and the crown spread of existing Swedish Whitebeam trees on Silbury Boulevard. These trees have however recently been pruned and, in any event, the applicant has proposed to replace six of the existing trees along the Boulevard with a more appropriate species and this approach is supported, particularly as the Council's Arboricultural Officer requested these trees be replaced with different species during pre-application engagement. These trees are outside the application site but within the control of the Council. Therefore it is recommended that a pre-commencement condition is imposed should planning permission be forthcoming to ensure the protection or replacement as appropriate of these street trees is secured, along with the submission of detailed planting schemes for landscaping within the site, as requested by the Senior Landscape Architect if planning permission is

granted.

5.17 Heritage

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to pay special regard to the desirability of preserving listed buildings or their setting or any features of special or architectural or historic importance which it possesses. Saved Policy HE5 of the Local Plan, CS19 of the Core Strategy and G1 of the CMK Alliance Plan also seek to protect designated and non-designated heritage assets from adverse impacts of development.

5.18 The proposal would be sited within the setting of the Grade II Listed shopping building. However, taking into account the scale and the design of the proposed building and the separation afforded by Silbury Boulevard, the Conservation and Archaeology Manager does not consider the proposal to be harmful to its setting.

5.19 The development is also neighboured by a residential block on North Twelfth Street which is considered to be a non-designated heritage asset by virtue of its individual architectural quality which also reinforces the distinctive character of CMK and wider new-town era of Milton Keynes. Under the previous application, the level of harm to this heritage asset was considered to be of minimal magnitude at worst. The current scheme has been revised such that it would have a greater step down and reduced scale adjacent to this residential block and therefore it is considered to not adversely affect this asset.

5.20 Porte cocheres are a unique feature to CMK and as such are non-designated heritage assets. The existing porte cochere would be partially demolished to facilitate the proposal; however its main body would remain intact and integrated into the development. The retention of the main body of the porte cochere is supported subjected to the recording of those parts to be demolished which could be secured through condition if planning permission is granted.

5.21 Having given special regard and considerable weight and importance to the impact of the development on the listed building in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is concluded that the development would not have an adverse impact on the setting of the Grade II listed shopping building; and is not considered to have an impact on the non-designated heritage assets of significant magnitude that would warrant the refusal of planning permission in this instance.

5.22 Residential Amenity

Saved Policy D1 of the Milton Keynes Local Plan 2001-2011 and Policy G10 of the CMK Alliance Plan seek to protect the amenity of neighbouring properties, with Policy G10 also concerned with the amenity of future occupiers. 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.

- 5.23 A number of the objection letters refer to concerns relating to light and, as detailed in the Committee Report for the previous application, there is no 'right to light' to be enforced through the planning system. However, the impact of the development on existing buildings is a material consideration and therefore a balance must be achieved between preventing the loss of light to those buildings and the need to support new buildings where they are considered to offer sustainable development. BRE provides guidance on the methodology to assess the impact of development on the daylight and sunlight received by residential properties; however it does not consider commercial buildings where it is expected that artificial lighting will be more widely used. There are separate legislative processes in place to protect some landowners, including commercial property owners, from the loss of easement of light; however this would not be a matter for consideration as part of this planning application.
- 5.24 The previous application was accompanied by Daylight and Sunlight Assessments. These assessments detail that there would, in some instances, be reductions in daylight and sunlight to neighbouring properties; however the adjacent rooms and windows that would be affected would either receive adequate daylight and sunlight or the levels do not currently meet BRE standards and would not be significantly changed. Therefore, and given the urban city centre environment and the support for higher density development within the development plan, it was accepted by the Council under the previous application that a reason for refusal could not be warranted on the basis of reductions to daylight and sunlight to neighbouring residential properties. The current scheme has been reduced in scale compared to the previous application and therefore objections could not be sustained regarding the daylight and sunlight impacts of the development.
- 5.25 In terms of the privacy and visual intrusion concerns raised in the objection letters, the development would be separated by properties to the far side of North Twelfth Street and North Thirteenth Street by over 22 metres such that objections could not be sustained. Turning to the buildings to the rear of the site, the proposed first floor apartments would be some 8 metres away from the nearest windows in the neighbouring office development on North Twelfth Street and 10 metres away from the nearest apartment window in Meridian House to North Twelfth Street. The adjacent windows in these neighbouring buildings are not the sole windows in the rooms that they serve and whilst acknowledging that these separation distances would fall short of the distances sought in the New Residential Development Design Guide, it is considered that the proposal would not give rise to unacceptable relationships in this town centre environment. Furthermore, no objections were raised by the Council on privacy or visual intrusion grounds under the previous application and the scale of the development has been reduced under the current scheme.

- 5.26 Policy T10 of the CMK Business Neighbourhood Plan expects proposals for new residential development within CMK to demonstrate how possible noise conflict with nearby uses is to be minimised. It has been accepted by the Council under the previous application that the potential for nuisance by way of noise or odour arising from the commercial unit could be addressed via a condition requiring details of plant or other equipment to be submitted should planning permission be granted.
- 5.27 The proposal includes a communal landscaped garden at first floor level and additional communal landscaped terraces would also be provided on upper floors. As such, and given that the close proximity of the development to Campbell Park, it is considered that adequate outdoor amenity space would be provided for future occupiers of the development.
- 5.28 In light of the above, and given that the Environmental Health Officer has not objected to the application, it is considered that an acceptable level of amenity would be achieved for future occupiers of the site and the proposed development would not adversely affect the amenities of neighbouring residents such that a refusal could be sustained. As such, no objections are raised on residential amenity grounds with regards to Saved Local Plan Policy D1, CMK Alliance Plan Policy G10 and Paragraph 19 of the National Planning Policy Framework.

5.29 Parking & Highway Safety

Saved Policy T15 of the Milton Keynes Local Plan 2001-2011, Policy T4 of the CMK Alliance Plan and the Milton Keynes Parking Standards Supplementary Planning Document (2016) set out the parking requirements for proposed developments. The Parking Standards for CMK however differ notably from the rest of the Borough, as they derive from CMK Alliance Plan Policy T4, and are only expected standards subject to a maximum level, with the maximum expected level of parking for 1 or 2 bed units comprising one space per 1 or 2 bed unit. The proposed uses of the commercial unit are designed to be flexible, although for the 'worst case-scenario' of A3 Food and Drink establishments, the maximum expected level of parking would be one space per 33sqm which equates to 14 spaces.

- 5.30 The previous application on this site (reference 15/02972/FUL) proposed 102 parking spaces to serve 144 apartments with no parking for the community and commercial uses and was refused on the basis of insufficient on-plot parking spaces to meet the demand generated by the development resulting in off-site parking problems.
- 5.31 The current application proposes a significant improvement in the level of parking provision over the refused scheme, with the number of parking spaces to serve the apartments increased to 122 and the number of residential units reduced to 139. In addition, the community room has been omitted and the commercial use reduced in floor space by some 50sqm to accommodate this increased level of parking. The Senior Highway Engineer

has inspected the parking availability in CMK Block E1 during the weekday daytime and found that there are available spaces for those residents that are not allocated a space within the development, although it is recognised that those spaces may sometimes be at a premium and local residents have expressed parking concerns. The applicant has also submitted that car ownership for apartments in CMK is currently at about 55%. Overall, the Senior Highway Engineer advises that whilst on-plot car parking is not ideal, it cannot be argued that it is disproportionate to car ownership levels for this area of Milton Keynes and he raises no objections subject to a condition to control the management of allocated spaces. As such, and given the highly sustainable town centre location of the site, it is considered that the previous reason for refusal has been overcome and a refusal could not be sustained on parking grounds.

- 5.32 The total number of cycle parking spaces proposed is 168 which would slightly exceed the Parking Standards SPD for residential apartments (1 space per apartment + 4 visitor spaces). No designated cycle parking spaces are proposed for the commercial unit, however the total number of spaces required in accordance with the SPD would be likely to be less than 5 and the impact of the lack of cycle parking would not be considered to warrant a reason for refusal of the application due to the presence of publically available cycle parking facilities across CMK.
- 5.33 Saved Policy T10 of the Milton Keynes Local Plan 2001-2011 and Policy T1 of the CMK Alliance Plan relate to highway safety. 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.
- 5.34 The applicant has re-submitted the Transport Assessment which accompanied the previous application and shows that the net difference in traffic movements between the existing uses on the site and the proposed development would be negligible at both AM and PM peak hours. In addition, the Transport Assessment shows that in future years, traffic would reach a maximum of 2% increase at the junction of North Twelfth Street and Silbury Boulevard and less than 1% at worst at other junctions. In light of this, the Senior Highway Engineer advises that the projected traffic increase would not cause any harm to the highway network.
- 5.35 Taking into account the above, no objections are raised on parking or highway safety grounds with regards to Saved Policies T10 and T15 of the Milton Keynes Local Plan 2001-2011, Policies T1 and T4 of the CMK Alliance Plan, the Milton Keynes Parking Standards Supplementary Planning Document (2016), and Paragraph 32 of The National Planning Policy Framework (2012).
- 5.36 **Surface Water Drainage**

Paragraph 103 of the NPPF sets out the responsibility on planning authorities to ensure that flood risk is not increased elsewhere as a result of

development proposals. In addition, as of the 6th April 2015 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. The development plan also supports the provision of sustainable urban drainage systems, notably Saved Policies D1 and D4 of the Local Plan and Policy CS13 of the Core Strategy.

5.37 The applicant has submitted a Flood Risk Assessment incorporating an outline drainage strategy to support the application. Whilst it is the same document that supported the previous application, it nonetheless establishes the principal that adequate attenuation can be provided on site and no objection have been received to the current application from the Local Lead Flood Authority or Anglian Water subject to the submission of a detailed surface water management design, maintenance and management plan by condition. As such, subject to the aforementioned condition, no objections are raised on flooding or sustainable drainage grounds.

5.38 **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).

5.39 The applicant has submitted an Extended Phase 1 Habitat Survey which demonstrates that the site has low ecological value, but recognises that the development may attract Swifts. The Countryside Officer has reviewed the survey and recommends a condition to secure the installation of swift boxes within the fabric of the building. No objections are therefore raised with respect to protected species and biodiversity under the NPPF and development plan policies NE2, NE3 and CS19, subject to the aforementioned condition.

5.40 **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. Core Strategy Policy CS14 also encourages proposals for over 100 homes to consider the use of community energy networks and, where feasible, to connect to an existing local energy network.

5.41 A Sustainability Statement and Energy Strategy Report accompanying this application. These documents were also submitted as part of the previous application and demonstrate that renewable energy would be included within the final proposal, the details of which could be secured through condition and which may include connection to the local CHP network if feasible in accordance with Policy CS14 of the Core Strategy. The Council would ordinarily require carbon offset payments to be secured through planning

obligation; however as detailed below this contribution is not being sought by Officers on viability grounds.

5.42 **Viability, Planning Obligations & Affordable Housing**

Planning obligations and affordable housing would normally be required in accordance with Core Strategy Policy CS21, Saved Policies D4, H4 and PO4 of the Local Plan, the Affordable Housing SPD, the Planning Obligations for CMK SPG, and the Sustainable Construction SPD.

- 5.43 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.”

- 5.44 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.”

- 5.45 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).”

- 5.46 As part of the previous application, the applicant proposed to make no

financial contributions towards infrastructure nor offer any Affordable Housing on the basis that it would make the scheme unviable. The applicant submitted a viability appraisal in support of this assertion; however the consultant appointed by the Council to review the viability of the development (Dixon Searle Partnership) considered that it had not been demonstrated that there was no scope for a contributions towards a planning obligation package. The application was therefore refused on the basis that it would lead to an adverse impact on local social infrastructure, education and leisure facilities and would fail to provide an appropriate level of affordable housing and the viability appraisal submitted did not completely satisfy the Council that the scheme could not afford to pay some contributions.

5.47 Turning to the current proposal, the applicant has submitted a revised viability appraisal and has actively and positively engaged with the Council to address the concerns with the previous viability submission. The revised appraisal now demonstrates that there is scope to provide some section 106 financial contributions and affordable housing after taking into account the previous comments by Dixon Searle and by reducing the developer margin further to accommodate the offer as set out below. As such, the applicant is offering the following planning obligations:

- 10.1% of the units to be discounted market rent units (total 14 rental units) at discounted rent of between 10-20% (set at approximately £200 per week).
- £44,468 as a contribution towards Education
- £85,068 as a contribution towards Community Facilities, towards the provision of new community facilities serving the development (which may include contributing towards the Town Council's project to deliver a new community facility within Campbell Park).

5.48 This would still result in a reduction in the level of contributions that the CMK SPG indicates is likely to be required for a development of this size, which calculates a contribution of circa £370,157 (towards Education, Community Facilities, Highways, Public Transport and Public Art Social and Cultural), along with the 42 affordable units (35 affordable rent and 7 shared ownership) sought in accordance with the Affordable Housing SPD. However, the indicative financial contribution needs to be subject to the three tests in CIL Regulation 122 and Paragraph 206 of the National Planning Policy Framework, as well as the pooling restrictions in CIL Regulation 123, which are informed by discussions with service providers.

5.49 It should also be acknowledged that there presently appears to be viability challenges in CMK and also that the Inspector for the recent appeal decision on the "Abbeygate Site" in CMK (reference 15/00827/FUL) considered that there was no justification for education contributions from one bedroom apartments in CMK. Furthermore, the "Abbeygate Site" application was permitted without any affordable housing following a review of the viability of this scheme.

5.50 In addition, it should be acknowledged that the proposal is for a Private Rental Sector (PRS) / Build to Rent scheme. Build to Rent schemes can play

an important role in local housing delivery, however they have different financial models to the traditional build for sale model and need to provide affordable housing in the form of discounted market rent as recognised in the recent consultation draft “Homes for Londoners: Affordable Housing and Viability” SPG for the London Area. The aforementioned consultation draft SPG also indicates that new home should be secured as Build to Rent for a minimum period through a covenant in a Section 106 agreement and that a ‘clawback’ mechanism should also be included in the Section 106 agreement in the event of units being sold out of the Build to Rent sector during the covenant. Whilst the aforementioned draft SPG for London does not apply to Milton Keynes, it nonetheless provides useful guidance on Build to Rent developments which are not addressed in the Council’s Affordable Housing SPD at this time.

- 5.51 Dixon Searle Partnership have carried out an assessment of the revised viability appraisal, having regard to the distinct viability of PRS schemes, and have confirmed that the scheme cannot afford to provide the full contributions and onsite Affordable Housing in line with the Council’s adopted SPD/Gs. However, Dixon Searle Partnership are satisfied that the offer made by the applicant including the discounted market rental units represents a realistic offer taking into account the reduced developer margin for this scheme. The final version of the viability report from Dixon Searle Partnership will be appended in an update paper to the Development Control Committee.
- 5.52 Having regard to the above and the five year housing land supply situation, detailed discussions have taken place with service providers and the Planning Obligations Officer has advised that, subject to the proposed education and community facility contributions, the impacts of the development could be adequately accommodated within existing provision in this instance on the basis of the viability position of the scheme
- 5.53 To conclude on planning obligations and affordable housing, following an assessment of the viability appraisal, discussions with service providers and CIL Regulation 122 and 123 compliance testing , Officers accept that there is a viability concern with this development and do not raise objections to the application with regards to Policies CS21, H4 and D4 and associated SPD/Gs. This is subject to the prior completion of a s106 Legal Agreement to secure the provision of 10.1% of the units to be discounted market rent units, with the appropriate restrictions and clawback mechanisms, and a financial contribution of £44,468 towards Education Facilities and £85,068 towards Community Facilities.

5.54 **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.

- 5.56 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.
- 5.57 Turning to the social dimension, the proposal would make a significant contribution to the housing shortfall of the Borough through the provision of 139 dwellings as well as providing a viability tested level of discounted market rent housing. The development would also provide a contribution to education and community facilities to seek to offset the impacts of the development.
- 5.58 Finally, with respect to the environmental consideration, biodiversity measures could be secured by condition and 10 per cent of the energy demand from the development would be from renewable energy.
- 5.59 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.
- 5.60 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 the financial contributions and affordable housing as detailed in paragraph 5.52 above.

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 development hereby permitted, a street tree strategy shall be submitted to and approved in writing by the local planning authority. The street tree strategy shall be based on an up-to-date tree assessment and shall include details of either tree protection measures for the duration of the construction works or replacement tree planting including a planting timetable. The street trees shall be protected or replaced in accordance with the approved details.

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.

4) Prior to the commencement of the development hereby permitted, a scheme for the recording of the existing porte cochere hereby approved to be partly demolished shall have previously been submitted to and approved in writing by the Local Planning Authority. The recording shall be carried out in accordance with the approved details and two copies of the recording report shall be deposited with Milton Keynes Sites and Monuments Record with an additional copy of the report to be forwarded to the National Monuments Record prior to the commencement of the development. .

Reason: To ensure that affected heritage assets are adequately recorded pursuant to paragraph 141 of the National Planning Policy Framework and Policy CS19 of the Core Strategy 2013.

5) Prior to the commencement of the construction of the development hereby permitted, a detailed design, and associated management and maintenance plan, for a surface water drainage scheme shall be submitted to and 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 in accordance with the approved details and be

retained thereafter.

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.

6) 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.

7) Prior to the commencement of the construction of the development hereby permitted, a viability assessment for connecting the scheme to the CMK CHP network shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development complies with the Council's objective for Sustainable Development in accordance with Policy CS14 of the Core Strategy.

8) Prior to commencement of the construction of the development hereby permitted above ground floor slab level, an energy assessment demonstrating how the renewable sources can contribute to a minimum 10% reduction of the scheme's total CO2 emissions shall be submitted to and approved in writing by the local planning authority. The approved details shall be completed prior to the occupation of any of the apartments hereby permitted.

Reason: To ensure the 10% carbon reduction requirement of Saved Local Plan Policy D4 is achieved.

9) Prior to the commencement of the construction of the development hereby permitted above ground floor slab level, a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show 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.

Reason: To 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.

10) Prior to the commencement of the construction of the development hereby permitted above ground floor slab level, details of all external materials including details of the car parking cladding and balcony glazing 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.

11) Prior to the commencement of the construction of the development hereby permitted above ground floor slab level, details of 12 swift bricks to be integrated into the building 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.

12) The apartments shall not be occupied until the parking spaces for the development have been provided in accordance with the approved plans and a management plan for the allocation of parking spaces that has previously been submitted to and approved in writing by the local planning authority. The car parking shall be permanently retained in accordance with the approved details 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

13) The development shall not be occupied until the refuse stores and bicycle parking have been provided in accordance with the approved plans. The refuse stores and bicycle parking shall be permanently retained thereafter.

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.

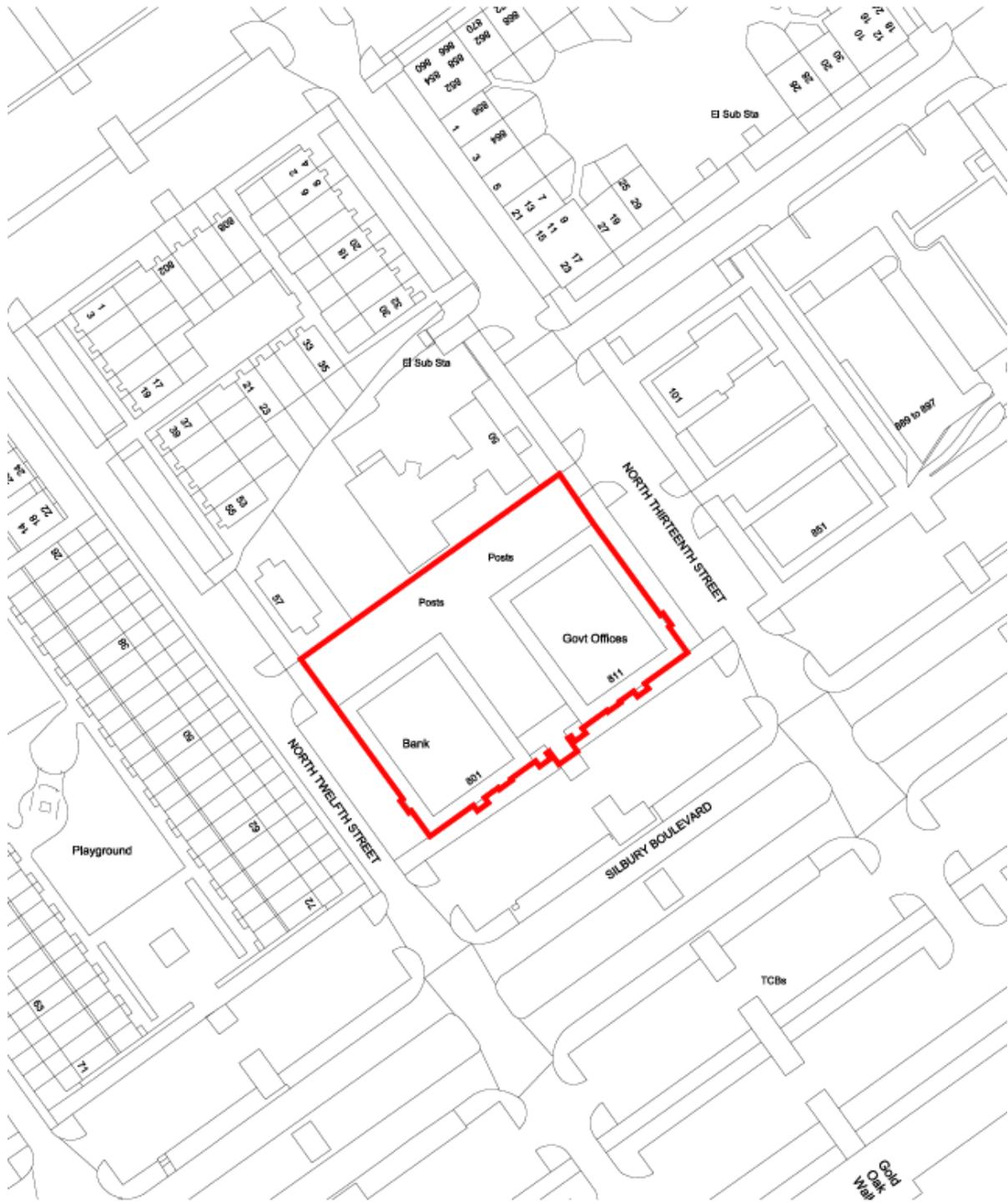
14) This planning permission hereby permits the use of the ground floor commercial unit hereby approved for any use within Use Class A1 (Retail), Class A2 (Financial and Professional Services), Class A3 (Restaurant & Cafe), Class A4 (Drinking Establishment), Class A5 (Hot Food takeaways), Class B1 (Business) and D1 (Non-residential institutions) subject to the restrictions in the other Conditions attached to this permission and in accordance with the provisions of Class V of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order

2015.

Reason: To clarify the terms of the permission and allow the flexible use of the application property in accordance with Policy G6 of the CMK Business Neighbourhood Plan 2015.

15) Prior to the commencement of any Use Class A3 or A5 use, details of a fume extraction and odour control system including elevations and a full technical specification, specifying the position of ventilation, fume or flue outlet points and the type of filtration or other fume or odour control treatment at the premises, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the use starting and shall be retained thereafter and maintained in accordance with the specification, including the replacement of any filters.

Reason: To protect the amenities of neighbouring properties and the character and appearance of the locality and heritage asset in accordance with Saved Policies D1, D2A, and D3 of the Milton Keynes Local Plan 2001-2011 and Policy CS18 of the Milton Keynes Core Strategy (2013).





NORTH TWELFTH STREET

NORTH THIRTEENTH STREET

SILBURY BOULEVARD

PROPOSED BUILDING
OUTLINE

72

62

50

57

53
55

37
39

50



Front Elevation



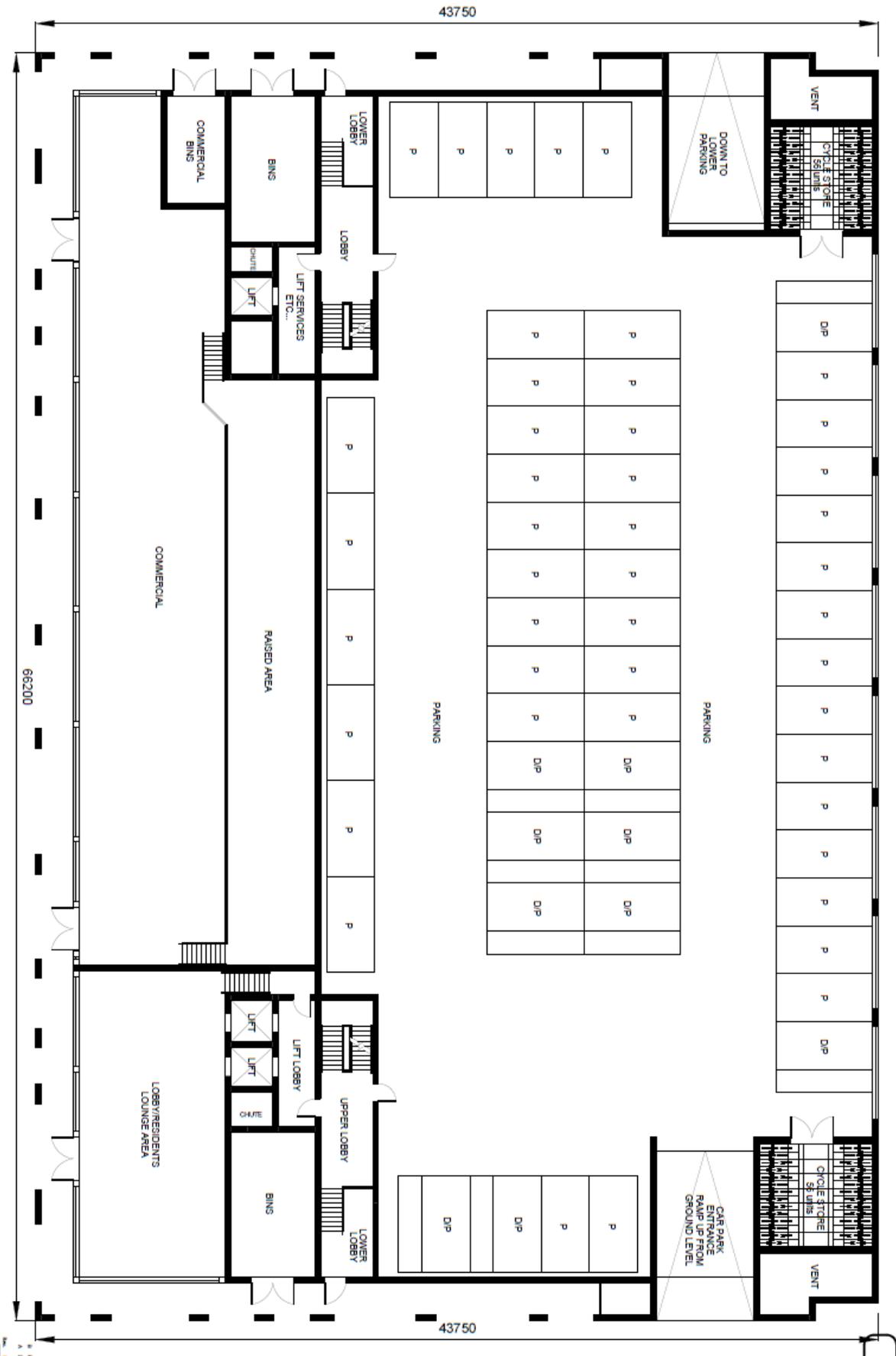
West Elevation



Rear Elevation



East Elevation



Appendix to 16/03038/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 15/02408/EIASCR

Environmental impact assessment screening opinion request for the proposed residential development
EIA not required (16.12.2015)

A1.2 15/02972/FUL

The demolition of the existing buildings and erection of one building of up to eight storeys in height comprising 512m² of commercial floorspace (Use Class A1, A2, A3, A4, A5, B1 or D1), an 84 m² community area (Use Class D1) and ancillary uses at ground floor; and 144 residential apartments (Use Class C3) on upper floors; together with landscaped gardens, associated off road car and cycle parking, and associated works.

Refused permission (05.08.2016) for the following reasons:

- 1) *The form of the proposed building, by way of its bulk, mass and height, is not well considered or responsive to the context of the site and would therefore be overbearing and dominant within the immediate locality and broader street scene. The development would therefore be contrary to policies G9b and G10a of the CMK Business Neighbourhood Plan, CS7 of the Milton Keynes Core Strategy, and D2(i) and (ii) of the Milton Keynes Local Plan 2001-2011.*
- 2) *The applicant has failed to demonstrate that the proposed development would not lead to a burden on or have an adverse impact on existing social and sustainable infrastructure, education and community facilities. The development would therefore be contrary to policies CS21 of the Milton Keynes Core Strategy, D4 and PO4 of the Milton Keynes Local Plan 2001-2011, the Planning Obligations for CMK SPG (2003) and the Sustainable Construction SPD (2007).*
- 3) *The applicant has failed to demonstrate that the proposed development would provide an appropriate contribution to the provision of affordable housing across the Borough. The development would therefore be contrary to policies T10 of the CMK Business Neighbourhood Plan, H4 and H5 of the Milton Keynes Local Plan 2001-2011, and the Affordable Housing SPD (2013).*
- 4) *The development would provide insufficient on-plot parking spaces to meet the demand generated by the development therefore it would result in off-site parking causing problems that cannot be resolved by providing on-street parking controls. The development would therefore be contrary to policy T15(ii) of the Local Plan 2001-2011 and T4c of the CMK Business Neighbourhood Plan and the Parking Standards SPD 2016.*

5)

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 - Central Milton Keynes

Noted

CMK Town Council would like to make the following comments on this application, with regards to the changes made from the previous submission. The positive comments made in our response to the previous consultation (see below) remain, with the exception of point relating to the community facility element of the scheme.

Over-shadowing: The Town Council notes that strong concerns have been received from local residents and a local business regarding overshadowing, loss of daylight and visual intrusion.

Affordable Housing and Planning Obligations: It is not clear at this stage whether or not this scheme will meet its affordable housing obligations. The Town Council requires confirmation the development will meet the requirement for affordable housing provision and requests more information on how this will be achieved.

It is also not currently clear what Section 106 contributions will be made by this development. The Town Council requires clarification over what contributions will be made and would expect the development to make some contribution to local community funds.

Waste Management: The Town Council welcomes the addition of separate bin storage areas for the commercial units in the scheme.

The argument against external access for the bin storage areas is accepted and this request is withdrawn.

Parking spaces: The Town Council notes the increase in parking provision from 71% to 86% and withdraws its concerns regarding parking.

Building materials: The Town Council is concerned by the lack of information in the application regarding the materials used. The design and access statement appears to be largely unchanged from the previous application in this regard, despite the elevations having changed completely. The Town Council requests further clarity on the materials proposed to be used, as well as access to any updated or amended elevations.

Porte Cocheres: The new porte cochere element connecting the existing porte cochere to the new building is welcomed. The previous comment requiring the doors to be aligned with the porte cochere is withdrawn.

Summary of CMK Town Council's response to previous application:

The Town Council has stated it is *"broadly supportive of this application, subject to the resolution of issues regarding affordable housing, S106 contributions, and the provision of waste facilities for the commercial units. Additionally, the Town Council would strongly prefer if the number of parking places in the development were increased to closer to the maximum number set out in the CMK Alliance Business Neighbourhood Plan (CMKAP) for residential developments"*.

The Town Council has noted some areas of concern which are summarised as follows:

- Overshadowing

- Affordable Housing & Planning Obligations
- Waste Management
- Parking Spaces

The development is considered to be “*broadly compliant*” with the CMKAP due to the proposed building lines, active frontages, weather protection, retained porte cochere, building height on the Boulevard, form, design and material, the delivery of a mix of uses, the provision of communal space for residents, and the visual impact of off-street parking would be minimised.

It is requested that a condition requires the central commercial unit to place its entrance in alignment with the porte cochere to comply with Policy G7 and that further consideration is given to the colour of materials to help the development visually relate better to nearby developments on Silbury Boulevard.

A3.2	Ward - Central Milton Keynes - Cllr Betteley No comments received.	Noted
A3.3	Ward - Central Milton Keynes - Cllr Wallis No comments received.	Noted
A3.4	Ward - Central Milton Keynes - Cllr Williams No comments received.	Noted
A3.5	Urban Design	Noted
	<ol style="list-style-type: none"> 1. The application site is located in a highly prominent and accessible location on Silbury Boulevard yet currently does not contribute in any way to enlivening this part of CMK. This application will in my opinion help deliver the aspirations of CS7 (Central Milton Keynes) in the Core Strategy by achieving 	

higher quality buildings with a greater variety of uses (than the existing 2 buildings) (objective 1) as well as achieving a higher density of development (objective 2).

The application will also in my view help deliver the aspirations of the CMK Alliance Plan by helping deliver a CMK that is more vibrant with an exciting street life as well as a wide selection of dwellings with different tenures.

2. The application delivers active frontages onto Silbury Boulevard thus supporting Policy G7 of CMK Alliance Plan on Active Frontages. While it is accepted that active frontages haven't been as fully delivered along North 12th and 13th Street as required in the Alliance Plan, these comprise very short stretches of frontage and I don't consider that to be so detrimental so as to result in a significant urban design concern.
3. The application delivers weather protection along the Silbury Boulevard, North 12th and 13th frontages in line with the CMK Alliance Plan (Policy G7).
4. The application helps deliver a mixed use development in line with Policy G6 of the Alliance Plan.
5. The application also supports Policy G9 of the CMK Alliance Plan which encourages development up to 8 storey's in height.
6. The application respects the Classic CMK Infrastructure and is therefore in line with Policy G1 of the Alliance Plan. The rectilinear shape of the development furthermore reinforces the principle of the grid in CMK which is a key principle contained within the CMK Alliance Plan.
7. The primary urban design concern with the previous refused application was the massing of the development relative to the surrounding context. It was felt to be unsympathetic to the surrounding context with an 8 storey building overly dominating the surrounding 2-3 storey context. The current proposal however has reduced the overall massing from 8 storey's to the equivalent of 6

storey's in height as a maximum (the floor-to-ceiling heights are reduced from the previous application). Crucially, it has stepped the height down further towards existing buildings to the north and west. The tallest part of the building is now of a similar height to the existing building at the corner of Silbury Boulevard and Marlborough Gate. The development is thus in my opinion more sympathetic to the surrounding context. The increased stepping down of building heights has also helped break up the overall massing of the development, again making it "fit in" better with the surrounding development. The scheme therefore better meets Policy G9 of the Alliance Plan because the application better responds to the wider context of the site.

The building does however still offer a strong presence onto Silbury Boulevard providing this very wide boulevard with better enclosure.

8. The overall mass of the building has in my opinion furthermore been broken up through the recesses and projections associated / grouped around different but common materials, including dark buff brick, light buff brick with metal cladding – often as a 'background' which 'links' the various projections together. The front elevation in particular can be read as 3 distinct elements through the incorporation of light buff brick, dark buff brick and light buff brick when viewed left to right (although this principle does replicate on the other elevations as well giving the development an overall unity).
9. The buff brick colours fit in well with the surrounding buildings particularly to the north and west where buff brick is the predominant material.
10. The external appearance of the building has been well considered (illustrated for example in point 8 and 9 above) and complements much of the building stock in CMK through the regular and formal arrangement of windows and materials – reinforcing in a different context CMK's rectilinear geometry.

11. The proposed development will provide a variety of communal external amenity spaces for residents.

Further Considerations

- I would like a condition in place regarding the external “façade” of the parking area along the North 12th and 13th Street frontages – to ensure that these facades are designed to be as visually attractive as possible given that they are highly visible from the public realm.
- An additional consideration could be sought regarding a muted colour palette for the glass balustrades – this could add further visual interest to the building.

Conclusion

This proposal in my opinion will help enliven and animate this part of CMK thus helping to deliver the aspirations of the CMK Alliance Plan. It supports a substantial amount of policy within the Neighbourhood Plan.

In my opinion the proposal has largely overcome the primary urban design concern of the previous refused application that being the overly dominant mass of the building relative to the surrounding context. The massing of the submitted proposal has been reduced and in my opinion now relates sufficiently well to the surrounding context without losing a strong presence onto Silbury Boulevard.

I therefore support the application from an urban design perspective.

A3.6 **Crime Prevention Design Advisor**
No comments received.

Noted

A3.7 Landscape Architect

Noted

Comments on Scheme as Originally Submitted

Existing Trees: Balconies project over highway land / public footpath beyond the curtilage of the building and will require an over-sail licence. In any event, extending the building balconies over the public footpath is not acceptable as it would interfere with the crown development of existing or replacement street trees.

The trees along Silbury Boulevard, North Twelfth Street (and North Thirteenth Street) are part of wider strategic landscape structure planted along the boulevards and streets and is now maturing. It is important to provide enough space to allow a landscape tree structure to thrive as part of this development.

The arboricultural impact assessment report proposes the removal and substitution of existing street trees on Silbury Boulevard highway land outside of the planning application red-line boundary to make way for the proposed development. I object that the plans do not show the proposals to remove / replace existing trees (the trees are outside of the red line boundary) and no proposals have been submitted to demonstrate that replacement trees can be accommodated without creating a costly maintenance burden to the Council in the long-term. The proposed replacement Pyrus will grow even taller than the existing Sorbus and so will not relieve the issue of heavy pruning back from the building / balconies in the long term.

Trees along North 13th Street are noted in the tree report as being in fair to poor condition and should be replaced (see below under landscape scheme).

A planning application submission should be expected to include accurate

information relating to trees and planting on the site and preferably further arboricultural reports should be provided prior to determination.

Street Trees - soil structure crate system: Any proposed tree planting within the highway/footpath will require proposed planting design drawings and should be subject to a condition of any planning approval.

Landscape Scheme: The submitted plans/documents have not been updated since the previous application 15/02972/FUL, therefore my previous comments on this application are still pertinent and include the following points:

- The development proposals should include the replacement of existing *Fraxinus angustifolia* trees, on North 13th Street (in adopted highway/footpath), with more sustainable and attractive specimens. Either this can be secured with an amended red-line planning application boundary or through a planning obligation by legal agreement.
- Proposals affecting existing trees should be shown on the Ground Floor Landscape Proposal: Hardworks and Softworks Layout drawing.
- The landscape proposal drawings should also include the information from the tree survey, root protection areas and any trees proposed for removal

Comments on Amended Scheme

Reference Documents: No revised arboricultural impact assessment, landscape proposals and sections are submitted for review. This information is necessary to properly review the proposals from a landscape amenity and visual impact perspective. It is unclear if the green wall been deleted.

Existing Trees: The arboricultural impact assessment report has not been amended to reflect the latest proposals, therefore I do not have the level of information required to properly assess the impact from a landscape amenity and visual impact perspective. The development is of significant height and mass and therefore it is reasonable to expect the development proposal to fully consider the potential impact on and visual contribution of existing trees in the immediate vicinity of the building. The revised proposals do not show the tree survey overlaid on the layout or highlight any tree removals or root protection areas.

In summary without the submission of a revised arboricultural impact assessment, landscape proposals and sections my previous comments are still relevant.

A3.8 **Conservation and Archaeology Manager**

Noted

Discussed with case officer and referred to comments on previous application to provide the broader context of his professional view, which in summary raised no objections on the following issues:

- The setting of the Grade II Listed shopping building, which is located on the opposite side of Silbury Boulevard
- The adaption of the porte cochere subject to a pre-demolition recording condition; porte cocheres are a unique feature to CMK and as such are non-designated heritage assets.
- The significance of the housing on North Twelfth Street which forms part of a three-sided perimeter housing scheme arranged around a communal/public garden by Derek Walker Associates (1977-79); this housing scheme possesses an individual architectural quality whilst reinforcing the distinctive character of CMK and wider new-town era of Milton Keynes such that it also comprises a non-

designated heritage asset.

The Conservation and Archaeology Manager noted that the resubmission application, as amended, is reduced in scale and as such raised no objections with regards to the impact on the heritage assets listed above.

- | | | |
|-------|----------------------------------------------|--------------|
| A3.9 | Archaeologist | Noted |
| | No comments received. | |
| A3.10 | Environmental Health Manager | Noted |
| | No comments in respect of contaminated land. | |
| A3.11 | Senior Highway Engineer | Noted |

Introduction

The application is a re-submission of planning application 15/02972/FUL that was refused at Development Control Committee in August 2016.

From the highway/transport perspective the application shows a significant improvement in the level of car parking. I had no objection to the previous application.

Summary

The application shows an improvement in the level of on-plot car parking over the previous application and as a result I have no objection to this planning application.

The application is to provide 142 1 & 2 bed apartments in a 7 storey block with integrated car parking on two levels.

Assessment

There are two main issues for this application from the highway perspective: -

- (1) Car parking.
- (2) Impact on the highway.

Car Parking

In terms of (1), the Transport Assessment (TA) states that the CMK Alliance Plan 2026 (Policy T4) provides for maximum parking standards for development within CMK and for 1 and 2 bed flats the maximum is 1 space per unit.

A total of 122 car parking spaces is provided by the development. Under maximum parking standards it can be said that level of parking is in accordance with the policy as it does not exceed the maximum level. The level of parking is now at 86% of the maximum that could be provided under the current car parking standards.

I have inspected the parking availability in CMK Block E1 during the weekday daytime and found that occupation of the available spaces is such that spaces could be available for those residents that are not allocated a space within the development. These residents would be able to buy standard car parking permits to allow them to park in the available spaces and of course this would cover the daytime period. Between the hours of 18.00 – 07.00 parking is free anywhere in CMK.

There are periods when parking may be difficult for these residents and you only have to consider return to the parking spaces during the peak daytime (weekdays) and on weekend days to quickly conclude that parking

availability would be at a premium.

The issue with not providing car parking for each unit is that those residents that will not be allocated a space in the internal car park should ideally be identified. There have been cases, especially with apartment developments notably in Campbell Park where developers have provided two spaces to a potential resident as an incentive to purchase a residential unit which then leaves some residents without parking. Purchasers of residential units in these developments need to know whether the purchase of a unit comes with a car parking space. Some residents may not have use of a parking space.

The information provided to support this application shows that parking will not be provided on a general basis. Those residents that desire a car parking space can be allotted one whereas those residents that do not require a car parking space will be aware of their choice when agreeing a purchase/lease and will need to satisfy themselves that should they purchase a car at a later date, they will need to make alternative parking arrangements.

That said, I see no need to not impose the condition suggested for application 15/02972/FUL whereby the allocation of parking spaces to residents should be conditioned as they were for the Campbell Park Site 14 apartment blocks (13/01113/REM, Campbell Park 14a & 14b).

The applicant has also considered car ownership levels in this area of CMK and indicated that census data from the ONS shows that 62% of households in this area of Milton Keynes own a car and that car ownership amongst those that dwell in apartments is 55%. Mode share data shows that 42% of residents are car drivers. As a result the applicant considers that the level of provided parking is commensurate with car ownership and appropriate in the context of the site location and local area characteristics.

Highway Impact

The applicant has considered and compared traffic flows between the existing office development and its replacement with the residential development.

A summary of table 6.5 shows the net differences in traffic movements between the two planning use classes to be: -

AM peak	+12.
PM peak	+24.

This shows the increase in movements to be negligible.

The TA shows percentage differences in traffic flows at future years at key junctions on the CMK highway network. The net change in peak traffic movements between the 2021 base year and the 2021 'with development' scenario is shown to reach only 2% at the junction of North Twelfth Street with Silbury Boulevard. Most other junctions show increases of less than 1% with the junction of Silbury Boulevard/Marlborough Gate showing a decrease of 0.4% (1113 down to 1108) in movements between the two scenarios.

Conclusion

Whilst the on-plot car parking is not ideal it cannot be argued that it is disproportionate to car ownership levels for this area of Milton Keynes. An inspection of E1 block does show availability of car parking spaces during the day time on a week day.

The impacts on the key highway junctions are of a level that will not cause

any harm to the highway network.

As a result I have no objection to planning permission being granted with the imposition of the condition previously discussed and a condition on the layout and provision of car parking.

A3.12 **Countryside Officer**

Noted

Protected Species

The Extended Phase 1 Habitat Survey dated October 2015 found a medium potential for birds to nest in trees and buildings around the works area. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000. Therefore immediately prior to work on, or the demolition of existing buildings, or work to trees, any work that could adversely affect nesting birds, will need to be checked by an ecologist, to ensure compliance with the law.

The Extended Phase 1 Habitat Survey report did not recommend any other protected species survey or mitigation requirements in advance of the provision of bat and bird boxes.

Biodiversity Improvements

The development provides an opportunity to incorporate biodiversity. Artificial bird boxes should be located into the new buildings walls rather than on them, so that they will last as long as the building, providing meaningful and sustainable biodiversity gains. In this case the height of the building along with its urban location is likely to attract Swifts. Swifts nest in colonies, therefore 10 Swift bricks, should be located appropriately in the new building and secured by condition.

A3.13 Local Lead Flood Authority

Noted

The applicant has not provided sufficient detail in accordance with the MK Guidance for Developers. However, we will maintain our original decision of no objection provided previously under application reference 15/02972/FUL. We request the outstanding details be subject to conditions.

A3.14 Anglian Water

Noted

No objections subject to a surface water condition.

A3.15 Sustainable Construction

Noted

I understand the current application is a resubmission of the previously refused scheme (Ref 15/02972/FUL). The information that supports the current application to satisfy the requirements of policy D4 (Sustainability Statement and Energy Strategy Report) is the same as previously submitted with 15/02972/FUL. Therefore I can only reiterate my previous comments, which are set out below:

Having checked the Sustainability Statement submitted with this application I note that it refers to section 43 of the Deregulation Act 2015 that makes provision for the amendment of subsection (1) (c) of the Planning and Energy Act 2008. This subsection allows Local Planning Authorities to have local plan policies that require development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations. Section 43 of the Deregulation Act 2015 refers to removing local planning authority powers to require energy efficiency standards above building regulations. Based on that the Sustainability Statement concludes that MKC cannot require a more

onerous energy performance requirement than is already covered in current Building Regulations, for the residential element of the scheme. I disagree with this conclusion. The applicants should note that Section 43 amendment is still prospective and that the statutory instrument to bring this into law has not been commenced, and the date for commencement is not known. Therefore MKC is right on insisting that policy D4 is applied appropriately.

Notwithstanding the above in principle the submitted Statement confirms that the proposal would comply with policy D4 of the Local Plan. I am aware that there are viability issues with this scheme so please keep me informed on any discussion concerning a carbon offset contribution as required by policy D4.

In addition to the Sustainability Statement the application is also supported by the Energy Strategy Report. I would like to note that this report should refer to the current carbon conversion factor for grid electricity of 0.519 kgCO₂/kWh rather than 0.43 kgCO₂/kWh.

A3.16 Housing Strategy

Noted

No comments received.

A3.17 Planning Obligations/S106

Noted

The applicant has offered:

- 10.1% of the units to be discounted market rent units (total 14 rental units) at discounted rent of between 10-20% (set at approximately £200 per week).
- £40,536 as a contribution towards Education (based on paying £1,126 per unit for 50% of the 2 bedroom units).

- £89,000 as a contribution towards Community Facilities, towards the provision of new community facilities serving the development (which may include contributing towards the Town Council's project to deliver a new community facility within Campbell Park).

This has reduced the contribution (both financial and Affordable Housing), however subject to confirmation on the interim approach to PRS schemes and Affordable Housing requirements and the lack of the 5YHLS, I am of the opinion the impacts of the development could be accommodated within existing provision.

A3.18 **Cranfield Airport**

No comments received.

A3.19 **Local Residents**

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

- 1 – 58, 60, 62, 64, 66, 68, 70, and 72 North Twelfth Street Central Milton Keynes Milton Keynes
- 764, 768, 772, 802, 804, 806, 808, 810, 812, 814, 816, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872 North Row Central Milton Keynes Milton Keynes
- 1 -30, 32, and David Lock Associates 50 North Thirteenth Street Central Milton Keynes
- Flats 1 - 12 Seckloe House 101 North Thirteenth Street
- 801-809 and Henshaw House 851 Silbury Boulevard
- 40A Colesbourne
- Drive Downhead Park Milton Keynes
- 46 Coleshill Place Bradwell Common Milton Keynes

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

A3.20 Five properties have submitted letters of objection to the scheme as originally submitted, which include the following points: Noted

- The previous objections of residents and reasons for refusals have not been addressed; substantial changes are required.
- Some minor tweaks are proposed, but the scheme is not a significant enhancement of the previous refusal.
- The building is too high and so be no higher than surrounding buildings, the highest of which is five floors.
- The development would overpower all surrounding buildings and be grotesque.
- The massing and design is still inappropriate for its context and the proposal would dwarf and cut out light to adjacent buildings.
- The proposed seven storeys are double and in some instances treble the size of immediate adjacent buildings.
- The building has a bland design which lacks design details and is monolithic in nature; it is even more slab-like than the refused scheme.
- It is a poorly articulated building that represents an overdevelopment of a plot in what is largely a 3 – 4 storey residential area as can be seen in the photomontages accompanying the letter of objection.
- The proposed density of 473dph is significantly higher than the 250dph sought under the development plan.
- The ground floor flank elevations would be dead in design terms.
- Amendments should be sought to split the mass of the building into two or three distinct different aesthetics.
- It would be opposite the iconic shopping centre building which is only four storeys in height.

- The concern regarding the density of the development has not been addressed; a reduction by 40% should be sought as a minimum.
- The proposal would remain overbearing on neighbouring properties.
- It would be 14 metres high adjacent to and have windows adjacent to the flats in Meridian House such that it would be overbearing, create a loss of light and cause an unacceptable loss of privacy.
- The proposal would darken the area around No. 27 North Thirteenth Street.
- The height of the building would cause overshadowing and overlooking of 862 North Row.
- It would overshadow the buildings behind and block out the sun in North Thirteenth Street.
- The bulk, mass and height of the building would have a substantial and negative impact on the daylight and sunlight reaching surrounding properties as can be seen from sun path diagrams accompanying objections.
- The proposed A3, A4 and A5 uses are objectionable as they will attract anti-social behaviour.
- The already difficult parking situation in the surrounding streets would be exacerbated.
- Every occupier is likely to have their own car resulting in huge parking problems in the area.
- Car parking provision must be further increased.
- There is an 80% usage of parking in Central Milton Keynes and at times there is no parking available such that the scheme should be self-sufficient in parking terms.
- The designated on street parking area for residents is currently over 100 yards away from this development.
- The scheme is still short on the maximum number of on plot spaces sought by Councillors and no mitigation has been offered to encourage the use of alternative modes of transport to the private car.

- The highway safety issues at the junctions on North Thirteenth Street would be exacerbated.
- There is no demand for the proposed type of housing; this is evidenced by the existing office building that was converted to residential in North Thirteenth Street not being fully occupied.
- The community facility is no longer proposed.
- No affordable housing or section 106 obligations are offered which is unacceptable given the issue with homeless people in Central Milton Keynes and nationally.
- There are missing drawings and errors on the submitted drawings.
- A high level development appraisal of the proposal indicates that there is some scope to provide either financial or physical contributions to social needs.
- The applicant has not undertaken any public consultation/exhibition on the current application.

A3.21 A further four letters of objection have been received in response to the amended scheme which include the following additional points: Noted

- Such a tall building is in contrast to the surrounding area with only the Hub of comparable height.
- The proposal would take sunlight from many surrounding homes.
- This is a quiet and peaceful area which would be ruined by the development.
- It is too much development for a central and populated area.
- The amendments only make minor changes which do not address the fundamental issues, concerns previously raised by objectors and the reason for refusal of the last application.
- There has been an attempt, through the tweaking of the elevation drawings, to provide variation in the brick and cladding materials and an indication of the potential for the inclusion of coloured panels. However, these are minor changes to the appearance of the

building, which has retained its characteristics as a monolithic block which predominantly has a bland design.

- No justification has been provided for this dramatic departure from the density policies.
- Additional amendments should be sought.

A3.21 In addition, a letter of comment has been received in response to the amended plans. This letter details that the commercial and residential bin stores should not both face North Twelfth Street as there is a potential for cross contamination of rubbish. **Noted.**