

DEVELOPMENT CONTROL COMMITTEE

2 JULY 2020

COUNCILLORS' ADDITIONAL PAPERS

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SPEAKING LIST DEVELOPMENT CONTROL COMMITTEE – 2 JULY 2020

ITEM NO.	TITLE	REQUESTS TO SPEAK IN OBJECTION	TIME ALLOCATED	RIGHT OF REPLY OR SPEAKERS IN FAVOUR	TIME ALLOCATED
6a - 20/00185/FUL	Bowback House, 299 Silbury Boulevard, Central Milton Keynes	Cllr P Williams (Ward Councillor)	3 Mins	Mr A Thomas (CMK Town Council) Mr M Hawkins (Applicant)	3 Mins 3 Mins
6b - 20/00787/FUL	Land adjacent to 6 Gomez Close, Oxley Park, Milton Keynes			Mr S Williams (Agent) [Recommended for refusal]	3 Mins
6c - 20/00938/FUL	The Paddocks, Lakes Lane, Newport Pagnell, Milton Keynes	Cllr P Winsor (Newport Pagnell Town Council)	3 Mins	Cllr A Geary (Ward Councillor) Mr C Terelinck (Applicant)	3 Mins 3 Mins



Application Number: 20/00185/FUL

Description Demolition of Bowback House (existing B1(a) Office building) and erection of 14 storey residential scheme, to include 306 residential units (C3), 2 commercial units (flexible use classes A1/2/3 and D2), associated amenity space, hard and soft landscaping, and car parking

At Bowback House, 299 Silbury Boulevard, Central Milton Keynes, Milton Keynes, MK9 1NG

For Cannon Capital Developments Ltd

Statutory Target: 27 April 2020

Extension of Time: Yes – 17 July 2020

Ward: Central Milton Keynes

Parish: Central Milton Keynes Town Council

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UPDATE PAPER

1.0 RECOMMENDATION

1.1 The recommendation has not changed and it is recommended that permission is refused for the reasons set out in the committee report.

2.0 ASSESSMENT

2.1 Since the publication of the report, the applicants have made a revised offer on affordable housing and s106 contributions as follows:

- Provision of 14% of the units (43 units) as discounted market rent (the discount equating to no more than 20% of the open market rental rate).
- £639,656 of s106 payment.
- Agreement to a 15 year covenant for the scheme to remain as Build to Rent (from standard 10 years).

- An upward only “Late Stage Review” of the affordable housing amount, to be submitted once 75% of the units are let.
- 2.2 The above offer meets the contribution value required as set out in the committee report. It would also require the applicants to maintain the site as rental only for a longer period and a commitment to review the amount of affordable housing offered prior to all the units being let. Legal officers have confirmed that this mechanism can be secured via the s106 agreement.
- 2.3 The applicants have maintained that their viability assessment concludes that the scheme is only viable without any affordable housing and s106 contributions. However, they have recognised that the scheme needs to provide a social benefit as part of the planning balance and have therefore made the above offer (thereby reducing their profit margin).
- 2.4 It is recognised that the proportion of affordable housing has increased to a level that is higher than other recently permitted schemes in CMK. However, on those applications the consultants for the applicants and the Council reached agreements on the viability of the schemes. In this case, it is the continued position of the Council’s viability consultant that the full amount of affordable housing can be delivered on this site, and therefore the recommendation remains for refusal as a non-policy compliant scheme. It is recognised that there is a continued and ongoing disagreement between both sets of consultants regarding the viability of the scheme.
- 2.5 Overall, it is important to note that the consideration of this scheme is finely balanced, and the benefits of the scheme need to be considered against the harm. The benefits of 306 new units in a purpose built high-quality building, with the provision of 43 affordable units and s106 contributions secured above, which is otherwise considered technically compliant and acceptable, needs to be weighed against the harm of providing lower than the policy compliant amount of affordable housing, and the harm of allowing the prior approval permission to proceed which would provide 107 units with no affordable and no s106 contributions to offset the impacts of the development.

Application Number: 20/00787/FUL

Description Change of use of land to residential garden land associated with numbers 44, 46, 48 and 50 Randall Way; 6, 7, 9, 11, 13 and 15 Gomez Close; and 25, 27 and 29 Keel Way.

At Land adjacent to 6 Gomez Close, Oxley Park, Milton Keynes, MK4 4SX

For the occupiers of Nos. 44, 46, 48 and 50 Randall Drive, Oxley Park, Milton Keynes, MK4 4SZ; Nos 6, 7, 9, 11, 13 and 15 Gomez Close Oxley Park, Milton Keynes, MK4 4SX and Nos. 25, 27 and 29 Keel Way Oxley Park, Milton Keynes, MK4 4TZ

Statutory Target: 20 May 2020

Extension of Time: Yes – 30 June 2020

Ward: Tattenhoe Ward

Parish: Shenley Church End

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1.0 UPDATE PAPER

Site Introduction

- 1.1 Within paragraph 2.1 of the published report, the end of the paragraph states that; ‘However, the Council’s Legal Department are in receipt of a draft transfer from the developer for approval which includes the application site. This has not been completed given the status of this planning application’.
- 1.2 This should however read; The Council’s Legal Department are in receipt of a draft transfer from the developer for approval which includes the application site. The draft transfer is under consideration but supporting documentation is awaited from the developer/developer’s lawyers.
- 1.3 In any case the status of the S106 and the ownership of the land does not form a relevant material planning consideration for members to consider as part of this planning application, the scope of debate is whether or not the proposed change of use is in accordance with adopted planning policy.

Criterion A.1 – Policy L3

- 1.4 Since the publishing of the report the applicants have submitted an open space assessment of the locality in accordance with Criterion A.1 of Policy L3 which states that;
- A. Planning permission will only be granted for the change of use of amenity open space, including the incorporation of such areas into private garden land, if:*
- 1. The land has been subject to an assessment which shows the open space to be surplus to requirements;*
- 1.5 The open space assessment submitted by the applicants has made an assessment on the available amenity open space areas included within the 03/01653/OUTEIS application. The assessment identifies there is a total of 141,472 sq. m of open space within the outline area broken down as follows;
- a. 105, 233 sq. m as Recreation and Open Space
 - b. 13,448 sq. m as District and Local Parks
 - c. 22,792 sq. m as Amenity Open Space
- 1.6 The applicants have noted that within Appendix C of Plan:MK (2019), Section 1 of Table 10.1 presents the requirement of 1,000 sq. m of open space to be provided within a 400m radius of a site. When applying this calculation to the site, there is a total of 86,009 sq. m of open space which is therefore significantly higher than the requirement. The loss of the application site (totalling 1,400 sq. m) would be a loss of less than 1.6% of the total provision.
- 1.7 Based on the calculations submitted and the requirement within Plan:MK it is considered that on balance whilst the land is considered to have amenity value, when considering the provision available within the locality, the change of use of this area will not result in a shortfall of provision of amenity open space for nearby residents. The area included within the application site can be considered 'surplus' for this reason.
- 1.8 Overall it is therefore considered that based on the assessment submitted by the applicants it is considered that Criterion A.1 is satisfied and the development is therefore in accordance with the exceptions presented within Policy L3. Members are therefore advised that Refusal Reason 1 within the published report be removed as a reason for refusal.
- 1.9 Whilst removed, the officer recommendation remains to refuse planning permission on published Refusal Reason 2 for the assessment provided within the remainder of the report, with particular regard to the loss of openness and impact on the allocated wildlife corridor.



Application Number: 20/00938/FUL

Description Erection of a two-storey detached dwelling with undercroft voids and car port with the extension to the existing access track and associated works.

AT The Paddocks, Lakes Lane, Newport Pagnell, Milton Keynes, MK16 8EE

FOR Mr Taj Raja, The Paddocks, Lakes Lane, Newport Pagnell, Milton Keynes, MK16 8EE

Target: 11 June 2020

Extension of Time: Yes

Ward: Newport Pagnell North and Hanslope

Parish: Newport Pagnell

Report Author/Case Officer: Christopher Walton, Senior Planning Officer

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1.0 RECOMMENDATION

1.1 The recommendation remains to refuse planning permission for the reasons outlined in the Officer's Report.

2.0 UPDATE PAPER

Submission of a reserved matters application pursuant to outline permission 17/00220/OUT

2.1 Since the publication of the Officers' report, a reserved matters application has been submitted to the Local Planning Authority pursuant to the outline permission for a single dwelling, with all matters reserved apart from access, in close proximity to the application site.

2.2 As is noted in the Officer's report, the application before members is a full planning application with a different red line boundary to the abovementioned outline permission. Therefore, unlike the pending assessment of the reserved matters application, all material planning considerations, including the principle of development, are to be considered. However, as is also noted in the Officer's report, the outline planning permission is a material consideration as it offers the prospect of the development of a single dwelling in close proximity to the application site. Further, it should be noted that if the applicant were to obtain full

planning permission for this current scheme they would likely not be able to build out the development granted under the outline planning permission, or indeed visa versa. This is primarily due to the need to extend the existing access track into the paddock land in order to fulfil the scheme associated with the full planning application and the likely implications this would have on the ability of the applicant to present an acceptable site layout via a reserved matters application. As such, the outline planning permission presents a 'fall back' position should the full planning application not succeed.

- 2.3 At the time of writing the Officer's report there was approximately 10 days left before the 23rd June- the date that the outline planning permission was due to expire- and no reserved matters application had been submitted. Had a reserved matters application not been submitted on or before this date, then the outline permission would have expired and the 'fall back' position it offered would have carried no weight in the consideration of this application. In light of these circumstances, the Officer's report details that the weight afforded to the outline planning permission was significantly limited when weighing it against all other material planning considerations. These other considerations included;
- The conflict with the policies within both Plan:MK and the Newport Pagnell Neighbourhood Plan in relation to the delivery of housing;
 - The location of the site in Open Countryside (as defined by Plan:MK);
 - The location of the site in Flood Zone 3 and the subsequent failure of the applicant to satisfy the rigours of the Sequential Test and;
 - The failure of the applicant to confirm that the development would not increase the risk of flooding within the local Critical Drainage Catchment.
- 2.4 Subsequently the Officer's report concluded that the extant outline planning permission, and very minor social and economic benefits of the scheme, failed to outweigh the significant harm that would arise from other, abovementioned considerations.
- 2.5 While the submission of the reserved matters application now increases the prospect of a dwelling being delivered within the immediate vicinity of the application site, and provides a viable 'fall back' position for the applicant, the Officer recommendation remains that full planning permission should be refused for the reasons stated in Officer's report. The increased weight that can now be afforded to the outline permission still fails to address the significant and harmful conflict of the proposal with the Development Plan.

Additional neighbour representation

- 2.6 Since the publication of the Officers' report a further neighbour representation has been received from Lakes Lane Farmhouse. The representation reiterates



concerns regarding the environmental and flood risk issues associated with the development. These matters have already been addressed in the Officers' report.