



Milton Keynes Site Allocations Plan

Inspector's Preliminary Questions: Milton Keynes Council Response 2 (May 2017)

Site Specific Matters

SAP1

This site now has planning permission (application reference: 14/02425/FUL) for the demolition of the existing church, detached garage building and presbytery, and the erection of 11 affordable units. The permission includes a condition to record all details of the non-designated heritage asset. The existing buildings on the site have now been demolished.

SAP2

Throughout the SAP process, the landowner has expressed his interest in bringing the site forward for residential use and, whilst the site has a planning permission for the development of a two-storey detached office (granted in August 2015), the landowner has now submitted an outline application for the development of 24 dwellings across two and three-storey buildings.

Given the clear drive from the landowner to develop the site for residential purposes, it must be considered that the site can be marketed and brought forward for this use. Despite the site's location, it is adjacent to a large, open, publicly accessible green space and is no closer to the adjacent railway line than other residential development within the local area.

Access issues were raised by the Council's Highways Department which stated that the site lacks adequate connections for pedestrians and is through a private car park. However, the landowner of the site has confirmed that all access points to the site from the Water Eaton Road are within its ownership and therefore there is potential for the access issues raised to be resolved.

SAP4

a) SAP4 is an available site within a sustainable city centre location which is suitable for residential-led, mixed-use development. The landowner has put the site forward and has expressed its desire to proceed with the development of the site as soon as possible. It is therefore felt that the site is deliverable.

It is the Council's view that if the site is allocated through the SAP process, this would supersede the CMK Alliance Plan Policy CMKAP G1 as the more up-to-date policy document and therefore carry more weight in decision making.

b) The development of this site will displace existing car parking and lorry/coach parking.

Key principle iv. of SAP4 will ensure that the new development makes provision for the parking of goods vehicles that service theatre productions and currently utilise the southern half of the site. Furthermore, the site principles stipulate that the site will be required to provide for its own parking. Therefore new dwellings will not create an increased demand for parking and the loss of existing parking will only relate to the northern half of the site.

The Council's Highways Department have stated that the development of the multi-storey car-park is not a pre-requisite for the development of SAP4. However, the development of SAP4 will need to secure the replacement of any lost parking on a like for like basis as referenced in the CMK Alliance Plan 2026 (Policy CMKAP T4(f)).

It is therefore felt that the Neighbourhood Plan policy provision will ensure that the proposed focused change to the SAP will not have any potential highway or parking implications.

c) The landowners have indicated that, even with the provision of some mixed-use development on the site, they could still potentially provide up to 100 dwellings, as suggested within the SAP. The landowners have also outlined that this will have no impact upon their delivery of the site.

d) The Council's Highways Department have stated that the access constraints for the site only related to service deliveries and that these constraints can be resolved through site design and are therefore not an issue that will affect the deliverability of the site.

SAP7

Residential Amenity

It is assumed that some mitigation would need to be provided on the eastern side of the site to negate any potential impacts on the living environment of future residents.

The site has been subject to a number of applications for a residential care home (application references: 14/00658/FUL and 14/02516/FUL), both of which were refused by the Council and subsequently dismissed at appeal.

The appeal Inspector raised concerns regarding the overall quality of the living environment that would be created, due to the outlook from windows around the northern side of the site and due to the non-opening windows

needed to protect occupiers from unacceptable levels of external noise from the adjacent Morrison's building and service yard being viewed as a negative feature of the scheme. No on-site mitigation, such as bunding or landscaping, was proposed as part of this scheme.

Whilst the Inspector felt that these concerns were not sufficient to justify rejecting the proposal, they were matters that weighed against the scheme and ultimately, together with the significant harm the proposal was felt to cause on the character and appearance of the surrounding area, were given as reasons for refusal.

With the landowner having previously submitted two applications for the site for a residential use, and the interest in taking the site forward in the SAP, it is clear that there are no concerns over a potential lack of market interest for residential use on this site.

Furthermore, assuming more appropriate mitigation measures could be implemented on the eastern boundary of the site to protect the living environment of future residents, these issues are not deemed to make the site undevelopable.

Potential mitigation measures in the form of bunding or landscaping have however not been taken into account with regard to the indicative capacity outlined within SAP7. Throughout the SAP, all estimated capacities are calculated using the same formula, as outlined on page 10, so as to provide a maximum indicative figure that each site could provide and allow developers the opportunity to detail how many dwellings could be provided on sites where mitigation features may be required.

Therefore, with regard to SAP7, whilst it is not felt that noise or the provision of a buffer would make the site undevelopable, there is potential that suitable mitigation measures could result in fewer than 25 dwellings being provided.

Biodiversity

In response to the proposed residential care home application (ref: 14/02516/FUL) comments were received from the Council's Countryside Officer. With regard to ecology, the officer concluded that the findings within the Extended Phase 1 Habitat and Amphibian Survey carried out by Resource and Environmental Consultants Ltd (Ref 60205P1R0 June 2014), were acceptable and that the habitats within the site were of negligible ecological value.

With regard to biodiversity enhancements, the recommendations of the Extended Phase 1 Habitat and Amphibian Survey, to provide bat roosts and bird boxes and the planting of fruit trees on site, were also found to be acceptable.

None of these enhancements will impact on the deliverability of the site or limit market interest. Whilst the previous application was not for residential

dwellings, the proposed biodiversity enhancements, were they to apply to a future residential scheme on this site, would be highly unlikely to have any impact on the capacity of the site.

SAP8

As explained in section 10 of the Walton Neighbourhood Plan (2016), it is proposed, as part of wider plans to improve community facilities across the Plan area, to release the site for residential development and use the proceeds to fund project work. To this end, consent has already been granted from the Secretary of State for disposal of the site in support of the proposed community projects, namely the building of a sports pavilion at Browns Wood playing field.

With regard to the clawback covenant, Walton Community Council, the landowners, have outlined that, irrespective of this, and the amount of clawback required following negotiations with the HCA, they still intend to progress with the sale of the site for residential purposes. Discussions are currently being held with developers with the intention of a sale being progressed as soon as possible. The only impact the clawback will have is on the scale of the community facility that Walton Community Council will be able to deliver with the funds raised from the sale of the land.

It is therefore felt that neither of these issues will impact upon the site being delivered within the SAP period.

SAP9

a) Throughout the preparation of the SAP, both Milton Keynes Development Partnership, as the promotor of the site, and the planning department have sought confirmation from the Council's education department that this site is no longer necessary or intended to be reserved for education use.

The Council's education department have confirmed that with the development of the neighbouring alternative provision school, they are no longer intending to progress the site for education use and that the site could be taken forward in the SAP for residential purposes, so as to achieve a beneficial use for the site.

b) The location of the site in relation to the Scheduled Ancient Monument (SAM) has been recognised. However, it was felt that a full archaeological investigation of the site was not required at this strategic planning stage, particularly as the site already has a previous community facility allocation for a potential independent school, in the 2005 Local Plan, and the setting of the SAM is already heavily influenced by the existing surrounding new town development, including the immediately adjacent grid road and housing estate.

Furthermore, the adjacent site to the west of SAP9, and immediately adjacent to the SAM, received planning permission for the development of a single

storey 'alternative provision' free school in 2016 (application reference: 16/00524/FUL).

To support this application a heritage desk-based assessment carried out by Cotswold Archaeology (CA Report 14175 (June 2014)) was submitted. With regard to the setting of the SAM, the report concluded:

The proposed development will alter the setting of the medieval manorial moated enclosure Scheduled Monument and the Grade II Listed Shenley Park House. However, this alteration will not change any of the important elements of the setting of these heritage assets, and their overall significance will remain unharmed. Indeed, the proposed development represents an opportunity to improve the experience of the Scheduled Monument and enhance its significance. As such, the proposed development would not be contrary to policy relating to the setting of heritage assets contained in the National Planning Policy Framework or local planning policy.

The report also recommended that a geophysical survey be undertaken to provide further information as to the potential for significant archaeological remains on the site. An archaeological evaluation was subsequently carried out by CFA Archaeology Ltd (Report No. MK043/16 (2016)) and whilst some features were found on the site, no significant archaeological remains were found and no further mitigation measures were required.

A development brief is currently being produced by the Council's Urban Design and Landscape Architecture Team for the site covered by SAP9, to which the Council's Senior Archaeological Officer is advising. The brief will incorporate a requirement for any future development to have regard to the setting of the SAM and a requirement for pre-determination trial trenches to be dug, in the same way as was done for the adjacent site which now has planning permission.

Given the above, it is felt that the lack of a full site-specific assessment at this time will not have any implications in relation to the deliverability of SAP9.

SAP11

a) The provision of some mixed-use development to encourage accessibility to the canal frontage is likely to have limited to no impact upon the housing numbers indicated for SAP11.

The Local Plan (2005) designates the western parcel of SAP11, covering 1.6ha., for 75 dwellings (Policy MK22) at 47 dwellings per hectare. SAP11 covers an area of 1.98ha. and has an indicative capacity of 79 dwellings. As outlined in SAP11, proposals should adhere to the principles laid out in Local Plan Policy MK22 and therefore there is the potential for higher density development to come forward across the site, enabling some mixed-use development to be provided and there still be the potential to develop up to 79 dwellings.

b)

Access Issues

The issues raised relate to the potential impact created by the East-West rail upgrade on the access to the site. The long term desire of Network Rail is for the level crossing to be closed, however no firm proposals have been brought forward to date.

Key principle ii. of SAP11 would ensure that the development of this site would not be allowed to prejudice any future development of the East-West rail line or to impact on the level crossing in its current form. This would not however prevent the site from being redeveloped for residential purposes.

Furthermore, if the crossing were to be closed by Network Rail in the future, alternative residential access to the site could still be achievable from the north via Simpson Road and via Staple Hall Road.

Contamination

The site assessment only raises the potential for contamination due to the site's current use as a builder's merchant. The Council has no evidence of any contamination of the site.

As would be expected of any application relating to a former builder's merchant, a ground investigation would be expected to be carried out to inform the application and any necessary remedial works would need to be undertaken. This would however have limited impact on the site coming forward and would be likely to delay an application by only a few months if contamination were to be found.

c) The agents for the site have confirmed that the landowners, who are also the current occupiers, are reviewing all their assets across the country with the potential of both protecting existing uses and seeking allocations for residential development, so as to offer a choice on their assets. Furthermore, the landowners are also looking at the potential of providing mixed-use development on some of their assets.

The agents have confirmed that whilst the landowners have not provided any recent feedback specifically on this site, it is not a site that they have ruled out for potential redevelopment to a residential use. The Council did however receive positive feedback directly from the landowners during the Emerging Preferred Options stage of the SAP, whereby they submitted the site for consideration.

Whilst it is felt that there are no potential constraints that would prevent this site from being deliverable, the timing of it coming forward for residential development is reliant upon the landowner.

The Council is currently seeking an update from the landowner as to their current position towards the redevelopment of the site for residential purposes.

SAP13

Highway Capacity

Milton Keynes Council Highways Department have assessed the proposed allocation and have stated that it is unlikely that the redevelopment of the site would generate any significant increase in trips on the highway network as the site is currently in non-food retail use. Redevelopment as a residential site may even benefit the highway as it would slightly reduce the peak-hour trips generated by retail and commercial uses.

Contamination and Noise

The site assessment carried out was a broad, desk-top assessment of potential issues that may exist on site and may need to be considered as part of any future development proposal.

With regard to noise, this is not an issue that would result in the development being unviable or undeliverable in the SAP period. Equivalent development can be seen on the opposite side of the railway line, whilst a number of similar sites within Bletchley, also in close proximity to the railway line, have been redeveloped for residential use in recent years.

The development at “Former Council Depot – Sherwood drive, Bletchley” (application reference: 14/01550/OUT), which has recently been completed and is on the market, draws direct comparison with this site, insofar as its proximity to the railway line is concerned. Furthermore, this site, as a former depot, raised potential contamination issues possibly greater than those which may be present on SAP13. The reference to contamination in the site assessment for SAP13 relates solely to its former retail use as an MFI store. Neither noise or contamination issues at the Sherwood Drive site were insurmountable or affected the deliverability of the site and it is felt that this would also be the situation for SAP13.

Furthermore, with regards to the deliverability of the site, the landowner has indicated that the current lease for retail purposes is due to expire this year and there is a desire to explore the opportunity of taking the site forward for residential use.

It is therefore considered that the site does not present any insurmountable issues and could be delivered within the SAP period.

SAP14

a) Your:MK are leading on the regeneration of seven priority estates across Milton Keynes. North Bradville, within which SAP14 is sited, has been

selected as the third priority estate to come forward. Your:MK are programmed to start working with the local community in North Bradville in January 2018 so as to develop a plan for the area. It is the intention that detailed plans, agreed by the community, will then go through the formal planning system 18 months later, therefore around July 2019. No definite time has, however, been set for the final physical completion of any works.

b) The “other purposes” principle has been included within SAP14 so as to not prejudice any potential proposals that may come forward as part of the North Bradville regeneration programme. It is still expected that the site will come forward for residential use and not be required for alternative purposes; however this ensures that any regeneration plans for the estate are not restricted in terms of the use of this site.

c) The site assessment was carried out using the Council’s online GIS system, which indicated that a small area of the site falls within a wildlife corridor, namely a ‘railway corridor’. Further investigation has found a drafting problem with the Council’s GIS system in this area, whereby the boundaries of the wildlife corridors have been drawn incorrectly on the online system.

As per the Local Plan (2005) proposals map, the boundary of the wildlife corridor runs to the north of the northern boundary of SAP14 and therefore SAP14 falls entirely outside of the wildlife corridor. It is therefore considered that there will be no impact on the developable area of the site or the maximum dwellings capacity figure.

SAP15

a) SAP15 comprises three parcels of land - Site C, D1 and A (South). The development brief for the site outlines that Site A (South), the small parcel forming the western most part of SAP15, could accommodate some small scale retail provision. Paragraphs 4.1.6 – 4.1.8 of the development brief state:

Site A (south) is allocated for commercial uses. Kents Hill does not feature in the Council’s retail hierarchy (Core Strategy Table 5.5) as a regional shopping, district or town centre, so if new retail development is provided at Kents Hill it should be consistent with its status as a Local centre whose role is defined in Policy CS4 as providing convenience shopping and service facilities in order to reduce and minimise car dependency and to ensure ready access by non-car owning households.

Local Plan policy LC3 (New development in Local centres) says ‘Planning permission will be granted for new retail and other facilities in Local Centres provided the scale and nature of the proposal is consistent with their role and function as Local Centres.’ A food store of up to 2000 sq.m gross would likely be considered acceptable.

Site A (south) may therefore accommodate some small scale commercial uses as part of a residential led mixed use development to support the potential residential development as well as the existing residential

development within Kents Hill which does not have a local centre (other than a single shop on Tenterden Crescent).

Given the area of Site A (South), 1.23ha., and the small amount of retail provision that would be permitted, it is unlikely to impact considerably on the number of dwellings to be provided across the whole site. Furthermore, as the overall site is between 2 and 10 ha. In area, the formula for estimating the capacity of the site (as outlined on page 10 of the SAP), only accounts for 75% of the site being provided for residential use. It could therefore be the case that some small-scale retail provision may not impact upon the residential capacity at all.

However, the landowners have expressed a desire for the allocation to provide some flexibility to allow for a proportion of Use Class C2 development. As outlined in their representation, the landowners estimate that the provision of C2 use on site, combined with some retail provision on Site A (South), could potentially lead to a reduction of some 80 dwellings. However, due to the methodology used for calculating capacity, as explained above, and the potential for the majority for the site to still come forward for residential use, it is felt prudent to retain the estimated capacity of **up** to 228 dwellings. Indeed the development brief for the site states that, using a density range of 34-36 dw/ha. (net), Sites A (South), C and D1 could accommodate between 286-303 new homes, considerably more than accounted for in SAP15.

b) As stated in the development brief for this site, sites C and D1 of Kents Hill Park, both of which form part of SAP15, are allocated in the Local Plan (2005) as education sites, originally earmarked for future higher education use associated with expansion of the Open University (OU).

However, discussions held by the landowners, Milton Keynes Development Partnership, with both the OU and Milton Keynes Council Education Department established that these sites were not needed for future higher education or science park related purposes. Given the site shape, level changes and the lack of requirement from the OU, residential use was seen as more suitable.

However, other parts of the Kents Hill Park site, which do not fall within SAP15 are being retained for education provision, namely a primary school on Site A. Furthermore, Sites B and E, which are currently allocated for employment use, are being proposed for a new secondary school and special school, as it is felt that these are more suitable for education use to cover the need established in the local area.

With regards to commercial use, only Site A (South) is currently allocated for commercial use. As outlined in the development brief, the site area (1.23ha.), is considered larger than that which could viably provide commercial uses, hence the desire to bring the site forward for residential-led mixed use development.

With regard to the allocation of employment sites, this is covered within the Council's initial response to the Inspector's Preliminary Questions (PC1A – MKC Response to Inspector's Initial Questions Part 1 (15 May 2017)) under the heading "Residential Allocations on Employment Land".

c) The site assessment was carried out using the Council's online GIS mapping system which highlights the potential for notable species in locations near SAP15. Further discussions with the Council's countryside officer have confirmed that these are not specific locations where species have been found but are more generalised areas to provide a high level assessment.

The countryside officer has confirmed that any development of the site would, as normal, be required to carry out a preliminary ecological investigation and if any notable species were to be found then suitable mitigation measures would need to be put in place. However, this would not have any impact on the site being deemed deliverable or affect the dwelling numbers that could be achieved.

SAP18

a) As outlined in Policy WNP2 of the Walton Neighbourhood Plan and replicated within the key principles of SAP18, the primary access point for this site is to be taken from H9 Groveway and not Ortensia Drive. Ortensia Drive will however most likely be required to provide secondary additional access.

The Parks Trust comments do not suggest that access via Ortensia Drive would not be achievable and that they would not grant consent for access to be taken across the land within their ownership. Their comments only request that the key principles of the allocation should reflect the need for their agreement for access to be taken from Ortensia Drive, to which the Council response notes that the key principles can be changed to reflect this.

It is therefore felt that the issue raised here should not deem the site to be undevelopable.

b) This is covered within the Council's initial response to the Inspector's Preliminary Questions (PC1A – MKC Response to Inspector's Initial Questions Part 1 (15 May 2017)) under the heading "Residential Allocations on Employment Land".

SAP19

a) The site proposed for residential allocation within SAP19 does not contain any designation for mixed-use development within either the Walton Neighbourhood Plan or the development brief.

As referenced in both of these documents, the full site is actually 9.5 ha. in area. The full proposal is for 2.2 ha. in the north-eastern part of the site to be retained for employment use, 0.95 ha. in the south-west of the site to be

retained as open space, due to its location within flood zones 2 and 3a, and the remaining 6.35 ha. is proposed for housing.

Furthermore, the development brief for the site requires the provision of a play area on the site, whilst the Walton Neighbourhood Plan also seeks a local centre containing a local shop as a minimum to be provided on site.

The 5.14 ha. area of SAP 19 is therefore solely the area expected to come forward for residential use on the site, hence the policy does not contain any reference to mixed-use development being provided.

b) The reference in the site assessment to the promoters having indicated that contamination issues will need to be investigated due to historical land uses is a mistake which should not have been included within the site assessment for SAP19.

The promoters have confirmed that they did not provide any information to suggest that contamination issues may be an issue on the site and they are not aware of any historic contamination that would prevent the site being brought forward for residential development.

The site is a greenfield site with no previous use. A Groundsure report from 2012 confirmed that it has been greenfield for over 100 years with very little chance of contamination, and a ground investigation report carried out in 2003 for the adjacent housing site to the east of SAP19, prior to its development, also found no evidence of any contamination.

c) This is covered within the Council's initial response to the Inspector's Preliminary Questions (PC1A – MKC Response to Inspector's Initial Questions Part 1 (15 May 2017)) under the heading "Residential Allocations on Employment Land".

SAP20

a) Applications for the residential development of this site have recently been received by the Council (application references: 17/00541/FUL & 17/00736/OUT). The Environment Agency (EA) has provided comments on the application and has raised no objection. With regards to contamination, the EA recognises that the site is an historic landfill and is located above a secondary aquifer, however they do not consider the proposal to be high risk.

Furthermore, the Council's Environmental Health Officer has also provided comments on the application and has raised no objection providing conditions are added to any permission requiring the developer to carry out an assessment of ground conditions to determine the likelihood of any ground, groundwater or gas contamination and for a suitable strategy for remedial action to be submitted if required.

The landowners have also provided the Council with recently updated information (April 2017) as part of our annual housing monitoring outlining that they anticipate the completion of the site by the end of 2020/21.

It is therefore felt that the site is acceptable for residential development and that the site will be deliverable over the SAP period.

b) The Bedford-Milton Keynes Waterway runs outside of the site development boundary. Two applications have been submitted on the site (reference numbers as above) which together provide for a total of 126 dwellings (111 dwellings and 15 self-build plots).

The applications recognise the proposed route of the waterway and look to exploit the potential route through locating housing to front on to this feature. Given these applications do not impact upon the waterway route and are able to provide more than the 118 dwellings suggested in SAP 20, it is not felt that the waterway will have any implications on the quantum of housing indicated for the site.

SAP21

The site assessment was carried out using the Council's online GIS system, which depicted half of the site to fall within a wildlife corridor, namely the River Ouzel, wet corridor.

Further investigation has found a drafting issue with the Council's GIS system in this area whereby the boundaries of the wildlife corridors have been drawn incorrectly on the online system.

As per the Local Plan (2005) proposals map, the boundary of the wildlife corridor runs adjacent to the western boundary of SAP21 and therefore SAP21 falls entirely outside of the wildlife corridor. It is therefore considered that there are no implications for the site's ability to be developed or the number of dwellings which can be accommodated.