

REFERENCE NO	PARISH/WARD	DATE RECEIVED
15/00314/AOP	<p>NEWTON LONGVILLE</p> <p>The Local Member(s) for this area are: -</p> <p>Councillor N Blake</p> <p>Councillor B Everitt</p>	30/01/15
<p>OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR A MIXED-USE SUSTAINABLE URBAN EXTENSION ON LAND TO THE SOUTH WEST OF MILTON KEYNES TO PROVIDE UP TO 1,855 MIXED TENURE DWELLINGS; AN EMPLOYMENT AREA (B1); A NEIGHBOURHOOD CENTRE INCLUDING RETAIL (A1/A2/A3/A4/A5), COMMUNITY (D1/D2) AND RESIDENTIAL (C3) USES; A PRIMARY AND A SECONDARY SCHOOL; A GRID ROAD RESERVE; MULTI-FUNCTIONAL GREEN SPACE; A SUSTAINABLE DRAINAGE SYSTEM; AND ASSOCIATED ACCESS, DRAINAGE AND PUBLIC TRANSPORT INFRASTRUCTURE. LAND SOUTH OF THE A421 WEST OF FAR BLETCHLEY NORTH OF THE EAST WEST RAIL LINK AND EAST OF WHADDON ROAD</p> <p>SWMK CONSORTIUM</p> <p>STREET ATLAS PAGE NO.56/57</p>		

1.0 The Key Issues in determining this application are:-

a) The planning policy position and the approach to be taken in the determination of the application in light of the new NPPF.

b) Other matters

The recommendation is that permission be GRANTED as the S106 agreement has now been completed subject to conditions

1.0 INTRODUCTION

- 1.1 Members will recall that this application was considered at the Strategic Development Management Committee on 7 June 2017 when members resolved that the application be deferred and delegated for approval subject to the completion of a legal agreement and appropriate conditions. This report is before members to update members on the latest position on the S106 relating to the health contributions requested from Milton Keynes Council (MKC) and the minutes of the meeting.
- 1.2 The minutes of the meeting as approved state:
*That application 15/00314/AOP be **Supported and Deferred and Delegated** to officers subject to the completion of a legal agreement (with Bucks County Council, Aylesbury Vale District Council and if appropriate Milton Keynes Council) as outlined in the officer's report and subject to conditions as considered appropriate by officers. If this cannot be achieved then the application will be refused for reasons as considered appropriate by officers.*
- 1.3 The original officers report at paragraphs 10.177 and 10.183-10.184, a copy of which is appended to this report, concluded that the provision of secondary health facilities is the remit of the NHS and is to be provided for the population. Thus, were a contribution sought, it would amount to double funding, which would be contrary to CIL Regulation 122 because it is clearly not necessary.
- 1.4 In February 2019, Milton Keynes Council submitted a supporting document from the NHS Trust regarding the likely impact of the South West Milton Keynes development (SWMK) on the Milton Keynes University Hospital (MKUH) and have provided evidence to demonstrate and quantifies that impact in a manner which is more consistent with the requirements of CIL Regulation 122 and demonstrates that the request does not amount to double funding.
- 1.5 The contribution would be used on the new cancer unit or extension to the radiotherapy centre and new expanded neonatal facility, a new pathway unit incorporating a frailty unit as well as associated diagnostic and intervention facilities and support service infrastructure. The total contribution requested is £1,990,057, split equally into three payments, with a payment of one third of the total to be made on the completion of the 450th, 900th and 1,350th dwelling within the development, with payments to be indexed from the date of the Agreement.
- 1.6 MKC have confirmed that they are no longer seeking contributions on the remaining S106 contributions sought. Discussions have been ongoing with MKC since the application was considered at committee and in correspondence to AVDC in October 2018, MKC have clarified their position on a number of contribution requests. In this correspondence MKC have confirmed that they are content with the arrangements being made for the provision of education and agree that these are the most appropriate given the differing school systems that exist between MKC and Buckinghamshire. They also agree that onsite provision of primary healthcare is appropriate and that the arrangements being secured through the application and S106 should adequately address this matter.
- 1.7 In relation to other contributions proposed by MKC, they still believe that joint working on provision such as the libraries or voluntary sector would have potential planning benefits for the development and its integration with its surroundings. However, note that there is an intention for standalone provision to cover these areas which will mitigate, if not eliminate, any impact on Milton Keynes services. As such no further request is made in relation to this aspect.
- 1.8 As regards the emergency services MKC remain concerned that no mitigation appears planned to cater for the impact on any of the blue light services and that the requests for contributions made by Thames Valley Police directly have been dismissed rather than negotiated. Furthermore, MKC note that the Committee report suggests that 'the majority' of TVP's requests were not considered to meet the relevant tests so perhaps there may be some room here for further discussions directly with TVP. In response to this point, no

additional information or evidence has been provided on these matters since the earlier report was produced and as such the position set out in paragraphs 10.159 and 10.198-189 of the appended committee report.

- 1.9 Finally on waste management MKC have confirmed that there are no firm proposals at this time for additional facilities in the south of the Borough which would be likely to meet the CIL Regulation tests. As such the position remains that this request would be contrary to the CIL Regulations
- 1.10 The S106 has now been progressed and is close to completion, and the applicants have agreed to this additional contribution in relation to the provision of secondary health facilities to be included in the draft agreement.
- 1.11 The Committee is asked to clarify that the original recommendation that the s.106 should include requirements for secondary health contribution in line with MKCs request and resolve to extend the original delegation accordingly.
- 1.12 Since the application was considered by the committee a new NPPF was published in February 2019 and supersedes the guidance set out in the NPPF 2012 previously considered in the officer's report and related overview report. The overview report has been updated and provides an overview of the policy framework to reflect the new NPPF and is attached to this report. Attached to this report is as appendix B to confirm compliance of the original report with the new NPPF for members to note.

2.0 CONCLUSION AND RECOMMENDATION

- 2.1 As stated in the previous report the application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the objectives of the NPPF and whether the proposals deliver 'sustainable development'. This report continues to consider those relevant policies and the updates including the NPPF arising from this proposal and consider whether the development plan policies are consistent with the NPPF and refer to paragraph 11 which revises the 2012 paragraph 14. The overview report has been updated and provides an overview of the policy framework to reflect the new NPPF and is attached to this report. This also provides an update on the housing land supply position and the progress on the emerging local plan.
- 2.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.
- 2.3 In then considering paragraph 11 d) ii this wording is consistent with the tilted balance previously set out in paragraph 14 of the 2012 NPPF in the previous report considered by the Strategic Development Management Committee. Therefore, the changes between the respective versions of the NPPF to the presumption in favour of sustainable development as discussed within this report do not otherwise change the previous assessment and concluding planning balance.
- 2.4 This report demonstrates that the changes in circumstances since the application was considered by Committee could not justifiably alter the conclusion that the proposals constitute a sustainable and acceptable development. In this instance it is considered that the planning balance exercise is not affected by the change in circumstances to arrive at a

different conclusion and recommendation to that which the committee previously considered and resolved to agree.

- 2.5 The Committee is asked to consider the updates set out in relation to the new NPPF and to clarify that the original recommendation on the s.106 should now include requirements for a financial contribution towards secondary healthcare is acceptable to Members and resolve to extend the original delegation accordingly. Officers therefore recommend the following is resolved:

That the delegation to officers made on 7 June 2017 in respect of application 15/00314/AOP is extended to include the requirement to secure a financial contribution towards secondary health care facilities at Milton Keynes University Hospital (MKUH) within the S106 legal agreement referred to in that delegation.

3.0 WORKING WITH THE APPLICANT/AGENT

- 3.1 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant and has focused on seeking solutions to the issues arising from the development proposal. In this case, the discussions took place with the applicant/agent which resulted in amended plans being submitted and which were found to be acceptable and approval is recommended.