
Proposal:	Full application for erection of 26 dwellings with associated areas, roads and parking at Phase 2, Site 6 (part), Land South of Milland Way, Oxley Park East, Milton Keynes
Application Number:	11/02711/MKPC
Application Type:	Full Planning Application
Expiry Date:	12 th March 2012
Parish:	Shenley Church End Parish Council
Purpose:	The purpose of this report is to seek the Planning Sub Committee's agreement to refuse the application
Responsible officer:	Sheila Keene, Head of Strategic Policy and Planning, Homes and Communities Agency
Prepared by:	Jennie Selley, Planning Manager, Milton Keynes Council
Attachments:	Annex A: Consultation Report by Nex Communications dated October 2011 Annex B: Site Layout – Drawing No. 0920/P/102 Annex C: Street Scenes – Drawing No. 0920/P/124 Annex D: Street Plan showing application site and location of representations made

RECOMMENDATION

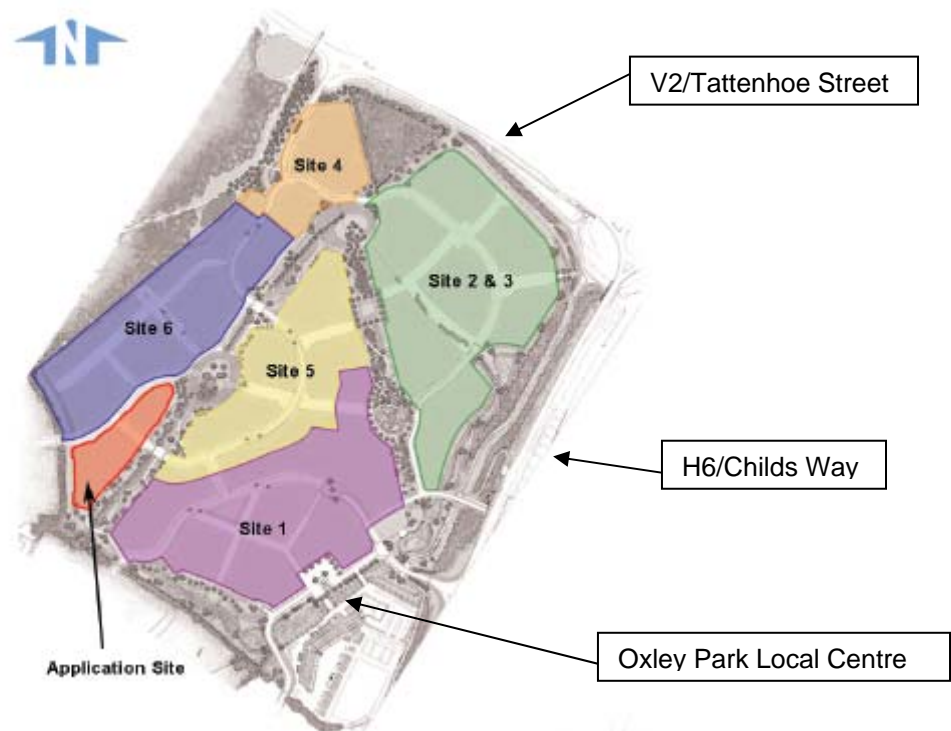
1. It is recommended that the application be **REFUSED** for the reasons set out at the end of the report.

SITE DESCRIPTION AND CONTEXT

2. Oxley Park is a new grid square on the western flank of Milton Keynes bordered by the H6/Childs Way to the south/south east, the V2/Tattenhoe Street to the east, Woodhill Prison and Oakhill Wood to the north and the North Buckinghamshire Way with open countryside beyond, to the west. Development is now complete or well underway in most parts of the grid square and the primary school, local centre and community centre in the southern part have been operational for some time. The grid square has historically been divided into two halves, the Homes and Communities Agency (HCA) owned land known as Oxley Park East and the land owned privately known as Oxley Park West.
3. Site 6, also referred to as Oxley Woods, is located on the northwest edge of Oxley Park East. Its location in relation to the rest of Oxley Park East and the surrounds is

shown in **Figure 1** below. A green corridor with existing mature hedgerow runs along the western side of the site and separates Oxley Park East and West. Housing which forms part of Oxley Park West Sites 7 and 8 is currently under construction on the other side of this hedgerow. Site 4, which is yet to be developed, lies further to the northeast. To the south of the site is the existing Linear Park which also functions as a Sustainable Urban Drainage System and beyond this Sites 1 and 5. Site 1 is now complete and large detached, traditional style houses in Grant Gardens face towards Site 6. Site 5 is yet to be developed.

Figure 1: Location of Site 6 and Application Site, Oxley Park East



4. The majority of dwellings in Site 6, 119 in total, are now complete and occupied. Three further dwellings are currently under construction in the eastern corner. These 122 dwellings are distinctive in appearance and have been constructed by Taylor Wimpey as part of the 'Design for Manufacture' competition set by the HCA's predecessor, English Partnerships. The competition required 30% of the units to be constructed at a cost of £60,000 per dwelling and for Modern Methods of Construction on all dwellings. The dwellings were designed by Richard Rogers architectural practice, Rogers, Stirk, Harbour and Partners (RSHP) and the scheme has won a number of architectural and environmental awards. The two and three storey dwellings are constructed of coloured Trespa panels with flat and mono pitched roofs and red 'Eco Hats', essentially a chimney which re-uses hot air and features a solar thermal panel. A typical street scene, as appears on the RSHP website, is shown below in **Figure 2**.

Figure 2: Example Existing Site 6 Housing, Oxley Park East



5. The application site comprises two small parcels of land in the southern part of Site 6, to the south of Milland Way, which are yet to be developed. The location of the application site is shown in red in **Figure 1** above. The undeveloped parcels measure 0.59 hectares and 0.28 hectares and are bisected by an existing road, Holden Avenue. The land slopes gently to the south, falling approximately 1.5m. The land has been cleared for development and the only vegetation within the application site is half of the mature hedgerow on the western side of the site which provides the boundary to Oxley Park West.

PLANNING HISTORY OF RELEVANCE TO THE APPLICATION

6. **03/01653/OUTEIS:** MKC granted outline planning permission on 2nd June 2004 for residential-led mixed use development comprising up to 720 dwellings, a combined school including all-weather playing surface, local centre comprising residential, A1, A2 and A3 retail uses, B1 employment and leisure and community uses, associated landscaping and infrastructure at Oxley Park East. Permission was granted following completion of a Section 106 Agreement which required provision of 30% affordable housing.
7. **05/00663/MKPCR:** MKP granted reserved matters consent on 26th August 2006 for Phase 2 infrastructure which included the parts of Milland Way and Holden Avenue serving the application site. This has now been fully implemented.
8. **06/00070/MKPCR:** MKP granted reserved matters consent on 11th April 2006 for construction of 145 dwellings at Site 6. 122 of the 145 dwellings have been constructed.
9. **09/00953/MKPCR:** MKP granted reserved matters consent on 27th July 2009 for relocation of affordable housing units (affecting 10 no dwellings) as part of previously approved scheme (06/00070/MKPCR) for Site 6. This did not relate to dwellings currently proposed on the application site.

SCREENING OPINION

10. In accordance with Regulations 5 and 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 MKP provided a Screening Opinion to the applicants in a letter dated 20th December to confirm that an Environmental Impact Assessment was not required.

PRE-APPLICATION CONSULTATION

11. The applicants have submitted a 'Consultation Report' with the application, a copy of which is attached at **Annex A**. The report details a pre-application public exhibition which was held on 13th July 2011 between 3pm and 7.30pm at Christ the Cornerstone Church, Central Milton Keynes. All existing Oxley Woods residents, some residents of Sites 2 & 3 (see **Figure 1**) and members of the MKP Planning Sub Committee were invited by letter. A preview session was also held for Shenley Church End Parish Councillors between 1pm and 2pm and for Milton Keynes Borough Councillors between 2pm and 3pm.
12. Comment forms were provided at the event and a sample copy is contained within Appendix F (pages 22-23) of the report. The report also provides copies of the exhibition panels at Appendix G (pages 24–28) The report confirms that 59 people attended the exhibition, 43 comment forms were received and in addition 7 residents provided comments via letter even though they were unable to attend. The report details the feedback provided at pages 5–9.

THE PROPOSAL

13. This full application proposes the erection of 26 dwellings on the remaining undeveloped part of Oxley Park East Site 6. It is a full application, rather than reserved matters, because the time period allowed for submission of reserved matters under outline application 03/01653/OUTEIS has now lapsed. The applicants propose a re-plan of the previous approved reserved matters scheme (06/00070/MKPCR) with the addition of 3 further dwellings.
14. It has been stated by the applicant that the reason for the re-plan is due to increasing economic difficulties being faced by the construction industry. The applicant now feels that the previously approved scheme contains certain elements which are not conducive to the viability of the development. Which scheme to take forward is a matter of choice for the applicant. As no viability case has been put forward by the applicant to support this statement, the application must be considered on its own merits.
15. A similar perimeter block layout is followed to approval 06/00070/MKPCR but the house types and the appearance of the dwellings has been significantly changed. A copy of the site layout plan currently proposed is attached at **Annex B**. The accommodation can be summarised as follows:

House Type	Private	Affordable	Total
2 bed house	0	4	4
3 bed house	7	1	8
4 bed house	14	0	14
Total	21	5	26

16. The mix on this part of Site 6 has therefore been changed from a large proportion of 4 beds with a few 5 and 3 bed houses to a large proportion of 4 beds with some 2 beds and 3 beds under the current proposal. All units would be constructed to Lifetime Homes standards. Affordable housing would comprise just 19% of dwellings but this is on the basis that the completed part of Site 6 has already overprovided in terms of affordable units. One affordable unit has been added to take into account the 3 additional dwellings proposed. The tenure mix is 4 x 2 bed social rented units and 1 x 3 bed shared ownership unit.
17. Shared surface lanes would serve the dwellings facing the linear park and the western site boundary. All houses would have on-plot parking on a driveway to the

side of the dwelling. Each dwelling would be provided with a lockable shed for cycle storage. On street visitor parking bays are proposed on the shared surface lanes and the existing street that bisects the two parcels (part of Holden Avenue), also known as the 'connector street'.

18. Building heights would be two and three storeys, mixed across the site as shown on the Street Scenes Drawing attached at **Annex C**. The average net site density is 40 dph with mainly detached units. The previous approved scheme under reserved matters application 06/00070/MKPCR proposed the same style of housing as built on the remainder of Site 6 (described in paragraph 4 and shown in Figure 2 above). The current scheme proposes a more traditional style of dwelling of a brick and render build with tiled double pitch and mono-pitch roofs. The dwellings would feature blue brick panels and have UPVC windows. The three storey properties would have parapet walled balconies and 'juliet' style balconies.
19. The applicants Sustainability Statement details that they will achieve Code for Sustainable Homes Level 3 on all the dwellings and a carbon offset payment is proposed.
20. A broad landscape strategy has been proposed which shows that the existing trees on the western boundary with Oxley Park West would be retained and new tree planting would be dispersed across the site.
21. In addition to Lifetime Homes and Code level 3 the applicants state that they will also remain compliant with the requirements of the Design for Manufacture Competition which included Building for Life, Secure by Design, Inclusive Homes, National Home Energy Rating and exclusion of all Category C rated materials from the BRE Green Guide.

CONSULTATIONS

22. The statutory and non-statutory consultation responses can be summarised as follows:
23. **MKC Urban Design**
Objects overall to the application based on the following detailed comments:
 - The development fails to provide any difference between 'The Parks' and 'The High Street' character areas in terms of density and architectural treatment.
 - The application has not demonstrated that the character of the surrounding area has been understood.
 - The Milland Way and linear park elevations should be treated differently, not the same.
 - The application has not been informed by the RSHP scheme and hence not helped reinforce the identity of Milland Way by virtue of the differing architectural style, materials, balcony details, window details and proportions and general architectural detailing.
 - There is no on street parking provided on Milland Way which is a requirement of the design codes.
 - The proposals do not create a clear image for Milland Way
 - Concern that buildings do not turn corners well enough and do not provide appropriate gateways to the development.
 - There is insufficient detailing shown for a full application.
 - House type OP2 is awkward in proportions as the roof pitch is too shallow and the bays protrude too high exacerbating the squat nature of the units.
 - The pitch looks too steep on other houses, especially on the Milland Way elevation which faces shallower mono-pitches.

- Some division is needed between plots 17 and 18 to break them up.
- The Design and Access Statement should explain where and how inclusive access will be achieved with a few house type examples.
- Could planted evergreen side boundary walls be included like in the RSHP scheme?

No objections are raised in terms of the following detailed points:

- No concerns about visual intrusion or loss of privacy, sunlight and daylight as the land falls away and the site is lower than the RSHP housing.
- Continuity of street frontage, enclosure of space and a quality public realm has been well achieved through the perimeter block format.
- The broken building frontage on Milland Way has helped to create a subtle difference to the continuous built frontage of the RSHP housing opposite.
- The shape of the site makes it difficult to overcome the sub-standard back to back distance of 15m but the application uses narrow plots to overcome this.
- There are no concerns with regards to ease of movement as the development adds to the permeability of the area.
- No comment about adaptability of buildings and spaces.
- Variety of layout, building form and use is considered to be adequate.
- The proposed storey heights accord with the design code and the RSHP scheme. The increased storey heights on Milland Way are considered to be acceptable as the land falls away.

24. **MKC Highways**

Requires the application to be amended and/or further information provided to address the following:

- The width of the on-plot parking spaces does not confirm with Lifetime Homes standards and a width of 3.3m should be allowed for any on-plot space.
- The development does not provide any unallocated spaces on Milland Way which may result in a shortage on this residential street. The applicant should revise the plans to show an appropriate number on Milland Way.
- Acute bends adjacent units 14 and 15 are shown which are less than the recommended 10m centre line radius. Whilst these were approved as part of the previous reserved matters planning consent (06/00070/MKPCR) the applicant should provide an assurance that sufficient forward visibility can be provided along both bends.
- The layout also shows sharp changes in direction through angled kerb lines rather than smooth radii. These generally have the tendency to steer traffic away from the edges of the road towards the centre of it. The road layout may lead to a lack of space for two opposing vehicles to be able to negotiate the road simultaneously and without sufficient give-way facilities could cause vehicle conflicts. However again it is noted that this was approved as part of the previous reserved matters planning consent (06/00070/MKPCR).
- Unit 24 obstructs visibility towards unit 22 and the visibility from the drive of unit 24 is obstructed by the footprint of unit 23.
- It appears that there are drafting errors regarding the location of speed tables on Milland Way.

No concern is raised about the following:

- The development should provide 12 unallocated car parking spaces but proposes 13 which is acceptable.
- Note that secure lockable sheds will provide cycle storage.

25. **Crime Prevention Design Advisor**

- Have concerns that it is unclear whether there will be any boundary treatment between the gated parked spaces and the rear garden. This is vital to the security

of the properties as too often occupants drive out and leave the gates open which then allows casual intrusion around the rear of the property where the majority of burglaries take place. It is imperative there is a boundary fence between the gated driveways and rear gardens of the properties. This should be reduced to 1.5m in height and topped by 300mm trellis to allow greater surveillance. Would be happy for the vehicle gates to be removed.

- Concerned that the applicants Sustainability Statement indicates the applicant will not be looking to achieve any credits under MAN4 Security (SBD) which contradicts the Design and Access Statement. In light of this a condition should be imposed to ensure the Secured by design standard of doors, windows and glazing is installed. Would alternatively be happy for a condition to be imposed ensuring that the applicant meets full Secured by Design accreditation.

26. **MKC Landscape**

Generally have no fundamental issues and would encourage landscape principles to be included as part of the design progression. The existing hedge along the western boundary is a good feature and should have its root protection area (RPA) taken from BS 5837 2005 'Trees in relation to construction' clearly shown and not encroached upon.

27. **MKC Housing**

Provision of 5 affordable dwellings (4 social rented & 1 shared ownership as per current Affordable Housing policy) gives the required 30% Affordable Housing requirement for the overall Phase 6 (Oxley Woods) development. The mix of 4x 2 bed houses and 1x 3 bed house is fine. Pleased to see that all dwellings will be Building for Life and Lifetime Homes standards to make them as accessible. Would advise clarification on whether Code for Sustainable Homes Level 3 satisfies HCA standards both as land owner and also for the Affordable Homes Programme for the Affordable Housing.

28. **MKC Countryside Officer (Ecology)**

Unable to respond fully within the given timescale. As a general point, need to consider whether "amphibian-friendly" street drainage is needed near any great crested newt ponds or on migration routes between them. Hopefully that will have been sorted out (by HCA's former ecological consultants) at the master-planning stage, but it may need re-stating.

29. **MKC Policy D4**

The Sustainability Report details that the development would meet Policy D4 by achieving Code for Sustainable Homes (CSH) Level 3. This is an incorrect interpretation of Policy D4 and Code Level 4 needs to be achieved as set out in the Sustainable Construction SPD. To satisfy policy D4 a revised pre-assessment is needed and 10% renewable energy would need to be incorporated. There is scope for flexibility if it can be verified that it is not viable to achieve Code Level 4 but in this instance no evidence of viability has been provided. The estimated level of the carbon offset payment is correct and can be used to calculate the final payment once more detailed design work is completed.

30. **MKC Development Control Committee**

A special meeting of the MKC Development Control Committee has been arranged for 20th February 2012 to consider MKC consultee comments on this application. The outcome of this meeting will be reported in an addendum at the MKP Planning Sub Committee meeting on the 27th February 2012.

31. **Shenley Church End Parish Council**

The Parish Council view is positive. There is however a concern that in a small number of cases balconies will overlook the existing development. General comments the Parish Council

would like to make are that it may prove more acceptable to residents in the existing Eco Homes if solar panels were fitted during the building phase. Also rainwater runoff should be utilised through rainwater harvesting.

REPRESENTATIONS

32. The application was advertised by way of site notices, a press notice and letters to all existing Oxley Woods residents, other facing properties (Grant Gardens) and Ward Members. Representations have been received from the following properties and a plan is attached at **Annex D** which identifies the location of these properties in relation to the application site.

Milland Way - No's 2, 6, 14, 16, 20, 22, 24, 26, 28, 32, 34, 38, 42, 44, 46, 48, 52 and 58

Swanson Drive – No's 1, 4, 8, 16, 23 and 49

Holden Avenue – No's 142, 153, 158, 159, 160 and 164

Grant Gardens – No's 2, 6 and 8

Welles Lane – No. 2

Lorre Mews – No. 7

Fonda Meadows – No's 2 and 4

The following representations have also been received:

1 x representation which draws on input from a number of the Oxley Woods residents

1 x representation from a relative of No. 22 Milland Way

33. The representations made can be summarised as follows:

General

- MK has a history of being forward thinking and a reputation for good design and environmental standards. The application fails this.
- The development is piecemeal and will result in an incompatible, unplanned and unsympathetic development. "Phase 2" should not be used to refer to phasing at Site 6.
- The framework for MK recommends against splitting the site.
- Plans are not in keeping with national and local planning guidance including the Oxley Park Development Framework, Design Code and Residential Design Guide.
- The Core Strategy identifies a need to protect modern and high quality architecture in the City.
- Welcome houses on this vacant land but they must be in keeping.
- The planning application consultation period was too short, was during the Christmas holidays and there was a lack of notification.

Height of buildings and massing

- The buildings are higher than the previous approved buildings with an increased monopitch, reduced set backs from the roads and the density has been increased.
- Will adversely affect the skyline.
- Will be overbearing and result in overshadowing and reduction of light to neighbouring properties.
- A "valley" or "canyon" effect will be created along Milland Way.
- Will dominate and overshadow the park.
- Four storey buildings in consecutive rows is out of keeping with the rest of Oxley Park.
- Will block solar gain to neighbouring properties.
- Height of the buildings, windows and balconies will result in overlooking and loss of privacy to neighbouring properties.

- Increased density will result in smaller gardens.
- Detached buildings with noticeably larger footprints than the RSHP housing are proposed along Milland Way.

Design

- Would be detrimental to and out of character with the unique design of the award winning RSHP houses and threaten their long term integrity.
- Waters down the original scheme with standard house types that are not innovative, distinctive or of quality design.
- Presents an amalgamation of Site 2 designs.
- Random collection of house types rather than a cohesive design.
- No variation in the design or building line of the houses overlooking the park.
- Inappropriate materials, detailing and boundary treatment which do not match or respect the RSHP scheme and are cheaper and less environmentally friendly.
- Oxley Woods provides an important visual gateway – need to complete this.
- A solid wall faces the park instead of green screening and an informal building line.
- Corner plots are the same design and inadequate in defining vistas and the end of the Oxley Woods development.
- Plot 24 presents a large imposing façade with 1.8m brick wall to the street.
- The existing Oxley Woods houses are out of keeping with the rest of Oxley park and the proposals would make this worse.
- Little variation in roof lines from east to west.
- Plot 26 is a one-off house type that doesn't fit with the rest of the development or RSHP design.
- The linear park forms the natural boundary to the south and provides visual separation to Sites 1 and 5. Treating the site as a 'transition site' will lead to the loss of definition for the character areas.
- Unlike the RSHP scheme, symmetry of the plots is not provided.
- Thresholds, including the transition between Site 6 and Oxley Park West, are ill defined.
- The differences in design to the RSHP housing will not be conducive to integrating the new community with the existing one.

Applicants Design and Access Statement and Application Forms

- Have treated the site as separate with no reference to Oxley Woods and no appreciation of context.
- Not enough information on background of the RSHP housing, materials, design details, density, surface water drainage and footpath links.
- No comparison of street scene, heights, scale and standards to previous scheme.
- Contains inaccurate, misleading and contradictory information
- Fails to acknowledge the existing hedge and park and provide accurate information on ground levels.
- No day light study.
- They propose to connect to the mains sewers and not the existing Sustainable Urban Drainage system (SUDs).
- Landscaping treatment has no variation across the site and is of poor quality.

Affordable Housing

- The inclusion of affordable housing will result in an increased crime rate.
- The application fails to meet the 30% requirement. This is a full application for a new site.
- Contradictory that the applicant sees this site as separate to the rest of Site but relies on its affordable housing provision.

Safety and Security

- Does not meet policy requirements in respect of prevention of crime and surveillance of the public realm.
- Walls and fencing facing the park will not encourage a sense of stewardship and ownership of the park leading to increased vandalism and anti-social behaviour.
- The visitor parking on the connector street has limited surveillance.

Sustainability

- No commitment to delivering sustainable construction or use of renewable energy.
- Brick built houses are hardly 'green' given the energy consumed in manufacture.
- Detached houses would not minimise external wall surface exposure where as the previous scheme had terracing.
- Sustainability Statement not detailed enough.
- Only just meets Code Level 3, measured against standards in place at May 2010. The RSHP housing is close to meeting Code Level 4.
- Will result in increased pollution.

Traffic, parking and access

- Increase in traffic from the development will result in problems for manoeuvring and ease of movement.
- The roads are already cramped and narrow.
- Don't want further construction work.
- Previously planned visitor spaces will be removed. There are already problems with lack of visitor parking. This results in danger for children crossing the road when cars are parked on pavement and obstruction for public transport and emergency service vehicles.
- Loss of visitor spaces negates the traffic free ethos planned by Taylor Wimpey.
- Will spoil a legible route through the northern area of Oxley Park.

Applicants Consultation Report (see **Annex A**)

- Residents have not been properly consulted by the applicants, the application has been rushed and consultation has been inadequate. This is contrary to national and local guidance on consultation and the Localism Act.
- The public consultation event was held at short notice, at an inconvenient time and in a poor location so many were not able to attend.
- Feedback from the consultation event has not been properly incorporated in the report or proposals and opposition is misrepresented.
- The consultation event was not transparent. Misleading information and closed questions were presented.

34. The following comments have also been made which are not material planning considerations:

- Taylor Wimpey should proceed with the original plans.
- Taylor Wimpey, MKC and MKP are adding more homes to make more money.
- Disagree with Taylor Wimpneys arguments that the original scheme is not financially viable and that there is no demand for the RSHP housing. Site 6 residents and others have expressed an interest in purchasing the proposed housing.
- RSHP have never been approached by Taylor Wimpey to redesign but they have written to confirm that they would welcome this (copies of two letters from RSHP are provided).
- Residents are willing to work with MKC to secure a quality scheme.
- We were mis-sold home on a premise that the site would be completed in 2010 to the RSHP design.
- Taylor Wimpey still market the site as 145 homes by RSHP. They are currently building 3 houses in the RSHP design so why not the same for this scheme?

- Will negatively affect value of property and re-sale potential. Would look to move if the proposals are agreed.
- Potential buyers will think there are problems with the RSHP houses as the design has been completely changed.
- Will adversely affect residents views of the park, Oxley Woods and the Site of Special Scientific Interest (SSSI).
- The proposal does not meet Local Plan policy EA2 (Eastern Expansion Area).
- When will MKC adopt the roads and when will a bus shelter be provided?
- Scheme fails to adhere to the Design for Manufacture competition or the English Partnerships Development Brief and design scrutiny process (copies of letters to HCA are provided).
- Proposals fail to address changes to the Building Regulations.

POLICY FRAMEWORK

35. This section lists the most relevant planning policies upon which this application is assessed.

36. National Context

- Planning Policy Statement (PPS) 1: Delivering Sustainable Development
- Planning Policy Statement (PPS) 3: Housing
- Planning Policy Statement (PPS) 9: Biodiversity and Geological Conservation
- Planning Policy Guidance (PPG) 13: Transport
- Planning Policy Statement (PPS) 25: Development and Flood Risk

- National Planning Policy Framework (NPPF): The NPPF is currently in draft form. The document is a material consideration when determining planning applications although the weight that can be placed on it is limited at present.

37. Regional/Sub Regional Policy

- South East Plan and MKSM Sub-Regional Strategy: The Localism Act entitles the Secretary of State to lay an order revoking one or more of the regional spatial strategies (RSS). Until that time the RSS remains a material consideration for the purpose of plan-making and planning applications.

The site is part of land allocated for residential development within the Milton Keynes Local Plan and the principle of residential development on the site has previously been agreed under applications and 03/01653/OUTEIS and 06/00070/MKPCR in accordance with regional and sub regional policies. This, together with the current status of the RSS as outlined above means that little weight is afforded to the RSS for the purposes of this application.

38. Milton Keynes Local Plan (adopted 21st December 2005) – Saved Policies

- Policy S1 (General Principles)
- Policy D1 (Impact of Development Proposals)
- Policy D2 (Design of Buildings)
- Policy D2a (Urban Design Aspects of New Development)
- Policy D4 (Sustainable Construction)
- Policy NE3 (Biodiversity and Geological Enhancement)
- Policies T1, T2, T3, T5, T9, T10, T15 (Transport and Parking)
- Policy H1 (Land Allocated for Housing)
- Policy H4 (Affordable Housing)
- Policy H8 (Housing Density)
- Policy H9 (Housing Mix)
- Policy L3 (Leisure and Recreation Provision)
- Policies PO1, PO2 and PO4 (Planning Obligations)

39. **Emerging Core Strategy (October 2010)**
- Policy CS1 (MK Development Strategy)
 - Policy CS2 (Housing Land Supply)
 - Policy CS8 (Other Areas of Change)
 - Policy CS10 (Housing)
 - Policy CS11 (A Well Connected MK)
 - Policy CS12 (Developing Successful Neighbourhoods)
 - Policy CS13 (Ensuring High Quality, Well Designed Places)
 - CS14 (Sustainable Construction)
 - CS19 (Healthier and Safer Communities)
 - CS22 (Delivering Infrastructure)
40. **Supplementary Planning Guidance**
- Oxley Park Development Framework SPG (adopted May 2004)
 - Milton Keynes Council Parking Standards SPG (adopted January 2005)
 - Milton Keynes Council Parking Standards SPG Addendum (adopted April 2009)
 - Milton Keynes Council Sustainable Construction SPD (adopted April 2007)
 - Milton Keynes Council Affordable Housing SPD (adopted July 2007)
 - Milton Keynes Drainage Strategy SPG (adopted May 2004)
 - Planning Obligations for Education Facilities SPG (Dec 2005)
 - Planning Obligations SPG for Leisure, Recreation and Sports Facilities (2005)
 - Social Infrastructure Planning Obligations SPD (Sep 2005)
 - Draft New Residential Development Design Guide SPD (January 2010)

Other Documents

- Oxley Park East Urban Design Codes (approved August 2005)

DEVELOPMENT ASSESSMENT

Main Issues

41. The main issues in consideration of this application are:

Principle of Development

42. This is a full application and so the principle of development must be considered, despite the applicant's assertion to the contrary at page 2 of the submitted Design and Access Statement. The site is allocated for residential development in the Milton Keynes Local Plan and the masterplan contained within the adopted Oxley Park Development Framework SPG. The principle of residential development on the site has also previously been accepted under outline approval 03/01653/OUTEIS and reserved matters approval 06/00070/MKPCR, which could still be implemented. The principle of residential development of the site is therefore considered to be acceptable.

Layout and density

43. The application proposes a similar layout to the previously approved scheme (reserved matters application 06/00070/MKPCR) which comprises a perimeter block layout whereby all dwellings face the public realm. Continuity of street frontage is provided.
44. The density of the scheme has been increased by the addition of three dwellings and these have mainly been accommodated on the park edge frontage. The application

site is covered by two character areas, Oxley 'High Street' and 'The Parks'. The site area is roughly equally split between the two character areas with the northern area facing the High Street (Milland Way) and the southern part of the site facing the linear park, contained within 'The Parks' character area. The Oxley Park Design Code states that the identity for each character area should build upon features such as density and so densities for the two areas should be different to reflect the different characters.

45. The Design Code states that the 'High Street' area should be 40-45 dwellings per hectare (dph) and 'The Parks' should be 35-40 dph. The application proposes an overall density of 40dph but this is the average across the site. MKC Urban Design have objected to the application on the basis that the layout clearly does not provide any significant difference between the character areas and actually appears to propose a higher density for 'The Park's' than the 'High Street' (See **Annex B**). The application therefore fails to provide any variety across the site in density terms between Milland Way and the park frontage which is contrary to the Oxley Park Development Framework, the Oxley Park East Design Codes and Milton Keynes Local Plan policies D2A (i) and (vii).
46. The application proposes a variety of two and three storey dwellings, mixed across the site, which meets the requirements of the Oxley Park East Design Code. Whilst some of the units are higher than those in the previous scheme (by 1.6m to the highest ridge line), they are not considered excessive in height and would not adversely affect the skyline, particularly as the ground rises to the north (existing RSHP housing).
47. Even with the addition of three units, adequate garden sizes have been achieved. The back to back distance between plots 21 and 25 is tight at 15m but the dwellings have been designed so that windows to non-habitable first floor rooms (i.e. bathrooms and landings) would be facing. In addition, this back to back distance is better than the distances approved under the previous application (06/00070/MKPCR) which went as low as 11m.

Built Form

48. The application site has an extensive frontage directly opposite the highly distinctive award winning RSHP development on the northern side of Milland Way (see **Figure 2** for example housing). There is no planning policy requirement for the application site to be built to match but Local Plan policies D2 (ii) and D2A (i) do require development proposals to identify and reinforce locally distinctive design elements and relate well to and enhance the surrounding environment. Also, the two sides of the road fall into the same character area, 'The High Street' and should therefore have a coherent identity.
49. It is appreciated that this presents a difficult task for the applicant in the context of the RSHP housing. However, the submitted Design and Access Statement demonstrates that the applicant has not fully appreciated the context of the site. For example at page 2 the Statement says that the site is "of some importance to the overall development". The Statement also fails to adequately explain how the frontage onto Milland Way has evolved to create a coherent identity for the street.
50. MKC Urban Design therefore objects to the scheme on the basis of a number of concerns regarding the built form:

- (i) The proposed development fails to provide any difference between the 'The Parks' and 'The High Street' character areas in terms of built form

The Milland Way and linear park frontages fall into different character areas, as described in paragraph 44 above and should therefore be treated differently. The applicants Design and Access Statement seeks to treat the site as a transition between the RSHP housing to the north and the more traditional construction to the south yet the Milland Way and linear park designs are the same with the same appearance, materials and detailing proposed (see **Annex C**). The proposed development therefore fails to provide any variety in built form across the site which is contrary to the Oxley Park Development Framework, the Oxley Park East Design Codes and Milton Keynes Local Plan policies D2A (i) and (vii).

- (ii) The proposed development fails to identify with and relate well to the adjacent RSHP development.

The use of brick and interlocking tiles, bulky UPVC windows with glazing bars, protruding balconies and detailing such as white verge and fascia boards would be incongruous with the RSHP design and elevations. These give the scheme a similar appearance to the existing Sites 2 and 3 housing, also by Taylor Wimpey. Other architectural details are missing which are key to understanding how the development would sit with the RSHP scheme, such as guttering. House Type OP2 (See Plots 7, 13, 16, 21, 22 and 25 in **Annex C**) is awkward in proportions with shallow roof pitches when compared to the proportions of the RSHP housing. In terms of boundary treatment, large expanses of brick wall are proposed when 'green screening' to match the RSHP scheme could easily have been used.

Whilst the applicant has attempted to take some design cues from the RSHP housing the architectural style, materials, balcony details, window details and proportions and general detailing proposed do not sit well with the RSHP housing and do not therefore relate well to locally distinctive design elements and the surrounding environment.

- (iii) The proposed development does not provide adequate legibility

Local Plan policy D2A (v) requires development proposals to provide legibility by providing recognisable streets, junctions and landmarks to help people find their way around. By failing to provide a coherent identity for Milland Way, which is different from the park edge, as outlined above, it is considered that the scheme fails to provide legibility when considered in the context of the whole Oxley Park development. Also, poor corner buildings are provided at junctions. These are of the same design as the other dwellings, albeit with the addition of a side bay window. In some cases corner buildings present large expanses of blank wall which is unacceptable (See plots 1 and 6 at **Annex C**).

The current application differs in this respect from the previous approved scheme in that under the approved scheme different house types were proposed on most corners, windows turned corners and a good amount of glazing was proposed in side facing elevations. This is seen in much of the built RSHP housing to the northern side of Milland Way.

The application is therefore also considered to be contrary to Local Plan policy D2A and the Oxley Park Development Framework and Design Code as it does not provide adequate legibility.

Traffic, Street Design, Access and Parking

51. The impact of traffic generation from residential development of the site has previously been assessed under outline application 03/01653/OUTEIS. The addition of 3 dwellings under the current scheme is not significant in traffic generation terms and is not considered to justify further traffic assessment. In light of this it is not considered to pose further problems for manoeuvring and ease of movement as suggested by representations made.
52. The scheme proposes a permeable network and a hierarchy of streets in accordance with the Oxley Park Development Brief and Design Code. Milland Way, onto which the site fronts, is the main bus route through Oxley Park and there is already a bus stop nearby. Although not readily demonstrated by the applicants Design and Access Statement, the site could connect into the existing footpath network which exists in Oxley Park along the roads and through the linear park. This also joins with the Milton Keynes Redway system.
53. In terms of highway design, the MKC Highway Officer has raised some concern about the tightness of bends and road width on the proposed shared surfaces. As these are the same as previously approved under application 07/00200/MKPCR, which could still be implemented, it is considered that no objection can be raised on this basis. Concern is also raised about junction and driveway visibility due to the positioning of plots 22 and 24. As this could easily be resolved within the current scheme by adjustment of position of the plots, again no objection is raised on this basis.
54. All dwellings would have on plot parking in the form of a driveway to the side and the proposal complies with the MKC Parking Standards (as amended). Concern is raised by MKC Highways about the inadequate width of driveways for many plots where the space is between walls. These measure just 2.5m wide which would make it difficult to get into and out of a vehicle and fail to meet Lifetime Homes standards which require a width of 3.3m.
55. There are no parking space dimensions guidelines set out in any of the adopted local plan policies or adopted documents/guidance. In addition, Local Plan policy H9 only “encourages” meeting Lifetime Homes standards. The inadequate size of parking spaces cannot therefore be justified as a reason for refusal. Officers would however look to the applicants to amend the scheme to address this should any approval be forthcoming and in any event meeting Lifetime Homes is a requirement of the landowner, the HCA.
56. The scheme exceeds the MKC Parking Standards (as amended) for on-street unallocated spaces by one space. This means that there is no overall loss of on street parking when compared to the previous scheme (06/00070/MKPCR). The on-street spaces are distributed around the site but none are provided on Milland Way. The previous approved scheme (06/00070/MKPCR) showed 4 spaces to be provided on Milland Way between driveway crossovers. Whilst the provision of spaces on Milland Way would be preferable and is required by the Design Code, MKC Highways do not feel that a reason for refusal on these grounds could be justified when four spaces are provided very close by, just off Milland Way in the ‘connector street’.

Impact on Amenities of Nearby Properties

57. The application site is separated from the properties to the north (the RSHP housing) by Milland Way. These existing two and three storey properties are typically set back from the back edge of the pavement by 2-3m. The proposed Milland Way frontage

houses are set back at between 1.5m and 2m and the width of the road and pavements adds 10m to the separation distance. While the same mix of storey heights are shown on the Milland Way frontage (two and three), the proposed dwellings are higher than those previously approved (06/00200/MKPCR), by 1.6m to the ridge of the highest units. The separation distance involved is considered sufficient to compensate for this and the relationship between the properties is no different to other streets in the area, including houses with balconies, such that there would be no significant loss of light, loss of solar gain, overshadowing or overbearing impact on the neighbouring properties to the north.

58. The application site is separated from the properties to the south (Site 1 houses in Grant Gardens) which are two and two and a half storeys in height by the existing linear park which measures between 22m and 47m width (as measured on GIS Mapping system). Although the application houses would sit higher than those in Grant Gardens, again the separation distance involved due to the linear park would mean no significant loss of light, loss of solar gain, overshadowing or overbearing impact.
59. Properties to the west, which are currently under construction, would again be set back a significant distance from the application site by a shared surface drive, landscape buffer (with the existing mature hedgerow) and area of public open space beyond this.

Community Safety

60. The layout meets some of the principles of Secured by Design in that the block structure approach clearly defines public and private spaces and natural surveillance is promoted through the presence of active frontages with windows in all public facing elevations. Representations have been made regarding lack of surveillance of the public realm and in particular the park and unallocated parking spaces in the 'connector street' but the Crime Prevention Design Advisor (CPDA) has not raised any concerns in this respect.
61. Concern has been raised by the CPDA about the gated access to driveways which if left open could leave the rear of properties vulnerable to burglary. This issue could easily be resolved through a revised boundary treatment scheme to remove the gates and fence off the parking spaces from the rear gardens. Concern is also raised about the applicants lack of commitment to meeting Secured by Design criteria, in particular secured glazing. As meeting Secured by Design is a criteria of the landowner, the HCA, and will therefore have to be met by the applicants despite their lack of assurance in the submission, this is not considered to be an issue.

Landscaping

62. The only existing vegetation within the application site is half of the mature hedgerow on the western boundary. A significant number of representations have commented that the applicants have failed to acknowledge the presence of the hedge in their submission. This is partly correct but nevertheless the hedge is shown for retention on the layout plan (see **Annex B**) set within a generous grassed verge. Protection measures could be secured by condition in the event of any approval.
63. The applicants landscaping scheme contained within the Design and Access Statement is very basic but again further details could be secured by condition in the event of any approval.

Affordable Housing

64. 39 affordable units have already been provided on Site 6 to the north of the application site. This exceeds the 30% requirement for the 122 constructed dwellings (32%) as it also partly provides for the 23 dwellings that were to be constructed on the current application site as part of the original reserved matters approval 06/00700/MKPCR. As there has been overprovision on the adjoining site, MKC Housing are happy that this is taken account in the current scheme. 4 affordable dwellings would complete the 30% requirement for the whole of Site 6, including Phase 2, the application site. One additional affordable unit has also been added to take account of the three additional dwellings proposed. A total of 5 affordable dwellings are therefore proposed and this is considered to meet MKC policy on affordable housing provision.
65. The 5 affordable units are located together in the western part of the site but as clusters of up to 12 units are allowed by the Affordable Housing SPD, this is considered acceptable. A mix of social rent and shared ownership properties are proposed which also accords with the SPD.
66. MKC Housing ask for clarification on whether Code for Sustainable Homes Level 3 satisfies HCA standards both as land owner and also for the Affordable Homes Programme for the Affordable Housing. The HCA have confirmed that it does. Contrary to the assertion of the neighbour representation made, there is no evidence to suggest that the inclusion of affordable housing would increase crime in the area.

Sustainable Construction

67. The development proposes to achieve Level 3 of the Code for Sustainable Homes (CSH) and offers to make a payment towards carbon offsetting. In order to satisfy Local Plan policy D4, Code Level 4 would need to be achieved for all dwellings, as set out in the Sustainable Construction SPD. The SPD sets out scope for flexibility if it can be verified that it is not viable to achieve Code Level 4. To date no evidence has been provided by the applicant to say why Code Level 4 cannot be achieved. In addition, policy D4 requires 10% renewable energy to be incorporated into a development. The application does not propose any form of renewable energy.
68. The proposed development therefore fails to comply with Local Plan policy D4 and the Sustainable Construction SPD for these reasons.

S106 Agreement

69. As it is a full application for residential development, the proposal generates the need for certain planning obligations as set out in Local Plan policies PO1, PO2 and PO4 and the related adopted Supplementary Planning Documents and Guidance. A Section 106 Agreement would be required to secure the necessary planning obligations which would also include affordable housing.
70. Discounting the payments that have already been made for Site 6 under the Section 106 Agreement relating to outline permission 03/01653/OUTEIS, contributions are required towards Social Infrastructure, Leisure, Recreation and Sports Facilities and Education Facilities. Officers provided the applicants with a schedule of the required contributions in August 2011. As the applicants immediately indicated that the contributions required would make the scheme unviable, Officers invited them to provide evidence of viability and to enter into negotiations.
71. Despite first being contacted in August 2011, the applicants only started to enter into dialogue with Officers on this matter in January 2012. An update on these

discussions will be provided at the committee meeting. In the meantime the applicants have failed to agree appropriate contributions with Officers and therefore the proposed development fails to comply with Local Plan policies PO1, PO2 and PO4 and the related adopted Supplementary Planning Documents and Guidance.

Other issues

72. Matters of ecology, drainage, ground conditions and archaeology relating to the site have been assessed previously within the Environmental Statement submitted for application 03/01653/OUTEIS and have been subsequently addressed. Surface water drainage for the site is provided via an existing Sustainable Urban Drainage System.
73. A representation has been made that the proposal would result in increased pollution. There is no evidence to suggest this is the case.
74. A number of representations have raised concerns that the difference in design to the RSHP housing will not be conducive to integrating the existing and the new communities. Site 6 is one of early parts of Oxley Park East to be developed and has stood without any development directly surrounding it for some time now. A strong community has developed around the common design identity and the sustainable way of living. However even with buildings of different appearance and standards, there is no reason to suggest that the new residents could not integrate with the existing community.
75. Representations have raised concern about the applicant's pre-application engagement with the local community. This is detailed at paragraphs 11 and 12 and the applicants 'Consultation Report' is attached at **Annex A**. Whilst pre-application consultation has been carried out by the applicants, this did not follow all of the advice of Officers and the adopted MKC Statement of Community Involvement in that the public exhibition was held at short notice (8 days notice), was not held locally to the site (in Christ the Cornerstone Church, Central MK) and was only held for four and a half hours for residents.
76. In proposing just four options to the residents the applicants discouraged a wider discussion of other alternatives. It should be noted that they did allow for 'additional comments' in the questionnaire (responses are set out in the 'Consultation Report') and also provided contact details for any further comments to be made. Nevertheless for a scheme of such local significance the applicants overall approach to pre-application engagement is considered to be inadequate, as evidenced by the volume and nature of the representations received.
77. Concern has also been raised in representations about the planning application consultation. The timing of the submission of the application meant that the consultation period was over the Christmas holidays. This was unfortunate but it was the choice of the applicant to submit at this time. The Local Planning Authority cannot refuse to process any valid application regardless of when it is received. The planning application was subject to the statutory 21 day consultation period but residents have still been able to submit comments after the expiry date, which was the 5th January 2012. Neighbour consultation exceeded the statutory requirement as letters were sent to all Oxley Woods residents, not just those fronting the application site. The application was also advertised in the local press and by site notices around the site.

CONCLUSION

78. The proposed scheme has resulted in a number of objections by technical consultees and significant local objection.
79. The application is considered to be unacceptable on a number of design grounds in that it fails to provide any difference between the 'The Parks' and 'The High Street' character areas in terms of density and architectural treatment, it fails to identify with and relate well to the adjacent RSHP development and it does not provide adequate legibility contrary to Local Plan policies D2A (i), (v) and (vii) and policy D2 (ii).
80. The application has failed to demonstrate how it would meet sustainable construction criteria in respect of Local Plan policy D4 and the Sustainable Construction SPD.
81. Finally, despite being given adequate opportunity, the applicants have failed to agree appropriate contributions with Officers and therefore the proposed development also fails to comply with Local Plan policies PO1, PO2 and PO4 and the related adopted Supplementary Planning Documents and Guidance.

RECOMMENDATION

82. That the application be **REFUSED** for the following reasons:
 - (i) The proposed development fails to provide any demonstrable difference between 'The Parks' and 'The High Street' character areas in terms of density and architectural treatment. It does not therefore provide character in townscape and fails to provide variety in terms of building form across the site (in terms of appearance, materials and detailing) contrary to the Oxley Park Development Framework, the Oxley Park East Design Codes and Milton Keynes Local Plan policies D2A (i) and (vii).
 - (ii) The proposed development fails to identify with and relate well to locally distinctive design elements (exhibited by the RSHP designs off Milland Way) and the surrounding environment by virtue of architectural style, materials, balcony details, window details and proportions and general detailing contrary to Milton Keynes Local Plan policies D2 (ii) and D2A (i).
 - (iii) The proposed development fails to provide a clear, recognisable image for the frontage facing Milland Way and for the frontage facing the park and fails to provide landmark buildings at junctions. It does not therefore provide adequate legibility when considered with the surrounding Oxley Park development contrary to the Oxley Park Development Framework, the Oxley Park East Design Codes and Milton Keynes Local Plan policy D2A (v).
 - (iv) The applicant has failed to agree with the Local Planning Authority regarding social infrastructure, leisure recreation and sports facilities and education Section 106 requirements and no justification has been provided to show why these requirements should not be met. In the absence of meeting these requirements the proposed development fails to comply with Milton Keynes Local Plan policies PO1, PO2 and PO4 and the related adopted Supplementary Planning Documents and Guidance on Social Infrastructure, Leisure, Recreation and Sports Facilities and Education Facilities.
 - (v) The application has failed to demonstrate how the requirements of Local Plan Policy D4 and the Sustainable Construction Guide SPD will be achieved.