

**Description:** Redevelopment of the site to form 45 retirement apartments, 3 retirement cottages including communal facilities, access, car parking and landscaping; and change of use of the former Police Station magistrates court and cell blocks for community use (class F2(b)).

**At:** Former Newport Pagnell Police Station, 124 High Street, Newport Pagnell, MK16 8EH

**For:** Churchill Retirement Living

**Target date:** 18th August 2023

**Objector(s):** 2

#### EXPIRY DATES

28 Days	Neighbour	Advert	Site Notice	Consultee
07.03.2022		24.03.2022	21.03.2022	10.05.2023

## 1.0 RECOMMENDATION

1.1 That planning permission be refused for the reasons set out at the end of this report.

## 2.0 INTRODUCTION

### The site and its context

- 2.1 The site is around 0.45 hectares (ha) in area and comprises a former Police Station building, police houses and large areas of hardstanding. The Police Station includes the former Magistrates Court, cell blocks, as well as more recent stables which have subsequently been converted to garages. It has been vacant for approximately 3 years with the local policing services being relocated to Wolverton Police Station.
- 2.2 The site is located within the settlement boundary of Newport Pagnell, which is designated as a key settlement through Policy DS1 of Plan:MK. The site immediately adjoins the town centre boundary and is in very close proximity to a range of shops and services found in the town centre which is defined as a 'District Centre' in Plan:MK. The immediate area is characterised by a mixture of commercial, retail and residential uses Residential properties adjoin the site on three sides.
- 2.3 The former Police Station and associated police houses are set back from the High Street, with a parking area to the front. The former Police Station is recognised as a locally listed building in the Newport Pagnell Neighbourhood Plan. The site is partially within Newport Pagnell Conservation Area (the access and police station complex), the remainder is immediately adjacent to the boundary. Immediately adjacent to the entrance to the site, on High Street, are two listed buildings, both Grade II listed. No.122 is an early C19 former public house, alongside it is an early C19 mile marker post. The site is to the rear and sits within their immediate setting. Further along High Street are groupings of other listed buildings, such as the Catholic Church of

St. Bede, Coachmakers Arms and Town Hall Chambers. On Dovecote, is a former dovecote, late C17, diapered brickwork, grade II listed.

- 2.4 The majority of the site is located in Flood Zone 1, however, most of the western part of the site, along with small slithers in the southern part, are designated as Flood Zone 2, and the site entrance and southern-most part of the site, which is the access from the public highway, is located within Flood Zone 3.

#### The proposal

- 2.5 The proposal will see the demolition of the five former police houses on the site and the development of 45 retirement living apartments and 3 cottages for sale to those aged 60 years or above (or those with a spouse or partner of at least 55). The residential use would fall within Class C3 (dwellinghouses) rather than Class C2 (residential institutions) as this proposal is essentially for self-contained independent living accommodation with no on-site care provision. The marketing intention of the proposal, towards the elderly sector of the population, does not affect the planning use concerned, which is established as a matter of fact and degree.
- 2.6 The apartment building would comprise 29 one-bed units (64.4%), 14 two-bed units (31.1%) and 2 three-bed units (4.5%), each benefitting from bedrooms, separate living rooms and kitchens, along with shower rooms (with the larger units also containing an en-suite). The communal hallways would lead to three staircases and one lift. At ground floor level, situated next to the main entrance, would be an owner's lounge with a coffee bar, as well as a reception and office area.
- 2.7 The apartment building would occupy the bulk of the site to the west of the former police station and would be configured in a 'T' shape, with the head of the 'T' running north to south and the perpendicular wing running east to west. In terms of scale, it would be a mixture of three storey in its centre, stepping down to primarily 2.5 storeys and then 2 storeys at the ends to help respect the scale and form of surrounding residential properties and the former Police Station. The building would be articulated with a number of bays and stepping in the façade to help provide interest and visual breaks. Amenity spaces would be provided to the west and north of the building, mostly shared, although the ground floor units would benefit from small, demarcated private areas. Some of the upper floor units would benefit from balconies or Juliette balconies.
- 2.8 The three cottages would be in a terraced block, situated in the north-eastern corner of the site to the north of the former police station. They would be 2 bedroomed and two-storey in scale and would benefit from private rear gardens.
- 2.9 In terms of external appearance, a mixture of red brick, buff brick and painted brick would be utilised to reflect the current external finishes to the police station and the diversity of materials used on the High Street. Red/brown concrete tiles are to be used for all roofs.
- 2.10 The proposed redevelopment would also retain the former Police Station (currently sui generis use) in its entirety and would involve changing it to Use Class F.2(b) as a hall or meeting place for the principal use of the local community, and discussions between the applicant and Newport Pagnell Town Council indicate that the latter would take ownership. This part of the proposal has been amended since the original submission of the application so to remove main town centre uses from the proposal, so to address concerns over the retail sequential test.

- 2.11 In terms of car parking provision, it is proposed to provide 19 spaces for the retirement living units. 3 spaces would be allocated to the cottages, with the other 16 spaces being unallocated (this is a ratio of 0.4 spaces per apartment). For the former Police Station, it is proposed to provide 9 parking spaces (including 1 disabled bay) to the frontage to serve the former police station. It should be noted that there is also a large public car park immediately opposite the site.
- 2.12 The proposal also includes cycle storage and mobility scooter charging and storage space, as well as a communal refuse store.

### **3.0 RELEVANT POLICIES, GUIDANCE AND LEGISLATION**

#### The Development Plan

##### *Newport Pagnell Neighbourhood Plan (made June 2021)*

Policy NP1: Settlement Boundary and New Housing

Policy NP4: Design Guidance

Policy NP5: Affordable Housing and Tenure

Policy NP6: Cycle and Pedestrian Route

Policy NP7: Developer Contribution Policy

##### *Plan:MK (adopted March 2019)*

Policy DS1: Settlement Hierarchy

Policy DS2: Housing Strategy

Policy DS3: Employment Development Strategy

Policy HN1: Housing Mix and Density

Policy HN2: Affordable Housing

Policy HN3: Supported and Specialist Housing

Policy HN4: Amenity, Accessibility and Adaptability of Homes

Policy CT2: Movement and Access

Policy CT3: Walking and Cycling

Policy CT5: Public Transport

Policy CT10: Parking Provision

Policy EH6: Delivery of Health Facilities in New Development

Policy EH7: Promoting Healthy Communities

Policy INF1: Delivering Infrastructure

Policy FR1: Managing flood risk

Policy FR2: Sustainable Drainage Systems (SuDS) and Integrated Flood Risk Management

Policy NE2: Protected species and priority species and habitats

Policy NE3: Biodiversity and geological enhancement

Policy NE6: Environmental Pollution

Policy HE1: Heritage and Development

Policy L4: Public open space provision in new estates

Policy D1: Designing a high quality place

Policy D2: Creating a positive character

Policy D3: Design of buildings

Policy D4: Innovative Design and Construction

Policy D5: Amenity and Street Scene

Policy CC1: Public Art

Policy CC2: Location of Community Facilities  
Policy CC3: Protection of Community Facilities  
Policy SC1: Sustainable construction

*Supplementary Planning Documents/Guidance (SPDs/SPG)*

Parking Standards SPD (2023)  
Sustainable Construction SPD (2022)  
Health Impact Assessment SPD (2021)  
Planning Obligations SPD (2021)  
Biodiversity SPD (2021)  
Affordable Housing SPD (2020)  
New Residential Design Guide SPD (2012)  
Surface Water Drainage; Local Guidance for Planning Applications SPG (2004)

*National planning policy and guidance*

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also material considerations.

*Legislation*

In conjunction with the Town and Country Planning Act 1990 (TCPA), the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) and the Planning and Compulsory Purchase Act 2004 (PCPA), the following legislation is particularly relevant:

- the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) (the 'CIL Regulations'); and
- the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO').

#### **4.0 RELEVANT PLANNING HISTORY**

None.

#### **5.0 CONSULTATIONS AND REPRESENTATIONS**

Newport Pagnell Town Council

Supports the application. Speculation as to the future for the much-loved police station building has been a concern for local people for many years. Any reasonable proposal to finally bring that land back into use for housing is to be welcomed, and a proposal is to keep the police station building in community use is also good news for the many who want to see that piece of heritage maintained. One of our Town Council's priorities is the sustainability of the High Street and to provide some needed retirement housing close to the town centre amenities is likely to provide a small, but nevertheless positive, lift to the High Street economy.

Councillor Liam Andrews (Newport Pagnell North & Hanslope Ward)

No comments received.

Councillor George Bowyer (Newport Pagnell North & Hanslope Ward)

No comments received.

Councillor Chris Wardle (Newport Pagnell North & Hanslope Ward)

No comments received.

MKCC Highways Officer (the Local Highway Authority (LHA))

*Initial comments*

Application needs amending as there is no pedestrian access from the High Street until a footway is reached at the corner of the community building. Separate facilities for pedestrians (and to accommodate buggies) to the apartment part of the site and community facility/office will be required. In providing pedestrian facilities the design should include tactile paving for pedestrians using the footway across the vehicular access. Some layout changes required in terms of configuration of access details. Whilst small shortfall of 4 spaces for the residential element of the scheme it is concluded that the level of parking is acceptable on this site.

*Further comments*

Concerns with respect to the creation of a virtual footpath and consider there to be a need for a dedicated kerbed footpath to ensure adequate and safe pedestrian access to the site.

*Further comments*

Following various discussions an additional car parking space has been provided within the community parking area and space has been made for pedestrian access. Whilst not completely ideal the revised details are considered acceptable, and the detailed design can be dealt with via highway specific conditions.

MKCC Archaeology

*Initial comments*

Having reviewed the archaeological desk-based assessment submitted with the application, in agreement with its conclusion that further archaeological investigation is desirable, in particular due to the likelihood of encountering significant buried archaeological remains relating to Newport Pagnell's 17<sup>th</sup> Century Civil War defences which are projected to transect the site. With this in mind it will be necessary to carry out a trial trench evaluation to properly assess the significance of any buried archaeology and inform any necessary subsequent mitigation. Both the trial trench evaluation and subsequent mitigation may be secured via a pre-commencement condition.

*Further comments*

No objection, previous comments still apply.

MKCC Landscape Architect

*Initial comments*

No objection subject to tree report being listed as an approved document and conditions to ensure the tree report recommendations are followed as well as detailed hard and soft landscaping details and boundary treatments.

*Further comments*

Details of landscape screening will be important to protect amenity of existing surrounding properties. Limited opportunity to provide additional landscaping at the back of 3 Courthouse Mews due to siting of additional car parking. However, if approved then the details of planting and landscaping should be secured by applying a landscape scheme condition.

MKCC Conservation Officer

*Initial comments*

The site is partially within Newport Pagnell Conservation Area (the access and police station complex), the remainder is immediately adjacent to the boundary. The existing police station is identified as an unlisted building making an individual contribution to the character and appearance of the Conservation Area.

The Police Station complex is considered to fulfil the definition of a non-designated heritage asset as set out in Annex 2 of the NPPF. It was put forward for statutory listing to Historic England, by the Town Council, but this was rejected by the national heritage body.

The remaining buildings within the site (police houses and garages) possess no heritage significance and do not contribute, or make very limited contribution, to the setting of the designated and non-designated heritage assets. As such there is no objection to their demolition.

The proposal would create a large footprint block building and is a type of development generally uncharacteristic of the Conservation Area. However, whilst the proposed building will clearly be seen from the High Street and surroundings (particularly in winter months), its position on a plot behind the historic street frontage will certainly lessen its impact, as will the placement of the north-south block over the west of the site, further away from principal views. In this respect, subject to conditions being applied to control the quality of the materials, the principal block will not cause harm to the significance of the Conservation Area. Similarly, because of the positioning of the building, appropriate height and broadly traditional façade treatment, the building does not detract from the principal frontage on High Street or the appreciation of the listed buildings within the wider sense.

The retention of the former police and court complex in its entirety is a positive step. No objections are raised to the conversion of the former stabling/garage block to a refuse store and guest accommodation. However, some of the changes to facilitate this conversion are deemed to be unacceptable to preserving its significance. It is considered possible to convert the building to the uses shown whilst preserving its character and contribution.

From the High Street, the prominence and quality of the former police complex will remain, its position and stature preserved due to its relative position forward of the new building and being at the entry point to the site. However, once within the site the overall, much larger bulk of the new building will be evident and will challenge the existing building and considerably distract from it, carrying harm to its significance.

In summary, harm will be caused directly to the non-designated heritage asset. This is avoidable through a redesigned scheme. In addition, harm is caused to its setting, and in turn its significance, by virtue of the scale, massing and resulting bulk which will diminish the stature of the police station complex once within the site.

Should the scheme be approved, conditions requiring sample panels, samples of all other materials and a record of the police station complex prior to any works to it should be added.

*Further comments*

No objection. Amendments made to proposed conversion works to former stable/garage block.

MKCC Urban Design Officer

*Initial comments*

No objection. The elevational design seems broadly appropriate given the context of the site and the limited visibility from the public realm. The elevations have been broken up with a varying roof line and materials. The scheme meets most of the separation distances proposed in the Residential Design Guide. Whilst massing is still greater than much of the residential context the height proposed is comparable. However, the proximity of the proposed building to the boundary of existing properties, and where buffer landscaping is not proposed or limited, is a concern. This is particularly noted with respect to the proposed side elevation of the building to the northern boundary and southern side elevation. If separation distances can't be adhered to then there will be a need for strong landscaping to buffer impact. Consideration should be given to reorientation of apartments that face this southern edge in order that non active rooms such as bedrooms overlook existing properties and finally obscured glazing should be considered.

*Further comments*

No objections to this application in terms of design. Whilst the scale and massing is greater than some of the context it is considered appropriate for a site on the edge of the town centre. The wider benefits of the proposal including capitalising on the potential of a brownfield, town centre site and supporting activity of the High Street are welcomed.

MKCC Flood and Water Management Officer (Lead Local Flood Authority (LLFA))

*Initial comments*

Unable to support the application as proposed changes to the layout of the development appears to show an area of landscaping now being developed as car parking. LLFA therefore requires clarity as to the new proposed impermeable area when compared to the previous design of the site.

*Further comments*

Objection removed. Submitted documents demonstrate that surface water from the proposed development can be managed using under drained permeable paving restricting surface water discharge to greenfield runoff rates. The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is particularly important when discharging into the watercourse.

Request the imposition of a number of planning conditions with respect to: detailed design of surface water drainage; measures to control additional surface water run-off during construction and; survey and report for completed surface water drainage system including any attenuation ponds and swales.

MKCC Emergency Planning Officer

Advisory comments on the Flood Warning & Evacuation Plan:

- 1) Updating the plan every year is good practice. However, would advise a more regular check on owner contact details recorded in the plan. Perhaps bi-annually.
- 2) Table that holds the contact details for owners. Would also expect to see a table to record staff contact details working on site, with a priority on managers.
- 3) Nothing mentioning the actions of staff on site during an evacuation. Are they knocking on peoples doors when the decision to evacuate has been made? Who are they calling/notifying?

Do they have a grab bag (or bags) that they need to bring out with them when the staff evacuate? What is the process for calling the emergency services from the staff point of view? Who takes the lead and what is the hierarchy? Do the staff have any responsibility towards the residents?

4) Milton Keynes City Council's contact number should also be added under the "Emergency Contact List".

#### MKCC Sustainability Officer

##### *Initial comments*

No objection. Planning conditions required to: secure details for the location and specifications of solar panels; the carrying out of the quality and monitoring regimes as described in the Energy and Climate Statement Addendum, submission of the final reports detailing the results of in-use monitoring. Furthermore, the S106 Agreement will be required to secure the confirmation and payment of the carbon offset payment in line with Part K3 of Policy SC1 in Plan:MK.

##### *Further comments*

The amended Site Waste Management Plan and Energy and Climate Statement Addendum are acceptable. Recommends a compliance condition.

Content for the SWMP to be included in the list of approved plans. As previously discussed, please use a condition to secure submission of solar panel details.

#### MKCC Housing Strategy

Objection. The development needs to comply with Plan:MK. Housing do not consider the contribution of the Police Building in any way compensates for the provision of affordable housing. The site as presented is not C2 accommodation and as such affordable housing is required from this proposal. Object strenuously to the lack of a policy compliant affordable housing provision and do not support the proposal as submitted.

#### MKCC Ecology Officer

##### *Initial comments*

Amendments/further information required. Prior to determination of the application a report of further bat emergence surveys must be carried out.

The proposed development site is classified as an 'amber' impact area for Great Crested Newts (GCN) under district licence mapping tools. This indicates that the development may have suitable habitat for newts on-site and/or a likelihood of GCN occurring locally. One of the following options is required to be undertaken prior to determination of the application:

- Survey to establish either the presence or likely absence of GCN to be undertaken by a suitably qualified ecologist. Where GCN are identified on or around the development site a site-based mitigation licence may be required.
- The District Licence Scheme (administered by the Nature Space Partnership) should be applied for. Under MKCC's district licence, development works that may cause impacts upon GCN can be authorised as part of the planning process.



*Further comments*

No objections subject to conditions being imposed to ensure compliance with the submitted Ecological Impact Assessment and the Protected Species Addendum, and compliance with the Biodiversity Enhancement Strategy and associated Biodiversity Metric.

MKCC Environmental Health Officer (EHO)

No objection. Have considered the submitted ground investigation report and agree with the recommendations in the report that, on the basis of the information provided, the site does not require remediation to ensure its suitability for the proposed use. However, the report identifies that the ground area around an underground decommissioned fuel tank requires further investigation. Accordingly, a planning condition is recommended to allow for an assessment of ground conditions in the vicinity of the decommissioned underground storage tank.

MKCC Development Plans

The site is allocated for residential use in both Plan:MK and the 'made' Newport Pagnell Neighbourhood Plan. As such, the principle of the residential element of the proposal would be supported by Policies DS1 and DS2 in Plan:MK and Policy NP1 of the Neighbourhood Plan. However, it is recommended that the issue with regards to the impact of Flood Zones on the site is looked into in more detail to determine if a sequential assessment is required and can be passed; this may have a bearing on whether the principle of the proposed development is compliant, or not, with Policy FR1 and therefore if it is acceptable or not.

Whether the principle of the re-use of the Police Station building for a commercial use (proposal suggests office use) is acceptable or not will depend on the outcome of the retail sequential test that is required for this development. If a commercial use is acceptable in principle, then it is recommended that the uses are restricted to those proposed in the submission (i.e. office uses), as any form of retail or leisure use would also require submission of an impact assessment due to the location of the site outside the main town centre.

The officer will need to consider the proposed density of the scheme taking into account the relevant policies outlined above. Furthermore, the proposal does not comply with Part A of Policy HN2 and the applicant will therefore need to provide robust evidence that there are exceptional circumstances as to why they cannot provide the required amount of affordable housing.

MKCC Public Transport

Public Transport contributions required towards provision of public transport information and infrastructure in the form of electronic displays.

MKCC Travel Planning

A Travel Plan has been submitted to support the application. Formalisation of a detailed travel plan following occupation should be secured by s106 planning obligations.

### Anglian Water

The foul drainage from this development is in the catchment of Newport Pagnell – London Road Water Recycling Centre which currently does not have capacity to treat the flows from the development site. However, Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would take the necessary steps to ensure that there is sufficient treatment capacity.

In terms of the used water network the sewerage system at present has available capacity for the proposed flows. The proposed surface water disposal system as detailed on the drainage layout is considered acceptable.

### Environment Agency

The site lies within fluvial Flood Zone 2 and 3, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. A Flood Risk Assessment (FRA) has been submitted with the application, which adequately assesses the Flood risk associated with the River Ouzel and the Great Ouse.

The primary access to the site is shown to have historically flooded in 1947 and 1998 and is located within Flood Zone 3. The flood map for surface water also indicates that there is a risk of flooding during periods of heavy rainfall.

The FRA has identified that there is a secondary, pedestrian access that remains dry during the design flood event for both fluvial and surface water flooding. Recommend that, if not already undertaken, that a flood emergency plan is created and reviewed in consultation with emergency planners to ensure the appropriate route is taken by the potentially vulnerable users. Also recommend that all service to the site is made flood resistant so that the site can remain operational during a flood. Even if the site doesn't flood, the site may become unoccupiable if the utilities are impacted.

The FRA has also identified that the site is reliant upon the local flood defences. It has taken a proportionate approach to the assessment of the residual risk, which in this instance, is satisfactory. Finally, the FRA has demonstrated that appropriate mitigation measures have been put in place, the raising of all floor level to 56.50mAOD, 500mm above the estimate flood level (if the defences were to fail).

### Cadent Gas

The site lies in close proximity to medium and low-pressure assets. However, Cadent Gas has no objection to this proposal from a planning perspective subject to an informative to address easements and other rights to their assets in private land.

### Buckinghamshire Fire & Rescue Service

There is a need to consider water supplies for firefighting and access for fire service vehicles when applying for Building Regulations approval. Matters to consider include: distance of buildings from fire hydrants; careful design of refuse areas to prevent fires to habitable areas; attention to parking facilities to prevent obstructions to fire and rescue services and; where gated to provide Fire & Rescue Service with access codes.

### Tree Officer

No objections subject to the use of conditions.

## Representations from interested parties

Concerns/objections raised from 4 local residents on grounds including:

- Potential overlooking/loss of privacy into garden area;
- Contrary to Neighbourhood Plan which allocates the site for approximately 14 dwellings in total;
- Access has not been improved for free-flowing vehicles and pedestrians. It is totally unsuitable for a proposal of this intensity;
- Consideration needs to be given to the impact the development may have on existing residents vehicular access to the High Street. Assumed that this will not be restricted in any way, however impact in terms of volume of traffic at an already busy crossroads needs to be considered; and
- No objection to the principle of proposed retirement apartments but do not object to it being a 3-storey building.

1 letter of support has also been received:

- It will give a pleasing aspect whilst retaining the historic 1872 built Police Station as a proposed 'community/commercial' building; and
- Will redevelop a semi-derelict site, with easy access to Newport Pagnell Medical Centre, shops and other amenities in Newport Pagnell, this is an ideal site for retirement living.

## **6.0 MAIN ISSUES**

Principle of development;  
Affordable housing requirements;  
Design and impact on the character of the area;  
Residential amenity and living conditions;  
Highway capacity, safety and parking provision;  
Impact on heritage assets;  
Impact on archaeology;  
Ecology and biodiversity;  
Drainage and flood risk;  
Sustainable construction; and  
Infrastructure impacts and s106 matters.

## **7.0 CONSIDERATIONS**

### Principle of development

#### *Community Facilities*

7.1 The police station is considered to constitute an emergency service and therefore a community facility, as defined by paragraph 16.32 of Plan:MK. As such, Policy CC3 of Plan:MK is of relevance to this application. It concerns the protection of community facilities, stating that:

- A. *Proposals that involve the loss of an existing community facility or the loss of a site allocated for such a purpose, will only be supported where:*

1. *There is no longer a need for the facility for any type of community use, and this has been robustly evidenced by research and consultation; or*
2. *An acceptable alternative facility can be provided elsewhere.*

- 7.2 The police station building is currently vacant with the police service having been transferred to an alternative location. This self-evidently indicates that the relevant authorities concluded that a police station was not required in this location versus the other options available. On the reasonable assumption that an acceptable alternative facility has been provided elsewhere, the proposal is considered to be in accordance with Policy CC3. In any case, the community-use element of this site is not being lost. The proposal seeks a material change of use from sui generis to community use, specifically use class F.2(b), which is a hall or meeting place for the principal use of the local community. It is considered that the proposal would not result in the loss of community facilities in net terms. On the contrary, the proposed re-use would result in a more accessible form of community facility than was previously the case, with the building being potentially available for community meetings and activities overseen by the Town Council.
- 7.3 Policy CC2 of Plan:MK states that planning permission will be granted for non-residential community facilities within, or adjacent to Central Milton Keynes, town, district and local centres. The proposed non-residential community facility, to be contained within the former police station building, would be located adjacent to Newport Pagnell town centre and is therefore in accordance with Policy CC2.
- 7.4 Whilst the proposal is considered to be in accordance with Policies CC2 and CC3 of Plan:MK, it is noted that the Newport Pagnell Neighbourhood Plan (NPNP) is the more recently adopted document. Policy NP1 of the NPNP allocates most of the site, including the former police station, for residential use. The application does not provide any convincing evidence about the need for a community facility at the site, let alone one that would occupy a building the size of the former police station. Moreover, there is a lack of information about this building's condition or what would be involved in converting it to a new community use. The applicants propose transferring the ownership of the building to Newport Pagnell Town Council at nil cost, and it is understood that the Town Council has expressed an interest in taking ownership.
- 7.5 However, in the absence of clear information about the need for the proposal, along with the building's value, condition, and what form a conversion would take, it is unclear when, or even if, the proposed community facility would be delivered. Indeed, it is beyond any reasonable mechanism under a planning permission to require its provision as a community facility in the absence of this detail and associated costs which would be essentially imposed on the Town Council, with the obligations passed directly to them without any clarity at this time. Indeed, any permission could be implemented in part, allowing for the housing elsewhere on the site to come forward without any claimed benefits of a community use arising. The benefits of providing such a facility are therefore considered insufficiently clear to overcome the conflict with Policy NP1.

#### *Residential development*

- 7.6 The site is within the settlement boundary of Newport Pagnell, designated as a key settlement in Policy DS1 of Plan:MK. The site is also allocated on the Plan:MK policies map as a proposed housing site (site ref. HS105) and is listed in Appendix A, table 18.1, of Plan:MK as an existing commitment for 14 dwellings. The principle of residential development on the site is therefore

supported by Policy DS1 and DS2 of Plan:MK. In terms of the latter policy, Part 6 is particularly relevant as it *"relates to the delivery of sites already identified in made neighbourhood plans"*.

- 7.7 The site is allocated for the development of approximately 14 dwellings in the NPNP. It should be noted that the most north-eastern part of the site does not actually fall within the housing allocation (site ref. HS105) within Plan:MK and is instead an area which carries no designation. The full site is, however, covered by the allocation made under Policy NP1 of the NPNP. This conflict should be resolved in favour of the NPNP as it is the last document to become part of the Development Plan. Therefore, the site can be considered to be fully covered by a housing allocation. The whole of the site is, in any case, located within the built-up area of Newport Pagnell and, with or without the allocations for housing, there are no Development Plan policies indicating that the principle of housing would not be acceptable at the site. For the avoidance of doubt, the number of units stipulated in the NPNP and Plan:MK are considered indicative, and not strict minimum or maximum limitations.

*Type of housing provision*

- 7.8 Policy HN1 of Plan:MK states that proposals for 11 or more new dwellings will be expected to provide a mix of tenure, type and size of dwellings that reflects the Council's latest evidence of housing need and market demand; reflects the needs of different household types; avoids the over-concentration of certain types of residential development in an area; and takes account of the nature of the development proposal, for example flatted development or supported/sheltered housing where greater variety of house type, size or tenure may not be feasible or appropriate. Policy HN3 states that commensurate with their scale and nature, residential development proposals will be expected to provide an element of supported or specialist housing to help contribute towards meeting the needs of older persons and households with specific needs.
- 7.9 The proposal would involve the provision of self-contained dwellings, in the form of houses and predominantly apartments, with the latter being contained within a building that would include a reception, owner's lounge and coffee bar, and communal gardens. Whilst there would be shared elements and the proposal is aimed at retirement living accommodation, which is considered to constitute 'sheltered housing' under the scope of footnote 21 of Plan:MK; the degree of independence involved in the living arrangements is such that the proposal is considered to fall under use class C3 (dwellinghouse), rather than a care home which is use class C2.
- 7.10 The provision of older people's housing is discussed in Plan:MK. Section 7 'Homes and Neighbourhoods', and specifically the 'Housing Mix and Density' section paragraphs 7.5-7.7 inclusive provide support to this particular need. Paragraph 7.5 of Plan:MK states that:

*"Demographic trends show there will be a significant increase in households aged over 65 within Milton Keynes in contrast to other age groups. The majority of these households will already be established and living in Milton Keynes, predominantly in larger family sized housing. The Strategic Housing Market Assessment (SHMA) does not account for older households (either singles or couples) living in larger properties who may wish to move to a smaller property - 'rightsizing' - due to difficulty maintaining a larger property, reduced mobility, or the desire to move to more suitable accommodation within closer proximity to day-to-day facilities that will enable them to continue to live independently. Enabling older households to move into more suitable*

*accommodation in this way can help reduce the costs of health and social services and release existing under-occupied housing for the use of families, thereby helping to indirectly meet the need for family housing (3-5 bed houses)."*

7.11 Paragraph 7.7 goes on to state that:

*"New development provides the opportunity to address this shift in the demographic profile of Milton Keynes to improve housing choice and the availability of suitable accommodation in the right places to address issues of overcrowding, under occupancy and demand for particular types/size of housing from different household types. For example, there is demand for smaller properties from both young single/couple households and from older single/couple households for different reasons."*

7.12 It is noted that the SHMA, at paragraph 5.86, identifies a need for around 3,400 sheltered homes between 2016 and 2031. Specific mention is made in the SHMA to those over the age of 75. The proposed development will contribute to the delivery of such accommodation, although this scheme is intended for those aged 60 or above, so it is difficult to afford substantive weight to the claimed benefits at this time as it is quite possible that much or all of the accommodation proposed could be occupied by persons below the age of 75, without unreasonably imposing a condition in direct conflict with the proposal now presented.

7.13 The proposal would include a small unit of guest accommodation to compliment the residential development and facilitate visitors, particularly in relation to the one-bed units. This element of the proposal is considered to be ancillary to the main use and a condition is recommended to ensure that it is only used as temporary visitor accommodation.

#### Flood Risk Sequential Test

7.14 Policy FR1 of Plan:MK deals with managing flood risk. Part B of this policy seeks to steer all new development towards areas with the lowest probability of flooding. The sequential approach to development, as set out in national guidance, will therefore be applied across the Borough, taking account of all sources of flooding as contained within the Council's Strategic Flood Risk Assessment (SFRA). Further to this, part C states that development within areas of flood risk from any source of flooding, will only be acceptable if it is clearly demonstrated that it is appropriate at that location, and that there are no suitable available alternative sites at a lower flood risk.

7.15 The proposed apartment building would largely be located within Flood Zone 2, and the site access and part of its internal roadway is within Flood Zone 3. It is therefore necessary to consider whether the proposal could be provided at an alternative location at lower risk of flooding. A Sequential Test has been submitted to consider alternative sites within the Newport Pagnell Parish, and particularly those within a 0.5 mile radius of the town centre. The scope of the submitted test is based on the applicant's claim about the importance for retirement living developments to be highly accessible in terms of proximity to local shops and services, and their contention that there is a need for sheltered housing within Newport Pagnell. Their assessment concludes that there are no suitable alternative sites in areas at lower risk of flooding in Newport Pagnell.

7.16 The Development Plans officer has advised that the sequential test for a development of supported and specialist residential dwellings, that still fall within use Class C3, should have a

geographical scope which assesses sites within the settlement boundaries of all three tiers of the Settlement Hierarchy outlined in Policy DS1 of Plan:MK (i.e. Milton Keynes City, the three key settlements and the villages and rural settlements which have defined settlement boundaries). This is because neither policies or DS1 or DS2 ascribe a proportion or quantum of such housing to each settlement, leaving it to the development management process to identify the most appropriate sites. A further filter should be applied for supported housing, however, in that sites assessed can be limited to those considered to be in locations that enable easy accessibility to facilities and public transport by pedestrians, including those with impaired mobility and wheelchair users. This essentially means that alternative sites should consider sites both within all the above settlements and proximate to town and district centres or available services/facilities therein.

- 7.17 As the scope of the submitted sequential test is limited to Newport Pagnell, it is considered to be inadequate. It is not possible to determine whether there are sequentially preferable sites available in other settlements and therefore not possible to conclude that the application site is sequentially preferable. The sequential test is therefore not passed. The proximity to the district centre, however, does satisfy the second consideration around accessibility for this settlement in isolation. As such, the proposal is considered to be contrary to Policy FR1. This will be considered further in the planning balance later in this report.

*Conclusions concerning the principle of development*

- 7.18 The principle of retirement living accommodation (use class C3) on the site is considered acceptable and supported by Policies DS1, DS2 and HN1 of Plan:MK and Policy NP1 of the NPNP. By its nature, the proposed residential accommodation is considered to be in accordance with Policy HN3 of Plan:MK. The principle of re-use of the former police station for community-related purposes meets the requirements of Policies CC2 and CC3 of Plan:MK but is contrary to Policy NP1 of the NPNP, which is the more recent and relevant policy. In terms of flood risk, the applicants have failed to demonstrate that the site under consideration is sequentially preferable to what may be available elsewhere in the borough, and the proposal is therefore contrary to Policy FR1 of Plan:MK.

Affordable housing, mix and adaptability

- 7.19 Policy HN2 states that development proposals for 11 or more homes should provide 31% of those homes as affordable housing. Policy HN4 requires that at least 60% of all new dwellings be built to Building Regulations Part M4(2) standards for accessible and adaptable dwellings; at least 5% of new Market dwellings be readily adaptable to M4(3); and at least 10% of all new affordable homes must be built to Building regulations part M4(3) wheelchair accessible standard. These dwellings should include automatic fire suppression measures consistent with Building Regulations Part B. Part B of this policy outlines the expected tenure mix for affordable housing. Policy NP5 of the NPNP reflects the affordable housing requirements set out in Plan:MK but also adds that 10% of affordable units should be reserved for those with a strong local connection.
- 7.20 The proposal is for 'retirement living accommodation', which, whilst enjoying a communal owners lounge, coffee bar and communal gardens, given the level of independence involved in the living arrangements, is considered to fall within use class C3 and policy-compliant affordable housing is therefore required. The application is not offering on-site provision and as such would be required to meet affordable housing requirements through an off-site financial

contribution, which is permitted by Part E of Policy HN1. In this case, that contribution would equate to a sum of circa £1.9million, but for the reasons set out later in this report, only a small proportion of this contribution is being offered, which would be around £71,000. The Housing Strategy team strongly object to the application on this basis.

- 7.21 Viability concerns have been demonstrated and accepted by the Council's independent experts, which indicates that a significantly reduced level of contribution is justifiable in this case. However, there are considered to be shortcomings in relation to the viability appraisal and this will be discussed later in this report.

#### Design and impact on the character of the area

- 7.22 Policy SD1 of Plan:MK sets out place making principles/aims for development, such as providing good connectivity, achieving a good relationship with surrounding areas and to provide new social and commercial facilities. In addition, Policies D1, D2 and D3 seek to ensure development proposals contribute positively to the surrounding local environment and character, and that buildings are of an appropriate scale in relation to the surrounding built environment, reflecting the aims of Section 12 of the NPPF and the NDG. Policy HN1 Part C states that net densities of proposals for 11 or more new dwellings should balance making efficient use of land with respecting the surrounding character and context. Higher density development will be encouraged in locations with good accessibility to facilities, that are well served by public transport.
- 7.23 From an urban design perspective, it is considered that the proposed layout is compatible with good practice principles in terms of townscape and layout whilst responding to the shape of the site and its constraints. The proposed scale, rhythm and the focus of the façade is considered acceptable. The proposed design indicates that care has been taken to ensure that the elevations respond to elements of the former police station and its heritage value. Whilst the proposed apartment building will be substantial in scale and form, it's siting is sufficiently set back from the more domestic scale of adjoining residential properties to the north and north-east of the site as to not unduly impinge on the wider character of the area.
- 7.24 As set out below in the residential amenity section, the scheme has been amended to ensure policy compliant separation distances with existing properties to the west of the site. Furthermore, in terms of the nearest proposed side elevations to the apartment block with existing properties to the north and south of the site, there would be no flank windows at either first or second storey levels to avoid any undue overlooking to those properties. The proposal would result in a density of around 107 dwellings per hectare, which is considered appropriate given the imperative to make efficient use of this brownfield site in a sustainable, town centre location. Moreover, given the proposal's siting, scale and design, its relationship to surrounding properties, and provision of landscaped open space around the proposed building, it is considered that it would not result in an over-development of the plot and that it would not result in unacceptable harm to the character of the area. The careful use of materials and design features is considered to result in a high-quality development.
- 7.25 Planning conditions can be imposed to secure details of the proposed external materials, landscaping, and boundary treatment. It is also recommended that permitted development rights be removed from the proposed cottages to prevent an overdevelopment of those plots without the Council being able to assess the impacts of future proposals. Subject to the use of



these, the proposal is considered to be in accordance with Policies SD1, D1, D2, and D3 of Plan:MK, along with the NPPF and NDG.

Residential amenity and living standards

- 7.26 Policy D5 of Plan:MK seeks to ensure that development proposals do not cause an unacceptable loss of light, loss of privacy or create a visual intrusion between residences. The New Residential Development Design Guide (NRDDG) establishes criteria to govern distances between buildings to ensure privacy, as well as setting guidance for the size of shared and private gardens.
- 7.27 Policy HN4 requires that residential units meet the Nationally Described Space Standards (NDSS), as well as other criteria regarding accessibility and flexibility of homes and the scheme would be in accordance with these standards.
- 7.28 Regarding the impact that the apartment building would have on existing residential dwellings surrounding the site (located to the south in Courthouse Mews; west in Dovecote and north in Windsor Avenue), it is considered that back-to-back and side to rear separation distances are sufficient to avoid any unacceptable harm to the amenities of neighbours, in terms of their outlook, privacy and access to natural light. The scheme has been amended to increase the distance with properties in Dovecote to ensure it meets minimum separation distances as prescribed in the NRDDG. Furthermore, in terms of the nearest flank elevations of the proposed apartment building with existing properties to the north (located in Windsor Avenue) and south (located in Courthouse Mews) there are no proposed windows at either first or second storey levels, thus protecting the private amenities of these properties.
- 7.29 The proposed cottages would be sited in a very similar position to one of the existing police houses at the eastern side of the site, with a similar relationship to the nearest property to the north, located off Windsor Avenue, and properties to the east at Tankard Close. Whilst the siting and orientation of the three terraced cottages proposed is similar to the existing police house, there would be an intensification of use with three 2-bed dwellings compared to the existing single, albeit large, house. That said, no single neighbouring property to the east is directly impacted by all three of the proposed cottages. The separation distance between Cottage No.3 and the nearest dwelling to the east is around 13m with approximately 9m distance to the boundary of that property, and this would be the closest relationship between the proposal and neighbouring properties. Given that the dwellings would be at an oblique angle to one another, the separation distances involved, the presence of mature landscaping between the two, and bearing in mind the existing situation described above, it is considered that there would not be unacceptable harm to the amenities of neighbours, in terms of their outlook, privacy or access to natural light. The same applies to the other two cottages forming the terrace. It is recommended that permitted development rights be removed to prevent roof extensions at these dwellings, which would worsen the amenities of neighbouring occupiers.
- 7.30 The proposed amenity spaces for the apartments and cottages, the latter being served by private garden areas and the former being served by a mixture of private ground-floor patios, balconies, and communal spaces, are considered to have been carefully planned and located to maximise their usefulness. Whilst the rear gardens for the cottages do fall short of the standards set out in the NRDDG, with the shortest being just over 6m versus the 10m required by the guidance, it is noted that shared amenity space would be provided to the fronts of the cottages, and these would not be typical family homes in any case, being intended as retirement accommodation. The proposed amenity spaces are considered sufficient to ensure an adequate

standard of accommodation for the enjoyment of future occupiers. However, it is recommended that permitted development rights be removed from the proposed cottages to prevent extensions or additional curtilage structures in the rear garden areas to prevent any loss of the garden space available.

- 7.31 In addition to the above, the proposal is supported by a refuse strategy which provides details of the collection and storage area to serve the development. The bin storage area and its associated access point will be located within the former stable/garage block attached to the Police Station, which is detached and sufficiently distanced from the apartment and cottage development to ensure limited disturbance to the new residents and existing surrounding properties.
- 7.32 In conclusion, in terms of the proposal's impacts on neighbours and the standard of accommodation to be provided, the proposed development is considered to comply with Policies D5 and HN4 of Plan:MK, and the guidance contained in the NRDDG.

#### Highway capacity, safety and parking provision

- 7.33 Policies CT1, CT2 and CT5 of Plan:MK seek to ensure that development proposals are sustainable and safe in terms of their links to public transport, traffic generation and general accessibility to all users of the highway. Policy CT3 seeks to ensure that developments are easily accessible to employment, essential services and community facilities by walking and cycling. Policy CT10 seeks to ensure that development proposals are in accordance with the Council's car parking standards unless mitigating circumstances indicate otherwise. Policy HN1 Part E states that where no or low levels of parking are proposed, to achieve densities that help realise wider strategic objectives, they will be required to demonstrate the site has good accessibility to frequent public transport services to public transport nodes, district/town/local centres, schools and employment areas.
- 7.34 Policy NP6 of the NPNP states that A. major developments, as defined by national policy, should be planned with integrated cycle and pedestrian routes, and also be designed to integrate with and expand the defined network, to create new routes into the town centre and to schools and sports facilities. B. For all other developments, developer contributions will also be sought towards the Town Council's commitment to implement the Sustainable Transport Plan which will, in addition to other Sustainable Transport initiatives, improve the defined network. This will create a town-wide network of routes, when development proposals come forward.
- 7.35 The Parking Standards SPD places the site within 'Zone 2' by virtue of its relatively high level of sustainability. Within these standards, Class C3 uses are required to provide 1 + 0.33 unallocated spaces per 1 or 2-bed dwelling; community uses 1 space per 30sqm of accommodation and office/commercial uses 1 space per 33sqm of accommodation. Based on these standards the requirements for this 48-dwelling scheme with 487sqm of community space, would be 64 residential parking spaces (16 unallocated) and 17 community-related spaces; a total of 81 spaces.
- 7.36 In this case, the site can only accommodate 19 residential spaces and 9 community spaces which is a significant under-provision of over 60 spaces as set against parking standards.
- 7.37 As part of the applicant's case to support this level of parking, the submitted Transport Assessment refers to surveys carried out by the applicant (Churchill Retirement Living) of their

existing schemes that show an average demand for 0.28 spaces per apartment. They expand on this proposition by stating that *"...residents often move into a retirement development so they are closer to local services and facilities and so they can give up reliance on their cars. The typical pattern is that residents move in and then give up their car within 6 months as they no longer need it. Many no longer wish to drive and others find the cost of taxing, insuring and maintaining it unnecessary for the occasional trip, especially given public transport is available."*

- 7.38 In this case, the site constitutes a very accessible location, within 200m of Newport Pagnell Town Centre. Furthermore, there are several bus stops within 300m or a 4-minute walk of the site on High Street and Marsh End Road. Access is available for both northbound and southbound services and each stop benefits from a shelter, timetable information and seating to make them attractive to users. It should also be noted that there is a public car park immediately opposite the site that can provide for the needs of visitors. The proposal also includes cycle storage, mobility scooter charging and storage and their provision can be secured through the use of a condition. Likewise, the provision of electric vehicle charging points can be the subject of an appropriately worded condition. The Highway Authority has no objections to the proposal.
- 7.39 On balance, given the nature of the accommodation to meet the needs of an elderly demographic (with lower car ownership) and the highly sustainable location of the site, it is considered that the reduced on-site residential car parking provision can be supported in this instance, and there are reasonable grounds for supporting a level of parking that is below the usual requirement for C3 residential accommodation, as required by Policy CT10 of Plan:MK and the Council's adopted Parking Standards.
- 7.40 In terms of the proposal's access and parking arrangements, and the impacts it would have on highway safety and amenity, it is considered to be in accordance with Policies CT1, CT2, CT3, CT5, CT10, and HN1 of Plan:MK, and Policy NP6 of the NPNP.

#### Impact on heritage assets

- 7.41 Policy HE1 of Plan:MK states that proposals will be supported where they sustain and, where possible, enhance the significance of the heritage assets recognised as being of historic, archaeological, architectural, artistic, landscape or townscape significance. These assets include Conservation Areas, Listed Buildings and non-designated heritage assets as defined in Annex 2 of the NPPF.
- 7.42 The policy also requires that proposals which cause less than substantial harm to a designated heritage asset will only be granted where the harm to a designated heritage asset is demonstrably outweighed by public benefits delivered by the scheme. Regarding harm to non-designated heritage assets, the policy states that proposals incurring such harm will be resisted unless the need for, and benefits of, the development clearly outweigh the harm, taking into account the asset's significance and importance, and only once all feasible solutions to avoid and mitigate that harm have been fully implemented.
- 7.43 Policy NP4 of the NPNP states that proposals that will result in harm to, or the unnecessary loss of, a Local Heritage Asset will not be supported, unless it can be demonstrated that the public benefit of development outweighs the scale of harm or loss. This applies in particular to Local Heritage Assets, including the police station frontage, main courthouse and cell blocks.

- 7.44 The former police station is considered to fulfil the definition of a non-designated heritage asset set out in Annex 2 of the NPPF and is identified in the NPNP Policy NP4(D) as a 'Local Heritage Asset'. The Station House and former magistrates complex is, in the opinion of the Conservation Officer, *"...incredibly intact and in the top bracket of significance for non-listed buildings, potentially being of national significance. The complex retains all aspects of its functions and services, including historic details from each. The survival of all these aspects clearly demonstrate how such a complex would have functioned in the late 19th/early 20th Centuries. The cell blocks, exercise yard and stabling are key features of its significance."*
- 7.45 The retention of the police station complex in its entirety is strongly supported. There are no objections regarding the proposed use of this section of the complex for refuse storage and guest accommodation and following negotiations the proposed works are considered to preserve its character and contribution to the non-designated heritage asset. However, the proposals earmark a community use for most the building in question, the need for which has not been evidenced and there is a lack of information about the building's condition along with any detail about the nature of any required conversion works and what these would cost. Whilst the Town Council has expressed an interest in taking ownership of the building, it is unclear when or if a community facility could be delivered. An interest is not a commitment to both take on ownership and ensure its optimum viable use comes about. It is possible that the former police station could remain vacant and unused for the foreseeable future, which would not serve to secure its future as a non-designated heritage asset.
- 7.46 The remaining buildings within the site (police houses and garages) possess no heritage significance and do not contribute or make very limited contribution to the setting of the non-designated heritage asset and as such no objection is raised to their removal.
- 7.47 The proposed apartment building would introduce a large footprint block building which is a type of development that is not generally characteristic of the Conservation Area and where it does occur it often causes harm. However, where harm is caused, this is normally in instances where large buildings stand alongside smaller narrower grain of a principal, historic street. In this case, the apartment building would be situated immediately adjacent to the Conservation Area and some way behind the historic street frontage. The scale of the proposed building would generally be 2½ storey with taller 3 storey elements. In terms of height this is not radically different from what is seen within the Conservation Area, albeit it would create a continuous form of building which will only partially be mitigated by the elevational treatment and breaking down of forms employed.
- 7.48 The Conservation Officer has assessed the overall impact of the development on the character and setting of the Conservation Area and associated listed buildings and has concluded that *"...whilst the building will clearly be seen from High Street and surroundings (particularly in winter months) its position on a plot behind the historic street frontage will certainly lessen its impact, as will placement of the north-south block over the west of the site, further away from principal views. In this respect, subject to conditions being applied to control the quality of the materials, the principal block will not cause harm to the significance of the Conservation Area. Similarly, because of the positioning of the building, appropriate height and broadly traditional façade treatment, the building does not detract from the principal frontage on High Street or the appreciation of the listed buildings within the wider sense. The building does not challenge the existing grouping or create such a discordant feature as to distract from the existing groupings and individual buildings. The proposed buildings [proposed cottages] to the northeast*

*corner of the site will have no harmful impact on the Conservation Area or setting of the listed buildings."*

- 7.49 It is considered that the proposal would not result in harm to the conservation area or nearby listed buildings. In terms of the former police station, whilst it is considered that the proposed apartment building would not result in direct harm to the building as a result of any alterations, there would be harm owing to the effect on its setting, given the size of the new building and the relationship between the two. The level of harm resulting from the impact on its setting would fall into the 'less than substantial' category, however, there are considered to be public benefits, which clearly outweigh this harm, namely, the provision of housing accommodation in a sustainably located brownfield site in accordance with the Neighbourhood Plan allocation.
- 7.50 As the application does not detail deliverable proposals for the use of the former police station building, it is considered that it fails to adequately secure its future, contrary to Policy HE1 of Plan:MK, Policy NP4 of the NPNP, and the guidance contained in the NPPF.

#### Impact on archaeology

- 7.51 Due to the likelihood of encountering significant buried archaeological remains relating to Newport Pagnell's 17th Century Civil War defences which are projected to transect the site, it is considered necessary to carry out a trial trench evaluation to properly assess the significance of any buried archaeology and inform any necessary subsequent mitigation. Both the trial trench evaluation and subsequent mitigation may be secured via a pre-commencement condition, which has been agreed by the applicant. The proposal is therefore considered to be in accordance with the requirements of Policy HE1 of Plan:MK.

#### Ecology and biodiversity

- 7.52 Policies NE2, NE3 and NE5 of Plan:MK seek to protect and provide a net enhancement to biodiversity through sustainable development and seeks the protection of protected species.
- 7.53 The application is supported by an Ecological Impact Assessment, and this has been further supplemented by a Protected Species Addendum, to further report on survey work carried out with respect to bats and Great Crested Newts. Following this additional survey work the Council's Ecology Team raise no objections to the application subject to the imposition of conditions to ensure compliance with the submitted Ecological Impact Assessment and the Protected Species Addendum.
- 7.54 A Biodiversity Impact Assessment Metric (BIAM) results in a net gain of 1.06% habitat units and 205.29% hedgerow units overall. This is a significant biodiversity net gain resulting from a Biodiversity Enhancement Strategy which provides for a set of ecological enhancements which include: creation and management of amenity grassland as well as wildflower grassland and bulb planting; new native and ornamental hedgerow planting; retention and planting of additional trees; improved roosting opportunities for bats; and improved nesting opportunities for birds to include bird boxes and integrated house sparrow boxes. A condition will be required to ensure compliance with the Biodiversity Enhancement Strategy and associated DEFRA 3.0 Biodiversity Matrix.
- 7.55 Overall, subject to appropriate conditions the proposals are considered to be in accordance with Policies NE2, NE3 and NE5 of Plan:MK.

Drainage & flood risk

- 7.56 Policy FR1 of Plan:MK states that all new development must incorporate a surface water drainage system with acceptable flood control and demonstrate that a surface water drainage system with acceptable flood control and demonstrate that water supply, foul sewerage and sewage treatment capacity is available or can be made available in time to serve the development. Suitable access is safeguarded for the maintenance of water supply and drainage infrastructure. In addition, Policy FR2 requires that all new development incorporates sustainable urban drainage schemes that are provided in an integrated manner and are in line with national and local policy and guidance.
- 7.57 In terms of flood risk, the proposed apartment building is largely within Flood Zone 2, and the site access and part of its internal roadway is within Flood Zone 3. It is therefore necessary to consider whether there are alternative sites available, which have a lower risk of flooding.
- 7.58 Whilst the proposal fails the sequential test, it is, nevertheless, capable of providing a safe development in flood risk and drainage terms. In terms of managing flood risk to ensure that the scheme remains safe from the impacts of flooding throughout its lifetime, it is proposed that the existing ground profile would be modified to accommodate drainage and flood mitigation requirements for the site. To protect the built development, the proposed ground floor finished floor level (FFL) is to be raised to 56.50m(AOD) and 900mm freeboard above the River Ouzel 1 in 1,000-year flood level (including 20% climate change) of 55.60m(AOD). Whilst the main vehicular access to the site is located within a length of the High Street that sits in defended Flood Zone 3, the proposed site layout includes a secondary pedestrian access to its north-eastern corner which joins the adopted footpath at Bury Close, with connectivity to Windsor Avenue to the north. Both Bury Close and Windsor Avenue remain within Flood Zone 1 and provide safe access and egress during extreme flood event.
- 7.59 The LLFA has raised no objections subject to the use of conditions to secure a detailed design of surface water drainage; measures to control additional surface water run-off during construction; along with a survey and report for completed surface water drainage system including any attenuation ponds and swales. The Environment Agency has raised no objections to the proposal, given the floor levels proposed in the Flood Risk Assessment, and recommends that a flood evacuation plan be secured. The applicant has since submitted a Flood Warning and Evacuation Plan, which is supported by the Council's Emergency Planning Team.
- 7.60 Anglian Water has advised that this development is the catchment of Newport Pagnell - London Road Water Recycling Centre which currently does not have capacity to treat the flows from the development site. However, Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would take the necessary steps to ensure that there is sufficient treatment capacity. They are content with the surface water drainage strategy and also that the proposed surface water disposal system as detailed on the layout is considered acceptable.
- 7.61 Accordingly, the proposal is considered to be in accordance with Policies FR1 and FR2 of Plan:MK.

### Sustainable construction

- 7.62 Plan:MK Policy SC1 highlights the approach to seeking more energy efficient and low carbon buildings. It requires that full details should be submitted demonstrating how the scheme is, in compliance with, the principles and requirements of the Policy. The policy further requires adherence to the Energy Hierarchy, achieve a 19% reduction in CO2 emissions over and above Part L1A 2013 and incorporate renewable technologies capable of delivering a further 20% reduction in CO2 emissions.
- 7.63 The application is supported by a Sustainability Statement which outlines that the development proposes to construct each property to an efficient fabric and building services specification, including the installation of low carbon ground source heat pumps, serviced from a communal heat network. In addition, it is proposed to install a photovoltaic array on the roof space of the main building. It is also proposed that each unit would achieve a low internal water consumption. These measures combined would deliver a 35.2% reduction in CO2 emissions over Part L of the Building Regulations.
- 7.64 Overall, subject to provisions within the S106 Agreement to provide a Carbon Neutrality Contribution, and conditions to secure a CO2 monitoring scheme and details of the proposed solar panels, the proposal is considered to be in accordance with Policy SC1 of Plan:MK.

### Infrastructure impacts and planning obligations

- 7.65 Policy INF1 states that development that generates demand for infrastructure, facilities or resources will only be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of the development is either in place or sought through a reliable mechanism. Policies EH5 and CC1 pick up on the need to offset impacts on health providers and secure cultural wellbeing. The Planning Obligations, Affordable Housing, Biodiversity, and Sustainable Construction SPDs expand on Plan:MK policies that are relevant to securing planning obligations.
- 7.66 Policy NP7 of the NPNP states that major housing developments should contribute to the range of planning obligations as set out within the policies of Milton Keynes Council's adopted Local Plan (Plan:MK) and accompanying Supplementary Planning Documents. Part C of NP7 sets out the local priorities for the spending of contributions, which include:
- the provision of education that is required as a result of the development.
  - improving existing play areas in the town.
  - off-site provision of playing fields and land costs.
  - enhancement of public open space.
  - the promotion of the Town Centre, its historic importance and fabric, its directional signage and the enhancement of Town Centre parking provision.
- 7.67 In this case, if the full suite of infrastructure requirements were to be sought from this development, a financial contribution package of around £2million would be required with the majority of this comprising an 'off-site' affordable housing contribution of close to £1.9million or £125K per unit (31% of 48 units = 14.88 rounded to 15 units).
- 7.68 As previously mentioned, Policy HN2 (Part D) of Plan:MK includes provisions for the Council to consider the viability of proposals in relation to the provision of affordable housing, and this

includes reviewing the extent of other site-specific obligations. The applicants have argued that development of the site is unlikely to come forward and deliver retirement living and community re-use without the waiving of most of the affordable housing/infrastructure requirements generated by the proposal. To support this position, the applicants have submitted a Viability Study and this has been the subject of detailed consideration and testing by the Council's own independent consultants, which has included requests for additional information in respect of build costs and abnormal costs. Following these lengthy discussions, the Council's consultants have concluded that, allowing for a developer profit level of 20% (profit on gross (GDV) and net development value (NDV), the development can only contribute a total of £145,064 towards meeting the Council's infrastructure requirements.

7.69 The contributions would be as follows (the amount required by Policy in brackets):

- Affordable housing: £57,291.77 (£1,875,000)
- Travel plan bond and monitoring: £18,987.56 (£18,987.56)
- Health facilities: £24,544.92 (£36,545.00)
- Public transport: £18,471.00 (£18,471.00)
- Carbon offset: £2,400 (£2,400)
- Waste receptacles: £23,370.75 (£23,370.75)
- Cultural well-being: £0 (0.5% of development costs)

Total provision: £145,066

Total expected: £1,974,774.31 + 0.5% of development costs

7.70 Whilst the Council's advisors have supported the outcome of the viability appraisal, officers note that the value of the former police station building, and its proposed use, have not been considered in the appraisal. This is considered to undermine its conclusions and presents an obstacle to any robust attempt to weigh the merits of the proposed community use and transfer to the Town Council versus achieving more policy compliant contributions towards necessary infrastructure.

7.71 The submitted information is not considered sufficient to justify the significant shortfall in affordable housing and infrastructure contributions, and the proposal is therefore considered to be contrary to Policies HN2 and INF1 of Plan:MK.

## 8.0 CONCLUSIONS

The proposal is considered to be unacceptable, having regard to the Development Plan and all other material considerations, and planning permission should therefore be refused.

1. The proposal includes the provision of a community facility within a building on land allocated for housing under Policy NP1 of the Newport Pagnell Neighbourhood Plan. In the absence of robust information about the need for the proposed community use, along with the building's value, condition, and what form a conversion would take, as well as a suitable mechanism to ensure its delivery, it is unclear when, or even if, the proposed community facility is likely to be delivered. The benefits of providing such a facility are therefore considered insufficiently clear to overcome the conflict with Policy NP1.
2. The proposed apartment building would largely be located within Flood Zone 2, and the site access and part of its internal roadway is within Flood Zone 3. The applicant's



assessment concludes that there are no suitable alternative sites in areas at lower risk of flooding in Newport Pagnell. However, it is necessary to consider the availability of sites on a borough-wide basis, noting no strategic policies within the Development Plan apportioning specific housing needs and numbers in accordance with the settlement hierarchy, and the overarching aim to steer development to sites at lower risk of flooding. As such, the application fails to demonstrate that there are no sequentially preferable sites available to accommodate the proposal, and it is therefore contrary to Policy FR1 of Plan:MK.

3. Given the lack of information about the nature of the proposed community use and the associated conversion of a non-designated heritage asset, along with a lack of detail and certainty about the deliverability of this aspect of the scheme, the proposal fails to secure the future of the heritage asset in question, contrary to Policy HE1 of Plan:MK.
4. The submitted viability appraisal is not considered to be sufficiently robust to justify the significant shortfall in affordable housing and infrastructure contributions. The proposal is therefore contrary to Policies HN2, CC1(B), EH5(B) and INF1 of Plan:MK and considered to be unsustainable development in the round, notwithstanding viability considerations.

<b>Case Officer:</b>	Robert Brigden Principal Planning Officer
<b>Report Date:</b>	09.08.2023
<b>Reviewed by:</b>	Chris Nash DM Manager
<b>Date:</b>	09.08.2023