



Statement of Case on behalf of Milton Keynes City Council

Appeal by Platform_MK Sarl

at

**Bank House, 171 Midsummer Boulevard, Central Milton Keynes, Milton Keynes,
MK9 1EB**

For

Redevelopment of Bank House (including demolition) of up to 20 storeys to provide a mixture of up to 355 residential (Use Class C3) units and flexible uses across ground and upper ground floors for retail and/or restaurant/café and/or office/co-working/flexible workspace (all Use Class E), with access, amenity/landscaping, car and cycle parking spaces and associated site works

Council Reference: 23/00550/FUL

Appeal Reference: APP/Y0435/W/24/3338221

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Introduction

1. This appeal relates to a full planning application made by Platform_MK Sarl ('the Appellant') on a circa 0.32 hectare site for a development ('the Proposed Development') comprising of:
 - a) the demolition of the existing offices; and
 - b) the redevelopment for the provision of up to 355 residential C3 dwellings and flexible uses across the ground and upper ground floors for retail and/or restaurant/café and/or office/co-working/flexible workspace (all Use Class E), with access, amenity/landscaping, car and cycle parking spaces and associated site works.
2. An Environmental Impact Screening (EIA) Scoping Opinion has been issued in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) which concludes that the proposal does not constitute EIA development.
3. Planning permission was refused by the Council, under its powers as the Local Planning Authority, on 15th November 2023 following the resolution of the Planning Committee on 2nd November 2023.

Appeal Site and Surroundings

4. The officer's report to the Committee ('the Officer's Report'), as provided with the Council's questionnaire, describes the site and its surroundings at paragraphs 2.1 to 2.4. There has been no material change in circumstances since the Officer's Report was written.

Relevant planning history

5. The site has been subject to extensive pre-application discussions. These are listed at section 3 of the Officer's Report, along with relevant, formal applications.

Relevant Planning Policy

Development Plan Policy

6. The relevant adopted development plan documents for the site are Plan:MK 2016-2031 (adopted March 2019) ('Plan:MK') and the CMK Alliance Plan Neighbourhood Plan (made June 2015) ('CMKAP').
7. The relevant policies of Plan:MK and the CMKAP are listed at paragraphs 5.1 and 5.2 of the Officer's Report. There are no new emerging policies which alter the weight previously afforded to those policies.

Relevant Local Guidance

8. The policies in Plan:MK are supported by a number of Supplementary Planning Documents/ Supplementary Planning Guidance. These are listed at paragraph 5.3 of the Officer's Report.

National Policy and other Government and Professional Guidance

9. The following national planning policy and guidance is relevant to this case:
 - The National Planning Policy Framework ('the NPPF'); and
 - Planning Practice Guidance ('the PPG').

The case for the Local Planning Authority

10. Further review of the case and material considerations arising since the refusal of permission following legal advice, discussion between the Appellant and the Council has allowed a revised position on the Proposal Development. Subject to the agreement of a financial contribution in lieu of on-site affordable housing and the securing of amended plans to reflect the change in on-site tenures and reconfigured parking provision, the Council is able to withdraw all reasons for refusal. The Council will therefore no longer be presenting evidence against the Proposed Development. A summary of the reasons for withdrawing from the appeal is presented below, and supported by the Statement of Common Ground ('SoCG').

Conclusion

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

12. The Council's revised position is that whilst there are conflicts with policies of the development plan, the weight afforded to material considerations is now altered to sufficiently outweigh those conflicts resulting in the Council's withdrawal from the appeal. In particular:

- The approach to securing affordable housing from BTR schemes in CMK has been reviewed since the Council's decision was issued, allowing for greater social benefits to arise from securing a contribution in lieu of on-site provision, particularly in facilitating nominations for those on the Council's housing register, and there being greater long term security and management of affordable housing provision elsewhere.
- The financial contribution arising has the potential provide more than 18 units (which would otherwise be the case on site) given the ability to apply the contribution to pipeline projects and more affordable methods of delivery;
- Further evidence provided as part of the appeal, combined with amended plans to increase the proportion of accessible parking provision, result in a reduction in the weight which can be afforded to this particular concern; and
- In light of the above, the lack of office-led development as a matter standing alone is now outweighed in the planning balance.

13. On the basis of the agreed position and refusal reasons that are not being upheld by the Council resulting in formal withdrawal from the appeal, costs are not being pursued against the Council. The Inspector may well find it useful for the Council to attend in some capacity to assist the Inquiry.