



Appeal Decision

Site visit made on 14 August 2018

by Chris Forreth BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 November 2018

Appeal Ref: APP/Y0435/W/18/3195476

Land known as Parcel 21A, Avebury Boulevard/Overgate, Campbell Park, Milton Keynes, Buckinghamshire MK9 4AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to approve matters reserved under an outline planning permission.
 - The appeal is made by Mr B Allott of The Parks Trust (MK) against the decision of Milton Keynes Council.
 - The application Ref 16/03648/REM, dated 23 December 2016, sought approval of reserved matters pursuant to condition No 1 of an outline planning permission, Ref 04/00586/OUT, which was granted on 26 March 2007.
 - The application was refused by notice dated 22 November 2017.
 - The development proposed is a major mixed use development including: New marinas along the Grand Union Canal, Residential Development (307,697 square metres - Use Class C3), Live Work Units (6,460 square metres), Retail Development (4,052 square metres - Use Class A1), Food & Drink Uses (9,103 square metres - Use Class A3), Business Uses (127,230 square metres - Use Class B1), Leisure & Community Facilities (2,366 square metres - Use Classes D1 & D2) with associated Open Space, Landscaping, Parking and Infrastructure (Outline).
 - The details for which approval is sought relate to the erection of 60 Apartments for Residential Use (C3) along with access, footpath improvements, car parking, drainage, landscaping and all ancillary works.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely the siting, design and external appearance, and landscaping details submitted in pursuance of condition No 1 attached to planning permission Ref 04/00586/OUT dated 26 March 2007 and subject to the conditions set out in the schedule to this decision letter.

Application for costs

2. An application for costs was made by The Parks Trust (MK) against Milton Keynes Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Outline planning permission which covers the appeal site relates to a major development including a variety of uses. The appeal proposal is for a small part of the overall development site and relates to the erection of 60 apartments.
4. Condition 23 of outline planning permission 04/00586/OUT states that the "details required to be submitted for approval under condition 1 hereof shall include detail, for each phase of development, a public art strategy that

demonstrates how art work and/or artistic design has been integrated/incorporated in the fabric of the proposed buildings, private spaces, boundary treatments and all other elements of the development proposal ...”.

5. Whilst this was not submitted as part of the reserved matters submission when the Council made their decision, as part of the appeal submissions a public art strategy has now been submitted which includes the provision of four carved wooden structures (or similar) to reflect the site and its context. It is further suggested that a local artist would be commissioned to design the artwork and this would be agreed by the Council.
6. In deciding whether to accept this public art strategy, I am mindful of the principles of the Wheatcroft case (Bernard Wheatcroft Ltd. v Secretary of State for the Environment and Another 1982).
7. In this case, and in the context of the overall development, the pieces of public art are a small element of the proposal and would only enhance the overall development. I am also mindful that the exact detail of the artwork would also need to be agreed by the Council. Taking this into account, I consider that there would be no prejudice to any party by accepting this detail at the appeal stage. I have therefore determined the appeal with the public art strategy in mind.
8. Since the determination of the appeal application, the National Planning Policy Framework published in 2012 has been replaced, with the new version being published in July 2018 (the 2018 Framework). I have invited further representations from the Council and the Appellant on this specific matter.
9. Paragraph 212 of the 2018 Framework outlines that the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. I have therefore determined the appeal on this basis.

Main Issue

10. The main issue is whether the development makes suitable provision for those with impaired mobility with particular regard to the relationship of the apartments to the parking spaces.

Reasons

11. The appeal site is located on the north side of Avebury Boulevard/Overgate either side of the Glebe roundabout. The site rises to the north away from the road and also from east to west. The site currently has a car park and significant levels of landscaping on it.
12. The development would consist of 60 apartments which would front onto the road network with parking area to the rear. There would also be level access to the front and rear doors of the buildings either via ramps to the communal doors or via the private gardens at the rear of the ground floor units. There would also be a much longer route to the front doors via the access to the Glebe roundabout and along the pavement. The proposal does not include any lifts so the upper floor could only be reached via internal stairways. All of the ground floor apartments would be split levelled with some steps within the habitable room areas and would therefore not be particularly attractive for wheelchair users.

13. From the evidence before me, there would be a direct level access route to the rear of the ground floor properties (and the rear entrance doors to the lobby of the upper floors) which would only be a short distance to the parking spaces for each residential unit. To my mind, this represents an appropriate and acceptable relationship between the residential units and their respective parking spaces and would not be excessive in distance. It would also provide an appropriate route for those with impaired mobility.
14. Whilst I accept that the route to the front door of the properties (via a level access) would be much longer this does not, in this case, weigh significantly against the development particularly given the nature of the overall proposal which has steps within the ground floor units themselves.
15. I have also had regard to visitor parking/deliveries and whether the rear parking court would effectively encourage casual on street parking along Avebury Boulevard. However, I consider that this arrangement is not unique and given the nature of Avebury Boulevard and the proximity of Glebe roundabout I consider that such parking would be unlikely.
16. For the above reasons the development would have an acceptable relationship between the apartments and their respective parking spaces, including for those with impaired mobility. The proposal would therefore accord with Policy D2 of the Milton Keynes Local Plan 2001-2011 (2005), the New Residential Development Design Guide Supplementary Planning Document (2012) and the Parking Standards Supplementary Planning Document (2016) which amongst other matters seek to ensure that access is provided for those with impaired mobility. It would also accord with the transportation and accessibility aims of the 2018 Framework.

Other matters

17. I have also had regard to the other matters raised in the representations, including matters relating to the design of the buildings, the grid pattern of the area, and the loss of the initial mixed use of the site. However, none of the matters raised provide a compelling reason why permission should be withheld in this instance.

Conditions

18. The Council has suggested a number of conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). A condition relating to the matters approved is required for the reason of certainty.
19. In the interests of the character and appearance of the area and the living conditions of the future occupiers of the development a condition is necessary in relation to the implementation of the proposed boundary treatment.
20. Details of the replacement bus shelter and revised layout are contained within the application plans. However, a condition is required to secure the removal and replacement of the existing bus shelter to ensure that the occupiers of the development have a satisfactory outlook and in the interests of sustainable transport measures.
21. In relation to the provision of public art, given the outline nature of the public art strategy, it is necessary that full details of these structures are agreed by

the local planning authority. A condition is therefore required to secure the final approval of such details.

22. Given the generally green nature of the appeal site there would be a loss of biodiversity on the site. The Council have suggested a condition in relation to a biodiversity enhancement scheme which incorporate bird nesting and bat roosting facilities. Given the above, I consider such a condition is necessary to mitigate and enhance biodiversity.
23. The application includes details of a drainage strategy for the site, including four attenuation tanks with hydrobrakes to ensure that the flow of water does not exceed what can be accommodated through the existing surface water sewers. I consider that the details provided within the strategy are sufficient to ensure that there is little risk of flooding on site, or elsewhere, as a result of the development. However, a condition is necessary to ensure that the drainage is constructed in accordance with the flood risk assessment and surface water drainage strategy.
24. As noted by the Council, the landscaping includes details which would conflict with the attenuation crates either side of the Glebe roundabout. Given that there would only need to be minor changes to the submitted landscape scheme to ensure that there would be no conflicts between the drainage strategy and the landscape proposals I am satisfied that this could be dealt with by means of the suitably worded planning condition. This is necessary to ensure that the integrity of the drainage strategy is not compromised.
25. The Council has suggested several conditions which relate to matters which have already been suitably controlled through the conditions imposed on the outline planning permission for the site (for example the start time for the development, a condition relating to those on the outline permission, matters relating to the external materials and landscaping implementation, provision of parking spaces, and the travel plan) and I have therefore not imposed further such conditions as they are not necessary.
26. The Council has also suggested a condition relating to a replacement horse route and parkland walk. I note that a plan showing the proposed diversion has already been provided with the application. I also noted on my site visit that the route was already in existence. Considering the above, and the acceptability of the diverted route, it is not necessary to impose a planning condition.

Conclusion

27. For the reasons set out above, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans – 17657/1007 revision A; 17657/1009 revision D; 17657/1010 revision C; 17657/1011 revision C; 17657/1016 revision B; 17657/103 revision C; 17657/104 revision C; 17657/105 revision B; 17657/106 revision A; 17657/107 revision B; 17657/108 revision A; 17657/109 revision B; 17657/110 revision A; 17657/117 revision A; 17657/118 revision A; 17657/119 revision C; 17657/120 revision B; 072.2016.P01 revision F (including the public art strategy); 072.2016.P03 revision B; 072.2016.P04 revision B; 072.2016.P05; 072.2016.P06; TEL 990 10 003 revision C (sheet 1) and revision D (sheet 2) and TEL 990 10 004 revision A.
2. The approved boundary treatment shall be completed prior to the first occupation of the residential unit to which it relates or the completion of the development where it relates to a boundary feature which is not related to any specific apartment.
3. No apartment shall be occupied until such time as the existing bus shelter, hardstanding and bus layby has been removed and replaced with a new bus shelter, new bus hardstanding and new length of footway in the location shown on the approved plans.
4. Prior to the first occupation of any of the apartments full details of the four pieces of public art shall be submitted to and approved in writing by the local planning authority. The approved pieces of public art shall be installed prior to the first occupation of the 60th apartment and shall be maintained as such for the life of the development.
5. Prior to any construction works above the floor slab of the apartments, a biodiversity enhancement scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate bird nesting and bat roosting facilities and a timescale of when the enhancement measures will be implemented. The approved scheme shall be implemented in accordance with the timescales outlined in the enhancement scheme and shall be maintained as such for the life of the development.
6. Prior to the first occupation of any part of the development, the drainage for the site shall be carried out in accordance with the flood risk assessment and surface water drainage strategy dated February 2017 (Rev A) including the size and location of the of the attenuation tanks to the southwest and northeast of the access road.
7. Notwithstanding the submitted details, prior to first occupation of any apartment, revised details of the proposed landscaping around the Glebe roundabout where the drainage attenuation tanks will be situated shall be submitted to and approved in writing by the local planning authority. The revised details shall include appropriate trees to ensure that the integrity of the attenuation crates are not compromised by such trees.