



Appeal Decision

Inquiry Held on 12 – 14 March 2024

Site visit made on 12 March 2024

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2024

Appeal Ref: APP/Y0435/W/23/3333914

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Churchill Retirement Living Ltd against the decision of Milton Keynes City Council.
 - The application Ref 22/00280/FUL, dated 3 February 2022, was refused by notice dated 11 August 2023.
 - The development proposed is 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)).
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Decision

1. The appeal is allowed and planning permission is granted for 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 for community use (class F2(b)) at Former Newport Pagnell Police Station, 124 High Street, Newport Pagnell, MK16 8EH, in accordance with the terms of the application, Ref 22/00280/FUL, dated 3 February 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. Newport Pagnell Town Council (NPTC) was granted 'Rule 6' status on 9 January 2024 and submitted evidence to the Inquiry of its willingness to accept the transfer of the former Police Station to create a community building.
3. A case management conference was held on 29 January 2024 to discuss procedural matters in connection with the Inquiry. The main parties, including NPTC, took part in the CMC and no discussion was held about the merits of the case.
4. The former Police Station is a non-designated heritage asset (NDHA). The Council's third reason for refusal (RfR) referred to the lack of information on the change of use and deliverability of the same. Following evidence submitted by NPTC and the Appellant before the Inquiry, this RfR was withdrawn by the Council, subject to a S106, on 14 February 2024.
5. I have omitted reference to the magistrate's court and cell blocks within the description of the development as the change of use and associated works to the former Police Station encompass the whole building.

6. The fourth reason for refusal referred to the robustness of the submitted viability appraisal in relation to the shortfall in financial contributions towards affordable housing and infrastructure. In the Statement of Common Ground¹ (SoCG) dated February 2024, it states that viability consultants agree that the proposed scheme could viably contribute £145,064 towards affordable housing and other planning infrastructure. It goes on to state that subject to a S106, the fourth reason for refusal is overcome and the proposed scheme complies with Policy HN2 of *Plan:MK* (2019).
7. During the Inquiry², the Council withdrew its remaining RfRs: the first of which related to the scheme's compliance with Policy NP1 of the Newport Pagnell Neighbourhood Plan (2021), and the second of which related to flood risk incompatibility. I find no reasons to reach alternative conclusions and have thus dealt with the appeal on this basis.
8. It was agreed between the main parties that a planning obligation would be necessary, but the main parties could not agree on the precise terms and thus, the Inquiry discussions took place in relation to the submitted draft S106 and unilateral undertaking (UU). Final versions of the same were submitted on the 27 March 2023, with the UU having been executed by the landowner, NPTC and the Applicant, with some obligations made in favour of the Council. This is addressed as a main issue below.

Application for costs

9. At the Inquiry an application for costs was made by the Appellant against the Council. This application is the subject of a separate Decision.

Main Issues

10. As the Council has withdrawn all of its reasons for refusal, the main issues are:
 - whether the internal changes and configuration of the former Police Station should accord with specific approved plans; and
 - whether the viability review mechanism obligation outlined in the UU or a similar form of such obligation is necessary to make the development acceptable in planning terms.

Reasons

Internal changes/plans

11. The former Police Station was constructed in the late nineteenth century and is located within the Newport Pagnell Conservation Area (CA), though the Sergeant's house and police houses within its grounds fall outside of the CA. The building is detached, largely red brick, up to 1.5 storeys in height and faces south-west towards the High Street. It comprises an asymmetrical block with hipped and gabled parallel ranges that step down in height towards the north. Internally, the building has a magistrate's court, offices on both ground and first floors, holding cells, an enclosed exercise yard with other ancillary rooms, former stable block and modified coach house.

¹ CD5.3

² ID12, ID15

12. The main parties agree that the former Police Station is an NDHA. The significance of the building derives from its historic interest, associated with its function, development and historical associations, as well as architectural interests in form, plan and fabric. The evidence details³ that as an NDHA, the building is of high heritage significance, though past applications to formally list the building as a designated heritage asset have been refused. Nonetheless, the historic fabric and features, such as the cells, magistrates court layout and exercise courtyard, heighten the architectural interest of the former Police Station as an NDHA by emphasising its status and function. Where some changes to historic fabric have occurred, this contributes to our understanding of its historic development and continued use until relatively recently and it is, in my view, well preserved and legible despite such changes.
13. The proposal seeks to change the use of the former Police Station to a community building combining two main aspects. NPTC wish to use the building to bring all of its staff back under one roof, whereas it currently has functions operating out from two different premises in Newport Pagnell. As the meeting room of its current Town Council offices are undersized and relatively inaccessible, the former magistrate's court would offer a room of sufficient size and layout to accommodate meetings of the Town Council. Other smaller rooms would be used as office space. The other element to the community use proposed is a museum use, which would allow for the display of artefacts held by Newport Pagnell Historical Society. Separately, the former stable block and coach house would form the guest accommodation and refuse store associated with the retirement accommodation.
14. No external changes other than to the former stable block and coach house are required to facilitate the change of use. Whilst absent from the original application documentation, indicative floor plans were submitted by NPTC during the processing of the appeal⁴ which detail the intended room functions colour coded across both ground and first floors. The indicative plans show that the former court room would be maintained as a single large community meeting space, the cells would be retained as museum spaces and that there would be ancillary community function rooms and offices throughout the remainder of the building. The only new internal feature proposed is a small lift within the former magistrate's court to enhance the building's accessibility.
15. The inclusion of the plan references within the 'plans condition' is resisted by the Appellant as it is stated that internal works are not operational development and that there is currently no control on the removal of an NDHA's internal building fabric, however unlikely. Conversely, there does not appear to be any resistance to the plans and elevations⁵ associated with the stable block being included within the plans condition.
16. The main parties agreed that the community use of the building is the optimum viable use to allow its retention. The retention and reuse of the building is a public benefit of the scheme. In terms of its interior, the submitted assessment of effect⁶ indicates that the overall layout would remain legible with key areas of significance, comprising the cells and former magistrates court unharmed with associated fixtures, fittings and fabric retained.

³ CD13.3

⁴ CD12.5 - Refs 27577A-2 Ground Floor Plan and 27577A-3 First Floor Plan (colour coded)

⁵ Plan Ref: 40041NP-PA109 A

⁶ CD13.3

17. In my view, a condition requiring adherence to a plan detailing works which were not operational development would not be reasonable or enforceable. However, the UU includes an obligation for NPTC to accept the transfer of the former Police Station. Through this and the submission of the indicative layout plans, associated costings and NPTC's stated intentions, the risk of subdivision or removal of historic fabric is unlikely. As such, I have sufficient assurance that the heritage interest of the building will be maintained as a community building in the control of NPTC and as a result, a condition is not necessary.
18. For the above reasons, I conclude that it is not necessary to specifically approve the internal works plan in order to preserve the heritage significance of the NDHA to accord with Policy HE1 of Plan:MK and paragraph 209 of the National Planning Policy Framework (the Framework).

Viability review mechanism

19. The Framework, paragraph 57, and the Planning Practice Guidance⁷ (PPG) both set out the tests for planning obligations and explain that they must be necessary to make the development acceptable in planning terms; directly related to the development; and also fairly and reasonably related in scale and kind.
20. Under Plan:MK Policies HN2, CC1(B), EH5(B) and INF1 and with reference to the Planning Obligations Supplementary Planning Document (POSPD) (2021), a scheme of 48 dwellings would typically require a provision of 31% affordable housing (minus any vacant building credit entitlement) and other infrastructure contributions, such as towards public art. Policy HN2(E) allows financial contributions to be collected where exceptional circumstances dictate that affordable housing cannot be delivered on site. Part D of the Policy indicates that the Council will have regard to the viability of developments and, through a review of open and transparent evidence, take a flexible approach to tenure mix, the extent of other planning obligations and proportion of affordable housing sought.
21. Further justification for the viability review mechanism can be found in the POSPD, which states that they may be negotiated by the Council to ensure the provision of affordable housing in line with the extant development plan policies, especially within larger multi-phased schemes delivered over long timeframes. The section on this specifically indicates that the timing of any review will be determined on a case by case basis. The SPD aids the implementation of Policy HN2 and other related policies that seek financial contributions towards infrastructure but offers loose terms from which to start a negotiation on such matters.
22. Though the viability consultants for both main parties agree that the maximum the scheme could viably contribute towards affordable housing by way of a financial contribution is currently £145,064, the Council estimate that a typical scheme of the scale proposed should generate off-site contributions in the order of £1.9 million, indicating that there is a significant shortfall. Given the shortfall in contributions, the Council sought to prioritise affordable housing which is in line with Plan:MK Policy HN2.

⁷ Paragraph: 002 Reference ID: 23b-002-20190901

23. The main parties liaised about the form of legal agreement, i.e., either unilateral or bilateral, but because agreement could not be reached on this aspect, a UU was submitted. The final UU obliges the Owner to deliver a 'Gross Development Value Report' to the Council by a specified timeframe, the need for which would be triggered if the 'Residential Use Land' element of the Development has not reached 'Shell and Core Finish' within 36 months of the date of the planning permission. This is essentially a mechanism to seek to capture any increase in land values between the time that planning permission is granted and the actual sale of the units. Any partial uplift in values would be paid as a 'Deferred Affordable Housing Contribution'.
24. This obligation was discussed during the round table session on conditions and planning obligations. The Council had been seeking a review of the gross development value on occupation of 50% of the units. The Council's suggested trigger requires a 'Gross Development Value Report' to be produced provided that the scheme were built and occupied beyond 50% of the units. The Appellant offers the 'Shell and Core Finish' within 36 months as a compromise position and indicates that there is no development plan policy requirement for review triggers such as that sought by the Council.
25. The scheme comprises separate component parts, i.e., the retirement apartments, cottages and community building, but it is relatively modest in scale overall. It is not a multi-phased scheme which would be expected to be delivered over a long period. Due to the most significant element of the scheme comprising a single building, it is unlikely that the build out rate would be prolonged or that the releases of units for sale would be deliberately manipulated so as to achieve a higher overall gross development value. There is a prospect that if the development progressed beyond the Shell and Core Finish quicker than 36 months, the requirement for a Gross Development Value Report would not be triggered at all.
26. Whilst I accept the desire of the Council to maximise the affordable housing contribution from the scheme, the review trigger point of 50% occupation appears overly onerous in relation to a viability exercise which has been agreed recently. Therefore, whilst I consider that a review trigger is necessary, I find that a 36 month duration to reach Shell and Core Finish presents a reasonable compromise to seek a review of the gross development value, should the development stall in such a way.
27. The secondary purpose of the UU is to ensure that the former Police Station is transferred to NPTC in a timely manner and to what use the building should be put (i.e., for community purposes under Use Class F2(b)). I also find that these obligations are necessary to make the development acceptable in planning terms and relate to the development fairly and reasonably, in scale and kind.
28. Whilst the Council indicate that the UU unacceptably places obligations on it, I have considered the wording of the obligation outlined (in Schedule 3, 5.1.3). The terms of the obligation are fair and provide the Council with the discretion to approve any submitted Gross Development Value Report or advise what may be required for it to be acceptable. As the Gross Development Value Report obligation is at the insistence of the Council, the form of the planning obligation as a UU would not put the Council at a disadvantage or place an undue demand on its resources. In my view, the finalised UU would operate satisfactorily for the purposes required and there is no need to strike out the obligations in the

S106 submitted by the Council using the blue pencil clauses as it has not been completed in any event.

29. For the reasons outlined above, the UU is necessary to make the development acceptable in planning terms and the viability review mechanism obligation offered by the Appellant is related to the development in scale and kind. The proposal therefore meets the tests of reasonableness in compliance with Regulation 122 of the Community Infrastructure Levy Regulations (2010) as amended, Policy HN2 of Plan:MK and the guidance in the POSPD. It also accords with paragraph 57 of the Framework and the PPG.

Other Matters

30. Around four objections were received in response to the original planning application and two further representations were received at the appeal stage. A number of supportive comments were also made. The objections submitted relate to the height of the building at three storeys and the potential for overlooking windows of dwellings and gardens in Windsor Avenue and Dovecote. The Council's Officer Report⁸ details that the scheme design ensures policy compliant separation distances with existing properties to the west of the site and that for 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. I find no reason to reach an alternative conclusion in terms of any harm to the living conditions of neighbouring occupiers.
31. A further concern related to the effects on the surrounding highway network and unsuitability of the provision for parking and manoeuvring. The Highway Authority raised no objections to the proposal as a whole and the Council's evidence indicates that the parking provision would be suitable to meet the needs of an elderly demographic (with lower car ownership) given the highly sustainable location of the site. I find no reason to reach alternative conclusions in these regards.
32. Further concerns were raised in respect of the absence of detail about the community use of the former Police Station, which NPTC have adequately addressed throughout the appeal process.
33. A key concern that was repeated which originally also formed part of the Council's appeal case was that the number of dwellings proposed, at 48 in total, would far exceed the allocations for the site for around 14 dwellings in both the NPNP Policy NP1 and Plan:MK Policy DS2. The scheme would far outperform the expectations of the Policies in terms of the number of dwellings, but the Council has not indicated that this would give rise to any harms in terms of character, appearance or effects on the living conditions of neighbouring occupiers. The Council's evidence indicates that the Framework promotes higher density developments in locations with good accessibility to facilities that are well served by public transport. The Council ultimately withdrew the remaining reasons for refusal that encompassed this issue and I find no harms that indicate that permission be withheld for reasons relating to the same.
34. The former Police Station is within the CA, and the remainder of the site is within its setting. I am cognisant of my duties under S72(1) of the Listed

⁸ See CD3.1

Building and Conservation Areas Act (1990) (as amended) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and separate duties under the Framework to consider the potential effects on the significance of a heritage asset that may be affected, including by development affecting its setting. The main parties were in agreement that the scheme would not harm the CA or its setting and would thus preserve its significance. I too share that view and consider that there would be public benefits from the scheme from the change of use of the NDHA which occupies a visible location within the CA.

Planning conditions

35. I have reviewed the suggested planning conditions in light of the tests in the Framework and guidance in the PPG. I have made minor changes in the interests of conciseness and sought approval for any pre-commencement conditions, which have been kept to a minimum. In addition to the statutory time limit condition, it is necessary to specify the approved plans in the interests of certainty.
36. In the interests of environmental quality, it is necessary to impose a condition requiring a construction phase surface water management scheme. Similar conditions relating to surface water are also required for the final scheme and to secure evidence of satisfactory implementation of such works.
37. As there is an underground tank on site which needs further investigation and removal, conditions are needed to first secure the investigative work and subsequently to ensure its removal and reinstatement of the site.
38. In order to protect the character and appearance of the area, conditions are necessary to secure a comprehensive landscaping scheme and secure protection measures for existing trees on site during construction.
39. In the interests of highway efficiency and user safety, conditions are required to secure the provision of parking, cycle parking and the pedestrian access and crossover point.
40. To protect the local environment and neighbouring and future occupiers, conditions are required to secure remediation for any unforeseen contamination and implementation of a construction environmental management plan during the construction phase.
41. In order to protect and enhance the biodiversity value of the area, conditions are necessary to require the development to be undertaken in accordance with the submitted ecological impact and biodiversity enhancement assessments. For similar reasons, a condition is necessary to secure details of any streetlighting prior to its implementation on site.
42. Finally, a condition is necessary to specify the minimum age limit for owner-occupiers of the site, to ensure that the scheme is restricted in the manner specified by the description of development.

Conclusion

43. The appeal scheme complies with the development plan when taken as a whole. There are no other considerations which indicate that permission should be determined other than in accordance therewith.

44. Consequently, the appeal is allowed.

H Nicholls

INSPECTOR

ANNEX A: APPEARANCES

APPEARANCES FOR THE APPELLANT:

Sasha White KC

Instructed by Matthew Shellum

He called:

Matthew Shellum

Planning Director – Planning Issues Ltd

BSc(Hons) DipTP MRTPI

APPEARANCES FOR THE LOCAL PLANNING AUTHORITY:

Matthew Henderson KC

Instructed by Milton Keynes City Council

He called:

Joanne Orton

Principal Planning Policy Officer

MA MRTPI

Christopher White

White Land Strategies Ltd

DipTP MRTPI MRICS

APPEARANCES FOR NEWPORT PAGNELL TOWN COUNCIL:

Arash Abedian of Counsel

Instructed by Sophie Browne of ONH Planning

He called:

Sophie Brown

Principal Planning and Development Consultant

BSc MSc (I)MRTPI

INTERESTED PARTIES:

Councillor Liam Andrew

Milton Keynes City Council

Councillor Jane Carr

Milton Keynes City Council

Mayor Paul Day

Newport Pagnell Town Council

Cllr Phil Winsor

Newport Pagnell Town Council

Councillor Euan Henderson

Newport Pagnell Town Council

Alison Spink

Newport Pagnell Town Council

Mandy Voyde

Local resident

Local resident

ANNEX B: CORE DOCUMENTS AND INQUIRY DOCUMENTS

CORE DOC REF	Application Documentation and Plans	DATE / REF NO
CD1		
CD1.1	Application Form	7 th February 2022
CD1.2	Design and Access Statement	7 th February 2022
CD1.3	Planning Statement	7 th February 2022
CD1.4	Flood Risk Assessment	7 th February 2022
CD1.5	Sequential Test	7 th February 2022
CD1.6	Transport Statement	7 th February 2022
CD1.7	Landscaping Strategy	7 th February 2022
CD1.8	Ecological Impact Assessment	7 th February 2022
CD1.9	Biodiversity Enhancement Strategy	7 th February 2022
CD1.10	Biodiversity Net Gain Metric	7 th February 2022
CD1.11	Ground Investigation Report	7 th February 2022
CD1.12	Affordable Housing Visibility Assessment	7 th February 2022
CD1.13	Statement of Community Involvement	7 th February 2022
CD1.14	Sustainability Statement	7 th February 2022
CD1.15	Noise Impact Assessment	7 th February 2022
CD1.16	Heritage Statement	7 th February 2022
CD1.17	Construction Environmental Management Plan	7 th February 2022
CD1.18	Site Waste Management Plan	7 th February 2022
CD1.19	Economic Report and Sequential Test	7 th February 2022
CD1.20	Townscape Analysis	7 th February 2022
CD1.21	Heads of Terms	7 th February 2022
CD1.22	Arboricultural Assessment and Method Statement Parts 1-3	7 th February 2022
CD1.23	Housing Accommodation Schedule	7 th February 2022
CD1.24	External Lighting Strategy	7 th February 2022
CD1.25	Location Plan (Superseded)	40041NP-PA01
CD1.26	Site Plan	4001NP – PA02
CD1.27	Ground Floor Plan (Superseded)	4001NP – PA03
CD1.28	First Floor Plan (Superseded)	4001NP – PA04
CD1.29	Second Floor Plan (Superseded)	4001NP – PA05
CD1.30	Roof Plan	4001NP – PA06
CD1.31	Elevation Sheet 1 (Superseded)	4001NP – PA07
CD1.32	Elevation Sheet 2 (Superseded)	4001NP – PA08
CD1.33	Terraced Cottages (Superseded)	4001NP – PA09
CD1.34	Stable Block (Superseded)	4001NP – PA10
CD1.35	Sections (Superseded)	4001NP – PA11
CD1.36	Context Elevation and Perspective	4001NP – PA12
CD1.37	Existing Elevation 1	27577A-5-1

CD1.38	Existing Elevation 2	27577A-5-2
CD1.39	Existing Ground Floor Plan	27577A-2
CD1.40	Existing First Floor Plan	27577A-3
CD1.41	Existing Sections	27577A-4
CD1.42	Travel Plan	7 th February 2022
CD2	Additional or Amended Documents or Plans on which the Council reached its decision	Reference Number
CD2.1	Health Impact Assessment Screening/Scoping Template	24 th February 2022
CD2.2	Archaeological Desk-Based Assessment	January 2022
CD2.3	Distance Drawing	40041NP - PA112
CD2.4	Landscape Strategy	JBA 21-357-SK02 Rev C
CD2.5	Refuse Tracking Plan	536.0035.006
CD2.6	Substation Vehicle Tracking	536.0035.007
CD2.7	Gate Turn Details	6 th April 2022
CD2.8	Proposed Site Plan Layout (Superseded)	40041NP-PA02A
CD2.9	Stable Block – Guest & Refuse	40041NP-PA11A
CD2.10	Stable Block – Guest & Refuse	40041NP-PA10A
CD2.11	Ground Floor Plan	40041NP-PA03A
CD2.12	Proposed Site Plan Layout (Superseded)	40041NO-PA02B
CD2.13	Preliminary Drainage Layout (Superseded)	01-PDL-1001 C
CD2.14	Protected Species Addendum	14254_R04a
CD2.15	Energy and Climate Statement – Addendum	May 2022
CD2.16	Statement in Respect to Parts F and I of Policy SC1 in Plan:MK	8 th April 2020
CD2.17	Response to Andrew Golland Associates Review of Financial Viability	May 2022
CD2.18	Bat Survey Addendum	14254_R05_JS_NC
CD2.19	Preliminary Drainage Layout	01-PDL-1001 D
CD2.20	Indicative Virtual Footway Refuse Scenario (Superseded)	536.0035.009
CD2.21	Indicative Pedestrian Virtual Footway	536.0035.008
CD2.22	Indicative Virtual Footway Tracking Scenario (Superseded)	536.0035.009 A
CD2.23	Indicative Pedestrian Virtual Footway	536.0035.008 A
CD2.24	Proposed Site Plan Layout	40041NP-PA02F
CD2.25	Private Vehicle Access and Parking	536.0035.010 A
CD2.26	Indicative Pedestrian Footway Tracking Scenario	536.0035.009 C

CD2.27	Indicative Pedestrian Footway and Community Parking Area Scenario	536.0035.008 C
CD2.28	Analysis of Financial Viability Submissions for Milton Keynes City Council	October 2022
CD2.29	Site Sections	40041NP-PA110
CD2.30	Stable Block – Guest & Refuse	40041NP-PA109
CD2.31	Proposed Terraced Cottages	40041NP-PA108
CD2.32	Proposed Elevations Sheet 2	40041NP-PA107
CD2.33	Proposed Elevations Sheet 1	40041NP-PA106
CD2.34	Roof Plan	40041NP-PA105
CD2.35	Second Floor Plan	40041NP-PA104
CD2.36	First Floor Plan	40041NP-PA103
CD2.37	Ground Floor Plan	40041NP-PA102
CD2.38	Proposed Site Plan Layout	40041NP-PA101
CD2.39	Site Location Plan	40041NP-PA100
CD2.40	Flood Risk Assessment Rev C	27 th January 2023
CD2.41	Stable Block – Guest & Refuse	40041NP-PA109 A
CD2.42	Energy and Climate Statement – Addendum	May 2022
CD2.43	Site Waste Management Plan	June 2023
CD2.44	Flood Warning & Evacuation Plan Rev A	June 2023
CD2.45	Flood Warning & Evacuation Plan Rev B	July 2023
CD2.46	Housing Accommodation Schedule	Jan 2023
CD3	Case Officer Report and Decision Notice	Reference Number
CD3.1	Delegated Officer Report	Not Applicable
CD3.2	Decision Notice	Not Applicable
CD3A	Consultation Responses	Reference Number
CD3A.1	Letter of Support	7 th January 2024
CD3A.2	Highways Authority Comments	25 th January 2024
CD3A.3	Environmental Health Comments	25 th January 2024
CD3A.4	Environmental Health Comments	7 th February 2024
CD3A.5	Highways Authority Comments	12 th February 2024
CD4	The Development Plan	Reference Number
CD4.1	Plan:MK	March 2019
CD4.2	Newport Pagnell Neighbourhood Plan	June 2021
CD5	Appellants Appeal Documentation	Reference Number
CD5.1	Appeal Questionnaire	Not Applicable
CD5.2	Statement of Case	November 2023
CD5.3	Statement of Common Ground	February 2024

CD6	MKCC Appeal Documentation	Reference Number
CD6.1	Appeal Questionnaire	Not Applicable
CD6.2	Statement of Case	January 2024
CD6.3	Planning Conditions (Version 6)	February 2024
CD7	Policy Documents	Reference Number
CD7.1	'Strengthening Planning Policy for Brownfield Development' DLUHC - Newport Pagnell Neighbourhood Plan (Reg 15)	13 th February 2024
CD7.2		13 th February 2024
CD7.3	Milton Keynes Housing Strategy 2020-2025	
CD7.4	SHLAA 2017 Extract	July 2017
CD7.5	Councils 5 Year Housing Land Supply Extract	March 2023
CD7.6	Annual Monitoring Report 2020/21	December 2021
CD7.7	Planning Obligations Supplementary Planning Document	February 2021
CD8	National Policy / Guidance	Reference Number
CD8.1	National Planning Policy Framework	December 2023
CD8.2	Planning Practice Guidance	
CD9	Documents Submitted for the Inquiry	Reference Number
CD9.1	Construction and Environment Management Plan – Rev A	31 st January 2024
CD9.2	Police Station Ground Floor Plan	31 st January 2024
CD9.3	Detailed Soft Landscape Proposals	JBA 21-357 - 01 - Rev A
CD9.4	Detailed Soft Landscape Proposals - Planting Schedules and specification notes	JBA 21/357-02 Rev A
CD9.5	Biodiversity Metric 3.0 Auditing and accounting for biodiversity Calculation tool	-
CD10	Previous Appeal Documents by Inspectorate	Reference Number
CD10.1	Former Bramston Sports Centre, Bridge Street, Witham	APP/Z1510/W/17/3188192
CD10.2	Orston House, 109 Fosse Road, Farndon	APP/B3030/W/18/3205827
CD10.3	Former Police Station, Crookham Road, Fleet, Hampshire	APP/N1730/W/20/3261194
CD10.4	Former Police Station, London Road, Basingstoke, Hampshire	APP/H1705/W/20/3248204
CD10.5	Former Bramston Sports Centre, Bridge Street, Witham	APP/Z1510/W/17/3188192
CD10.6	Land off Caldecote Street, Newport Pagnell, Milton Keynes	APP/Y0435/W/19/3233875

CD10.7	Linford Lakes, Wolverton Road, Milton Keynes	APP/Y0435/W/23/3321221
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Previous Appeal Documents by High Court

CD10.8	Lisle Mainwaring v Carroll [2017] EWCA Civ 1315.	September 2017
CD10.9	Mansell v Tonbridge & Malling Borough Council [2017] EWCA Civ 1314.	September 2017
CD10.10	Redrow Homes Limited v Hertsmere Borough Council [2024] EWHC Civ 279.	February 2024

CD11	Correspondence	Reference Number
CD11.1	Email from Conservation Officer	4th May 2022
CD11.2	Email Correspondence Regarding Viability	21 st December 2022
CD11.3	Email to Council with Draft Neighbourhood Plan	31 st January 2023
CD11.4	Email to Council on S106 with Attachments	3 rd February 2023
CD11.5	Email from Council on Committee	28 th February 2023
CD11.6	Email from Council on S106 and Committee	9 th March 2023
CD11.7	Email from Agent Regarding Community Building	27 th April 2023
CD11.8	Email Correspondence Regarding a Range of Issues	2 nd May 2023
CD11.9	Email from Council on Committee	10 th May 2023
CD11.10	Email from Council Regarding Committee	11 th July 2023
CD11.11	Email to Council Regarding Affordable Housing	24 th July 2023
CD11.12	Pre-Application Response 21/02393/PRESMA	October 2021

CD12	NPTC Evidence
CD12.1	NPTC Statement of Case
CD12.2	NPTC Proof of evidence – Planning
CD12.3	NPTC Proof of evidence – Heritage
CD12.4	NPTC Proof of evidence – Community Use
CD12.5	NPTC Appendices – Full

CD13	Other Proofs of Evidence and Rebuttal Statements
CD13.1	Appellant Proof of evidence and appendices
CD13.2	Appellant rebuttal proof
CD13.3	Council Proof of evidence – Planning
	Council Proof of evidence – Viability
CD13.4	Council rebuttal proof – planning

Council rebuttal proof – viability

CD13.5

CD13.6

INQUIRY DOCUMENTS

ID1	Draft S106
ID2	Appellant draft costs application
ID3	Appellant opening submissions
ID4	Council opening submissions
ID5	Newport Pagnell Town Council opening submissions
ID6	Councillor Day submissions
ID7	Councillor Windsor submissions
ID8	Town Talk Publication
ID9	Newport Pagnell Guide
ID10	Final draft S106 and appended plans
ID11	Appellant final costs application
ID12	Council closing submissions
ID13	Newport Pagnell Town Council closing submissions
ID14	Appellant closing submissions
ID15	Council costs rebuttal
ID16	Appellant costs final comments

DOCUMENTS SUBMITTED AFTER THE INQUIRY

ID17	Council final S106 and cover letter
ID18	Completed unilateral undertaking

ANNEX C – SCHEDULE OF CONDITIONS

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with plans/drawings outlined below unless as otherwise required by condition attached to this permission:
 - 27577A-5-1 - Elevations
 - 27577A-5-2 - Elevations
 - 27577A-4 – Sections
 - JBA 21-357 Rev. C - SK02 Landscape Strategy
 - 536.0035.008 Rev. C - Indicative Pedestrian Footway and Community Parking Area Scenario
 - 536.0035.009 Rev. C - Indicative Pedestrian Footway Tracking Scenario
 - 536.0035.010 Rev. A - Private Vehicle Access and Parking
 - 40041NP-PA100 - Site Location Plan
 - 40041NP - PA101 - Proposed Site Plan Layout
 - 40041NP- PA102 - Ground Floor Plan
 - 40041NP-PA103 - First Floor Plan
 - 40041NP-PA104 - Second Floor Plan
 - 40041NP-PA105 - Roof Plan
 - 40041NP - PA106 - Proposed Elevations Sheet 1
 - 40041NP - PA107 - Proposed Elevations Sheet 2
 - 40041NP - PA108 - Proposed Terraced Cottages
 - 40041NP - PA110 - Site Sections
 - 40041NP - PA112 - Distance Drawing
 - 40041NP - PA109 Rev A - Guest & Refuse
3. No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The developer may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.
4. Prior to any development taking place, the developer shall carry out an assessment of ground conditions in the vicinity of the decommissioned underground storage tank. The results of this survey detailing the nature and extent of any contamination, together with a strategy for any remedial action deemed necessary to bring the site to a condition suitable for its intended use, shall be submitted to and approved by the Local Planning Authority before construction works commence.

5. The removal of the tank and any necessary remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate verification report prior to first occupation of the development.
6. Notwithstanding the approved drawings, no development shall take place above slab level until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Soft landscape works shall include planting plans at a minimum scale of 1:200 with schedules of plants noting species, supply sizes and proposed densities; and a tree planting details drawing.

The planting plans shall include existing trees and/or hedgerows to be retained and/or removed accurately shown with root protection areas; existing and proposed finished levels and contours; visibility splays; proposed and existing functional services above and below ground.

All hard and soft landscape works shall be carried out in accordance with the approved details and prior to the first occupation of the building(s) or the completion of the development whichever is the sooner.

If within a period of two years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity. Thereafter the hard and soft landscape works shall be maintained and retained in situ.

7. No development, including preparatory works, shall commence until an updated tree report and protection plan has been submitted and approved in writing by the local planning authority.

The approved tree report and protection plan shall be adhered to at all times throughout the construction phase.

8. No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment, prepared by Awcock Ward Partnership (ref: Revision B) dated 28 January 2022, and the Preliminary Drainage Layout prepared by Awcock Ward Partnership (ref: 01-PDL-1001) and dated 1 June 2022, and shall also include:

- a. Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events.
- b. Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance.
- c. Detailed drawings of the entire proposed surface water drainage system, attenuation, and flow control measures, including levels, gradients, dimensions, and pipe reference numbers, designed to accord with the CIRIA

- C753 SuDS Manual (or any equivalent guidance that may supersede or replace it).
- d. Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections).
 - e. Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.
 - f. Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems.
 - g. Full details of the maintenance/adoption of the surface water drainage system.
 - h. Permissions to connect to a receiving watercourse or sewer; and
 - i. Measures taken to prevent pollution of the receiving groundwater and/or surface water.
9. Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system has been constructed in accordance with the details approved under the planning permission. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.
 10. Prior to the occupation of the development hereby permitted the car parking area shown on the approved drawings shall be constructed, surfaced, drained and permanently marked out. The car parking area provided shall be maintained and shall be used for no other purpose thereafter.
 11. The pedestrian access, including repositioned street lighting column and new tactile paving shall be sited, constructed and brought into use prior to the first occupation of the development hereby permitted.
 12. Prior to the first occupation of the development, details of secure cycle parking facilities for 6 cycles for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of each respective dwelling and shall thereafter be retained for use at all times.
 13. Should any unforeseen contamination be encountered the Local Planning Authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination will also be carried out to the written satisfaction of the Local Planning Authority.
 14. The development shall be carried out in strict accordance with the recommendations for mitigation and enhancement detailed within Section 4 of

the Ecological Impact Assessment prepared by Tyler Grange, February 2022 and Section 3 of the Protected Species Addendum prepared by Tyler Grange, 9th May 2022. Prior to their installation, the location and type of bird boxes and bat boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority. The ecological enhancement measures shall be retained and maintained as such thereafter.

15. The development hereby permitted shall be carried out in strict accordance, and implementation of, the habitat, landscaping, and management provisions detailed within the Biodiversity Enhancement Strategy and associated DEFRA 3.0 Metric prepared by Tyler Grange, February 2022.
16. The occupation of the retirement living units hereby permitted shall be limited to persons who have reached the age of 60 years or above (or those with a spouse or partner of at least 55 years).
17. Prior to the installation of any street lighting or lighting affixed to external faces of the building(s), an external lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate that light spill onto foraging corridors for bats has been minimised as far as is practicable. This strategy shall be implemented in full as part of the installation of external lighting across the site, with the lighting thereafter subsequently maintained as such.
18. The development hereby approved shall be carried out in strict accordance with the Construction and Environmental Management Plan (CEMP) Rev A dated 31st January 2024 any alterations to CEMP shall be submitted to and approved in writing by the Local Planning Authority.

----- END OF SCHEDULE -----