

ITEM 7(d)

Application Number: 19/00327/DISCON

Description Details submitted pursuant to the discharge of condition 5 (design code) attached to planning permission 15/01074/OUT

AT Intu, Midsummer Place, Central Milton Keynes, Milton Keynes

FOR Intu Milton Keyes Ltd

Target: 8th April 2019

Extension of Time: No

Ward: Central Milton Keynes

Parish: Central Milton Keynes
Town Council

Report Author/Case Officer: Lakeisha Peacock
Planning Officer

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1.0 RECOMMENDATION

It is recommended that the Design Code is approved and the condition discharged.

Accessible at <https://publicaccess2.milton-keynes.gov.uk/online-applications/>

2.0 INTRODUCTION

The Site

- 2.1 The application site lies within Block D2 and D3 within the primary shopping area of Central Milton Keynes. The site consists of the existing Intu Milton Keynes Shopping Centre including Midsummer Place and Oak Court as well as the external areas to the east and west of the existing Intu Shopping Centre.
- 2.2 To the north west of the site is the Centre: MK shopping building, a Grade II Listed Building. It is separated from the Intu Shopping Centre by Midsummer Lane. Existing and proposed retail, leisure and food/drink uses are located along Midsummer Boulevard East forming the remainder of the primary shopping area.

The Proposal

- 2.3 Application 15/01074/OUT, granted by the Secretary of State on a call in decision. , gave consent for: Outline planning permission with some matters reserved (appearance, landscaping and scale) for the partial demolition and redevelopment of the Boulevard and Oak Court to provide a range of retail, financial and professional and restaurant (use classes A1, A2, A3 and A5) and leisure (use class D2) together with public realm and highway works
- 2.4 Condition 5 (Design Code) of planning application 15/01074/OUT (subsequently amended under application 18/03021/NMA) states:

'Prior to the submission of any applications pursuant to condition 2 hereof (submission of reserved matters), a Design Code for the whole site, which shall be substantially in accordance with the draft Design Code submitted as part of the application, shall be submitted to the Local Planning Authority. The Design Code shall set out the proposed vision and key design principles for the development to include (but not be limited to) the following details: final building heights, building massing, building materials, key architectural principles, sustainable construction, access and serving, location of entrances, weather protection, activated and animated frontages, display windows, signage, lighting, public realm materials including footways, landscaping, street furniture and linkages to the surrounding public realm. The details subsequently submitted in each and every application pursuant to condition 2 shall be in accordance with the approved Design Code. The development shall not commence until the Design Code has been approved in writing by the Local Planning Authority and the development shall be carried out in complete accordance with the approved Design Code'.

Reason for referral to committee

- 2.5 The application has been referred to Development Control Committee at the request of Central Milton Keynes Town Council.

3.0 RELEVANT POLICIES

3.1 National Planning Policy Framework (2019)

Section 12: Achieving Well- Designed Places

The Development Plan

- 3.2 The CMK Alliance Plan 2026 (made June 2015) (Neighbourhood Plan)

Once a Neighbourhood Plan has been agreed at a referendum and is made (brought into legal force) by the local planning authority, it becomes part of the local planning authority's development plan as an official development plan document which carries statutory weight.

G3 Landscaping and Open Space

G6 Mixed Use
G7 Active Frontage
G9 Design of Buildings

3.5 Plan: MK (2016-2031)

Policy D1 Design a High Quality Place
Policy D2 Creating a Positive Character
Policy D3 Design of Buildings
Policy D5 Amenity and Street Scene

In respect of the development plan (Plan:MK and the CMK Alliance Plan) whilst policies in the development plan will be in general conformity, s38(5) of the Planning and Compulsory Purchase Act 2004 states that any conflicts between policies in the development plan shall be resolved by the decision maker in favour of the policy which is contained in the last document to become part of the development plan.

3.6 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

4.0 **MAIN ISSUES**

Principle

5.0 **CONSIDERATIONS**

Principle

- 5.1 The principle of the development has previously been approved as an outline planning permission in accordance with the National Planning Policy Framework and the development plan. The submission of a Design Code is a requirement set out in a condition attached to the outline approval for the site.
- 5.2 Design Codes provide the final piece of site specific guidance and consist of a set of illustrated design rules and requirements which guide developers on how a site should be developed to ensure that the development permitted suitably addresses its location and that the development is of sufficient quality.
- 5.3 The submitted Design Code for the application site makes slight changes to the previously approved Design Code under the outline consent, including: clarifications on the development supporting a Public Transport Network, additional materials and precedent images to the proposed materials palette and minor wording alterations. The outline consent granted required an updated Design Code to be submitted.

- 5.4 The minor amendments made to the submitted Design Code are considered to be acceptable, with the main principles from the original Design Code submitted as part of the outline consent being retained through to this amended Design Code. No objections were received from the Council's Urban Design Officers and the Design Code is considered acceptable and not contrary to development plan policies (contained in the Neighbourhood Plan and Plan:MK).

Other Matters

- 5.5 Comments were received from Central Milton Keynes Town Council regarding the inclusion of the Western Gateway Entrance within the Design Code, requesting that this element be removed.
- 5.6 It is acknowledged that the area identified as the Western Gateway Entrance does not fall within the ownership of the applicant. The area referred to, however, is included within the red line approved in the outline consent 15/01074/OUT and therefore forms part of the development site. All parts of the development site are required to be included within the Design Code. In addition, the Design Code is required to cover all future phases of the development including changes to the adopted highway and amendments to the drop off area. The Design Code, therefore, is required to include and address these works.
- 5.7 Officers therefore advise that inclusion of the Western Gateway Entrance should remain a requirement of the Design Code.

6.0 CONCLUSIONS

- 6.1 It is recommended that the Design Code is approved and the condition discharged.

7.0 CONDITIONS

None

8.0 PROPOSED PLANS

The updated Design Code and a tracked changes document can be found at the following link <https://publicaccess2.milton-keynes.gov.uk/online-applications/>

Appendix to 19/00327/DISCON

A1.0 RELEVANT PLANNING HISTORY

14/01042/ADV

Advertisement consent to display 8 x internally illuminated fascia signs and 2 x internally illuminated projecting signs
PEAVNZ 03.07.2014

15/01074/OUT

Outline planning permission with some matters reserved (appearance, landscaping and scale) for the partial demolition and redevelopment of the Boulevard and Oak Court to provide a range of retail, financial and professional and restaurant (use classes A1, A2, A3 and A5) and leisure (use class D2) together with public realm and highway works
PER 19.07.2017

18/03021/NMA

Non-material amendment to planning permission 15/01074/OUT to modify wording of conditions 4 and 5 removing the requirement for approval in writing of Phasing Plan and Design Code before submission of any Reserved Matters application
PER 21.12.2018

19/00321/DISCON

Details submitted pursuant to the discharge of condition 4 (phasing plan) attached to planning permission 15/01074/OUT
CDIS 14.03.2019

19/00559/REM

Reserved matters application pursuant to 15/01074/OUT for the approval of appearance, scale and landscaping
PCO

A2.0 ADDITIONAL MATTERS

None.

A3.0 CONSULTATIONS AND REPRESENTATIONS

A3.1 Parish Council

CMK Town Council objects to the proposed Design Code on the material planning grounds cited below. If, notwithstanding our objections, Officers are minded to approve the application we request that it is referred to DCC or DCP for determination.

Meanwhile, if the Case Officer wishes to discuss the reasons for our objections, and any potential amendments to the application and/or conditions that might be imposed, please contact the TC before the application is determined.

CMK Town Council requests that the area west of the proposed development,

referred to in the Public Space section of the Design Code as the “Western Gateway Entrance”, be removed from the Design Code on the following grounds:

1. This area of land falls outside of the applicant's ownership boundary
2. The area remains adopted public highway, having not been subject to the earlier stopping-up application and related approval
3. Alterations to this area are not necessary for the delivery of the scheme given outline consent as shown on the approved drawings listed in Condition 1

The Town Council therefore requests that the Western Gateway Entrance and the indicative landscaping works in that area be removed from the Design Code.

A3.2 MKC Urban Design

I do not object to the propose Design Code.