

Application Number: 10/02044/LBC
Other

Listed building consent for extension

AT 11-27 Eagle Walk, Central Milton Keynes, Milton Keynes

FOR CMK Britel Nominees No 1 And 2 Ltd

Target: 1st December 2010

Ward: Campbell Park

Parish: Central Milton Keynes Town
Council

Report Author/Case Officer: Anna Holloway

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Head of Team: Jackie Fox

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The Site

The application site currently forms 5 retail units. The units have frontages that face towards both Eagle Walk and Middleton Hall. The units vary in size but all can be regarded as small in terms of floorspace and there is no sales area at first floor level. Details of the location of the site and its relationship to surrounding properties can be seen in the plans attached to this report.

- 1.2 In its wider context, the units form part of The Centre:MK, a shopping building located within the principle retail area of Central Milton Keynes. The building itself is a Grade II listed building. The layout of the building is such that the walkway areas form a grid system, with a number of 'Walks' crossing two principal 'Arcades'. The units forming this application site are the only small units within the building that have a double frontage with both entrances internally facing.

1.3 The Proposal

The current application is for listed building consent for a scheme which has already been granted planning permission. Planning permission was originally granted under reference 09/00944/FUL and an application to extend the life of this planning permission was granted in 2012 (12/01440/FUL) for the remodelling of the retail units fronting both Eagle Walk and Middleton Hall. The works would see the existing units altered to form two larger retail units and a change of use would provide an A3 café/restaurant unit. The extension would be at ground floor level and would consist of 'filling-in' the colonnades on

the elevation fronting Middleton Hall and alterations would take place at first floor level to enable retail floorspace in this area. Details of the proposal as described above can be seen in the plans appended to this report.

- 1.4 An updated Heritage Statement and a Commercial Justification Statement were submitted and address the publication of the NPPF as well as providing a more up to date assessment of the commercial implications.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework paragraphs:

- 7. Dimensions to sustainable development.
- 17. Core Planning Principles.
- 18-22. Building a strong economy.
- 23-27. Ensuring the vitality of town centres.
- 126-141 Conserving and Enhancing the Historic Environment.

2.2 Local Policy

Core Strategy

- CS4 – Retail and Leisure Development.
- CS7 – Central Milton Keynes.
- CS20 – Historic and Natural Environment.

Adopted Milton Keynes Local Plan 2001-2011

- S1 – General Principles
- D1 – Impact of Development Proposals on Locality
- D2A – Urban Design Aspects of New Development
- D2 – Design of Buildings
- T2 – Access for those with Impaired Mobility
- T3 – Pedestrians and Cyclists
- T10 – Traffic
- T15 – Parking Provision
- CC1 – Shopping
- CC6 – Non-Retail uses in the CMK Shopping Building and Midsummer Place.
- CC8 – Design and Layout
- CC13 – City Core Quarter

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

- 3.1 Whether the proposed works would lead to substantial harm to or total loss of significance of a designated heritage asset (in this instance the grade II listed Shopping Building). If the proposals lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 The loss of the colonnade would result in harm to the significance of the building. This harm is less than substantial; therefore, the proposal may be justified if there is public benefit; i.e. that the works are required to create viable retail units. On the basis that the additional information received will provide the required details demonstrating the need for the infilled colonnade, and taking into account the recent permissions for the John Lewis department store opposite, it is considered that the benefits of the scheme would, on balance, outweigh the harm caused and it is recommended that listed building consent is granted subject to conditions. It is recommended that listed building consent be granted subject to the conditions set out in this report.

5.0 CONSIDERATIONS

(An explanation of the main issues that have lead to the officer Recommendation)

- 5.1 Planning permission was granted for the proposed development in 2009 (prior to the listing of the Shopping Building) with an extension to the time limit for implementing that permission being granted in 2012. The 2012 planning permission (12/01440/FUL) was granted in October last year and therefore after the listing of the Shopping Building and after the publication of the NPPF. Last year planning permission and listed building consent was also granted for the extension and alterations to the John Lewis department store on the opposite side of Middleton Hall; these approved applications included the infilling of the colonnade adjacent to Middleton Hall.
- 5.2 The NPPF presumes in favour of sustainable development with a view to building a strong and competitive economy and ensuring the viability of town centres. When considering the planning applications for the proposed development the proposal was considered to improve the functionality of the retail floorspace of this structure and diversity of occupiers within the shopping building and this was considered to contribute towards those goals of the NPPF as an enhancement to the retail offering.
- 5.3 In terms of heritage considerations the NPPF seeks to conserve and enhance the historic environment. The NPPF states: where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. If sufficient justification and public benefit can be provided then a case can be made for the proposed alterations. If so, it is likely that the designs represent the optimum possible.
- 5.4 The colonnade is part of the significance of the building being an original plan form element facing onto one of the two major public spaces and its loss could alter the character of the building. There should be a starting point presumption for its retention as is, preserving the original plan of the building. Eagle Walk is an important part of the wider architectural language of the building. It is now a unique circumstance within the building, following the removal of the colonnade at John Lewis it is the only remaining internal

colonnade. It is a remnant, showing the original condition present in Middleton Hall. The infill of the John Lewis colonnade has been approved and completed, on the basis of the public benefit outweighing the harm caused. This has arguably altered the relationship of the opposing facades of Middleton Hall, although not to the extent that harm is no longer caused. The loss of the colonnade would result in some harm to the significance of the building. This harm is less than substantial; therefore, the proposal may be justified if there is public benefit; i.e. if it could be demonstrated that there were real problems letting the existing units over a period of time, that the footfall rates in this area were significantly lower than other areas, that providing units of the proposed size was what was needed to obtain major retailers to this part of the building and that in turn was fundamental to the viability of the building.

- 5.5 The additional information provided reinforces the commercial context within which the shopping centre operates and the need to continually adapt to find suitable units for incoming or expanding retailers. The report highlights that the units have been actively marketed, are compromised by their depth and numerous entrances, and suffer from poor footfall in these aspects. However, there is a lack of evidence to show that the colonnade infill is necessary to deliver the public benefit, rather than simply representing the most desirable solution. What remains unclear is whether the units are viable in their newly proposed forms minus the harmful element of the scheme (i.e. the colonnade infill). Additional discussions have taken place with the applicant and additional information is to be submitted regarding the viability of the units without the infill of the colonnade.
- 5.6 On the basis that the additional information received will provide the required details demonstrating the need for the infilled colonnade, and taking into account the recent permissions for the John Lewis department store opposite, it is considered that the benefits of the scheme would, on balance, outweigh the harm caused and it is recommended that listed building consent is granted subject to the conditions listed below. An update on the further information anticipated to be received shortly shall be provided to the Panel.

6.0 CONDITIONS

(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable)

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To prevent the accumulation of listed building consents; to enable the local planning authority to review the suitability of the works in the light of altered circumstances; and to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. (D12)

2. No development shall take place until details have been submitted to and approved by the Local Planning Authority of the proposed treatment and appearance of the opaque glazing and blank frontage on the development hereby approved. The works shall then be carried out in accordance with the

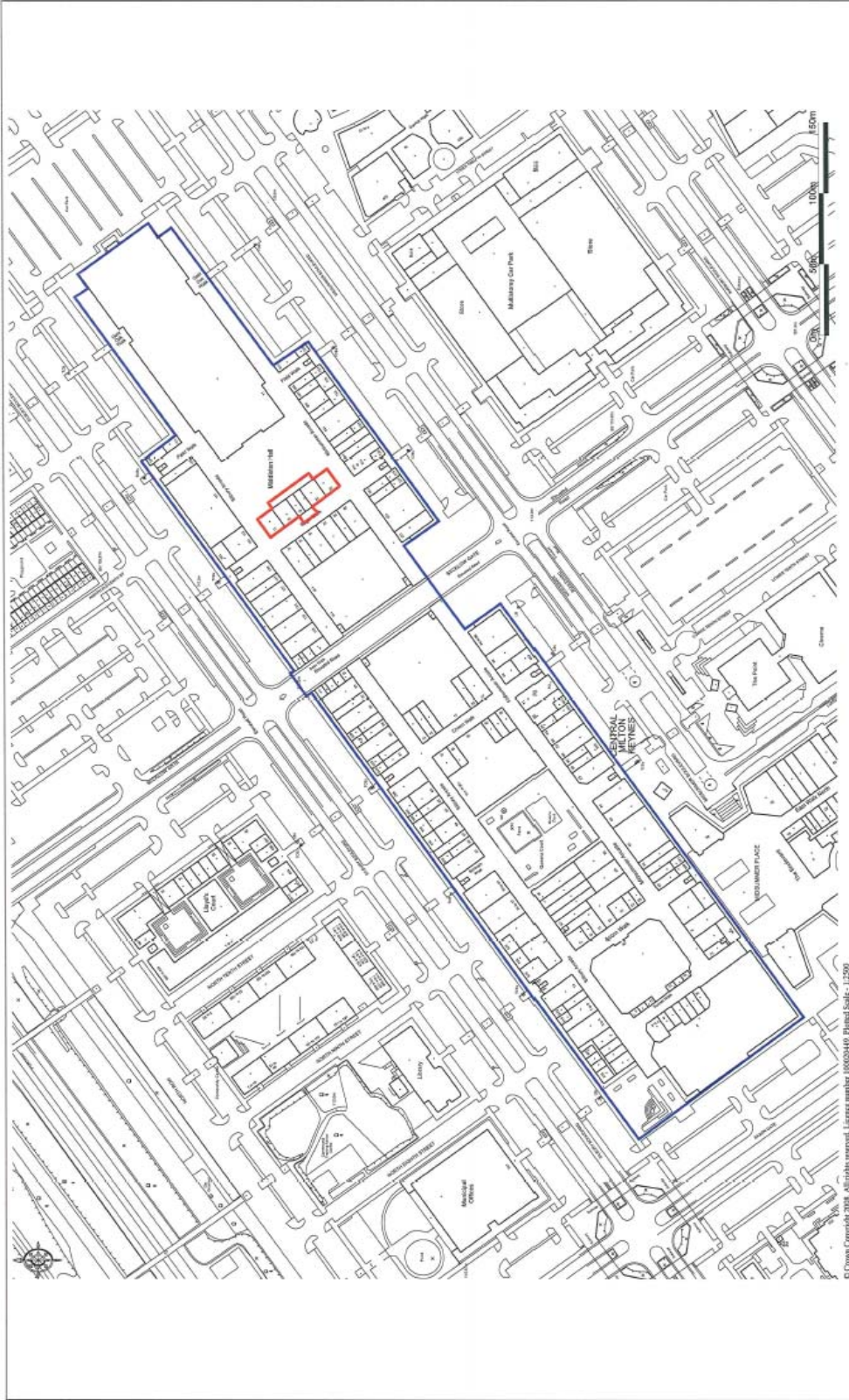
approved details and thereafter be retained unless agreed in writing with the Local Planning Authority.

Reason: To ensure the frontages are acceptable and sympathetic to the character of the building.

3. Notwithstanding the submitted details, amended plans showing the proposed shopfronts on the back face of the retained stanchions, under retained louvres shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the listed building.

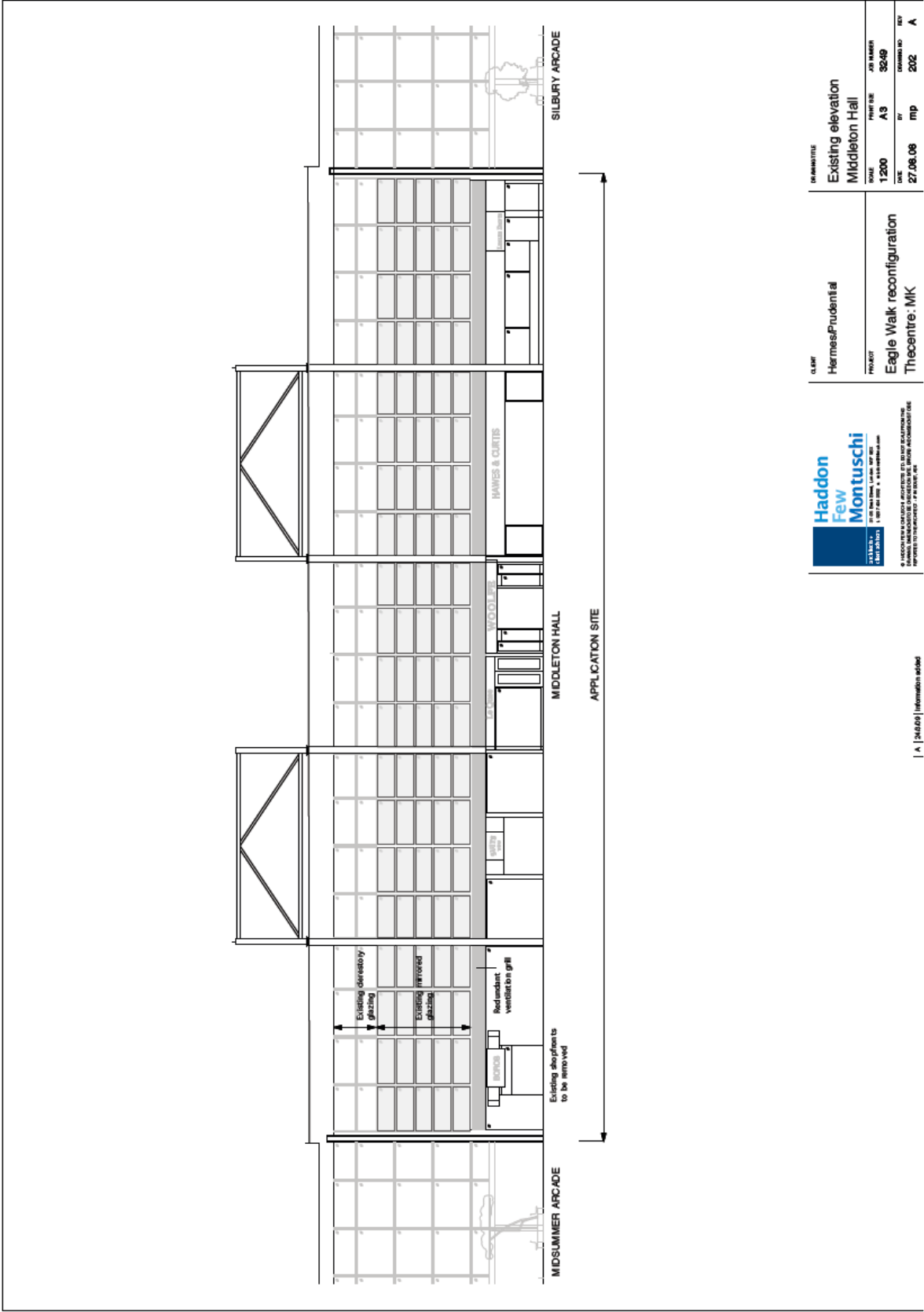
4. Photographic Survey and drawn record of existing building - A thorough photographic and drawn record, to a specification agreed in consultation with English Heritage, shall be made of the Shopping Building as it now stands, internally and externally, before any work takes place. This should include the spaces around the buildings as well as the building itself. All photographs shall be numbered and their positions marked on a plan. Copies should be lodged with the appropriate local Sites and Monument Record and with the National Monuments Record in Swindon, as well as in the owners' archive.



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Client: CMK Britel Nominees No 1 Limited, CMK Britel Nominees No 2 Limited, and The Prudential Life Assurance Company Limited
Project: Eagle Walk
Title: Site Location Plan
Reference: CMKL2003
Date: 18 May 2009
Scale: 1:2,500 @ A3

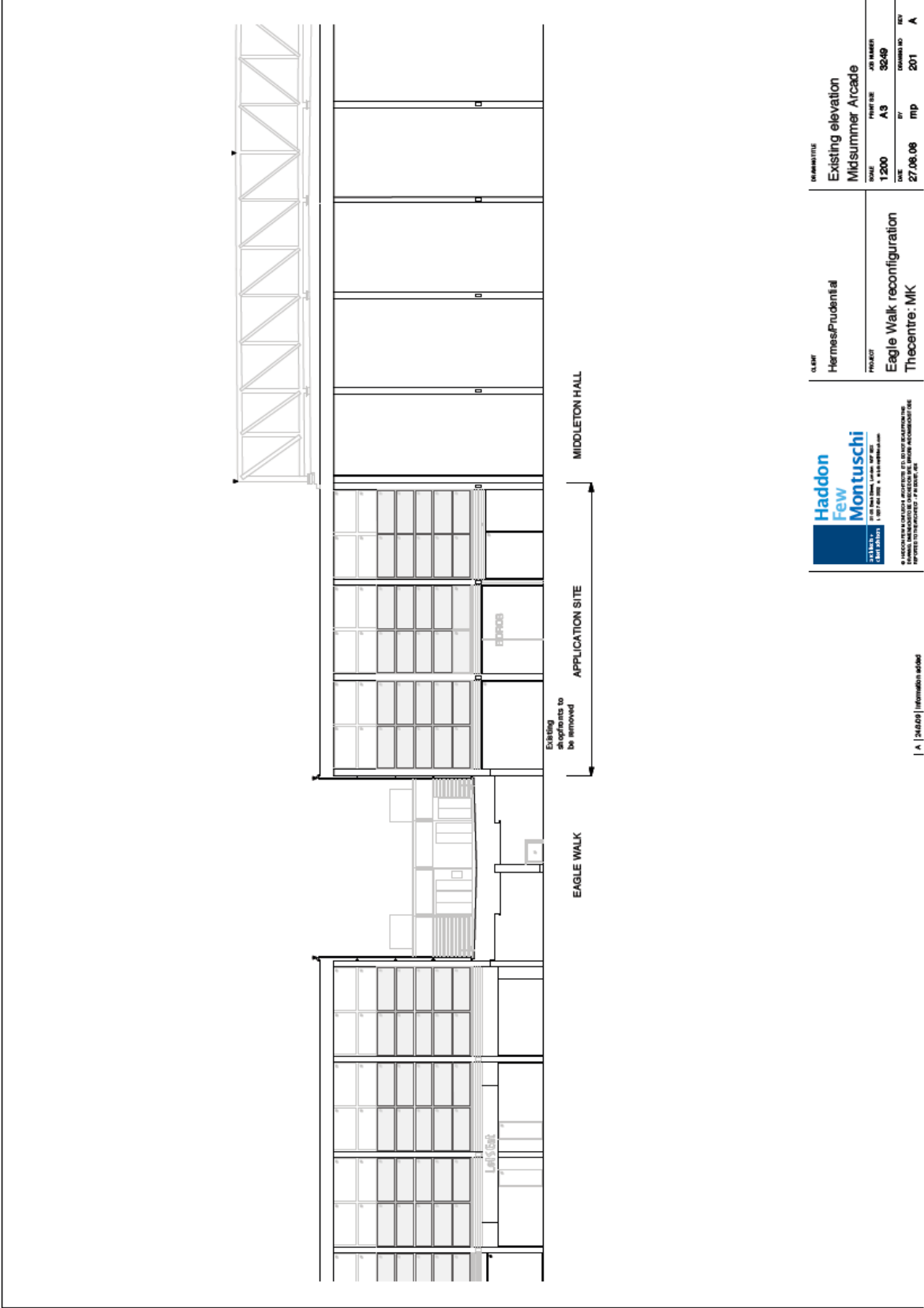
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CLIENT	HermesPrudential
PROJECT	Eagle Walk reconfiguration Thecentre: MK
DATE	27.08.08
SCALE	1:200
JOB NUMBER	A3 9249
BY	mp
DATE	202
REV	A



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ARCHITECTS OF RECORD FOR THE PROJECT
FOR ALL INFORMATION CONTACT THE ARCHITECTS
REPORT TO THE PROJECT ARCHITECT

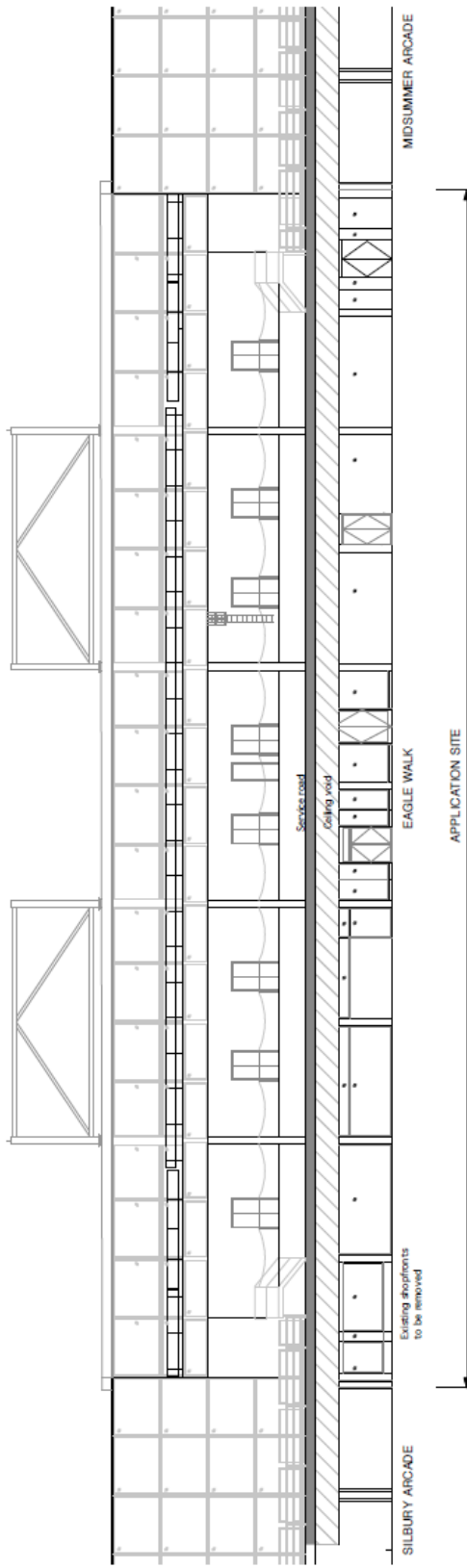
CLIENT
HermesPrudential

PROJECT
Eagle Walk reconfiguration
Thecentre: MK

MEMORITITLE
Existing elevation
Midsummer Arcade

SCALE
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27.08.08 mp 201 A



CLIENT
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PROJECT
Eagle Walk reconfiguration
Thecentre: MK

DRAWING TITLE
Existing elevation
Eagle walk

SCALE
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PRINT SIZE
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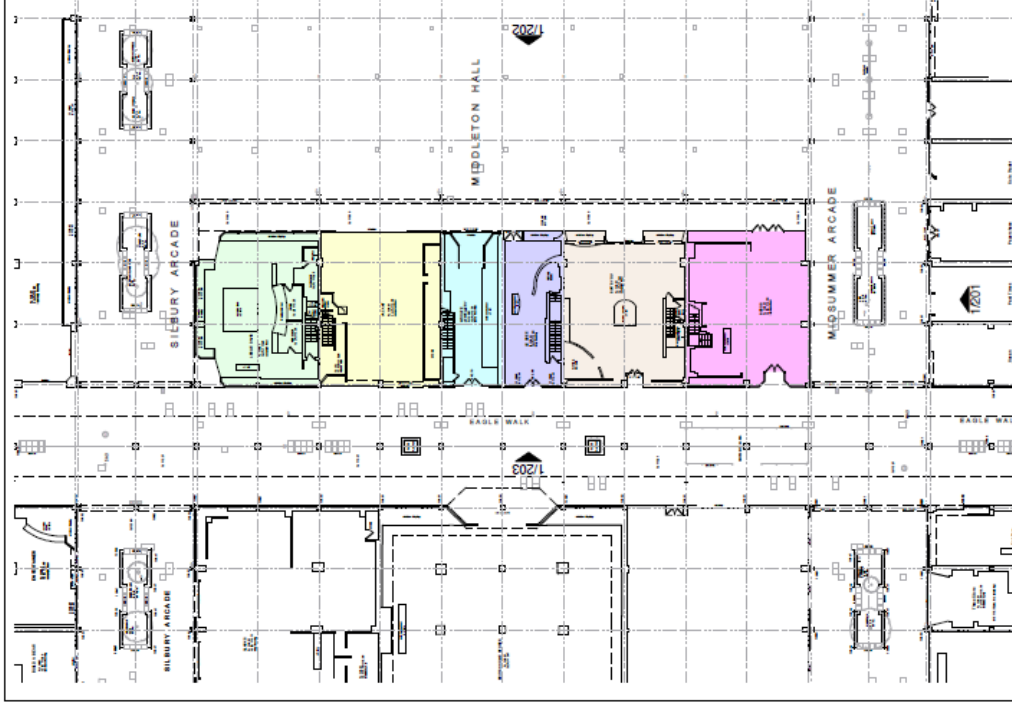
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DATE
18.03.09

BY
mp

REVISION NO.
203

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1 GROUND FLOOR

GROSS INTERNAL AREAS	
Ground floor	167.5 m ² 1806 sq ft
First floor	143 m ² 1539 sq ft
Ground floor	179 m ² 1926 sq ft
First floor	188 m ² 2024 sq ft
Ground floor	87.5 m ² 945 sq ft
First floor	83.5 m ² 902 sq ft
Ground floor	86.5 m ² 935 sq ft
First floor	60 m ² 649 sq ft
Ground floor	175 m ² 1885 sq ft
First floor	188.2 m ² 2026 sq ft
Ground floor	178 m ² 1919 sq ft
First floor	142 m ² 1530 sq ft

NOTE: Gross internal areas measured to inside face of shop front and face of notional 150mm separating wall between units.

2 FIRST FLOOR



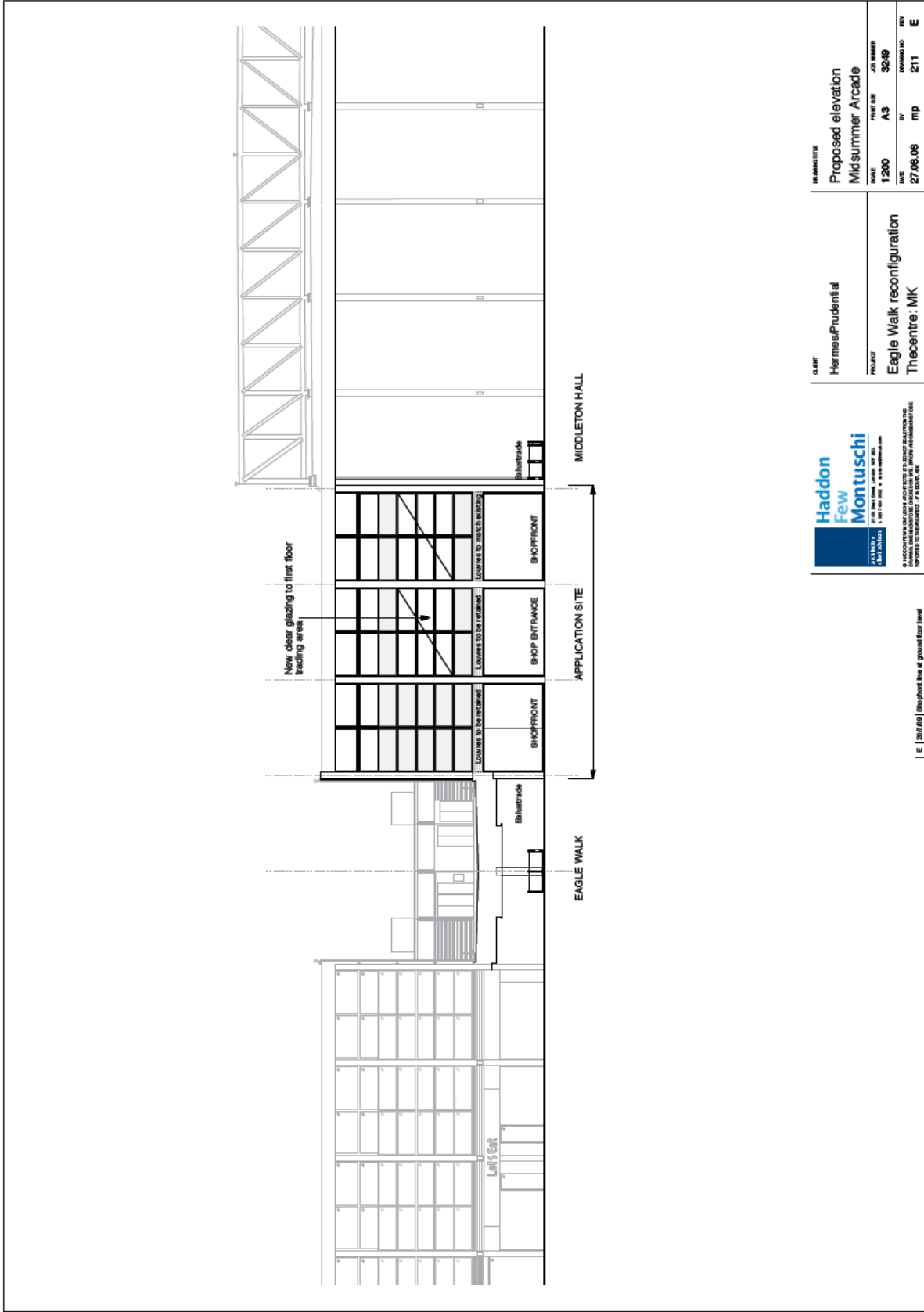
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CLIENT: Hermes/Prudential
PROJECT: Eagle Walk reconfiguration
THECENTRE: MK

DATE: 27.08.08 BY: mp SCALE: 1/400 DRAWING NO: 3249

DATE: 27.08.08 BY: mp SCALE: 1/400 DRAWING NO: 3249

B 17410 Internal area amended
1 A 13420 Area added



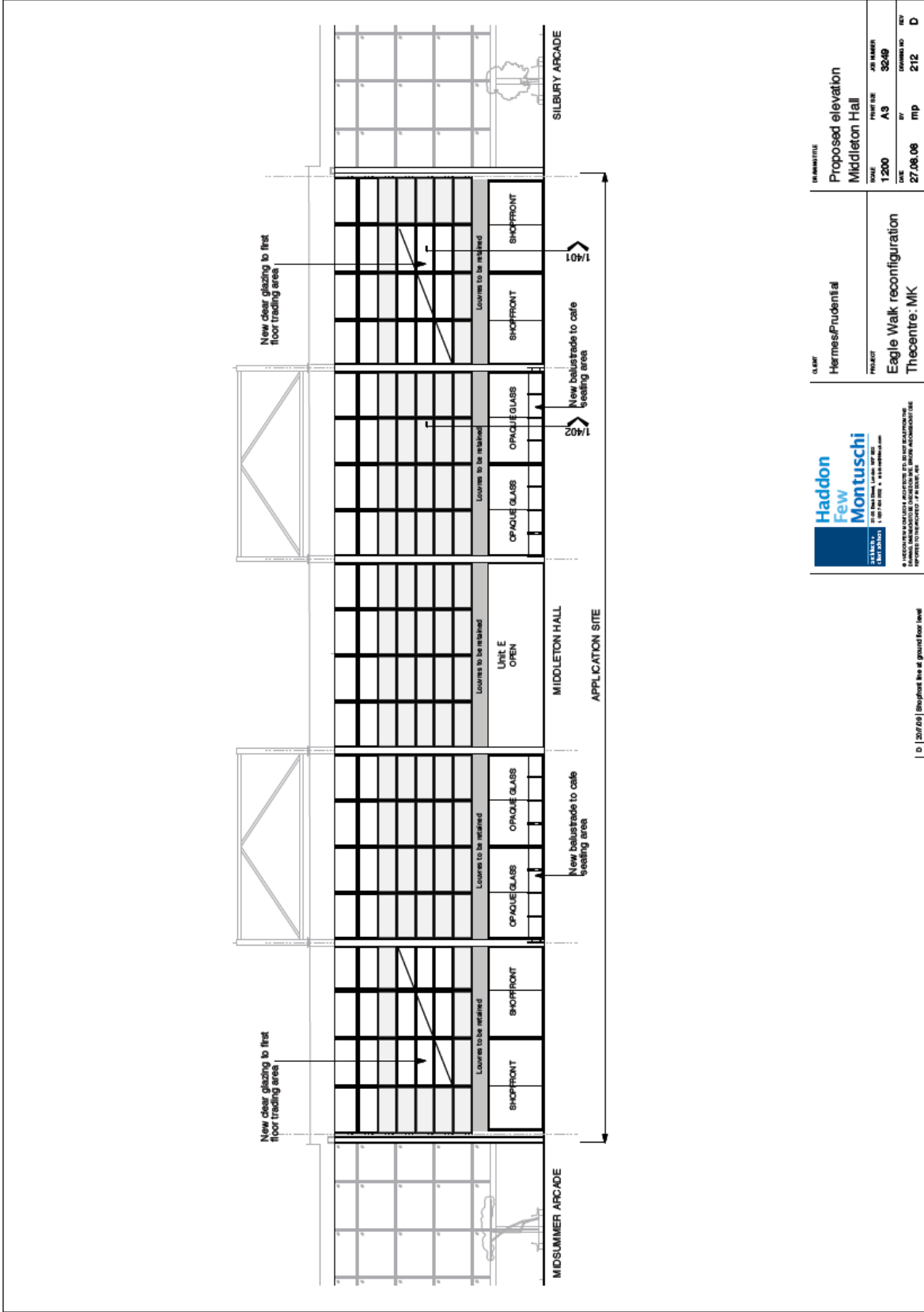
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**Eagle Walk reconfiguration
 Thecentre .MK**


DRAWING TITLE
**Proposed elevation
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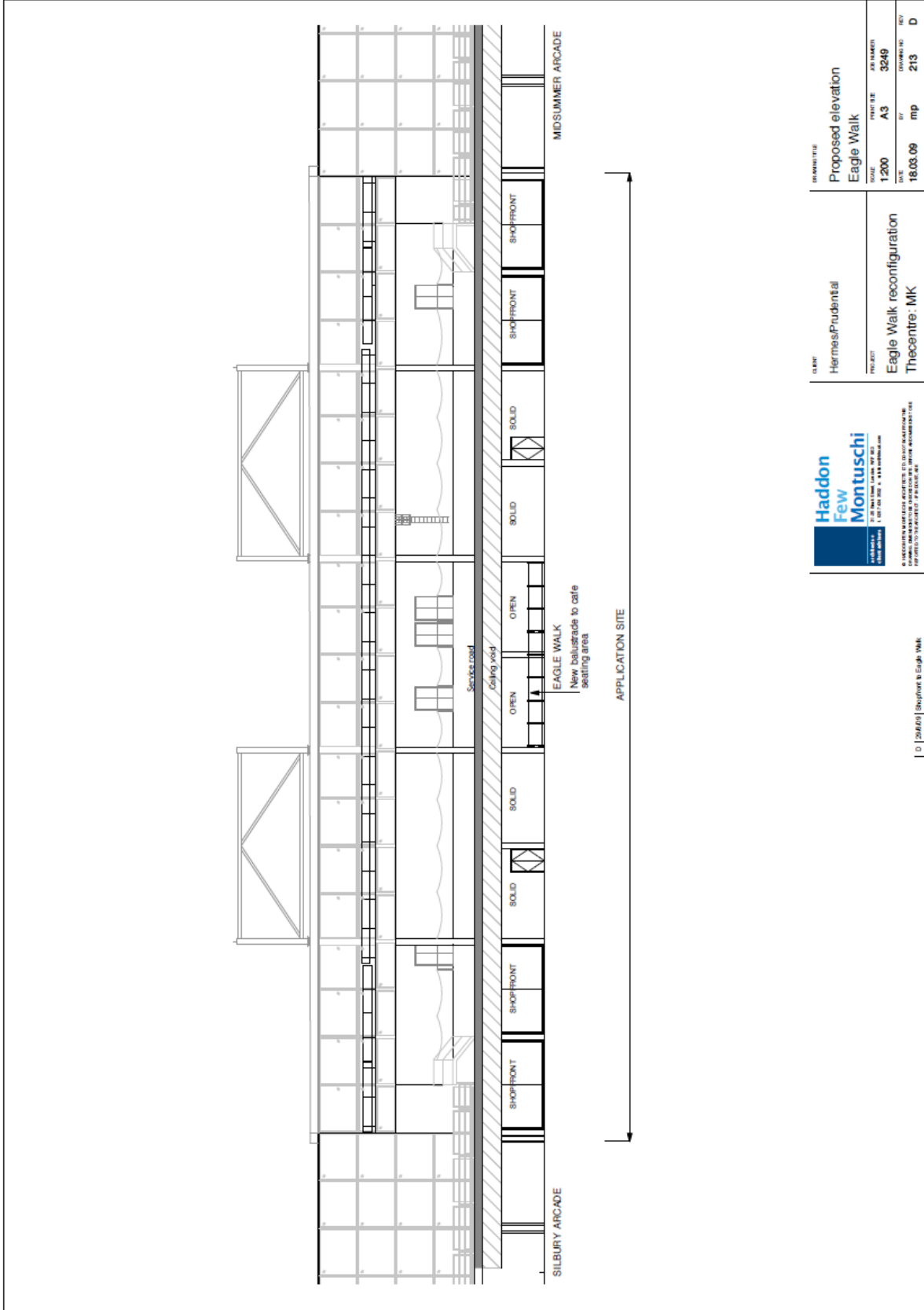
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| E | 20/01/18 | (Subject line at ground floor level)



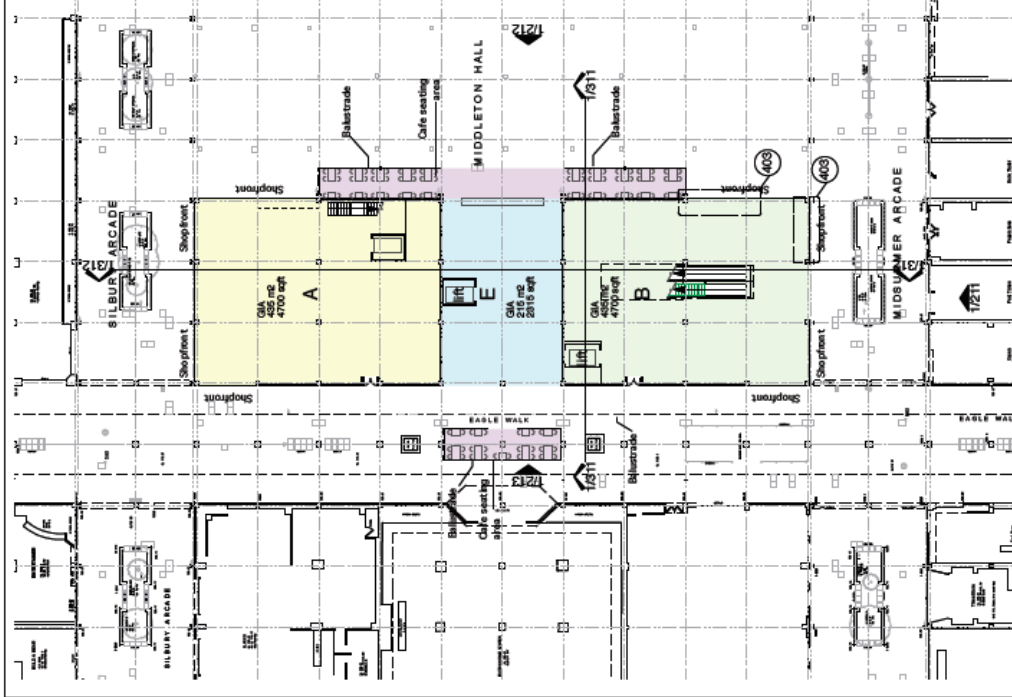
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	<p>PROJECT Eagle Walk reconfiguration Thecentre.MK</p>	<p>DATE 27.08.08</p>



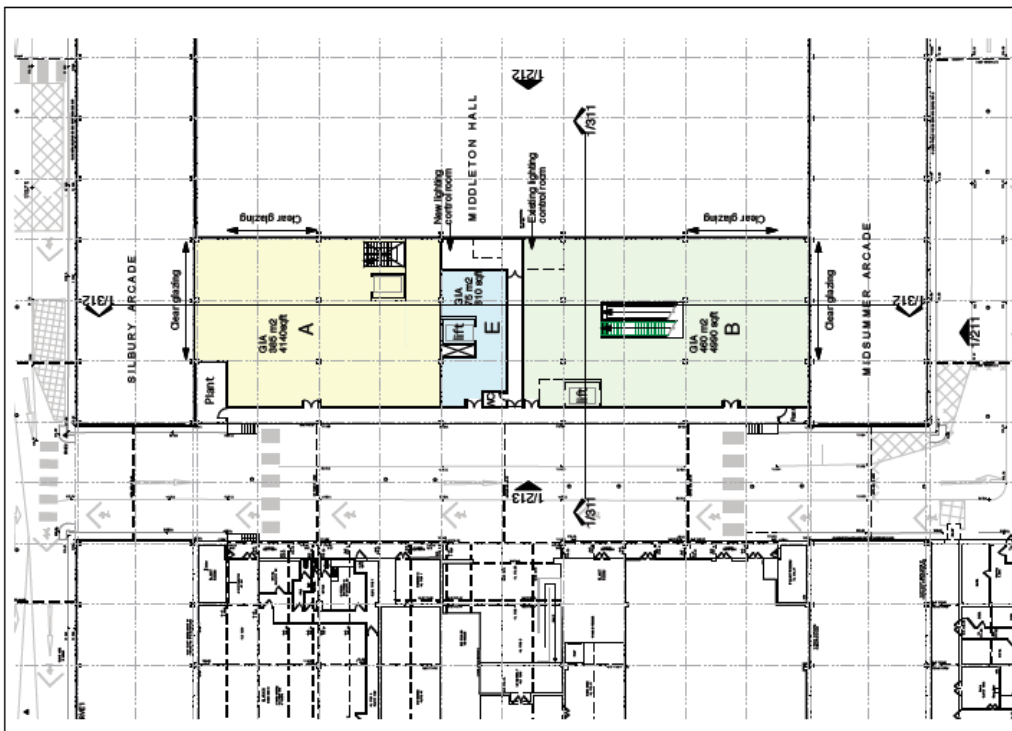
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PROPOSED ELEVATION
Proposed elevation
Eagle Walk
SCALE 1:200
DATE 18.03.09
DRAWN BY mp
CHECKED BY
PROJECT NO 3249
JOB NUMBER
TOWN PLAN NO 213
D

CLIENT
Hermes/Prudential
PROJECT
Eagle Walk reconfiguration
Thecentre: MK



1 GROUND FLOOR



2 FIRST FLOOR

GROSS INTERNAL AREAS

UNIT A	Ground floor	435 m ²	4700 sq ft
	First floor	385 m ²	4140 sq ft
	Total	820 m ²	8840 sq ft

UNIT E - A3 use

Ground floor	215 m ²	2315 sq ft
First floor	75 m ²	810 sq ft
Total	290 m ²	3125 sq ft

UNIT B

Ground floor	435 m ²	4700 sq ft
First floor	470 m ²	4990 sq ft
Total	905 m ²	9690 sq ft

CLIENT
HermesPrudential

PROJECT
Eagle Walk reconfiguration
Thecentre, MK

DATE
10.09.08

BY
mp

CHECKED BY
110

REV
E

PROPOSED
Eagle Walk reconfiguration
Thecentre, MK

SCALE
1:400

PAPER SIZE
A3

JOB NUMBER
3249

DATE
10.09.08

BY
mp

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REV
E

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Appendix to 10/02044/LBC

A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

A1.1 09/00944/FUL

Extension, alterations and remodelling of existing retail units and part change of use to A3; permitted 29.07.2009

12/01440/FUL

Extension of time limit to planning permission 09/00944/FUL for extension, alterations and remodelling of existing retail units and part change of use to A3; permitted 30.10.2012

A1.2 Planning permission granted for John Lewis department store on opposite side of Middleton Hall

11/02241/FUL

Extension and alterations to the west facing facade and new corner entrances; permitted 23.01.2012

11/02242/LBC

Listed building consent for extension and alterations to the west facing facade and new corner entrances; permitted 23.01.2012

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 The loss of the colonnade has been considered within the main body of the report. Apart from the loss of the colonnade itself the overall design of the scheme, including the seating areas and the new shop fronts, is considered to be one which fits well with the architecture of the building. Subject to a condition for the proposed shopfronts to be located on the back face of the retained stanchions, the proposal is considered acceptable.

A3.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

Comments

Officer Response

A3.1 Conservation And Archaeology

It is important to consider equally the significance of the building and the need for the building to continue successfully in its intended use. The government recognise that intelligently managed change may some times be necessary for heritage assets to be maintained for the long term but this should be set against the overarching aim to conserve the historic environment and its heritage assets. The challenge of the Shopping Building is to preserve the architectural interest and significance of the building whilst ensuring that it remains fit and viable for its intended purpose. It is likely that the building will need to be adapted from time to time to meet frequently changing needs of the retail industry.

Please see paragraphs 5.1-5.6.

A3.2 If sufficient justification and public benefit can be provided then a case can be made for the proposed alterations. If so, it is likely that the designs represent the optimum possible.

Please see paragraphs 5.1-5.6.

A3.3 The proposal could clearly alter the character of the building. The colonnade is part of the significance of the building being an original plan form element facing onto one of the two major public spaces. There should be a starting point presumption for its retention as is, preserving the

Please see paragraphs 5.1-5.6.

original plan of the building. Eagle Walk is an important part of the wider architectural language of the building. It is now a unique circumstance within the building, following the removal of the colonnade at John Lewis it is the only remaining internal colonnade that I am aware of. It is a remnant, showing the original condition present in Middleton Hall. The infill of the John Lewis colonnade has been approved and completed, on the basis of the public benefit outweighing the harm caused. This has arguably altered the relationship of the opposing facades of Middleton Hall, although not to the extent that harm is no longer caused. The loss of the colonnade would result in some harm to the significance of the building. This harm is less than substantial; therefore, the proposal may be justified if there is public benefit; i.e. if it could be demonstrated that there were real problems letting the existing units over a period of time, that the footfall rates in this area were significantly lower than other areas, that providing units of the proposed size was what was needed to obtain major retailers to this part of the building and that in turn was fundamental to the viability of the building.

- A3.4 The additional information provided reinforces the commercial context within which the shopping centre operates and the need to continually adapt to find suitable units for incoming or expanding retailers. Whilst the report highlights that the units have been actively marketed, are compromised by their depth and numerous entrances, suffer from poor footfall these aspects are unfortunately not accompanied by the relevant evidence. Whilst I would expect evidence to demonstrate the conclusions drawn, for these aspects, the issues are largely self-evident on the
- Please see paragraphs 5.1-5.6.

ground. There is no issue with the reconfiguration of the stores without the colonnade to improve the viability of this area. What remains unclear is whether the units are viable in their newly proposed forms minus the harmful element of the scheme (i.e. the colonnade infill). The applicant needs to provide evidence to show that the colonnade infill is absolutely necessary to deliver the public benefit, rather than simply representing the most desirable situation.

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| A3.5 | Under the planning application revised detailed drawings were produced by the applicant. The revised details moved the proposed shopfronts backwards to sit on the back face of the retained stanchions, under retained louvres. These details have not been submitted with the current application. | Condition 3 |
| A3.6 | Apart from the loss of the colonnade itself the overall design of the scheme is one which fits well with the architectural of the building. It would not look out of place in the building. The harm caused is more by the loss of the colonnade rather than the design of the replacement. | Please see paragraph A2.1 |
| A3.7 | Shop Units and Glazing at First Floor: There is no objection to the use of the first floor. Given the visible activity at first floor in the opposing John Lewis and the adaptations work within the architectural framework of the building and that the work to the glazing would be easily reversed if needed; I see no harmful impact on the building for this location only. Clarification is required on the extent of the obscure glazing. | Condition 2 |
| A3.8 | Seating in Middleton Hall: The notion of a coffee shop and outside seating in this general location is supported. The location of the seating beyond the colonnade does make it | Please see paragraph A2.1 |

more conspicuous. Given that the seating enclosure is one that is a familiar sight in the building and fairly neutral in appearance, its position beyond the colonnade allows it to make a greater contribution to the activity in Middleton Hall. My concern is that circulation space will be effected.

A3.9 English Heritage

This application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.

Comments from the Council's Conservation Team are provided above (A3.1 – A3.8)

A3.10 Central Milton Keynes Town Council

The proposal will substantially alter the feel and look of Middleton Hall, which is recognised by English Heritage as a fundamental element of the centre:mk. The Council fundamentally objects to this proposal as it flies in the face of the listing agreement by altering the body of the centre:mk.

Please see paragraphs 5.1-5.6.

A3.11 Twentieth Century Society

Object to: the extension of the units to incorporate the existing ground floor colonnade facing Middleton Hall; the proposed replacement of parts of the first floor mirrored glazing by clear glazing; and the proposed installation of fixed balustrades for the creation of new seating areas in Middleton Hall and Eagle Walk. The proposal would result in further commercialisation of the public space and the proposed alterations would have a detrimental impact on the integrity of the building's meticulously designed and

Please see paragraphs 5.1-5.6 and A2.1

executed fabric; the proposals threaten to erode both the building's important social role and its architectural integrity. The public benefits are an overstatement; MK shopping centre is not currently failing and it is neither vacant nor facing serious competition by other retail centres in its close vicinity. The introduction of larger retail units, and therefore the attraction of national retailers, could be achieved without these works. These aspects of the proposal would cause harm to the special interest of the heritage asset with insufficient justification according to planning policies. The cumulative effect of changes which cause minor harm should be considered. The Heritage Statement is insufficient and the references to the Shopping Building Guidelines are questioned.

A3.12 Milton Keynes Forum

This arcade forms a critical frontage to Middleton Hall. The particular proposals will deteriorate from the enjoyment of this important space within CMK. We support the views of the Twentieth Century Society.

Please see paragraphs 5.1-5.6 and A2.1

A3.13 Public Representations

An objection has been received on behalf of the group Xplain. The proposed changes add up to the destruction of original design features that are intrinsic to the quality of the listed building. Of the three public spaces (Queen's Court, City Square and Middleton Hall) only Middleton Hall remains in its original state. The original colonnade, glazing and unrestricted floorspace are features that still work well and would be greatly missed. Whilst we support the aim of

Please see paragraphs 5.1-5.6 and A2.1

opening up an extra storey, a new café and attracting national retailers, the special qualities of Middleton Hall should not be sacrificed due to short term thinking or lack of imagination in retail design.