

DEVELOPMENT CONTROL MEETING 21 FEBRUARY 2013

Application Numbers: 12/02080/FUL, 12/02081/ADV and 12/02082/FUL

OFFICER UPDATE

Application Numbers: 12/02080/FUL, 12/02081/ADV and 12/02082/FUL

Extension and alterations to Midsummer Place Shopping Centre to create 2 new retail units, new square, erection of advertising signage and associated works.

Advert consent to display 4 x fascia signs on new building fronting Saxon Gate

Removal of 3 x temporary kiosks and erection of restaurant units; provision of external seating and associated works at Midsummer Place Shopping Centre

AT Land At Midsummer Place Shopping Centre, Midsummer Place, Central Milton Keynes

FOR Legal And General Assurance Society Limited And Legal

Update to DCC 21st February 2013

1.0 Additional Representations and Consultations

1.1 CMK Town Council

Objects to the implications of the amended proposal to encroach further on the public realm to incorporate the section of public highway to the west of Midsummer Place fronting Saxon Gate. This proposal seeks to further undermine the legal safeguards put in place at the time of the original planning consent for the Boulevard land of Midsummer Place.

1.2 Conservation and Archaeology

Broadly in agreement with the comments supplied by English Heritage regarding 12/02080/FUL, in that the placing of a building of this height and footprint causes harm to the setting, and in turn, the significance of the listed building. This is an objection to the principle of the proposed development rather than the resulting architectural treatment which I feel is appropriate for CMK.

1.3 MKC Cycling Development Officer

There is a total lack of recognition of National Cycle Route 51 and other cycle routes and parking affected by this application. NCR51 will be enhanced from the railway station eastwards through the northern car parks until it emerges at the underpass alongside the M&S building. Our intention is to then take the route through 'Midsummer Lane' by way of a 3-4m wide segregated Redway. The provision of an enhanced 'Redway' on Midsummer Lane should be required by condition. In addition, the proposed location of the cycle racks is not acceptable in the centre of Midsummer stub; there is no demand or access for cyclists at this location.

1.4 Response:

- The impact on the public realm and the PTS and Walkway Agreement are already discussed within the officer reports.
- The impact on the listed Shopping Building of 12/02080/FUL is discussed at paragraph 5.11 of the officers report (page 150 of the Agenda).
- The potential for a redway along Midsummer Lane and the location of the cycle parking has been discussed with the Council's Highways Development Management Engineer. The existing situation is that cyclists should dismount when passing along Midsummer Lane between the Shopping Building and Midsummer Place. The proposal would not alter this situation. In addition, the provision of a redway along Midsummer Lane in this location would raise concerns regarding pedestrian safety and connectivity for those passing along Midsummer Lane and between the Shopping Building and Midsummer Place. Therefore, the imposition of a condition for a redway along Midsummer Lane would not be recommended.
- In terms of the cycle parking, whilst the proposed cycle parking would be slightly further away from the redway than the existing it would still be accessible from the redway that runs north – south parallel to Saxon Gate and it is considered that the impact would not be significant enough to warrant a refusal.

2.0 **Updated list of Conditions**

2.1 At appendix 1 and 2 of this update are lists of conditions for applications 12/02080/FUL and 12/02082/FUL which have been amended following further discussions with the applicant on the wording of conditions. The amendments to the list of conditions provided within the Agenda are summarised below.

2.2 Application 12/02080/FUL:

- Proposed conditions 3 and 5 regarding external materials to be used throughout the development have been merged (new condition 3).
- Proposed conditions 7 and 14 regarding the lighting scheme have been merged (new condition 6).
- The wording of proposed condition 12 has been amended to allow for the requirements of tenants of the new units to be taken into account (new condition 11).
- An additional condition regarding ancillary plant and equipment has been added (new condition 18).
- An informative has been added to define the term 'commencement of development'.

2.3 Application 12/02082/FUL:

- The wording of proposed condition 4 has been amended to allow for the requirements of tenants of the new units to be taken into account.
- An informative has been added to define the term 'commencement of development'.

3.0 **Recommendation**

- 3.1 For application 04 (12/02080/FUL): that planning permission be granted subject to the conditions set out at Appendix 1 of this update and the completion of the s106 agreement.
- 3.2 For application 05 (1202081/ADV): that advertisement consent be granted subject to standard advertisement conditions and the condition detailed on page 186 of the Agenda.
- 3.3 For application 06 (12/02082/FUL): that planning permission be granted subject to the conditions set out at Appendix 2 of this update and the completion of the s106 agreement.
- 3.4 That approval be given to allow a Deed of Variation to the s106 agreement for the 1996 planning consent for Midsummer Place to remove the 20 metre strip reserved for a Public Transport System through Midsummer Place.
- 3.5 That the Committee raise no objection to the stopping up of the public highway.

Appendix 1: Updated list of conditions for 12/02080/FUL

(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 development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 51 of the Planning and Compulsory Purchase Act 2004. (D11)

2. The external doors to Units N3 and N4 in the Saxon Gate elevation (as shown on the approved plans) shall provide access for customers for the duration of the opening hours of the new retail units hereby permitted. In addition, window displays to the ground floor windows of the Saxon Gate elevation shall be maintained at all times in the locations shown on the proposed ground floor plan on page 41 of the submitted Design and Access Statement and these windows shall be fitted with clear glazing.

Reason: To maintain an active frontage onto the public realm to the front of the Saxon Gate elevation.

3. Prior to the commencement of development hereby permitted, full details of all materials, finishes and structures to be used throughout the development shall be submitted to and agreed in writing by the Local Planning Authority. The details to be submitted shall include all facing and other external materials used in construction of the buildings and all materials, finishes and structures to be provided within the public areas of the development. The development shall be carried out in accordance with the approved details prior to first occupation and the approved details shall subsequently be retained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development acknowledges the importance of high quality design in Central Milton Keynes.

4. Details of the proposed finished floor levels of all buildings and the finished ground levels of the site, in relation to existing site levels of surrounding property, shall be submitted to and approved by the Local Planning Authority prior to actual works of construction. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that construction is carried out at suitable levels having regard to drainage, access, the appearance of the development and the amenities of neighbouring properties.

5. A landscaping scheme, which shall include provision for the planting of trees and shrubs, shall be submitted to and approved by the Local Planning Authority before any part of the development is commenced. The scheme shall show the numbers, types and sizes of trees and shrubs to be planted and their location in relation to proposed buildings, roads, footpaths and drains. The scheme shall include semi-mature trees (**minimum of 25-30cm girth**) to replace the four lost London Plane trees and details of tree pits. All planting in accordance with the scheme shall be carried out within twelve months of commencement of development. Any trees or shrubs removed, dying, severely damaged or diseased within five years of planting shall be replaced in the next planting season with trees or shrubs of such size and species as may be agreed by the Local Planning Authority.

Reason: To protect the appearance and character of the area and to minimise the effect of development on the area.

6. Prior to the commencement of development, a detailed lighting scheme following the 'Concept Lighting Design' (by Hoare Lea, received 16th January 2013) shall be submitted to and approved in writing by the local planning authority. The submitted information shall include a LUX plan and shall demonstrate that lighting scheme meets the BS5489 standard; the recommended levels of uniformity for such an area would be 0.40Uo (40%) and should not drop below 0.25Uo (25%) and the colour rendition of the lighting shall be to at least 60Ra (60%). The submitted lighting scheme shall include details of illumination of Midsummer Lane (that area of open space between Midsummer Place and the centre:mk) throughout the hours of darkness. The approved lighting scheme shall be implemented prior to initial occupation of new units hereby permitted and shall be subsequently retained.

Reason: To protect the appearance and character of the area, in the interest of highway safety and crime prevention, and to minimise danger to users of Midsummer Lane during the hours of darkness.

7. Prior to the commencement of development hereby permitted, details of all external doors, windows and glazing shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the development meets the Secured by Design standard. The Secured by Design standard for such a development is: doors and windows to at least LPS 1175 Security Rating 2 standard. The glazing should be of a minimum thickness of 7.5mm laminated glass for single glazing or the inner pane of double glazed units with a minimum thickness of 6mm toughened glass being used for the outer pane of double glazed units. The glass should be held in suitable gaskets in 35mm rebates or be in at least 30mm rebates if held in well bedded clamped gaskets or, preferably, bonded with silicon or polysulphide sealant. The approved details shall be installed prior to first occupation.

Reason: To ensure that there is adequate security measures in terms of physical security and to minimise the risks of crime.

8. No part of the development shall be occupied until a CCTV system that provides comprehensive surveillance of the site and the immediate pedestrian accesses thereto and of the buildings hereby permitted has been installed in accordance with details submitted to and approved in writing by the Local Planning Authority. The details of the CCTV system to be submitted shall demonstrate that the proposed system is compatible with and will be integrated with the current system that covers the site and other areas of Central Milton Keynes. Once installed the system shall thereafter be retained and no modifications at variance from the approved details shall be made without the prior approval in writing of the Local Planning Authority.

Reason: In order to minimise the risk of crime and disorder within the site and surrounding area and maximise the possibility of effectively identifying the perpetrator of any crime that may be committed within the site and surrounding area and ensure that the required system at least maintains the coverage provided by existing facilities in Central Milton Keynes.

9. Prior to the commencement of the development hereby permitted, details of mitigation measures to reduce the development's vulnerabilities to a vehicle-borne terrorist attack, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to initial occupation and subsequently retained to the satisfaction of the Local Planning Authority.

Reason: To ensure that there is adequate security measures in terms of physical security and to minimise the risks of crime.

Informative: Further information can be obtained by contacting the Council's Crime Prevention Design Advisor, Brian Rodger, on 01908 257991 or brian.rodger@milton-keynes.gov.uk.

10. The approved scheme shall be constructed in accordance with the submitted Sustainability Statement ref 3506 A34.01 04 dated October 2012.

Reason: To comply with policy D4 of the Local Plan and the Council's Sustainable Construction SPD.

11. Prior to first occupation of the development hereby permitted, full details of how tenant plant can contribute to the reduction of CO2 emissions from the development as indicated in the Sustainability Statement ref 3506 A34.01 04 shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed prior to the first occupation of the building for the use hereby permitted and shall thereafter be retained.

Reason: To ensure that the development complies with the Council's objective for Sustainable Development in accordance with Policy D4 of the Adopted Local Plan: 2001-2011.

12. Development shall not commence until such time as details of the layout

for the remaining length of Midsummer Boulevard between the permitted development and its junction with Saxon Gate, have been submitted to and approved in writing by the Local planning Authority. The proposed development shall not be brought into use until such time as the length of Midsummer Boulevard as described above has been laid out and constructed in accordance with the approved details.

Reason: In order to minimise danger, inconvenience and obstruction to users of the public highway.

Informative: The scheme to alter Midsummer Boulevard involves works on the public highway and therefore the applicant will be asked to enter into a S278 legal agreement. It is recommended that the applicant contacts Mr Mark Allen (01908 254417) to discuss the legal agreement at the earliest opportunity.

13. The Walkway along 'Midsummer Lane' shall remain as an unobstructed route for cyclists and pedestrians for twenty-four hours a day and in perpetuity.

Reason: To ensure the retention of an east-west pedestrian and cycle route along the axis of Midsummer Boulevard.

14. Development shall not commence until such time as details of the alterations to the existing car parking area south of Midsummer Boulevard (including details of cycle storage shelters) have been submitted to and approved in writing by the Local Planning Authority. The proposed development shall not be brought into use until such time as the alterations have been laid out and constructed in accordance with the approved details.

Reason: In order to minimise danger, inconvenience and obstruction to users of the public highway.

15. No part of the proposed development shall commence until such time as details of the alterations to the existing traffic signal equipment at the junction of Midsummer Boulevard with Saxon Gate have been submitted to and approved in writing by the Local Planning Authority. The proposed development shall not be brought into use until such time as the alterations to the existing traffic signal equipment have been carried out in accordance with the approved details.

Reason: In order to minimise danger, inconvenience and obstruction to users of the public highway.

16. Prior to the commencement of development, full details of the proposed covered cycle stands shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include details of how continuous cycle parking provision will be maintained throughout the construction phase. The permanent cycle parking provision shall be installed prior to the initial occupation of the new retail units hereby permitted and shall thereafter be retained in that form.

Reason: To ensure that there is adequate cycle parking to serve the development

and to ensure that any cycle parking displaced by the development is re-provided.

17. Within three months of occupation of the development, a site co-ordinator shall be nominated to manage the Travel Plan and conduct a Site Audit and Staff Travel Surveys, leading to the submission of a site-wide Travel Plan report. The Plan shall either be produced utilising the iTRACE Travel Plan management software or mirror its outputs in a format that is acceptable to the Local Planning Authority. Targets for modal shift must be agreed in line with Milton Keynes Council targets to achieve a reduction in single occupancy vehicle usage. The approved full Travel Plan shall be implemented in accordance with the timetable and targets contained within and shall continue to be implemented as long as any part of the development is occupied with a minimum of annual reporting for the first five years, biannually thereafter.

Reason: In order to reduce the generation of single occupancy vehicle trips to and from the development by actively promoting and encouraging the use of more sustainable alternatives, in accordance with policy T11 of Milton Keynes Local Plan 2001-2011.

18. Any ancillary plant and equipment proposed shall be integrated into the roofscape of the development in accordance with the areas shown on the approved plans.

Reason: To avoid a proliferation of uncoordinated roof plant.

19. Development shall not commence until such time as details of the construction accesses, site compounds, vehicle parking, hoardings, and removal/storage of existing highway materials have been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the danger and inconvenience of construction activities to users of the adjoining public highways.

INFORMATIVE

Commencement of development refers to the construction of retail units (N3/N4) commencing with the digging of a trench to lay foundations for said units. The commencement of development does not include site clearance, demolition, ground condition investigations, intrusive site surveys, any works in respect to utilities and services, erection of temporary means of enclosure or construction compounds and other enabling works.

Appendix 2: Updated list of conditions for 12/02082/FUL

(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 development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 51 of the Planning and Compulsory Purchase Act 2004. (D11)

2. The external materials to be used in the development shall be in accordance with samples to be submitted to and approved in writing by the Local Planning Authority before any work is commenced.(M03)

Reason: To ensure that the development does not detract from the appearance of the locality.

3. The approved scheme shall be constructed in accordance with the submitted Sustainability Statement ref 3506 A34.01 04 dated October 2012.

Reason: To comply with policy D4 of the Local Plan and the Council's Sustainable Construction SPD.

4. Prior to first occupation of the development hereby permitted, full details of how tenant plant can contribute to the reduction of CO2 emissions from the development as indicated in the Sustainability Statement ref 3506 A34.01 04 shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed prior to the first occupation of the building for the use hereby permitted and shall thereafter be retained.

Reason: To ensure that the development complies with the Council's objective for Sustainable Development in accordance with Policy D4 of the Adopted Local Plan: 2001-2011.

5. Prior to the commencement of development, details of means of enclosure to control access to the two recessed service areas shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the units.

Reason: To reduce the risk of anti-social gathering and criminal behaviour.

6. Prior to the commencement of development hereby permitted, details of all external doors, windows and glazing shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the development meets the Secured by Design standard. The Secured by Design standard for such a development is: doors and windows to at least LPS 1175

Security Rating 2 standard. The glazing should be of a minimum thickness of 7.5mm laminated glass for single glazing or the inner pane of double glazed units with a minimum thickness of 6mm toughened glass being used for the outer pane of double glazed units. The glass should be held in suitable gaskets in 35mm rebates or be in at least 30mm rebates if held in well bedded clamped gaskets or, preferably, bonded with silicon or polysulphide sealant. The approved details shall be installed prior to first occupation.

Reason: To ensure that there is adequate security measures in terms of physical security and to minimise the risks of crime.

7. There shall be no external storage of refuse, rubbish or other waste materials generated by the occupation and use of the building or external storage of any containers used to store such material adjacent to the application site.

Reason: In the interest of visual amenity.

8. Waste management at the development hereby approved shall be undertaken in accordance with the process detailed in the design and access statement.

Reason: To ensure the effective and efficient removal of waste from the units without compromising public space in accordance with policies D1 and D2 of the Milton Keynes Local Plan.

9. Any ancillary plant and equipment proposed shall be integrated into the roofscape of the development in accordance with the areas shown on the approved plans.

Reason: To avoid a proliferation of uncoordinated roof plant.

INFORMATIVE

Commencement of development refers to the construction of restaurant units (R5/R6/R7) commencing with the digging of a trench to lay foundations for said units. The commencement of development does not include site clearance, demolition, ground condition investigations, intrusive site surveys, any works in respect to utilities and services, erection of temporary means of enclosure or construction compounds and other enabling works.