

Application Number: 13/01729/OUT
Major

Outline planning permission for the demolition of The Point and redevelopment of the site to provide a range of retail (use classes A1, A2, A3, A4 and A5) and leisure (use class D2) uses and incorporating a maximum of 20,600sqm (Gross Internal Area) floorspace

AT The Point, 602 Midsummer Boulevard, Central Milton Keynes

FOR Hammerson Milton Keynes Limited

Target: 15th November 2013

Ward: Campbell Park

Parish: Central Milton Keynes Town
Council

Report Author/Case Officer: Anna Holloway

Contact Details: 01908 252271 anna.holloway@milton-keynes.gov.uk

Team Leader: Jeremy Lee Joint Team Leader Strategic Applications Team

Contact Details: 01908 252316 Jeremy.lee@milton-keynes.gov.uk

1.0 INTRODUCTION

(A brief explanation of what the application is about)

- 1.1 The main section of the report set out below draws together the core issues in relation to the application including policy and other key material considerations. This is supplemented by an appendix which brings together, planning history, additional matters and summaries of consultees' responses and public representations. Full details of the application, including plans, supplementary documents, consultee responses and public representations are available on the Council's Public Access system www.milton-keynes.gov.uk/publicaccess. All matters have been taken into account in writing this report and recommendation.

1.2 The Site

In 1982 Milton Keynes Development Corporation published a report entitled '*Milton Keynes City Centre Entertainment: A Development Activity*'. This followed public consultation which had revealed that inhabitants of the New Town felt that it lacked 'conventional entertainment'. The report set out the requirement for a leisure and entertainment complex on a city centre site and invited proposals from interested developers. A joint proposal from Bass Leisure and the US company American Multi-Cinema (AMC) for a leisure complex boasting a multiplex cinema, bingo hall, restaurants and a night club

was accepted for a site next to the Shopping Centre on Midsummer Boulevard in Central Milton Keynes. AMC saw this as an ideal initial venture to import the multiplex concept that had been developed in the suburbs of American cities. The result was The Point entertainment complex. Construction started in August 1984 and it opened in November 1985 when it was described as the first multiple cinema in Britain and Europe's first fully-integrated entertainment centre.

- 1.3 The Point is located between Midsummer Blvd, Lower 9th Street (buses only), Lower 10th Street and a multi-storey car park (which has been excluded from the proposed redevelopment) on Avebury Blvd. The site is located within the primary shopping area and city core quarter of Central Milton Keynes. To the north is the grade II listed Shopping Building thecentre:mk, to the west is Midsummer Place Shopping Centre and to the east a temporary surface car park. Details of the location of the site and its relationship to surrounding properties can be seen in the plans attached to this report.
- 1.4 The Point consists of a three-tier, steel-framed, glazed ziggurat structure with framing pyramidal, red-painted steel frame (originally lit with red neon lights) and a windowless rear cinema block connected to the ziggurat by a short glazed walkway. The ziggurat is set on a paved terrace and forecourt over a basement and fronts onto Midsummer Boulevard. The glazed walkway has entrance doors from Lower 9th and 10th Streets and provides access to the cinema foyer. The interior of the ziggurat has been remodelled several times and its original layout has been largely lost including the access through the ziggurat to the cinema foyer.
- 1.5 The existing buildings contain a gross internal area of 7,428sqm including 5,340sqm of leisure (use class D2), 11sqm of retail (use class A1), 342sqm of restaurant (use class A3) and 1,735sqm of office (use class B1).

1.6 The Proposal

The proposal seeks outline planning permission for the demolition of The Point and redevelopment of the site to provide a range of retail (use classes A1, A2, A3, A4 and A5) and leisure (use class D2) uses and incorporating a maximum of 20,600sqm (Gross Internal Area) floorspace. Access, appearance, landscaping, layout and scale are all reserved matters (although an indicative scheme has been provided). Access was originally not a reserved matter with vehicular access for service vehicles shown from Lower 10th Street adjacent to the existing multi-storey car park; however, the proposed access has now been withdrawn from the outline application and therefore is now a reserved matter. The application is accompanied by parameter plans setting out the maximum and minimum limits for the proposed development. The proposed parameters would allow for a building ranging from 16 to 25 metres in height adjacent to Midsummer Blvd and ranging from approximately 11 to 21 metres in height adjacent to the multi-storey car park on Avebury Blvd; with the tallest element adjacent to Midsummer Blvd. Details of the proposal as described above can be seen in the plans appended to this report.

1.7 The outline application contains the following floorspace parameters:

Floorspace – square metres (Gross Internal Area)			
	Max. Floorspace	Min. Floorspace	Indicative scheme
Total Floorspace	20,600	11,915	18,482
Class A1-A2	19,500	600	13,736
Class A3-A5	19,400	500	984
Leisure (D2)	19,500	600	3,762

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework paragraphs:

14: Presumption in favour of sustainable development

17: Core planning principles

18 – 21: Building and strong, competitive economy

23 – 24: Ensuring the vitality of town centres

30, 32, 34 – 37 and 39 – 41: Promoting sustainable transport

56 – 66: Requiring good design

69 – 70: Promoting healthy communities

93 and 96: meeting the challenge of climate change

109, 111, 118, 121, 123 and 125: Conserving and enhancing the natural environment

128 – 131 and 135 – 136: Conserving and enhancing the historic environment

196 – 197: Determining applications

203 – 206: Planning conditions and obligations

2.2 Local Policy

Core Strategy

CSA: NPPF – Presumption in favour of sustainable development

CS4: Retail and Leisure Development

CS7: Central Milton Keynes

CS11: A Well Connected Milton Keynes

CS12: Developing Successful Neighbourhoods

CS13: Ensuring High Quality, Well Designed Places

CS15: Delivering Economic Prosperity

CS18: Healthier and Safer Communities

CS19: The Historic and Natural Environment

2.3 Adopted Milton Keynes Local Plan 2001-2011

D1: Impact of Development Proposals on Locality
D2A: Design of New Development
D2: Design of Buildings
D4: Sustainable Construction
HE5: Development Affecting the Setting of a Listed Building
NE3: Biodiversity and Geological Enhancement
T1: The Transport Users Hierarchy
T2: Access for those with Impaired Mobility
T3 and T4: Pedestrians and Cyclists
T5: Public Transport
T6: Transport Interchanges
T10: Traffic
T11: Transport Assessments and Travel Plans
T15: Parking Provision
CC1 and CC2: Shopping
CC5: Office Development
CC7a: Key Transport Principles
CC7c: Key Principles for Parking
CC8: Design and Layout
CC9: Design of New Buildings
CC10: Planning Obligations in CMK
CC7b: City Spine
CC13: City Core Quarter
R1: Major Retail Proposals
L9: Arts, Entertainment and Commercial Leisure Facilities

2.4 Supplementary Planning Documents / Guidance

Planning Obligations for CMK SPG (2003)
Parking Standards for Milton Keynes SPG (2005) and Addendum (2009)
Sustainable Construction SPD (2007)
CMK Development Framework SPD (2013)

2.5 **Business Neighbourhood Plan**

CMK Alliance Plan 2026 (emerging policies)
CMKAP S1: Strategic Objectives
CMKAP G1: Public Realm Infrastructure
CMKAP G2: Heritage Buildings and Public Art
CMKAP G3: Landscaping and Open Space
CMKAP G6: Mixed Use
CMKAP G7: Active Frontages
CMKAP G8: Block Structure
CMKAP G9: Design of Buildings
CMKAP SS2: Shopping Area
CMKAP SS3: Midsummer Boulevard East
CMKAP SS4: Indicative Land Use Proposals
CMKAP T1: Access and Design
CMKAP T2: Public Transport
CMKAP T3: Cycling

CMKAP T4: Parking

An emerging neighbourhood plan may be considered as a material consideration; this can depend on the stage the plan has reached and the level of consultation undertaken. In terms of the CMK Alliance Plan, an examination into retail matters was held on the 12th December 2013. As the plan has not yet been subject to a referendum the planning weight currently given to this draft document should be limited. Greater weight should be given to the saved local plan policies, the policies of the Core Strategy and the NPPF.

3.0 MAIN ISSUES

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

- 3.1 The principle of redevelopment of The Point including the loss of a non-designated heritage asset (The Point) and the proposed parameters of the redevelopment. On balance it is considered that the proposed parameters of the redevelopment would provide economic benefits that would outweigh the loss of the non-designated heritage asset subject to the submission of appropriate Reserved Matters in accordance with an agreed Design Code to ensure that the development meets the high standards of design and function required for this strategic location in CMK and in respects of the setting and appearance of the Listed Shopping Building.

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 It is recommended that planning permission be granted subject to the requirement for a Design Code, a condition listing the parameters plans, the conditions set out at the end of this report and the completion of a s106 agreement.

5.0 CONSIDERATIONS

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

5.1 Demolition of The Point

When considering The Point for listing English Heritage noted that the ziggurat pyramid has some claim to architectural interest for its eye-catching, commercially-orientated, function-driven design, but because of budget constraints it was not built to a consistently high standard or with high quality materials and detailing. The building has suffered from continual refurbishment and, in the case of the ziggurat, change of use. Consequently, little survives of the original interior features. Minor alterations to the exterior of the building have eroded its character further. For a building constructed in 1984 the bar for listing is very high. However historically significant The Point may be, there is little architectural expression in the cinema block itself that reflects its function, and alterations to key areas of the plan and fittings of both components were a major consideration in English Heritage's recommendation to not list The Point. Furthermore, a certificate of immunity from listing for a period of 5 years has been issued by the Secretary of State.

5.2 Whilst The Point is not considered to be of sufficient architectural or historic interest to list at a national level, The Point does have strong local significance both in terms of its cultural significance and as a recognised local landmark. In its designation report English Heritage did state that the building was of 'strong local interest' and that it has 'some claim to architectural eye-catching, commercially-orientated, function-driven design'. Therefore, it is highly likely that officers would recommend the inclusion of The Point within a local list for 20th Century New Town architecture. An assessment of the importance of The Point as a non-designated heritage asset is discussed in detail in the response from the Conservation and Archaeology Manager at paragraphs A3.2 to A3.22 of the Appendix to this report. Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and in weighing applications that affect non-designated heritage assets a balanced judgement will be required having regard to the scale or any harm or loss and the significance of the heritage asset. The proposal would result in the total demolition of The Point and therefore would result in the total loss of significance of the heritage asset and would be contrary to Core Strategy policy CS19.

5.3 Whilst the proposal would result in the total loss of The Point the harm caused must be weighed alongside the other material planning considerations when determining the planning application and a balanced judgement should be made.

5.4 **Principle of Redevelopment**

The use of The Point as a Leisure and Entertainment complex has fallen away over the years with the facilities being left behind when competing against newer provision such as Xscape, the Theatre District and the Milton Keynes Dons stadium/MK1 development. The Point now appears tired, although where there is deliberate neglect of a heritage asset the deteriorated state should not be taken into account (NPPF paragraph 130). The proposed development would result in economic benefits in terms of investment within Central Milton Keynes and job creation, both of which are significant material considerations when considering the application. The development would also have the potential to provide a building with improved overlooking and animation to the surrounding public realm and could generate regeneration to what is currently a tired part of CMK. The difficulty in weighing the potential benefits against the harm caused by the demolition is that the proposals have been submitted as an outline application and therefore whilst parameters have been provided the exact details of the redevelopment are unknown. Therefore, it is considered that a full application would be more appropriate for the proposed development.

5.5 The applicant has submitted details on why the outline application route has been pursued rather than a full planning application. The applicant agrees that the application site is an important town centre site and that a high quality development is required. The applicant's issue with submitting a detailed application at this stage is that detailed proposals can only be drawn up when

the specific requirements of the main occupiers are known, both in terms of detailed configuration and the overall amount and mix of floorspace. From a commercial viewpoint the requirements of occupiers will be a key determining factor that will shape the detailed nature and form of the development. The applicant has confirmed that potential occupiers will not make reasonable commitment to the scheme and engage in detailed discussions with the level of uncertainty surrounding the principle of redevelopment of the existing Point building. As a result the applicants cannot successfully market the opportunity to key potential tenants. The applicant's difficulties in securing commercial interest in the site without planning permission for the principle of redevelopment as well as the difficulties in drawing up a detailed scheme without knowing who the key potential tenants will be is accepted as a material issue.

- 5.6 Consideration has been given to whether the redevelopment of the site within the parameters provided could result in significant benefits which would outweigh the loss of The Point and also whether the Council would retain sufficient controls to ensure that a redevelopment proposal is of sufficient quality and would deliver benefits that would outweigh the loss of The Point. Whilst the parameters plans could allow for a development which would have significant benefits in terms economic development and the regeneration of the area, concerns remain that a reserved matters proposal may result in mediocre proposals that do not sufficiently outweigh the loss of The Point. It is considered that the development of a Design Code which sets out the proposed vision and key design principles for the development could ensure that any detailed design brought forward suitably addresses the prominent location of the site and setting of the grade II listed Shopping Building as well as adequately offsetting the loss of The Point (which is a local landmark). To ensure that any development takes into account any masterplanning of Midsummer Boulevard East and its environs (for which discussions are underway) it is considered appropriate that all matters of detailed design are reserved and therefore the proposed access to the service yard (whilst considered acceptable from a highways perspective) has been withdrawn from the proposals.
- 5.7 Therefore, subject to a condition and planning obligation which requires the submission of a Design Code prior to the submission of reserved matters it has been concluded that the benefits of the redevelopment of The Point could outweigh the loss of the non-designated heritage asset and that the Council would retain the necessary controls to ensure the suitable redevelopment of the site.
- 5.8 At paragraph 136 of the NPPF it states that the loss of the whole or part of a heritage asset should not be permitted without taking all reasonable steps to ensure that the new development will proceed after the loss has occurred. In light of this requirement and that The Point is located in a highly prominent town centre location it is considered appropriate that a planning obligation is imposed to restrict the demolition of The Point until the all reserved matters and prior commencement conditions are approved and a contract for the carrying out of the works for the redevelopment of the site has been entered

into.

5.9 The Principle of the Proposed Parameters

As above, the actual quantum and mix of uses will not be known without reasonable commitment of key occupiers for the redevelopment. However, the applicant has provided parameters plans showing the maximum and minimum heights and building lines for the proposed redevelopment and also the quantum and mix of the proposed use.

5.10 The proposed redevelopment of the site for either a mainly retail or leisure use or a mix of the two as detailed at paragraph 1.7 above is considered acceptable within the Primary Shopping Area of Central Milton Keynes and would comply with Core Strategy policies CS4 and CS7 as well as the paragraphs within the NPPF regarding ensuring the vitality of town centres. The proposal will help to retain and enhance CMK's role as a regional centre and the city's focus for retail, leisure and cultural development.

5.11 In terms of the physical extent of the development proposed within the parameter plans, there were initial concerns regarding the minimum height proposed in terms of securing a development which sufficiently offset the loss of the landmark building currently on the site. Therefore, the minimum height has been increased. In terms of the proposed maximum height, there is no principle objection to a building taller than the Shopping Building (in terms of the impact on the setting of the listed building) due to the separation distance and limited relationship between the application site and the Shopping Building. Therefore, subject to an appropriate detailed design (which would be managed through the approval of the Design Code and reserved matters application), the proposed parameters for the physical extent of the development are also considered acceptable.

5.12 Conclusion

It is considered that suitable controls over the redevelopment of the site would be retained by way of a Design Code and the reserved matters applications to ensure that the benefits of the redevelopment, in terms of a major investment in CMK and the regeneration of the area, would outweigh the loss of The Point. It is therefore recommended that outline planning permission be granted subject to a condition listing the parameters plans, the conditions listed below and the completion of a s106 agreement regarding the Design Code, demolition of The Point and to secure contributions in accordance with the adopted Planning Obligations for CMK SPG.

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. Approval of the details of the layout, scale, appearance of the buildings, access thereto and landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning

Authority before any development is commenced. (O11)

Reason: Outline Planning Permission only is granted in accordance with the application submitted.

2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (O12)

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun on or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved. (O13)

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Notwithstanding the submitted illustrative scheme and prior to the submission of any applications relating to the Reserved Matters, a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The submitted Design Code shall set out the proposed vision and key design principles for the Development to include (but not limited to) the following details: building height, building massing, building materials, key elevational and architectural principles, sustainable construction, access and servicing, location of entrances, weather protection, extent of active and/or animated frontage, public realm materials including footways, landscaping, street furniture, and linkages to the surrounding public realm. The Design Code shall include an assessment of how it has taken into account: existing and emerging national, local and neighbourhood planning policy and supplementary planning guidance and documents; the approved Parameters Plans; and the Site's location at a prominent location within Central Milton Keynes and the setting of the grade II listed Shopping Building. The details submitted for the Reserved Matters shall be in accordance with the approved Design Code and the Development hereby permitted shall be carried out in accordance with the approved Design Code.

Reason: To ensure that the development hereby permitted suitably addresses its location at a prominent location within Central Milton Keynes, the setting of the grade II listed Shopping Building and to ensure that the development is of sufficient quality and standing to offset the loss of The Point, which is a landmark building for Milton Keynes.

5. Prior to any works commencing on the site, the applicant will employ a competent archaeologist, surveyor or architect to record the building to a scheme agreed in writing with the Council's Conservation and Archaeology Manager. The record will comprise a report with plans, elevations and sections of the building at a scale of 1:50 drawn to the standards set by English Heritage's Understanding Historic Buildings: A Guide to Good

recording Practice 2006. The report will collate all available information relating to the building and its development, together with a photographic record of the interior and exterior. All photographs will be dated and annotated. Two copies of building recording report will be deposited with Milton Keynes Historic Environment Record prior to building works or demolition commencing, and within three months of the recording survey being completed. An additional copy of the report will be forwarded to the National Monuments Record.

Reason: To ensure that affected heritage assets are adequately recorded pursuant to paragraph 141 of the National Planning Policy Framework.

6. The details required to be submitted for approval by Condition 2 hereof (submission of the reserved matters) shall include details of the use of the floorspace provided within the development and shall demonstrate compliance with the following:

	Maximum Floorspace	Minimum Floorspace
Total Floorspace	20,600 square metres	11,915 square metres
Use Class A1-A2	19,500 sq. m.	600 sq. m.
Use Class A3-A5	19,400 sq. m.	500 sq. m.
Leisure (Use Class D2)	19,500 sq. m.	600 sq. m.

Reason: To ensure a mix of uses is provided on the site in accordance with the outline planning permission and in the interest of the vitality of the primary shopping area of Central Milton Keynes.

7. The details required to be submitted by Condition 2 hereof (submission of the reserved matters) shall include full 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 and highways. The details of levels shall be supported by representative cross sections. The development shall be constructed strictly in accordance with the approved details.

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.

8. The details required to be submitted for approval by Condition 2 hereof (submission of the reserved matters) shall include, details of active and animated frontages to the development hereby permitted. The development shall thereafter be carried out in accordance with the approved details and the active and animated frontages shall thereafter be permanently retained.

Reason: To ensure suitable activity to the frontages of the development addressing the public realm in the interest of good urban design and crime prevention.

Informative: An active frontage includes primary entrance doors and an animated frontage includes windows that allow the activity in the building to be viewed from the outside and display cases that help enliven the façade.

9. The materials to be used throughout the development shall be in accordance with samples and information to be submitted to and agreed in writing by the Local Planning Authority. The materials shall complement the standards of development of Central Milton Keynes and where appropriate shall be submitted in the form of mock panels. 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.

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

10. Prior to commencement of the development full details of all materials, finishes, and structures to be provided within the public areas of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed strictly in accordance with the approved details.

Reason: To ensure that this element of the scheme is carried out to a high standard and is compatible with the materials used elsewhere in existing and/or proposed development in Central Milton Keynes.

11. The details required to be submitted for approval by Condition 2 hereof (submission of the reserved matters) shall include, a Public Art Strategy that demonstrates how art work and/or artistic design has been integrated/incorporated into the fabric of the proposed development hereby permitted. The development shall thereafter be carried out in accordance with the approved Strategy.

Reason: To ensure that Public Art is provided as an integral part of the proposed development.

12. 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.

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

13. Prior to the commencement of development, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a LUX/Lighting Plan and shall demonstrate that both adopted and non-adopted publicly accessible areas shall be lit in accordance with BS5489 standards, that the areas have a minimum uniformity rate of 0.25Uo (25%) and that the colour rendition of the lighting is to at least 60Ra (60%). The submitted LUX/Lighting Plan shall detail what lamps are being proposed and also the maximum, minimum, average and uniformity levels for each area. The approved lighting scheme shall be implemented prior to initial occupation and thereafter maintained.

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

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

14. 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 development 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.

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.

15. The details required to be submitted for approval by Condition 2 hereof (submission of the reserved matters) shall include, details of mitigation measures to reduce the development's vulnerabilities to a vehicle-borne terrorist attack. The approved details shall be implemented prior to initial occupation of the development hereby permitted and shall be subsequently retained to the satisfaction of the Local Planning Authority.

Reason: To ensure that there is adequate mitigation measures to minimise the risks in accordance with the guidance in Safer Places: The Planning System and Crime Prevention.

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.

16. Notwithstanding the submitted information, a full sustainability statement shall be submitted with the Reserved Matters applications detailing the sustainable construction techniques to be used in accordance with Policy D4 of the Milton Keynes Local Plan (2001-2011) and the Sustainable Construction Supplementary Planning Document (adopted April 2007). The statement shall be agreed in writing by the Local Planning Authority and the approved scheme shall be implemented in full prior to the initial occupation of the development hereby permitted.

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.

17. The details required to be submitted by Condition 2 hereof (submission of the reserved matters) shall include, an energy assessment and full details of renewable energy technologies demonstrating how renewable energy technologies will produce a minimum 10% reduction of the total CO2 emissions as calculated in the energy assessment. The approved renewable energy technologies shall be installed prior to the initial occupation of the development hereby permitted and shall be retained in working order thereafter.

Reason: To ensure that the development complies with the Council's objective for Sustainable Development in accordance with saved policy D4 of Milton Keynes Local Plan 2001-2011 and the Sustainable Construction Supplementary Planning Document 2007.

18. 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 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.

19. Prior to the commencement of development, a tree protection scheme for all trees to be retained on and adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted

information shall include a Tree Protection Plan detailing the location of retained trees, tree protection areas and mitigation measures including fencing and ground protection. The submitted information shall demonstrate that the retained trees shall be protected during construction works according to the provisions of BS 5837: 2012 'Trees in relation to design, demolition and construction - Recommendations'. All protective measures, especially fencing and ground protection, shall be put in place prior to any other work commencing on site (this includes vegetation clearance, ground-works, vehicle movements, machinery / materials delivery etc.) The location of the fencing shall be in accordance with the approved Tree Protection Plan. The fencing shall be of the same specification as that depicted in figure 2, page 20 and ground protection as specified in 6.2.3.1 - 6.2.3.5 pages 21/22 in BS 5837: 2012. Once erected, the local authority tree officer shall be notified so the fencing can be inspected and approved.

The Root Protection Area (RPA) within the protective fencing shall be kept free of all construction, construction plant, machinery, personnel, digging and scraping, service runs, water-logging, changes in level, building materials and all other operations, personnel, structures, tools, storage and materials, for the duration of the construction phase. The developer shall submit details of the proposed layout and general arrangements of the site in relation to the trees to be retained. In particular details of storage areas including what substances will be stored and where, locations of car parking, welfare facilities, cement plant, fuel storage and where discharge, filling and mixing of substances will take place. The details shall include site levels to enable risks posed to trees to be quantified. The details shall include any amendments to the RPA taking account of the details submitted and in consultation with the arboriculture officer.

No fire shall be lit such that it is closer than 20 metres to any tree or that flames would come within 5 metres of any part of any tree.

Earthworks, level changes, service runs, foundations and all other works involving excavation should not be located within the root protection areas.

Reason: To protect the existing trees during construction, to minimise the effect of development on the character and appearance of the area.

20. The details required to be submitted by Condition 2 hereof (submission of the reserved matters) shall include, details of biodiversity and ecological enhancements to be incorporated into the development hereby permitted. Prior to the initial occupation of the development hereby permitted, the approved scheme shall be implemented and retained in that form thereafter.

Reason: In the interests of enhancing the ecology and biodiversity of the site in accordance with policies D4 and NE4 of Milton Keynes Local Plan 2001 - 2011.

21. Prior to any development taking place, the developer shall carry out an assessment of ground conditions to determine the likelihood of any ground,

groundwater or gas contamination of the site in accordance with BS 10175:2001 Investigation of Potentially Contaminated Sites - Code of Practice. The results of this survey, together with any remedial action deemed necessary, shall be submitted to and approved by the Local Planning Authority before works commence. Any remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate verification report prior to the first occupation of the development. Should any unforeseen contamination be encountered during site works, the Local Planning Authority shall be informed immediately.

Reason: To ensure that the site is safe and suitable for its proposed use.

22. All ancillary roof plant and equipment shall be integrated into the roofscape of the development in accordance with the plans submitted and approved pursuant to Condition 2 hereof (submission of the reserved matters) and no additional external plant or machinery shall be subsequently added to the building without prior approval in writing by the Local Planning Authority. In addition, the rating level of all noise emissions from all air handling, heating, cooling and associated plant, shall be 10dB below background level, as assessed in accordance with BS4142.

Reason: To avoid a proliferation of uncoordinated roof or other external plant in the interests of the character and appearance of the area and to protect the amenities of the locality by reason of noise.

23. Before any Class A3, A4 or A5 use within the development hereby permitted is commenced, means of fume extraction and odour control shall be submitted to and approved in writing by the Local Planning Authority and the means of fume extraction and odour control shall have been installed in accordance with the approved details. Once installed the means of fume extraction and odour control shall thereafter be retained.

Reason: To safeguard the amenities of adjoining occupiers.

24. There shall be no external storage of refuse, rubbish or other waste materials generated by the occupation and use of the development hereby permitted or external storage of any containers used to store such material within or adjacent to the application site, except within storage or holding areas that are integrated into the overall design of the development and screened from view from public areas as part of the overall building/landscape design.

Reason: In the interest of visual and residential amenity.

25. Prior to the initial occupation of the development hereby permitted, all highway works, access facilities together with turning and servicing facilities and any new or altered car parking approved as part of the reserved matters referred to in Condition 2 hereof (submission of the reserved matters) shall have been laid out in accordance with the approved plans and those areas shall not thereafter be used for any other purpose

Reason: In the interest of highway safety and to enable vehicles to draw off, turn and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to ensure safe and convenient access.

26. No parts of the development shall be occupied until the means of access has been laid out and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

27. The details required to be submitted by Condition 2 hereof (submission of the reserved matters) shall include, full details of cycle parking provision and cycle parking facilities. The approved cycle parking and cycle parking facilities to serve the development shall be provided prior to initial occupation of the development hereby permitted and shall thereafter be retained.

Reason: To ensure that there are satisfactory parking and storage facilities for bicycles in accordance with the adopted Parking Standards for Milton Keynes.

28. Prior to the initial occupation of the development hereby permitted, an interim Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. 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 Travel Plan report 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.

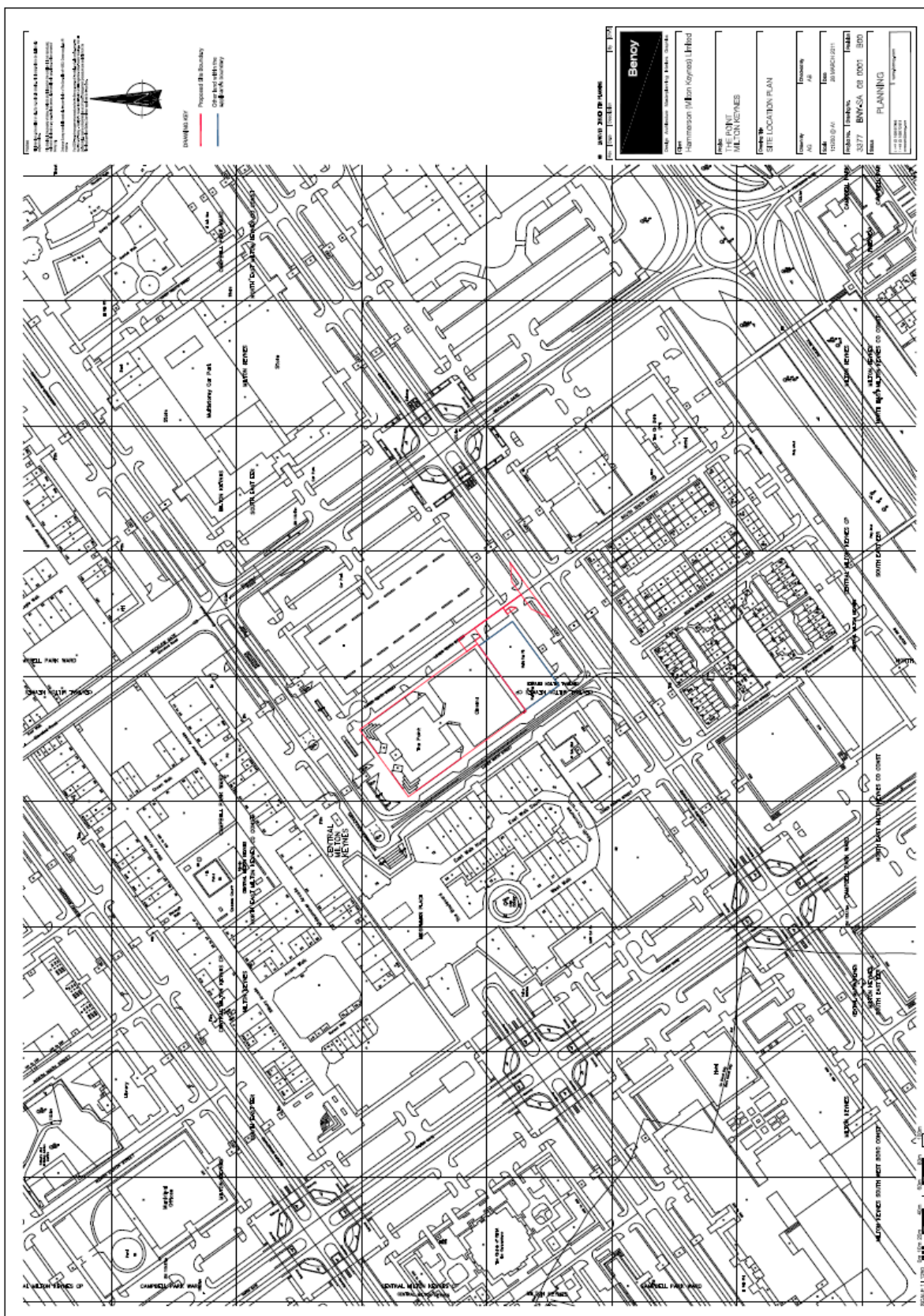
Reason: In order to reduce the generation of single occupancy vehicle trips to and from the development by actively promoting and encouraging the use of more sustainable alternatives

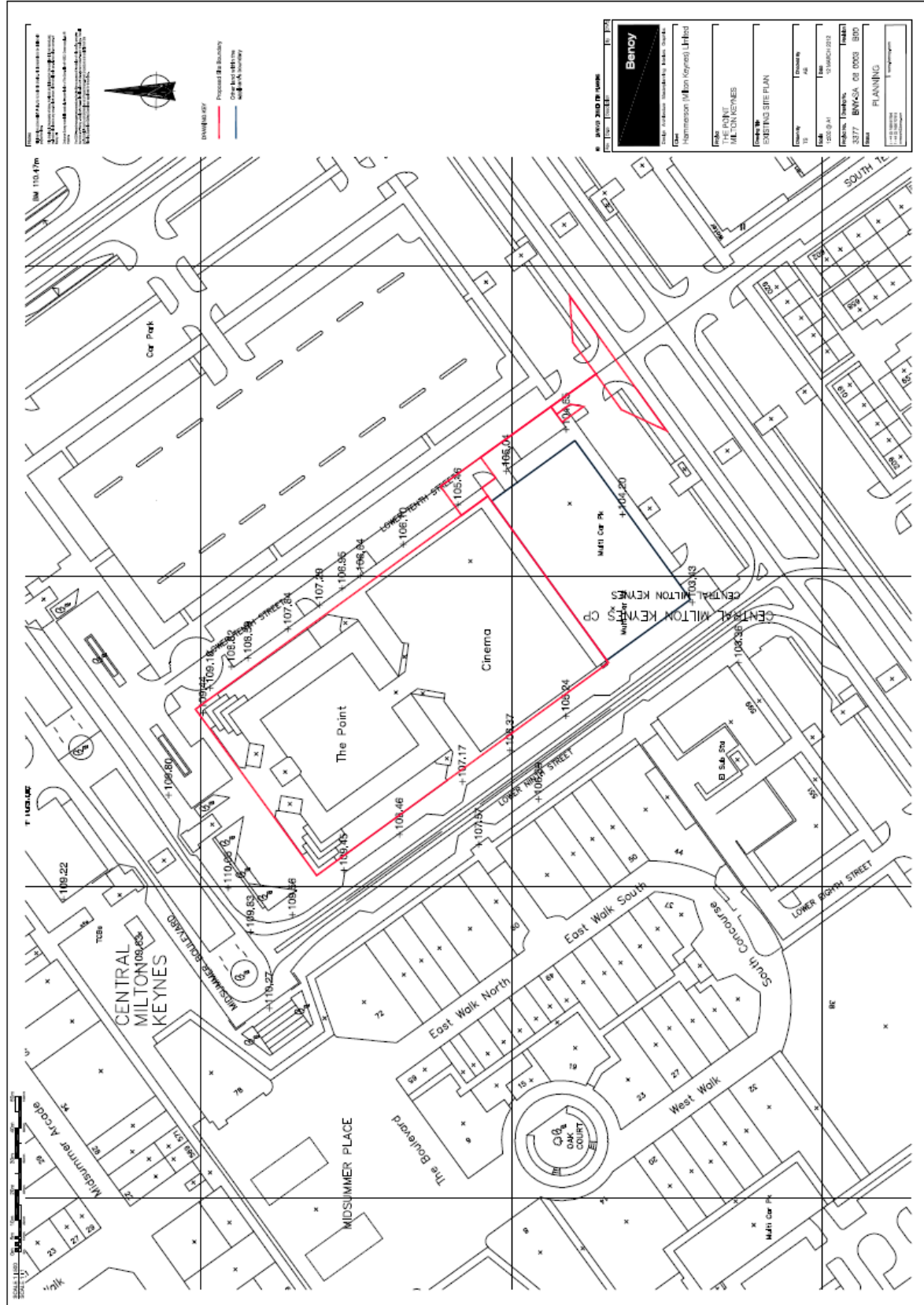
29. Construction activity to implement the permitted development shall comply with BS 5228: Noise Control on Construction and Open Sites Parts 1 (1997) and Part 4 (1994). Except with the written approval of the Local Planning Authority, no external construction, demolition or ancillary external work shall be carried out on any Sunday or Bank Holiday, nor between the hours of 6:00pm and 8:00am Monday to Friday, nor before 8:00am or after 1:00pm Saturday.

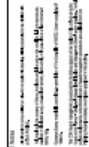
Reason: To ensure that the works do not prejudice the amenities of the locality by reason of noise or vibration.

30. 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. The construction of the development hereby permitted shall thereafter be carried out in accordance with the approved details.

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







FOR HEIGHTS REFER
TO DRG:
BNY-SA-08-PP04

DATE	DESCRIPTION	AMOUNT	BALANCE
12/1/00	OPENING BALANCE		100.00
12/2/00	SALES	50.00	150.00
12/3/00	SALES	75.00	225.00
12/4/00	SALES	100.00	325.00
12/5/00	SALES	125.00	450.00
12/6/00	SALES	150.00	600.00
12/7/00	SALES	175.00	775.00
12/8/00	SALES	200.00	975.00
12/9/00	SALES	225.00	1200.00
12/10/00	SALES	250.00	1450.00
12/11/00	SALES	275.00	1725.00
12/12/00	SALES	300.00	2025.00
12/13/00	SALES	325.00	2350.00
12/14/00	SALES	350.00	2700.00
12/15/00	SALES	375.00	3075.00
12/16/00	SALES	400.00	3475.00
12/17/00	SALES	425.00	3900.00
12/18/00	SALES	450.00	4350.00
12/19/00	SALES	475.00	4825.00
12/20/00	SALES	500.00	5325.00
12/21/00	SALES	525.00	5850.00
12/22/00	SALES	550.00	6400.00
12/23/00	SALES	575.00	6975.00
12/24/00	SALES	600.00	7575.00
12/25/00	SALES	625.00	8200.00
12/26/00	SALES	650.00	8850.00
12/27/00	SALES	675.00	9525.00
12/28/00	SALES	700.00	10225.00
12/29/00	SALES	725.00	10950.00
12/30/00	SALES	750.00	11700.00
12/31/00	SALES	775.00	12475.00
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1/5/01	SALES	900.00	16725.00
1/6/01	SALES	925.00	17650.00
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1/8/01	SALES	975.00	19575.00
1/9/01	SALES	1000.00	20575.00
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1/14/01	SALES	1125.00	25950.00
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1/16/01	SALES	1175.00	28275.00
1/17/01	SALES	1200.00	29475.00
1/18/01	SALES	1225.00	30700.00
1/19/01	SALES	1250.00	31950.00
1/20/01	SALES	1275.00	33225.00
1/21/01	SALES	1300.00	34525.00
1/22/01	SALES	1325.00	35850.00
1/23/01	SALES	1350.00	37200.00
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2/5/01	SALES	1675.00	57025.00
2/6/01	SALES	1700.00	58725.00
2/7/01	SALES	1725.00	60450.00
2/8/01	SALES	1750.00	62200.00
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2/10/01	SALES	1800.00	65775.00
2/11/01	SALES	1825.00	67600.00
2/12/01	SALES	1850.00	69450.00
2/13/01	SALES	1875.00	71325.00



Comments:

Index
THE POINT
ULTIMATE REFERENCE

Study 13: DISTINGUISHING SECTIONS & ELEVATIONS

Drawn by ACJ	Checked by
Drawn	Scale

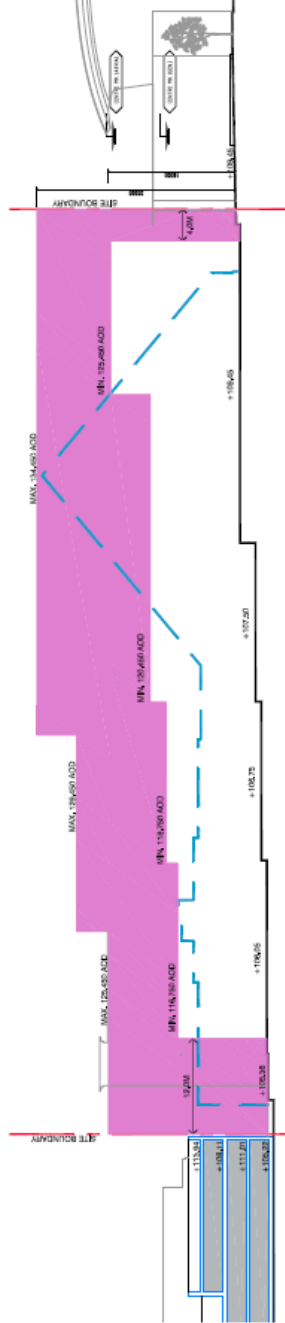
Productions	Creating Arts	Project
3577	BNY-SA 05 0004	B01

PLANNING	1. What are the objectives of the project?	2. What are the resources available?	3. What are the risks involved?	4. What are the constraints?	5. What are the deliverables?	6. What are the milestones?	7. What are the roles and responsibilities?	8. What are the communication channels?	9. What are the reporting mechanisms?	10. What are the monitoring and control mechanisms?
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15 SEPTEMBER 2005

KEY

- MIN/MAX BUILDING ZONE
- EXISTING BUILDING OUTLINE
- SITE BOUNDARY/EXTENT



CRIMINAL JUSTICE RESEARCH

STANDARD ACCESS

Editor: Archibald Macdonald, blanton@concordia.ca

Hammeron Plc

THE POINT
MILTON KEYNES

Drawing Title

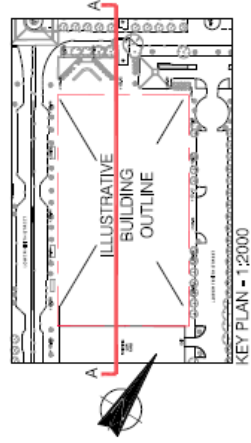
PARAMETER SECTION A-A

Drawn By AG	Crossed By AB
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Scale	Date
1:500 @ A3	04/08/2012

Project No.	Drawing No.	Revisions
L3377	BNY-SA 08 PP04	B01

PLANNING

1-800-368-5728
www.borg.com

Added: [marc.gallie](#) | **Date & Time:** Wed, 23 Oct 2013, 12:14pm
[wally@wally.me.uk](#), [mike.schmidt@open.ac.uk](#), [j.h.mccoy@open.ac.uk](#), [j.h.mccoy@open.ac.uk](#)

Appendix to 13/01729/OUT

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 01/01949/FUL

Alterations to existing glazed entrance pod to bingo club; permitted 12.02.2002

99/01302/MK

Change of use of first floor from dance studio (class D2) to offices (class B1); permitted 11.11.1999

03/02013/MKCOD3

Installation of information kiosk incorporating telecommunications antenna; permitted 20.02.2004

08/01145/FUL

Installation of satellite dish (retrospective); permitted 27.08.2008

12/00202/FUL

Installation of 1 roof mounted satellite dish; permitted 27.03.2012

12/00815/EIASCRC

Screening opinion request for the proposed development of The Point for retail use; EIA not required 14.05.2012

13/01586/EIASCRC

Screening opinion request for proposed redevelopment of The Point; EIA not required 03.09.2013

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 Highways and Parking

Access details are now a reserved matter and therefore the design of the access will be considered as part of a reserved matters application. However, the proposed access to the service yard (now withdrawn from the current considerations) was considered acceptable and whilst the Highways Engineer remains concerned regarding the impact of right hand turns on the safety of the Boulevard (please see paragraphs A3.29 to A3.30 below) he has confirmed that subject to conditions regarding a Service Delivery Management Plan and CCTV covering the junction he would not object to the proposed access arrangements. If the access does come forward in this location within the Design Code and reserved matters applications then suitable conditions could be attached to an approval of the reserved matters application.

A2.2 The proposed development included within the parameters plans excludes the existing multi storey car park (MSCP) from the area of redevelopment. Therefore, this car park would be retained to serve the new development. Whilst the exact details of the amount of floorspace and mix of uses is not known at this stage, the parameters do include maximum and minimum values and also an assessment of an indicative scheme has been provided. An assessment of the submitted information and the proposed parameters in terms of car parking has been undertaken by the Highways Engineer and is summarised at paragraphs A3.35 to A3.39 below. The Transport Assessment accepts that as a result of the proposed illustrative masterplan, dwell time in the car park will increase and it calculates that there will be a 7.6% increase in dwell time from 2 hours 10 minutes to 2 hours 20 minutes. For the maximum scenario there would be an 8.69% increase in dwell time to 2 hours 21 minutes. The utilisation of the car park, when taking into account increased dwell time, would be 89% for the illustrative masterplan and 94% for the maximum scenario. These increases in utilisation would still see 35 spaces in the MSCP unused at the weekday peak period and 18 spaces unused at the weekend peak period. Therefore, the redevelopment of the site within the parameters submitted would not result in a significant detrimental impact in terms of parking provision.

A2.3 Planning Obligations

In accordance with the Planning Obligations for CMK SPG the s106 agreement would contain the following heads of terms:

- Public Realm;
- Training and Learning (Training and Employment Management Plan);
- Public Art, Social and Cultural at 0.25% of Gross Development Cost (excluding land values);
- Public Transport at: non-food retail £42 per sq m, food retail £107 per sq m, and Leisure £49 per sq m;
- Highway Network at: non-food retail £14 per sq m, food retail £33 per sq m, and Leisure £10 per sq m; and
- The Carbon Offset Contribution to be calculated based on £200 per tonne of carbon emissions produced by the development for one year (regulated and unregulated emissions).

As the exact quantum of floorspace is not known at this stage the s106 agreement will include the above requirements as well as the requirements regarding the Design Code and demolition of the building already discussed within the main body of this report. Further requirements regarding alterations to the highway and replacement of parking spaces may be required in association with the reserved matters application and would be dealt with at that stage.

A2.4 When calculating the above contributions, the applicant has asked for confirmation on whether the calculations would relate to the net increase in floorspace rather than the total new build floorspace. When calculating the Public Transport and Highway Network contributions for the redevelopment of the Leisure Plaza (06/00599/FUL), the approach was taken that the calculation of the leisure element was based on the net additional leisure

floorspace. Therefore, it would be reasonable to take the same approach for this development and it is recommended that the Public Transport and Highway Network contributions are calculated based on the net increase in floorspace in terms of each use.

- A2.5 The applicant would like monies from the Public Art, Social and Cultural contribution to support the relocation of The Spot Youth Café which is currently located at The Point. The Spot Café operates under a private lease for the facility which is understood to be coming to an end shortly. No planning permission has been sought for The Spot Café and therefore it is considered to be operating under the existing use classes at The Point. The facility is therefore considered not to benefit from the protection of community facilities provided under saved policy C2 of the Local Plan. A requirement to relocate The Spot Café has been considered in terms of the statutory tests for planning obligations and it is considered that a contribution could not be justified in this instance. However, the Public Art, Social and Cultural element of the planning obligations is currently split 50/50 between Public Art and Cultural projects in CMK and therefore the Social and Cultural element of the contribution could be used to provide youth facilities within CMK.

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 Development Plans

The proposed development will be located within the primary shopping area of CMK. The development complies with the sequential test of the NPPF (para 24). Additionally, as the development is within the primary shopping area of CMK no retail impact assessment is required (NPPF para 26). Work by consultants for the Council suggests additional comparison retail floorspace in CMK is needed in future. The development is where the Council is encouraging additional retail floorspace and other uses appropriate within town centres to be developed (Core Strategy policy CS4). It supports the Council's Development Plan strategy. It would also be accessible by a choice of means of transport and be likely to increase opportunities for one journey to serve several purposes (local plan policy R1). The proposal will help to retain and enhance CMK's role as a regional centre and the city's focus for retail, leisure and cultural development (Core Strategy policy CS7). It will help develop a broader mix of uses within the city centre. In conclusion, as this proposal complies with relevant national and the Council's local planning policies, no planning policy objection is raised to it.

Please see paragraph 5.10 of this report.

A3.2 Conservation And Archaeology

Significance of The Point Cinema

The Point Cinema (built 1984-1985) was the first multiplex cinema to open in Britain. It was recently considered for listed building status. The bar for all post-war buildings is set very high. English Heritage advised that the building was not of sufficient

Please see paragraphs 5.1 to 5.12 of this report.

architectural or historic interest to be listed. However, in its designation report it did state that the building was of 'strong local interest' and that it has 'some claim to architectural eye-catching, commercially-orientated, function-driven design'. In addition, the countersigning report reflected that it was 'certainly of local interest' and 'architecturally striking, and a challenge to convention'.

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|------|--|---|
| A3.3 | The NPPF recognises that 'heritage assets' are not only those assets which have been formally designated. Non-designated heritage assets are locally significant, their preservation being fundamental to the character and local distinctiveness of a place. | Please see paragraphs 5.1 to 5.12 of this report. |
| A3.4 | The importance of heritage assets (including Milton Keynes' new town), the need to protect them and the benefits of incorporating them in redevelopment proposals is recognised in Core Strategy policy CS19: 'Developments will protect and enhance the significance of the Borough's Heritage Assets, including important elements of the 20 th Century New Town architecture.' The accompanying text to CS19 states that 'The historic environment of MK makes a fundamental contribution to the distinctiveness of the area, influencing the character of the built and natural environment and shaping its sense of place and identity. Heritage assets can provide the catalyst for regeneration schemes and the stimulus for more imaginative development solutions. The retention, preservation and re-use of heritage assets is sustainable and can contribute to car reduction when set against schemes of redevelopment, their sympathetic integration into regeneration schemes reinforces local identity. ... We need to manage the growth of the city to avoid the fragmentation and loss of these recent historical assets.' | Please see paragraphs 5.1 to 5.12 of this report. |
| A3.5 | The accompanying text to CS19 also states that 'There is also high quality modern architecture in the city. There is an urgent need to identify and catalogue this resource to identify the best and most valuable examples.' Objective 12 of the Core Strategy identifies the completion of a Local Heritage List as a target to be completed by the end of 2014. | Please see paragraphs 5.1 to 5.12 of this report. |
| A3.6 | The Council considers the future of Milton Keynes' new town heritage assets an important issue, one which it takes seriously and that the delivery of a Local Heritage | Please see paragraphs 5.1 to 5.12 of this report. |

List is a priority. The wider value of the new town is indicated by the national designation of both the Shopping Building and the houses at Cofferridge Close as listed buildings.

- A3.7 Whilst The Point Cinema is not of national significance and therefore does not meet the high standards required to become a designated heritage asset, it is of interest at a local level, to Milton Keynes, as indicated by English Heritage. *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (2008, English Heritage) advises that 'the significance of a place should influence decisions about its future, whether or not it has statutory designation'. Please see paragraphs 5.1 to 5.12 of this report.
- A3.8 The Point – key areas of significance (and their values): Please see paragraphs 5.1 to 5.12 of this report.
- The first Multiplex Cinema in UK (Historic value – both illustrative and association).
 - Amongst earliest examples of a standalone entertainment complex of its type in UK (Historic value – both illustrative and association).
 - Along with the other first wave multiplexes, it introduced the evolution of the cinema format in UK, instantly rejuvenating the UK cinema going market and film industry which was in significant decline. A 2010 Guardian web article describes it as the 'cinema that changed everything' (Historic value – both illustrative and association).
 - Survival and rarity. It is unknown how many first wave multiplex cinemas survive in a largely original state. The Point is cited by English Heritage as being atypical of the breed by being of standalone type (Historic value – illustrative).
 - The first entertainment complex in CMK, following a public consultation (Communal value).
 - The Point structure was designed in a similar idiom to earlier CMK buildings (exposed 'structure', mirrored glass, simple forms, minimalist influences). It contributes to a group of buildings in CMK (Aesthetic value).
 - Distinctive local landmark, both within CMK (completely individual in silhouette and taller than the shopping building), and was visible at night from surrounding landscape. (Aesthetic and communal value).
 - It represents one of Milton Keynes' many 'firsts', and is part of its history of being a

forward thinking, innovative place. (Communal value).

- The building could be considered ‘iconic’ locally as a representation of Milton Keynes, in particular its modernity when constructed and unconventional appearance. It is still used on MK promotion material. (Aesthetic and communal value).
- The building is part of the national image of MK (Aesthetic and communal value).

A3.9 The building certainly meets the NPPF definition of a ‘heritage asset’ in that it has been ‘identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest’. It is also comfortably within the terms of policy CS19. As such the proposal must be considered in the context of these two policy documents. Please see paragraphs 5.1 to 5.12 of this report.

A3.10 The Point also stands within the setting of the grade II listed Shopping Building and therefore local plan policy HE5 is also relevant. It states ‘Planning permission will be refused for any form of development that would adversely affect the setting of a listed building’. Please see paragraphs 5.1 to 5.12 of this report.

A3.11 Evaluation Please see paragraphs 5.1 to 5.12 of this report.

The proposal is for the demolition of The Point multiplex cinema; i.e. the total loss of a heritage asset. The asset is of considerable significance at local level. As such weight must be given to the national and local strategies that recognise the importance of heritage assets, their contribution to local communities and need to secure their conservation. The proposal would simply result in the total loss of a heritage asset; an asset which the Government’s advisor on heritage (English Heritage) has stated is of ‘strong local interest’. In isolation it is impossible to consider the scale of harm/loss (i.e. total demolition) of such a building acceptable against the heritage policies of the NPPF and the Core Strategy.

A3.12 Setting

Please see paragraph 5.11 of this report.

The Point Cinema sits within the setting of the listed Shopping Building. It makes a contribution to this setting by forming part of a group of New Town buildings and the wider character of CMK. It shares a similar palette of materials to the Shopping Building. Beyond this there is no specific relationship between the Shopping Building and The Point Cinema. The two were constructed in different development phases and commissioned by different bodies. Conceptually there is a relationship in materials, but evidence suggests that The Point is derived from the function of its interior uses, and the corporate branding of the owner. The built forms are separated by Midsummer Blvd, some 80m side, and are now both abutted by Midsummer Place, the dominance of which has significantly diluted the prior relationship.

A3.13 In summary, whilst the demolition does have a harmful impact on the setting of the Shopping Building, this is minimal because The Point Cinema does not make an important contribution to the significance of the Shopping Building.

Please see paragraph 5.11 of this report.

A3.14 Replacement Scheme

Please see paragraph 5.11 of this report.

The outline application seeks consent for a range of dimensions for the possible building. Setting aside the issue of demolition, at its minimum scale, the scale of the replacement scheme is unlikely to cause any harm to the setting of the listed building. When compared to the surrounding buildings the maximum scale is likely to be considerably greater than the outer flanks of the Shopping Building and higher than Midsummer Place.

A3.15 The principle of a building being higher than the Shopping Building is not an objectionable point per se. The site of The Point would, following its demolition, have little significance to the significance of the listed building; it is at some distance and within an urban context. However, the proposed building could end up being an overly assertive building if allowed at its maximum height. This however, depends upon the detailed design which is not known at this stage because of the outline nature of the

Please see paragraph 5.11 of this report.

application.

- A3.16 Whilst the indicative elevations are improved over previous iterations and attempt to convey some tie back references to The Point Cinema, they are conspicuous in being an elevational 'wrap' to a large, boxy building. The indicative elevations show some degree of life, but their busy nature would contrast strongly with that of the sleeker, more elegant designs of the new town buildings. Such variety should not be opposed in principle, however, it should be noted that it will fail to reinforce the distinctive character of Milton Keynes. It is difficult to be able to attribute weight to the elevations as they are only indicative. Please see paragraph 5.11 of this report.
- A3.17 In summary, I have some concerns regarding the impact on the setting of the listed building at the maximum size of the proposed building (which would be allowed by granting this application). However, it is extremely difficult to define the degree of harm caused, if any, given that the appearance of the building is not known at this stage. Please see paragraph 5.11 of this report.
- A3.18 Weighing of Decision Please see paragraphs 5.1 to 5.12 of this report.
- Clearly this application proposes the loss of a building which, whilst having been poorly maintained by its owner for an extended period of time (resulting in its current tired state), is of strong local significance having made an important contribution to the early history of MK. Indeed it still stands as one of MK's most distinctive, charismatic and readily identifiable landmarks. Heritage is an important part of both the NPPF and Core Strategy which must be given proportionate weight. The decision as to whether to allow the demolition of the MK heritage asset is an important one, since it affects the new town legacy for future generations, as such it should be taken very carefully.
- A3.19 The public benefits and other material planning considerations of delivering such a scheme by demolishing The Point must also be taken into account. It may be that these outweigh the harm caused by its total demolition. However, if these are to be attributed weight in balancing the considerations, given the importance of the decision, this should be done so on the basis of definitive evidence quantifying exactly what Please see paragraphs 5.1 to 5.12 of this report.

benefit will be delivered. The outline nature of the application makes it difficult, if not impossible at this stage, to know the true quantum of benefit that will actually arise from the proposal.

A3.20 With all matters reserved, this is a less than ideal basis on which to determine whether a locally important building should be demolished or not. Whilst illustrative material has been submitted and the revised submission is more specific about the proposed scale of the building, it ultimately leaves a number of areas open to uncertainty at this stage, to be subsequently controlled under reserved matters applications. The commercial reasons for the applicant's approach are understood and appreciated. However, because the principle of the development causes demonstrable harm to the heritage of MK the appropriateness of an outline planning permission on this prominent, strategic site must be questioned.

Please see paragraphs 5.1 to 5.12 of this report.

A3.21 Unfortunately the application does not fully detail what other options have been explored in order to avoid the demolition of the existing building. Examples of this might have included the demolition of the cinema box section and multi-storey car park only or possible negotiations with other land owners (e.g. MKDP and its adjacent surface car park site) for sites that do not present the same constraints and could be easily developed in the manner proposed.

Please see paragraphs 5.1 to 5.12 of this report.

A3.22 Conclusion

The proposal results in the complete demolition of a heritage asset. I therefore object to the application. Unless clearly and demonstrably outweighed by other material planning considerations on the basis of appropriate evidence, this application should be recommended for refusal.

Please see paragraphs 5.1 to 5.12 of this report.

A3.23 **Highways Development Management**

The application is supported by a comprehensive Transport Assessment (TA).

Noted

A3.24 Access

The TA has comprehensively considered access by all users and provided an account of how these users currently access the application site and any obstructions that they may encounter en route.

Access details have now been withdrawn from the outline application and would be dealt with at reserved matters stage.

A3.25 I have a particular concern regarding the width of the residual footway between bus shelters and the application site boundary as the width of useable footway at these points is only 1.5m and this is further reduced if those waiting for a bus stand between the bus shelter and the back of footway edge.

This should be addressed within the Design Code and during reserved matters.

A3.26 I have previously advised that the 'continuous weatherproof canopy' cannot span over the public highway (footway). The face of the proposed structure will therefore have to be set back from the site boundary edge. I would recommend a minimum distance of 2m. The small residual footway width that currently exists is not a matter for the applicant to deal with but does need to be resolved by this authority and perhaps the provision of new shelters and their location within the footway will provide a solution. I understand Lower 9th Street is to undergo some improvements by MKC. Whilst pedestrian linkages across the highway do exist I feel they ought to be reinforced in light of the fact that pedestrians have to contend with large buses the passage of which will only increase over time.

This should be addressed within the Design Code and during reserved matters.

A3.27 I wholly agree with the TA's assessment of the practicality of walking and cycle trips to the proposed development. For pedestrians the TA takes Lower 10th Street as the main active frontage and therefore deals with the capacity of the footway on this street. The existing footway is capable of accommodating the forecast increase in walking trips. The existing network is wholly capable of accommodating the low cycle trip generation indicated in the TA.

Noted.

A3.28 Lower 10th Street as well as providing access to car parking spaces along its length, also provides access to a limited (free) parking area at its northern end. This car park is aligned parallel with Midsummer Blvd and was originally a taxi waiting area. If it

Noted.

were used to provide closer access to the shopping area for disabled persons there would be some merit in retaining it but otherwise it could be removed as part of the general rationalisation of the public realm in this part of Midsummer Blvd.

A3.29 Access for Service Vehicles

The TA doesn't consider the number of service trips associated with the existing development but acknowledges that servicing does take place from Lower 10th Street. The proposed development will provide an intensification of use of the junction of Lower 10th Street with Avebury Blvd in terms of HGV service trips. The tracking diagrams show left in/left out; however, the current junction allows vehicles to turn right into Avebury Blvd by making use of the gap in the central reservation. There is no enforcement of a right turn ban and as a result HGVs could legally make this manoeuvre. I therefore require this development to provide an arrangement to physically bar right turns out into Avebury Blvd. In asking this I am conscious of the convenience provided by allowing general traffic to turn right into Lower 10th Street from Avebury Blvd; however, the possibility of allowing this can only be ascertained through a detailed design. I realise that this will cause inconvenience to general traffic but the advantage of the CMK network of highways is that alternative routes to gain access to blocks of development are readily available without causing undue lengthy detours. Precedents for amending junction arrangements within CMK have been set in order to better manage traffic flows and for specific reasons. It needs to be borne in mind that the underlying need to introduce this change is one of road safety.

Access details have now been withdrawn from the outline application and would be dealt with at reserved matters stage. Please see paragraph A2.1 of this report.

A3.30 A Service Delivery Management Plan should be conditioned to ensure that service delivery wagons operate to acceptable delivery times and schedules and don't wait on Lower 10th Street prior to gaining access to the service yard.

Please see paragraph A2.1 of this report.

A3.31 The establishment of the service access will result in the loss of a number of car parking spaces and as a result compensation will have to be paid.

Please see paragraph A2.1 of this report.

A3.32 Trip Generation

Noted.

Trip generation has been assessed for both the illustrative masterplan and maximum scenario. The two-way peak hour movements by all transport modes (car driver, car passenger, taxi, walk, bus, train, cycle, motorcycle and other) for the respective peak hour in a weekday and weekend would be for the illustrative masterplan 167 and 307 respectively and for the maximum scenario 197 and 364 respectively. On average the illustrative masterplan will generate 5 deliveries a day and the maximum parameter plan 7 service trips a day. The forecast trip generation figures are considered to be robust.

A3.33 Traffic Impact Assessment

Noted.

The impact of the proposed development on the key junctions in the vicinity of the application site has been assessed. The key junctions are the junctions of Avebury Blvd with Saxon Gate, Lower 9th Street, Lower 10th Street and Secklow Gate.

A3.34 The TA assumes that all traffic for the development will park in the MSCP when assessing the impact of the newly generated and diverted trips on the network. This may be the case but equally not all traffic may choose to park at this location. Noted.

A3.35 Parking

Please see paragraph A2.2 of this report.

The applicant owns the multi storey car park (MSCP) adjacent to the application site and this is to remain in situ. This MSCP has a capacity of 300 spaces and the TA reports that it is underutilised in the weekday with an average peak of occupation of 37% between 1 and 2pm. At the weekend, occupation is higher but only reaches 70% during the same time period. The existing development at The Point results in a requirement of 176 spaces and therefore it could be said that the on-site MSCP has an overprovision of 124 spaces. The TA acknowledges that the on-site MSCP provides car parking for shoppers on a CMK wide basis but it is necessary to bear in mind the current under-utilisation of this MSCP.

- A3.36 The car parking requirements for the proposal has been considered in terms of the minimum and maximum parameters for floorspace. For assessment purposes two scenarios have been considered: the first for the illustrative masterplan and the second to test the 'maxed out' development. The TA states that although the maximum parameter scenario is unlikely it is considered as a sensitivity assessment. The illustrative masterplan proposal would have a maximum requirement of 313 car parking spaces (in full compliance with the current car parking standards); the MSCP would accommodate 96% of the maximum requirement. For the maximum parameter scenario the maximum requirement would be 358 spaces; the MSCP would accommodate 84%. Please see paragraph A2.2 of this report.
- A3.37 It is a generally held view that the establishment of a new store in a shopping centre of the floorspace of the existing shopping facilities in CMK attracts no new trips and that all trips are existing on the highway network. There is a normal consideration for a significant level of linked trips but there is also recognition that car park dwell times will increase. Please see paragraph A2.2 of this report.
- A3.38 The TA indicates that as a result of the proposed development (illustrative masterplan) the maximum utilisation on a Saturday of the MSCP will increase from the current 70% to 83% and for the maximum scenario to 87%. Please see paragraph A2.2 of this report.
- A3.39 The TA accepts that as a result of the proposed illustrative masterplan, dwell time in the car park will increase and it calculates that there will be a 7.6% increase in dwell time from 2 hours 10 minutes (from shopper surveys) to 2 hours 20 minutes. For the maximum scenario there would be an 8.69% increase in dwell time to 2 hours 21 minutes. The utilisation of the car park, when taking into account increased dwell time, would be 89% for the illustrative masterplan and 94% for the maximum scenario. These increases in utilisation would still see 35 spaces in the MSCP unused at the weekday peak period and 18 spaces unused at the weekend peak period. Please see paragraph A2.2 of this report.

A3.40 **Passenger Transport**

Impact on Bus Infrastructure (particularly Lower 9th Street)

The Council has a commitment to improve Public Transport Infrastructure across the Borough, with CMK forming an integral part of this improvement. The site immediately adjacent to the site is the single busiest location for bus departures and therefore usage in the Borough. Whilst proposals have not been finalised, the principles of improved accessibility, shelters, lighting and information area all things which need to be introduced and improved upon in the coming years. Lower 9th Street has existing issues with the environment behind the current shelters with either a 1500mm path between back of shelter and the edge of the current vegetation adjacent to the cinema providing a poor area of illumination and personal space or the wasteland area between The Point building and stop K4 that constrains pedestrians. Waiting passengers often spill over this land, whilst obstructing other pedestrians wanting to get to the other shelters closer to Avebury Blvd. In addition to the proposed improvements to access, shelters, lighting and information, Passenger Transport would want to work with the developer to improve the public realm in this area.

Consideration of the impacts should be taken at the reserved matters stage once the proposed detailed design is known.

A3.41 **Urban Design**

I support the redevelopment of The Point site. The existing building is a recognised local landmark. Therefore, this serves to justify the creation of a landmark building rather than another minimalistic and understated form such as thecentre:mk. The illustrative visuals do in my view fulfil this ambition. The Design and Access Statement (para. 6.22) states that the indicative proposals seek to reinterpret the landmark qualities and form of The Point which would reinforce the visual role of the site within the townscape. This is a sound rationale to underpin the eventual design (to be submitted as part of reserved matters) and in my view the indicative designs shown do broadly speaking support this statement. I am persuaded by the architectural approach being expressive and acting as an interesting counterpoint to the stripped back modernistic aesthetic of thecentre:mk. The illustrative design is based directly on

Please see paragraphs 5.4 to 5.12 of this report.

consultation responses which called for a local landmark to respect the landmark qualities of the original building; in my view there is therefore a rationale for the proposed architectural approach and albeit indicative elevational treatment. I support the proposals 'Future Details' in the Design and Access Statement on landscaping and public realm which talks about the importance of improving the surrounding public realm; this is reinforced by the Heads of Terms which covers public realm.

A3.42 I do however have the following concerns, comments and queries:

- I am concerned by the extent of permissible deviation in building height [as originally submitted]. At its lowest the building may only be 10m high facing onto Midsummer Boulevard. If this occurs the development will not in my view be able to achieve / deliver many of its stated ambitions (e.g. by providing a strong visual landmark reminiscent of The Point).
- It is disappointing that the redevelopment of the existing multi-storey car park is not included as this would have allowed a higher quality frontage onto Avebury Boulevard to have been created. It would also represent a more ambitious proposal for the site, although it acknowledges a more innovative solution to parking would be need to be found (e.g. basement parking using the sloping site).
- I would question whether Lower 10th Street is the most appropriate location for the service delivery access given the future importance this street might have as a piece of public realm when the adjacent car park site is developed. For similar reasons would Lower 9th Street not be more appropriate given the lack of importance this street currently (and in the future) may have as a key piece of public realm.
- I am not sure if the development's relationship to Lower 9th Street has been resolved. The 'Design Principles' says that all public elevations will have active frontages; is this really the case for Lower 9th Street?
- Potential benefit should be explored of east-west links connecting Midsummer Place (from existing pedestrian exit) across The Point site to the future opportunity sites to the east. This might help create a secondary retail pedestrian circuit within the Primary Shopping Area. I am conscious that this would likely make the development more constrained and complex to deliver but in the wider context of

Please see paragraph 5.11 of this report. The Design Code and detailed design submitted at reserved matters stage should consider these points.

improving pedestrian movement and a potential secondary retail circuit in the Primary Shopping Area I think it should at least be explored.

- Clarity is required as to whether the weather protection features are contained within the redline or not. If it is, then the pedestrian route underneath the weather protection is in effect private space. Will conditions be included to ensure that this route remains available and free of obstacles to walk under when adverse weather occurs? If the weather protection extends beyond the redline this would therefore be within the public realm and would by definition remain free of obstacles.
- The Council together with landowners and other stakeholders are currently looking into a high level masterplan and supporting principles for the Primary Shopping Area of which Midsummer Boulevard East is a key element. The area between the centre:mk and The Point is one of high pedestrian footfall but a very poor quality public realm with significant potential to improve it. There is potential to create an enhanced public realm in this location which might include allowing the redevelopment of The Point to come forward to create a more contained space (there is currently a distance of approximately 100m between The Point and the centre:mk). I would question whether these possibilities should be limited (through this application) at this stage when the Council wants to establish a vision for the wider area. It might however be that if building lines do change through the wider study then the applicant would be willing to alter the scheme to respond to the changing building lines.

A3.43 Crime Prevention Design Advisor

Whilst I do not object to the concept of this application; I do object to this outline application as it fails to address how this outline application will look to create a safe and secure environment, where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. This is contrary to Section 58 of the NPPF. The application also fails to identify how any subsequent development will meet Principle 7 of the CMK Development Framework's Value and Key Principles; this document advocates the need to promote a safe and secure city centre through good design. The application is also contrary to local plan policy D2(vi) which states that

The Design Code and detailed design submitted at reserved matters stage should consider these points.

development proposals for buildings will be refused unless they have regard to the need to design a layout and screening in the interest of the prevention of crime and the surveillance of the public realm.

A3.44 Inactive Frontages

Please see proposed condition 8 at paragraph 6.0 of this report.

Concerned about the creation of blank or inactive elevations to Lower 9th Street and Midsummer Place resulting in a higher risk that crime and disorder will be prevalent within this area. There is a need to maximise the active edges around the building. It is requested that this constraints and opportunities plan is amended to reflect the need to provide an active frontage on all three publically fronting elevations.

A3.45 Secured by Design

Please see proposed conditions 12 and 13 at paragraph 6.0 of this report.

The 'Design Principles' state that the proposals will reflect 'secure by design' principles. This is not the same as meeting or achieving 'Secured by Design'. The details fail to address the physical security of the building. A condition requiring Secured by Design accreditation should be included if permission is granted.

A3.46 CCTV

Please see proposed condition 14 at paragraph 6.0 of this report.

The application does not appear to identify or address the operational impact that this application will have on the three Community Safety Open Space CCTV cameras within this area. These cameras are run and monitored by Thames Valley Police and as such, they play an important part in tackling crime and anti-social behaviour. It is imperative that effective coverage of these cameras is maintained.

A3.47 Crowded Places Terrorist Threat

Please see proposed condition 15 at paragraph 6.0 of this report.

Thames Valley Police's Counter Terrorist Security Advisor has expressed concerns over the lack of measures to protect this development from the potential for terrorist attack using a large vehicle borne improvised explosive device. The proposed

development will fit the criteria of being a 'Crowded Place'. Reducing the vulnerability of Crowded Places is a key part of the Government's counter terrorism strategy. Reasonable protective security measures should be implemented in order to reduce vulnerabilities and to protect the public when visiting such locations. The type and design of measures are best considered at the planning and design stage and should include: a 'stand-off area' around the building; the installation of PAS68/69 security rated barriers at the entrances to service areas; the installation of PAS68/69 security rated barriers to the site (no greater than 1.2m apart and at least 600mm in height); and the use of blast resistant glazing with blast enhanced frames. A condition to ensure that the above matter is addressed and how they intend to incorporate these measures into the proposed build specification and layout is requested if permission is granted.

A3.48 Senior Landscape Architect

Generally the proposals at this stage show minimal tree impact within the context of the existing trees. Trees in poor condition for removal are Pines (tree numbers 11 and 16); I agree with the report description. Trees in good condition are pine number 14, a category A lime, part of tree group 6. The pine is very prominent and forms a focal point within a raised area of planning. I bemoan the loss, but due to imminent level changes and its position, it's unlikely to be successfully incorporated within redevelopment proposals. The category A lime shown for removal forms part of a line and the loss within the context of the retained trees would be minimal and mitigated.

Please see proposed conditions 18 and 19 at paragraph 6.0 of this report.

A3.49 The proposals do briefly refer to landscape impact and retention of existing trees, although any firm application must elucidate further on this issue and clearly demonstrate how the proposals will maintain the landscape framework.

Please see proposed conditions 18 and 19 at paragraph 6.0 of this report.

A3.50 To mitigate the loss and enhance the immediate public realm, additional landscape enhancements should be included as part of an application. These include a replacement of a Lime within the line north of TG6 and replacement of poor quality trees (mainly Cherry) and repair/replace paving located within the large area around

The Design Code and detailed design submitted at reserved matters stage should consider these points.

the 'Arriva' office.

A3.51 Countryside Officer

A Preliminary Ecological Appraisal Report was provided in support of this application. I am in agreement with the findings of this report which acknowledges that the site in its current form offers few opportunities for wildlife and that there are no habitats on site that have ecological value and that the only real ecological constraint being the limited potential for breeding birds. Noted.

A3.52 In line with good practice and local and national policy, all practical opportunities should be taken to harmonise the built development with the needs of wildlife. Policy seeks to provide a net enhancement to biodiversity through sustainable development. Please see proposed condition 20 at paragraph 6.0 of this report.

A3.53 No objection subject to conditions requiring detailed building and landscaping proposals to demonstrate how benefits for biodiversity, particularly wild birds and insects, will be incorporated into the scheme. Please see proposed condition 20 at paragraph 6.0 of this report.

A3.54 Environmental Health

In accordance with the NPPF, as this development involves land that has previously been developed, it is recommended that a condition for an assessment of ground conditions is applied to any grant of permission. To ensure that the site is fit for its proposed purpose. Please see proposed condition 21 at paragraph 6.0 of this report.

A3.55 Central Milton Keynes Town Council

Generally the Town Council is disappointed at lost opportunities for the site in this prime city centre location. Noted.

A3.56 Comments on the outline application parameters:
– Disappointing that the scope of the application does not include the existing multi- Please see paragraphs 5.4 to 5.12 of this report.

storey car park. A more comprehensive proposal would better integrate servicing and parking into the redevelopment and create more attractive and active frontages on Avebury Blvd and Lower 9th and 10th Streets.

- Support a more balanced mix of uses in the Design and Access Statement compared to the parameters plan. The range of land use from almost wholly retail to almost wholly leisure needs to be narrowed to comply with retained local plan policy CC8(i) which requires a broad mix of uses both horizontally and vertically, the principles of which are also enshrined in the CMK Alliance Business Neighbourhood Plan.
- The addition of cultural and community uses would improve the contribution to the quality of amenity and townscape in the city centre.
- The service access/area as proposed will produce extensive dead frontage onto Lower 9th Street and should be reconsidered.
- The Access Parameter Plan only shows service access. Should also include information on pedestrian access (e.g. how does the development line up with porte cocheres and other established pedestrian routes).
- It should clearly establish the provision of a functional colonnade (minimum 2.4m width) within the building envelope on the Midsummer Blvd frontage at least but reasonably also to all frontages with entrances to reflect the requirements of retained local plan policy CC9(i).
- It is important that the development conforms to the principles of the CMK Alliance Business Neighbourhood Plan.
- It is important that the development is a high quality development worthy of replacing what was a landmark city centre building.

The MSCP is an existing structure and there is no planning justification which would require the MSCP to be incorporated within the application site.

Access details have now been withdrawn from the outline application and would be dealt with at reserved matters stage.

The Design Code and detailed design submitted at reserved matters stage should consider these points.

A3.57 Comments on indicative proposals:

- Welcomes the proposal to exploit the roof areas for leisure-related activity.
- While designing for unknown users is difficult, it does however offer an opportunity to develop an exciting 3-D spatial concept for creating and delivering a top quality new destination in CMK. Unfortunately the opportunity has not been seized here. For instance, if the retail, leisure and circulation elements of the building were

The Design Code and detailed design submitted at reserved matters stage should consider these points.

clearly expressed, and legible from the street, there would be more dynamic connections between the development and the surrounding city centre.

- The applicant's stated objective is to provide flexible, large floor slabs for retail space. However, the drawings seem to contradict this as they indicate stepped levels at ground floor level.
- It is disappointing that the falls across the site, along with the removal of the existing car park, have not been exploited more imaginatively to resolve servicing, access, parking and active frontages.
- There is a disconnect between the mundane internal spaces within the 'box' and the glitzy treatment of the façade. This shows that the design concept is literally only skin deep.
- We are also concerned that such a superficial external treatment will not be durable and will not fit well with the character of the best early buildings in CMK which are understated but of high quality.

A3.58 Response to recommendation from Highways Development Management regarding right turn movements onto Avebury Blvd:

Please see paragraph A2.1 of this report.

- The Town Council views with alarm the recommendation to ban right turn movements onto Avebury Blvd for commercial vehicles leaving the redevelopment and enforced via a physical barrier as this would also disrupt accessibility for private vehicles wishing to perform a safe and legal manoeuvre (right turn off/onto Avebury Blvd).
- We agree with the robust rebuttal from the applicant's transport consultant.

A3.59 **Campbell Park Parish Council**

Recommends refusal on the following grounds:

Please see paragraphs 5.1 to 5.12 of this report.

1. The Point is an iconic local landmark and a local heritage asset; its demolition is therefore contrary to NPPF paragraphs 131 and 135. That the application for its replacement is only in outline is also contrary to NPPF para 136. That The Point is undoubtedly a local heritage asset is demonstrated by the widely supported and popular campaign to save it launched when the proposals to demolish it were first

mooted, and by comments by architectural critics such as Owen Hatherley (in his book 'A guide to the new ruins of Great Britain').

2. The outline application for the replacement of The Point is unsatisfactory in a number of ways. It appears not to recognise the proposed new building's relationship with its surroundings, particularly the city centre's principal public transport interchange. Any development of the site should pay attention of the setting of Lower 9th Street, to make it a safe and attractive environment in which to wait for buses. Moreover, the application does not pay regard to the need for the development of the section of Midsummer Blvd between The Point and the MK Theatre as a significant public space, as proposed in the emerging CMK Alliance Plan, now a material consideration.

A3.60 Public Representations

Five representations objecting to the application have been received including representations from the groups Xplain and Urban Eden and on behalf of the owners of Midsummer Place and Xscape. The comments received can be summarised as follows:

- 1) The original Point was ground-breaking and designed to fulfil a specific role. Its distinctive design and success as a destination flowed from that early focus. By contrast this application is sketchy because the objective seems to be on winning outline approval for the principle of the development, size of footprint and quantum of development. Is this good enough for the centre of MK – the engine of regional growth?
- 2) The submission lacks sufficient information/detail to allow the Council to make a robust assessment and informed decision on the proposals. Where development has the potential to impact upon heritage assets it is imperative that such information is provided, considered and assessed prior to any decision being made. Taking into account the nature and extent of the proposed development, an outline application is not appropriate. Whilst do not object to the principle of redeveloping

Please see paragraphs 5.1 to 5.12 and the list of conditions proposed at paragraph 6.0 of this report. The Design Code and detailed design submitted at reserved matters stage should consider these points.

The Point with a new landmark building; the proposals lack ambition and leaves too many important questions unanswered. For a busy, strategically important site next to a main pedestrian and public transport route in CMK and within the setting of an exemplar listed building an outline application with so much left to reserved matters is inadequate and inappropriate. The importance of the site merits a full planning application. A full planning application must be made in order to properly and thoroughly assess the suitability of the proposals.

- 3) The outline application does not provide sufficient information or detail in relation to the proposed mix and proportions of each use. Given the location within the primary shopping area the mix/proportion of uses ought to reflect this designation and focus predominantly on retail use. Diluting the main town centre retail uses would have a negative impact on the vitality and viability of the centre.
- 4) The development could deliver almost 21,000sqm of leisure/entertainment floorspace. This is entirely inappropriate and would represent significant over-provision. If permission is granted, conditions should be imposed to restrict the amount of leisure floorspace within the building.
- 5) They could, and should, combine retail, leisure, a hotel/conference centre and residential accommodation in a tall, iconic building which we could all be proud of and which would pay true homage to the iconic nature of the first multi-screen cinema in the UK.
- 6) Overdevelopment of the site.
- 7) The proposed design parameters would facilitate a substantially larger, taller and bulkier building than the existing which would be out of context with its immediate surroundings and in conflict with local policy D2.
- 8) If outline permission is granted then the red line will be fixed and the owner will have the green light to extend the building's footprint to the limit. This could result

in a huge new shed of a building filling every available inch. Where is the space in this plan for the courtyards, arcades, modern transport interchanges, permeability, colonnades, greenery, artworks and other features that we need to add interest and vibrancy to our city centre?

- 9) The proposals including a lack of pedestrian linkages and connectivity at a well-defined and heavily used pedestrian circulation point where several major assets and an important public transport interchange converge. The importance of providing effective pedestrian linkages is confirmed by paragraph 69 of the NPPF and policy CS7. The details include for access only applies to serving. The fundamentals of pedestrian linkages and connectivity into neighbouring areas have not been included within the parameters plans or illustrative plans. This is a significant omission; the application documents do not give confidence that the development will accommodate appropriate linkages and connectivity between the application site and adjacent buildings and spaces.
- 10) Lack of animation/activity; the proposals include a number of dead frontages.
- 11) How will this new development knit into the fabric of the surrounding area and improve it? The area adjacent to The Point is a natural gathering point for shoppers and the general public as well as a public transport interchange although it is currently poorly laid out with conflict and barriers between different users. Improvement to the public realm should form a key element of the application; however, improvements and linkages to the public realm are lacking in the application. The limited public realm provisions are contrary to the NPPF (para. 69) and Core Strategy Objective 11.
- 12) The proposal includes weather-protection canopies instead of the colonnades preferred by custom and policy. The details regarding the proposed weather protection are not clear. Would the weather protection be continuous and contained within the red line site boundary or extend over the public realm/adopted highway? Would it conflict with street trees and other street furniture? A lack of

real weather cover for shoppers in comparison with the three other competing retail centres in CMK will create a 'will I' / 'won't I' cross the road in inclement weather. The proposal is not in keeping with the pedestrian-friendly character of CMK and not conducive to policies designed to increase walking.

- 13) The exclusion of the existing multi-storey car park from the proposals is a lost opportunity on a site of strategic importance. Including the MSCP could create an attractor on Avebury Blvd to 'pull' people down both sides of the redeveloped site. The applicant is missing the perfect opportunity to redevelop the entire site and thereby improve the character and quality of the area and the way it works.
- 14) Do not support the Highways Officers' proposal to ban right hand turns off and onto Avebury Blvd at its junction with Lower 10th Street; it is not necessary as safety concerns can be managed via a regime of left in/left out deliveries. The network of boulevards and slow streets is very convenient and needs to remain so.
- 15) CMK is currently reviewing the strategic area between Midsummer Place and the Food Centre with a view to creating a masterplan and supplementary planning document. The CMK Alliance Plan has plans for the area and provision for an Inset Area Action Plan along Midsummer Blvd East. This is a critical time for a critical place. It would be unwise to approve an outline application which locks in the service access route due to current constraints and locks out other, potentially much better solutions, which could result in major improvements to public transport, pedestrian safety and so on. These vital details can be hammered out through reserved matters; however, experience shows that 'kicking the can down the road' on a major new CMK development like this can lead to years of disputes and delays.
- 16) The illustrative design is completely out of context with the surrounding area including the grade II listed Shopping Building. It would look garish by day and hideous at night. The illustrative design has undue reliance on an inadequate pastiche of The Point features. It is a very poor pastiche of the original iconic

building and the reasons behind the design will be lost over time. It has no 'wow' factor, it looks and feels 'old' before it is even built, and it is not iconic. Iconic buildings do make a difference; e.g. in Bilbao, and indeed in Valencia, the local municipal council's had the courage to make a real difference.

- 17) The architecture of the indicative design (one could argue that it is in the manner of Deconstructivism dating from the late 1980s) was in fashion over twenty years ago, producing buildings that were 'dismantled, fractured disassemblages with no visual logic, no attempt at harmonious composition of facades, no pragmatic reason' (quote from Architecture – a crash course by Hilary French, Simon & Shuster, p.134). There are many unpopular examples of this aggressive style. The chaotic façade of the indicative design conceals a deceptively dull box with little to connect it to its surroundings; it is likely to remain an island that constantly flags up its physical and cultural distance from the rest of CMK.
- 18) Hammerson need to be both 'Bold' and 'Brave' and come up with a 'Grand Design'; they did so with Selfridges in Birmingham, so why are we being treated to second best! Really great architecture is timeless and this is really not great architecture; but it could be if Hammerson had the gumption to make the building design a truly stylish and iconic one. Mediocre architecture costs pretty well the same as inspirational architecture; the difference is often down to the brief given to the architects. If the original Point is going to be demolished, why not set out to capture the ambitious spirit of the original, and start with a blank sheet of paper?
- 19) The amount of lighting shown on the illustrative design has the potential to cause visual intrusion / light pollution as well as dominating the building's facades in conflict with local plan policies D1, HE5 and CS19.
- 20) Planning policy encourages developers to respect the distinctive character of an area; reinforcing character not only creates a sense of pride and belonging, it also helps attract and retain investment and staff. The illustrative design disregards both the character and context of CMK. Certainly variety is desirable and The Point

does not have to look like the Modernist Shopping Building (or the original building) but it should integrate well with its setting.

- 21) We are pleased to see a public roof terrace included in the proposals (which would offer rare views across the city and potentially a much-needed space for live music). However, as an outline application there is no guarantee that this, or any other positive proposal, will come forward to help achieve the strategic goal of a more vibrant and inclusive city centre.
- 22) It is a concern that the replacement building will suffer from the poor maintenance now in evidence in the current building.
- 23) Many of those who settle in MK, as well as long term residents, have fond memories of 'The Point' as it was the beacon that illuminated the 'New City' as they approached the city outskirts. We know The Point is tired, in part deliberately so by being allowed to wither and decay, reinforcing the developers hand by saying 'look at this sad building it has had its day'. We know it has probably outstayed its welcome but the building on offer to replace this iconic building is just not up to scratch.
- 24) The outline application is contrary to the following policies:
- NPPF paragraphs 60, 61, 64 and 69
 - Core Strategy policies CS7, CS11 and CS19
 - Local Plan policies D2, CC8, CC9 and HE5