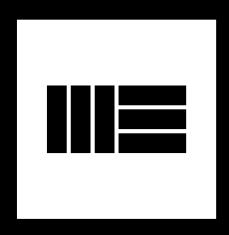
CENTRAL MILTON KEYNES GROWTH OPTIONS

HERITAGE IMPACT ASSESSMENT

SEPTEMBER 2025



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APPENDICES

APPENDIX 1.0 SUMMARY OF MKCC AND APPEAL DECISIONS RELATING TO TALL BUILDINGS

1.0 INTRODUCTION

- 1.1 In 2024 Milton Keynes City Council (MKCC) consulted on its 'Regulation 18' draft MK City Plan 2050. The evidence base for the draft City Plan included an April 2024 draft Central Milton Keynes Growth Opportunity Study and Development Framework, which identified opportunities for tall buildings within Central Milton Keynes (CMK), informed by a draft CMK Tall Buildings Strategy prepared on behalf of MKCC by Montagu Evans.
- Historic England in its consultation response to the draft City Plan recommended the preparation of a heritage impact assessment of the development proposed for CMK with its recommendations reflected in local plan policy. Montagu Evans has been appointed by MKCC to undertake this heritage impact assessment in relation to the proposed growth options and tall building strategy for CMK. Our work has been informed by site visits undertaken on 11 and 26 March, and 30 April 2025.

HERITAGE ASSETS

- 1.3 CMK contains the following designated heritage assets:
 - Secklow Hundred (Scheduled Monument)
 - Campbell Park (Grade II Registered Park and Garden)
 - Shopping Building (Grade II listed building)
 - Central Library (Grade II listed building)
 - Former Bus Station (Grade II listed building)
 - Octo Sculpture and Reflecting Pool (Grade II listed building)
- 1.4 MKCC has also identified a number of non-designated heritage assets within CMK. On 17 September 2024 MKCC established Milton Keynes' first local list, known as 'The New Town Heritage Register', and 132 non-designated heritage assets were added to the Register, including the following in CMK:
 - Magistrates Court
 - County Court
 - Norfolk and Ashton Houses
 - Regency Court
 - Fred Roche Gardens
 - Church of Christ the Cornerstone
 - Northgate and Southgate Houses
 - Sentry House (former) and Saxon Court
 - Lloyds Court
 - The Point
 - South Ninth Street housing
 - Civic Offices
 - North Eleventh Street housing
 - Eaton Mews
 - Black Horse

CONTENT AND STRUCTURE OF THIS REPORT

- 1.5 In this report we first in Section 2.0 establish the statutory provision and framework for the assessment, providing a methodology and approach that identifies the appropriate weight that should be given to different factors such as designated and non-designated heritage assets.
- 1.6 We then in Section 3.0 consider the heritage assets identified above, particularly the contribution made to the significance of the heritage assets from their settings. This work is undertaken in accordance with Historic England published guidance on the assessment of the setting of heritage assets, 2017.
- 1.7 In recent years the City Council and the Planning Inspectorate have reached decisions on tall buildings within Central Milton Keynes. Section 4.0 provides a commentary on this decision-making informed by a review of planning reports and appeal decisions, providing further context for the assessment of the growth options.

- 1.8 Having regard to our analysis of the setting of the heritage assets and previous decision-making, Section 5.0 provides an overview assessment of the following aspects of the draft Masterplan Framework provided within the draft Central Milton Keynes Growth Opportunity Study and Development Framework:
 - Placemaking principles associated with the movement strategy (MRT) and phased reduction in parking;
 - Placemaking principles associated with the blocks and grid structure, particularly in relation to building lines;
 - Place making principles associated with public realm, gardens, parks and city squares;
 - The potential height thresholds as set out in the tall building strategy.
- 1.9 National planning policy requires an assessment of development proposals to be undertaken on a balanced basis (with the appropriate weight accorded to different matters), including taking into account any mitigation delivered by application proposals. In Section 6.0 we consider potential mitigation in more detail as this is likely to be a key element of any tall building policy that might form part of the development plan in the future.
- 1.10 Section 7.0 provides our conclusion.

2.0 STATUTORY PROVISION AND FRAMEWORK FOR ASSESSMENT

LEGISLATION

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS ACT) 1990

- 2.1 No conservation area has been designated in CMK and therefore there is no statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 2.2 Campbell Park is a Registered Park and Garden within CMK. The Planning (Listed Buildings and Conservation Areas) Act 1990 does not currently place any special duty in relation to this type of heritage asset. However, the national policy set out below relating to the setting of heritage assets applies to registered parkland.
- 2.3 Four statutorily listed buildings are located within CMK. With regard to the listed buildings when considering planning applications, the applicable statutory provision is Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 (the 1990 Act), which relates to applications for planning permission affecting listed buildings, and states:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural and historical interest which it possesses.

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

- 2.4 The Secklow Hundred scheduled monument is located within CMK in green space to the rear of Central Library.
- 2.5 The 1979 Act sets defines scheduled monuments and the protection framework that relates to this type of designated heritage asset.
- 2.6 It does not include specific protections relating to the setting of scheduled monuments. However, as for registered parkland, the national policy set out below relating to the setting of heritage assets applies to scheduled monuments.

NATIONAL POLICY NATIONAL PLANNING POLICY FRAMEWORK (2025)

- 2.7 Chapter 16 of the National Planning Policy Framework (2025) ('NPPF') considers the historic environment.
- 2.8 The Annex 2 glossary defines heritage assets, distinguishing between 'designated' and 'non-designated' heritage assets:
 - A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).
- 2.9 In CMK, Campbell Park, a Registered Park and Garden, the Secklow Hundred scheduled monument, and the listed buildings present, are designated heritage assets. The New Town Heritage Register comprises non-designated heritage assets.
- 2.10 We discuss how the NPPF treats each asset type below.

DESIGNATED HERITAGE ASSETS

2.11 Paragraph 212 of the NPPF sets out that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 2.12 Under Paragraph 213 any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 2.13 Paragraphs 214 and 215 of the NPPF have regard to harm, which can either be considered substantial harm (total loss of significance) (paragraph 214) or less than substantial harm (paragraph 215). In the case of less than substantial harm, paragraph 215 states that this must be weighed against the planning benefits of a proposal. Planning benefits include heritage benefits. In other words, if there is harm to the significance of a heritage asset, a balanced judgement is required as to whether that harm is outweighed by the benefits which are offered by the development proposal as a whole.
- 2.14 If a proposed development is held to cause harm to the significance of a designated heritage asset, the NPPF stipulates it be categorised as either 'less than substantial' or 'substantial'.¹ The NPPF does not define 'substantial', and national guidance simply states it is a 'high test.'² Lord Justice Lindblom, in the Court of Appeal, stated: 'what amounts to "substantial harm" or "less than substantial harm" in a particular case will always depend on the circumstances', based on 'matters of fact and planning judgment.'³
- 2.15 The NPPF stipulates that 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' The great importance and weight is consistent with the provisions set out under the 1990 Act.
- 2.16 The Court of Appeal confirmed that where a development would affect a listed building or its setting in different ways, some positive and some negative, the decision maker may conclude that although each of the effects has an impact, taken together there is no overall adverse effect on the listed building. This approach was upheld by Lord Justice Lindblom who stated that the NPPF policies 'do not preclude a balancing exercise as part of the decision-making process. Where public benefits including heritage benefits outweigh the identified harm, then permission may be granted subject to a proportionate assessment being undertaken.

NON-DESIGNATED HERITAGE ASSETS

2.17 In contrast to the 'great weight' and 'clear and convincing justification' requirements relating to designated heritage assets, and the need to demonstrate countervailing public benefits to outweigh harm, NPPF Paragraph 216 states the following with regard to non-designated heritage assets:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

2.18 This requirement relating to non-designated heritage assets is clearly less demanding than the paragraphs that discuss designated heritage assets, and reflects that designated heritage assets are in most cases statutorily protected and protected nationally, whereas non-designated heritage assets are of more local interest.

SETTING

2.19 In terms of the setting of heritage assets, paragraph 219 of the NPPF states in part that:

Local planning authorities should look for opportunities for new development ... within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

2.20 The National *Planning Policy Framework* requires an 'applicant to describe the significance of any heritage asset affected by a proposed development, including any contribution made by their setting.' Setting is defined as:

¹ DLUHC and MHCLG, *National Planning Policy Framework*, rev. edn (London: HMSO, 2023)

² DLUHC and MHCLG, *National Planning Policy Guidance: Historic Environment* < https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment [3 May 2023]

³ Bramshill v SSHCLG [2021] EWCA Civ 320

⁴ Palmer v Herefordshire Council & ANOR [2016] EWCA Civ 1061.

⁵ Bramshill v SSHCLG [2021] EWCA Civ 320.

⁶ DLUHC and MHCLG, National Planning Policy Framework, rev. edn (London: HMSO, 2023)

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.⁷

- 2.21 Section 66(1) of the *Planning (Listed Buildings and Conservation* Areas) *Act 1990* requires that for development which affects a listed building or it's setting the decision maker shall have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' The effect of that provision is that the desirability of preserving the setting of a listed building must be treated as a matter of 'considerable importance and weight,'8 with such a duty presenting a 'strong presumption' against a grant of planning permission where harm to a designated heritage asset is identified.⁹
- 2.22 The NPPF makes clear that some aspects of setting may be neutral. A *change* to setting, even a major one, may also be neutral, beneficial or harmful depending on the particular facts of any case. Case law has made clear that 'an impact is not to be equated with harm: there can be an impact which is neutral (or indeed positive).'¹⁰
- 2.23 Setting is not, however, an asset in its own right. 'Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.'¹¹ The guidance provided by Historic England in its Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets ("GPA3") provides information on assessing the significance of heritage assets and on how one assesses the effects of development in the setting of an asset on its significance or cultural value. Five steps are identified towards assessing the implications of development proposals which may affect the setting of heritage assets (it is consistent with other guidance):
 - · Identify the assets affected;
 - · Assessing the contribution setting makes to significance;
 - · Assessing the effect of the proposed development;
 - · Maximising enhancement and minimising harm; and
 - · Making and documenting the decision and monitoring outcomes.
- 2.24 Part e is incumbent on the decision maker, through the provision of conditions.
- 2.25 GPA3 is clear that visual perception matters a great deal. It is, after all, an objective measure. Historical and functional associations may be important on the facts of any case. It is clear from policy and guidance, however, and confirmed by the Courts, that impact on setting itself is not the consideration. Setting is important only to the extent it enables an appreciation of significance or contributes directly to it. Equally, visibility of a proposal does not in itself equate to a harmful impact, and it is the contribution setting makes to the importance (significance) of a heritage asset which is the appropriate consideration, including how that aspect of setting (that which contributes to significance) is affected by a proposed development.¹²
- 2.26 The guidance also recognises that changes to the setting of a heritage asset can enhance one's appreciation of significance, through better presentation, for example, or the creation of new views. Providing better public appreciation of a designated heritage asset, or some aspect of its significance is recognised to be desirable and an enhancement which can attract great weight in the planning balance. Equally, a setting improvement can arise if the experience of moving toward or from an asset is enhanced.

⁷ DLUHC and MHCLG, *National Planning Policy Framework*, rev. edn (London: HMSO, 2023)

⁸ Barnwell v East Northamptonshire District Council [2014] EWCA Civ 137

⁹ South Lakeland District Council v Secretary of State for the Environment and Another [1992] 2 AC 141

¹⁰ Pagham Parish Council v Arun District Council [2019] EWHC 1721 (Admin) (04 July 2019), as per Andrews, J DBE

¹¹ Historic England, *The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3*, 2nd edn (Swindon: Historic England, 2017)

¹² Edith Summerskill House Decision: 20/01283/FUL (Planning Application ref.) & APP/H.5390/V/21/3277137 (Appeal / Planning Inspector's Report ref.)

3.0 HERITAGE ASSETS

- 3.1 In this section we consider the heritage assets identified in Section 1.0 above. We focus on the contribution of setting to the significance of the heritage assets and have grouped related assets where we consider there is group value and/or a shared setting.
- In all cases the wider setting of and the approaches to the heritage assets comprises the movement network, the grid road structure within CMK, and the surrounding public realm including lighting and other street furniture.

CAMPBELL PARK (GRADE II REGISTERED PARK AND GARDEN)

- 3.3 Campbell Park is a large (46ha) public park that was opened in 1984 based on an original design of 1973-1975 by Derek Walker, Stuart Mosscrop and Andrew Mahaddie, which was later revised by Neil Higson around 1980. The register entry for the parkland notes a number of reasons for designation, including its historic interest, design interest, level of survival, and group value.
- 3.4 With regard to setting the register entry sets out that the park forms the eastward extension of the town centre, and that the sites to the north and south were intended for high-value projects that would provide a worthy frame to the park. It is noted that the Plan: MK Draft Plan of February 2017 envisages the building of 3,500 new homes in the grid squares either side of the park.
- 3.5 Views west to the city are identified with its skyline of modern buildings, together with dramatic long views to the north-east and east across the river valley (though the river and Willen Lake are concealed by a road bridge). Views northwards are deliberately restricted by banking and the landscaping and to the south by trees. It is acknowledged that the effect may change dramatically once the land here is developed.



SHOPPING BUILDING (GRADE II LISTED BUILDING)

- 3.6 The Shopping Building was designed in 1972-73 and built in 1975-79 by the Milton Keynes Development Corporation's Architect's Department under Derek Walker, design architects Stuart Mosscrop and Christopher Woodward, project manager Syd Green; FJ Samuely and Partners, Frank Newby, Mike Conacher consultant engineers.
- 3.7 The listed building is experienced from the public realm and car parking located at the perimeter of the heritage asset.

 The horizontality and scale of the structure can be appreciated from these locations, particularly 'infinity views' when looking east and west, where the shopping building disappears into the distance.
- 3.8 There is intervisibility and group value between the shopping building and other heritage assets, such as The Point to the south, and Lloyds Court, Central Library and the Civic Centre to the north. The views present between the buildings over existing infrastructure are an important element of setting that contributes to an appreciation of the early development of CMK. The horizontality of the shopping building is also appreciated in views towards the listed building.
- 3.9 Taller buildings are emerging within the setting of the listed building, such as Hotel La Tour to the east. Other tall buildings have been approved but not yet built, and we discuss these in more detail in Section 4.0 below.
- 3.10 Midsummer Place, due to its form, appearance and proximity to the shopping building, is not considered to be a positive element of the listed building's setting. Queens Court, an open square within the shopping building, has also been altered from its original design.









CENTRAL LIBRARY (GRADE II LISTED BUILDING)
SECKLOW HUNDRED (SCHEDULED MONUMENT)
CIVIC CENTRE (NEW TOWN HERITAGE REGISTER)
LLOYDS COURT (NEW TOWN HERITAGE REGISTER)
BLACK HORSE (NEW TOWN HERITAGE REGISTER)
OCTO SCULPTURE AND REFLECTING POOL (GRADE II LISTED BUILDING)
NORFOLK AND ASHTON HOUSE (NEW TOWN HERITAGE REGISTER)

- 3.11 This is a group of early (1970s) Milton Keynes Development Corporation buildings and sculpture that are sited within original 'classic infrastructure', which itself is considered a non-designated heritage asset. The group complements the listed Shopping Building and comprises a high concentration of heritage assets that warrant particular consideration in planning decisions. MKCC has reinforced the heritage significance of the area through the introduction of historic interpretation boards and original street furniture in the vicinity of Lloyds Court.
- 3.12 Lloyds Court is the earliest building constructed in CMK and dates from 1972-4 (project architects Stuart Mosscrop and Ivan Pickles) Black Horse dates from 1978 and is located to the front of the building. It is in bronze and the artist was Elizabeth Frink. The Civic Centre dates from 1977-9 and is by Faulkner-Brown Hendy Watkinson Stonor. Central Library was built in 1979-81 as is by Buckinghamshire County Council. The Secklow Hundred scheduled monument is located in green space to the rear of the library and is the site of a moot or open-air meeting place set aside for use by courts and other bodies who were responsible for the administration and organisation of the countryside in Anglo-Saxon and medieval England. The site was discovered in 1976 and partially excavated in 1977 and 1978, so that the present earthworks are in part a reconstruction on the site of the original.
- 3.13 Although varying facing materials are used (granite to Lloyds Court, red brick to Central Library, and buff brick to the Civic Centre), the main buildings are considered to form a group given their similar scale and presence on Silbury Boulevard.
- 3.14 The public realm, including wide pavements, street trees and planters, the aforementioned sculpture and street furniture, and other elements of the street scene such as bollards and the porte cocheres that are typical features of CMK, all make positive contributions to the setting of the heritage assets and the appreciation of their wider design context. The green space to the rear of the library provides an appropriate and tranquil setting to the scheduled monument.
- 3.15 The buildings in this group all face toward or are in close proximity to the listed shopping building and the intervisibility between the heritage assets is important. The list description for Central Library notes its group value with the shopping building, being located directly opposite, and described as a contrasting and complementary composition designed as a prestigious addition to the civic and commercial town centre.
- 3.16 Longer views to the east and west enable an appreciation of the architectural character of the heritage assets and Central Library and the Civic Centre in particular can be appreciated in the same view. The openness to the rear of these buildings can also be appreciated in views north from Silbury Boulevard. Views along Lloyds Court emphasise the low horizontal elevations of and the regularly in its elevational treatment.
- 3.17 The Octo sculpture and Norfolk and Ashton House are appreciated as one approaches from the east using the underpass leading from the Civic Centre.
- 3.18 'Octo' is a stainless steel sculpture of 1979-80 by Wendy Taylor, mounted on a reflecting pool. Norfolk and Ashton House are office blocks that were built between 1975-9 and designed by Milton Keynes Development Corporation.
- 3.19 The list description for Octo notes that the sculpture was mounted on a reflecting pool in order to bridge the gap in scale between passers-by and the large office blocks, whilst echoing their mirror-glass surfaces. This clearly indicates that the buildings and sculpture were designed as and best appreciated as a group and that the intervisibility between the individual elements of the group is very important. The attractive green landscaping present on the site, and in the original planters within the car parking infrastructure, also make a positive contribution to the setting of the heritage assets.



















FORMER BUS STATION GRADE II LISTED BUILDING)

- 3.20 The former bus station was built in 1982-3, by Milton Keynes Development Corporation architects under Derek Yeadon.

 The structural engineer was Felix J Samuely and contractors Costains Construction.
- 3.21 The bus station has retained the majority of its immediate, purpose-built surroundings, which are elements of the original setting that contribute positively to the significance of the listed building and provide an understanding of the overall design of the site. Views across the site and from underneath the canopy of the building enable an appreciation of the canopy and other structural elements of the building, together with its low horizontal form.
- 3.22 The listed building has some intervisibility with Station Square and the Station Building. Although Station Square and the Station have not currently been included on the New Town Heritage Register, they have been identified as non-designated heritage assets in recent planning decisions and contribute positively to the setting of the listed building, forming a group of public transport buildings designed by Milton Keynes Development Corporation in this part of CMK.



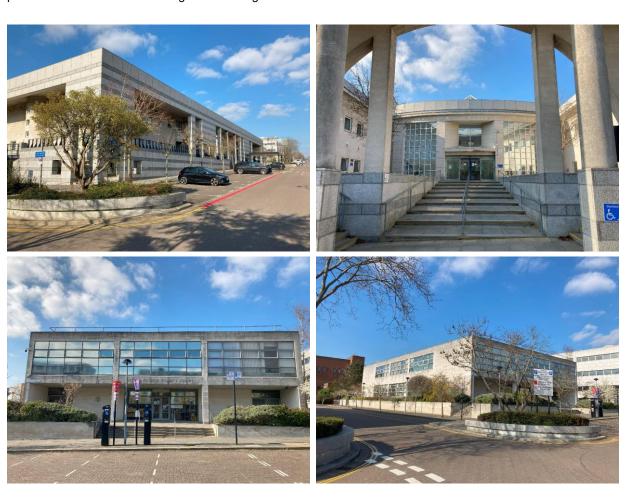






MAGISTRATES COURT (NEW TOWN HERITAGE REGISTER) COUNTY COURT (NEW TOWN HERITAGE REGISTER)

- 3.23 The County Court was completed in 1985-6 and is by Conran Roche Architects. The Magistrates Court has a larger footprint and was built from 1988-91. It was designed by John Stewart of the County Architect's Department. The buildings are located next to each other, forming a small group at the junction of North Fifth Street and Silbury Boulevard that is visible in longer views looking east and west across the heritage assets. Due to site levels both buildings appear located on a plinth, with steps leading up to centrally located main entrances at upper ground floor level.
- 3.24 The plinth to the County Court has an integrated planter present around the perimeter of the building. This softens the visual impact of the building and makes a positive contribution to the setting of the heritage asset. The Magistrates Court has an internal courtyard that partly enclosed the main entrance and is a key element of the design of the building.
- 3.25 Street trees and the original planters within the car parking infrastructure adjacent to the court buildings also make a positive contribution to the setting of the heritage assets.



CHURCH OF CHRIST THE CORNERSTONE (NEW TOWN HERITAGE REGISTER) NORTHGATE AND SOUTHGATE HOUSES (NEW TOWN HERITAGE REGISTER) FRED ROCHE GARDENS (NEW TOWN HERITAGE REGISTER) REGENCY COURT (NEW TOWN HERITAGE REGISTER)

- The Church of Christ the Cornerstone was built in 1988-91 and is by Planning Design Development Ltd. Northgate and Southgate Houses are commercial buildings built to either side that step down towards the Church. They were built in 1990-2 and were designed by Conran Roche Architects. The three buildings form a group that is visible from Saxon Gate and are viewed across and amongst soft landscaping in the form of street trees and planters within the car parking infrastructure to the front.
- 3.27 Fred Roche Gardens is located to the west of these buildings and contains three steel sculptures dating from 1983 by Bernard Schottlander. The gardens including the street furniture and sculpture within its provide a very attractive green setting and facilitate views east towards the rear of the church. Other buildings front the south and north sides of the gardens and whilst these are not considered to be non-designated heritage assets, they do not dominate or compete with the character and tranquillity of the green space.
- 3.28 Regency Court fronts the western end of the gardens and is by Milton Keynes Development Corporation, and dates from 1984-5. The gardens along with street trees present in the wider landscape make a positive contribution to the setting and appreciation of Regency Court.













THE POINT (NEW TOWN HERITAGE REGISTER)

- 3.29 The Point Cinema (built 1984-1985) was the first multiplex cinema to open in Britain. It was designed by Building Design Partnership and shares with the adjacent shopping building reflective glass as the main facing material. Elements of the original hard landscaping scheme around the building survive and contribute to an understanding of the building and its functioning including the cinema screens located to the rear and other leisure uses that were present at subterranean levels.
- 3.30 The Point was clearly intended to be a landmark iconic building within CMK reflecting its leisure use. Its prominence has been diminished somewhat following the construction of the larger Midsummer Place to the west. It is currently in a poor condition but when in use historically and 'lit up' it was visible from the wider landscape and from the M1 motorway. The apex of the building can be seen from within Queens Court (the principal outdoor space within the Shopping Building), through a gap in the tall arcades. A similar view axis exists to the south of the point through a long path through a scheme of central area housing (see the image below under the South Ninth Street housing subheading).



SENTRY HOUSE (FORMER – NOW KNOWN AS WESTMINSTER HOUSE) AND SAXON COURT (BOTH NEW TOWN HERITAGE REGISTER)

3.31 This pair of buildings were designed in 1980-1 by Milton Keynes Development Corporation (project architect Ivan Pickles). The front onto Avebury Boulevard and are separated by the Saxon Gate vehicular access into CMK. They are visible over the surrounding highways infrastructure and soft planting in the form of street trees and planters within the car parking infrastructure make a positive contribution to the setting of the buildings. Grassed areas are present to the rear of each building but it is understood that Milton Keynes Development Corporation anticipated these would be developed for additional uses at a later date.









SOUTH NINTH STREET HOUSING (NEW TOWN HERITAGE REGISTER)

- 3.32 This housing was completed in 1981 and is partly by Milton Keynes Development Corporation and partly by Spence & Webster. A mix of housing types is present in terraces arranged around narrow mews. The street arrangement and configuration contributes to the small scale and intimate character of the housing. The setting to the housing has changed recently through the construction of the taller Park Square development, but this has not negatively affected the ability to appreciate the design and layout of the heritage assets.
- 3.33 As noted above, a view of the apex of The Point is present when looking north along the central street within the housing. Some original street lighting is present and this together with the soft landscaping and street trees present within and at the perimeter of the housing makes a positive contribution to the setting of the buildings.









NORTH ELEVENTH STREET HOUSING (NEW TOWN HERITAGE REGISTER) EATON MEWS (NEW TOWN HERITAGE REGISTER)

- The North Eleventh Street housing dates from 1977-9 and is by Derek Walker Associates. Eaton Mews was designed by Wayland Tunley Associates for Beazer Homes in 1988-92.
- 3.35 The buildings have been grouped together as the key element of setting to both assets comprises their centrally located communal gardens. Part of the North Eleventh Street housing communal space is publicly accessible, but Eaton Mews appears entirely private and contains well maintained gardens. These spaces together with the soft landscaping and street trees present within and at the perimeter of the housing makes a positive contribution to the setting of the buildings.













4.0 MKCC AND APPEAL DECISIONS RELATING TO TALL BUILDINGS

- 4.1 Various tall buildings have been proposed within CMK within the last decade. The decisions relating to these proposals have included consideration of the impact on heritage assets (both designated heritage assets and buildings considered to be non-designated heritage assets, a number of which are now identified on the New Town Heritage Register). We have reviewed the committee reports and appeal decisions for the following developments, and in some cases consultation responses from pertinent consultees such as Historic England, to understand how decision-making has been informed by the particular considerations relating to tall buildings and heritage assets:
 - 1. Hotel La Tour (17/03053/FUL)
 - 2. Park Square (18/01591/FUL)
 - 3. Food Centre (19/02804/OUT)
 - 4. Bowback House (20/00185/FUL)
 - 5. Saxon Court (21/02246/FULEIS)
 - 6. Bank House (23/00550/FUL and appeal APP/Y0435/W/24/3338221)
 - 7. Jaipur (23/01634/FUL and appeal APP/Y0435/W/24/3344711)
 - 8. The Point (23/02265/FUL and APP/Y0435/W/24/3350378)
 - 9. Theatre Car Park (24/00036/FUL)
 - 10. Cambell Park Northside (24/01612/FUL)
- 4.2 **Appendix 1.0** of this report provides a summary of our review, noting the building height proposed, application and appeal reference numbers, the decision made, and the commentary in the committee reports and appeal decisions relating to impacts on heritage assets.
- 4.3 With the exception of the development at Campbell Park Northside all of the above proposals have been approved either locally by MKCC or at a planning appeal. Cambell Park Northside was recently refused by the MKCC Planning Committee following an officer recommendation for approval.
- 4.4 Direct works to non-designated heritage assets that are now located on the New Town Heritage Register were proposed at Saxon Court (an upward extension) and The Point (the complete demolition of the building). Accommodating growth within CMK is likely to involve alterations to non-designated heritage assets and will require a balanced approach to decision-making in accordance with NPPF Paragraph 216. However, the focus on this report is the impact of new development on the setting of heritage assets and we have not considered direct alterations to heritage assets in any detail.
- 4.5 The decisions on each of the proposals can be grouped into the following three categories for discussion purposes:
 - Proposals that were not considered to have a harmful impact on the setting of heritage assets.
 - Proposals that were considered to have a harmful impact on the setting of heritage assets that was outweighed by countervailing benefits.
 - Proposals that were considered to have a harmful impact on the setting of heritage assets that was not outweighed by countervailing benefits.
- 4.6 We discuss each category below.

PROPOSALS THAT WERE NOT CONSIDERED TO HAVE A HARMFUL IMPACT ON THE SETTING OF HERITAGE ASSETS

In some cases, the tall building proposals within CMK were not considered to have an impact on heritage assets. The 2019 committee report for Park Square does not discuss heritage assets, although it should be noted this report was prepared 6 years ago and if prepared now would include an assessment on the impact on the South Ninth Street housing referred to above. The 2020 report for Bowback House notes the conservation officer's feedback that the proposal would have no impact on setting of any listed buildings or conservation area, and that the site itself is not a heritage asset, and its demolition would have no harm to any group heritage value to the surrounding buildings. In 2023 the MKCC Conservation Team also had no objection to the Bank House proposal, which was refused by MKCC for reasons not relating to heritage. A successful appeal followed the refusal, and the appeal inspector in a 2024 decision did not consider it necessary to discuss the potential impact on heritage assets.

4.8 Although the introduction of the New Town Heritage Register and potential future additions to the register will provide additional heritage considerations for application proposals, these examples do indicate that (i) there will be locations within CMK where tall buildings of a particular design will not have any impact on heritage assets, and in turn (ii) there is no 'in principle' reason to prevent the development of tall buildings in CMK on heritage grounds.

PROPOSALS THAT WERE CONSIDERED TO HAVE A HARMFUL IMPACT ON THE SETTING OF HERITAGE ASSETS THAT WAS OUTWEIGHED BY COUNTERVAILING BENEFITS

HOTEL LA TOUR

- 4.9 The committee report for the Hotel La Tour development explained that in viewpoints from the south the considerable vertical mass of the hotel was considered to be readily appreciable in the context of the oblique views along the low, linear Shopping Building, particularly those from Secklow Gate and eastwards. The effect would be to substantially distract and detract from the important view along, and of, the listed building towards its vanishing point. The presence and impact of such a tall, dominant structure within key views that form part of the setting and, in turn, the significance of the building would cause 'less than substantial' harm to the listed building, which should be balanced by public benefits delivered by the scheme to comply with the NPPF.
- 4.10 The report concluded that the less than substantial harm that had been identified was outweighed by the 'substantial and significant' public interest benefits that would arise from the proposed development, which would:
 - · Address an identified shortfall in hotel provision and improve the conference and dining offer in CMK.
 - Represent a significant capital investment in Milton Keynes and create jobs.
 - · Create a high-quality luxury hotel and a new landmark in the CMK skyline
 - Contribute to increased dwell time and expenditure in CMK.
 - Provide a viewing area on the top floor of the building.
- 4.11 Conditions were recommended to ensure that the design quality of the new building as built matched what was shown in the application documentation.

FOOD CENTRE

4.12 Historic England provided the following feedback on the redevelopment of the Food Centre, in relation to the impact of the proposals on the listed shopping building:

The proposals would also change the setting of the grade II listed shopping building, introducing a much higher group of buildings into the environs of the listed building which forms the centrepiece of the town but is of relatively low height. Having seen the visualisations prepared as part of the townscape and visual assessment we are content that a large building on this site, while in places visible from close to the shopping building, will not adversely impinge on an appreciation of its architectural qualities as sufficient open space would be around the listed building to ensure that the feeling of horizontal scale - the sense that the building runs on into the distance - that is so important to its architecture is not compromised.

- 4.13 These comments indicate that Historic England did not consider that the proposals would have a harmful impact on the shopping building, and a key consideration was the retention of sufficient open space around the listed building. The comments also highlight the importance to setting of the 'infinity views' along the length of the shopping building as it runs into the distance.
- 4.14 The 2020 committee report for the Food Centre redevelopment reproduces the Historic England comments and states that there are 'no objections' to the application on heritage grounds. It however goes on to state that the proposal is not considered to cause any 'significant' harm to the special quality of the building and therefore preserves the building, its settings and its features of special architectural or historic interest, and that there is public benefit in the provision of residential and retail units and the bringing into active use of the retail units. This suggests that a form of heritage balance was undertaken when concluding that the scheme was acceptable on heritage grounds.

SAXON COURT

The proposals for Saxon Court were considered in a 2022 committee report. The scheme included an upward extension to Saxon Court, a non-designated heritage asset, and much of the discussion in the committee report relates to this aspect of the proposals. In relation to the tall building element of the scheme, the MKCC Conservation Team noted a low level (less than substantial) of identified harm to other designated and non-designated heritage assets (including the Shopping Centre, Central Library, Octo Sculpture, Former Bus Station, Campbell Park and Christ the Cornerstone Church and CMK public realm). The benefits of the scheme, including the retention of Saxon Court, and the overall design of the scheme, which secured the historic form and layout of the building whilst enabling development to secure its operation in the longer term, were considered to outweigh the identified harm.

JAIPUR

4.16 A 2025 appeal decision allowed proposals for the redevelopment of the Jaipur site for a 33-storey building. The 2023 committee report for the scheme identified less than substantial harm to the grade II listed former Bus Station and harm to MK Station (a non-designated heritage asset), by virtue of the impact upon the setting. When considered against the benefits of the scheme it was concluded that whilst it would deliver environmental benefits it would not satisfy the economic and social roles of sustainable development and was not on balance acceptable. The appeal decision included the following inspector's comments on heritage impacts:

The proposals would have an impact on views of the Bus Station, particularly from Station Square, and its appearance would draw the eye slightly and cause some distraction from an appreciation of these assets. To this extent, I find that it would cause less than substantial harm to both assets, which should be balanced against public benefits, or taken into account as the case may be.

4.17 The appeal inspector when considering the benefits of the proposals placed substantial weight on a proposed affordable housing contribution. The provision of construction jobs, which would boost the economy, additional long-term employment and biodiversity net gain from the roof terraces, were also identified as benefits. It was concluded that the less than substantial harm to the setting of the listed building would be outweighed by the public benefits. The small degree of harm to the setting of Station Square should be weighed in the balance.

THEATRE CAR PARK

- The redevelopment of the Theatre Car Park was granted by MKCC in 2024. The committee report sets out that the MKCC Conservation Team raised no objection raised regarding the impact on designated and non-designated heritage assets, with the development considered to cause no harm to these assets or their significance. However, Historic England in its consultation responses considered that the proposal would impact CMK Shopping Building, appearing prominently along the roofline of the building, and this would have the potential to impact the architecture that forms part of the significance of the building. HE considered that the proposal would provide a constant presence above the Shopping Building and considered this to result in less than substantial harm to the listed building. It also set out that it considered the scheme would result in a dominant urban feel from Campbell Park, with the scheme creating a more solid skyline when compared to the existing more open skyline, which allows distance views into the City Centre.
- 4.19 Taking into account the feedback received, the committee report concluded that no harm would be caused to the shopping building, stating the following:

However, it is considered that the distance between the site and the listed building, and acknowledgement that these are wider city centre views noting that it is only from certain aspects the development can be appreciated in the same view as the Shopping Building; the scheme would not undermine the heritage significance of the Shopping Building. The scheme would not dominate views of and from the Shopping Building, and its architectural significance (including its horizontal emphasis) would be maintained, with the predominant 'bookend' still being Hotel La Tour. This is reflected in comments received by the Conservation Officer, and it is therefore concluded that the scheme would not result in harm to this asset.

4.20 In relation to Campbell Park, the committee report concluded that the development would result in very minor harm to the setting of the registered parkland, and this must be weighed against the public benefits associated with the scheme. In reaching this conclusion the committee report noted that the existing setting of the park includes buildings at its edges, including a tall building (Hotel La Tour), and that The Gardens Trust welcome the proposal in improving linkages to the park. The harm was considered to be outweighed by the public benefits delivered by the scheme, including the effective use of brownfield land, a positive contribution to the vitality and mix of uses within CMK (including residential development),

the introduction of active frontages and night-time uses, which would also support the vitality of CMK, the introduction of new market rental homes in a sustainable location, contributing towards supply and delivery within the City, enhancements to elements of the public realm, and economic benefits arising through the construction of the scheme and subsequent leisure uses.

THE POINT

- 4.21 The proposed demolition of The Point was a key heritage consideration for this scheme, both in terms of the demolition of a non-designated heritage asset and the removal of an element of the setting of the shopping building that contributes positively setting of the listed building. In this report we focus on the setting issue, including the impact of the proposed replacement tall buildings.
- 4.22 The committee report records the following MKCC Conservation Team feedback relating to setting impacts:

With regard to the setting of the listed building the demolition of The Point would fall within the less the substantial harm category. The scale of the proposal would create a striking juxtaposition to the Shopping Building and would likely result in a visual dominance over those surroundings, even in consideration of other recent consents for tall buildings, that will cause harm to the listed building, falling within the less than substantial category. In accordance with national and local planning policy a balanced judgement will be required, the public benefits delivered by the scheme will need to be weighed again the heritage harm stated.

4.23 Historic England's comments are also set out in the committee report:

The proposed demolition of The Point and the introduction of dense and tall buildings near the shopping building would significantly alter its appearance and diminish its prominence. This alteration is viewed as harmful and goes against the town's architectural and landmark qualities. Moreover, this harm has not been justified or minimized, as required by the NPPF guidelines.

The proposed development within the setting of the Shopping Centre is identified as the main source of harm. While the views from Midsummer Boulevard are not a major concern, the views from Silbury Boulevard would present a stark contrast. The Shopping Building's clean horizontal lines would be overshadowed by the towering structure behind it, detracting from its architectural composition. Additionally, the proposed development would draw viewers' attention upwards, disrupting the horizontal emphasis of the listed building. However, the key concern lies in the impact on views from Queens Court, which currently offer a unique perspective from the Shopping Building. The proposed development would change this experience by diverting attention away from the open sky and architectural qualities of the Shopping Building. Historic England suggests reducing the height or density of the scheme to mitigate some of the harm.

- 4.24 The committee report sets out that The Point is considered to make a positive contribution to the setting of the shopping building by forming a group of New Town buildings, and to the wider character of CMK in particular due to the shared palette of materials. Given its unique design, The Point otherwise stands alone as a focal point for leisure uses, rather than the understated design of the Shopping Building. It is also notable that the apex of The Point can be seen from within the Shopping Building, in particular from Queen's Court through gaps in the arcades. The Shopping Building character is defined by its horizontal linear structure, and a key aspect of this is how it appears within the skyline and visible space around the building. The loss of The Point would erode the grouping and relationship of these New Town buildings, although the harm caused to the setting of the listed building would be low (i.e. less than substantial).
- 4.25 The report goes on to state that prominent development in CMK is a factor that already affects the setting of the Shopping Building to differing degrees. For example, Hotel La Tour, at 14 storeys, changed the setting to its east, altering the vanishing point but not disrupting its horizontal emphasis, as noted by Historic England. However, the proposed scheme, at 22 storeys at its highest and closest to the Shopping Building, is significantly taller than other schemes being constructed or proposed immediately around the Shopping Building. It would be the tallest feature in the immediate setting, with the next tallest being Hotel La Tour at 14 storeys and the redevelopment of the Food Centre, at 13 storeys tall. Both of these are around two-thirds of the height proposed on The Point site. The considerable change in scale would lead to a visual dominance over the surroundings and the Shopping Building in particular. It was considered that this would cause less than substantial harm to the listed building.
- 4.26 With regard to the wider public benefits of the scheme, the committee report noted that these include the provision of market housing, re-use of brownfield land, and provision of new retail and leisure floorspace. However, the report states that these cannot be afforded great weight given, amongst other things, the lack of a viable policy compliant contribution

towards affordable housing and confidence in there being a positive and high-quality design response to the site and skyline. It was therefore considered that there was no demonstrable public benefit to the proposal that outweighs the harm to the designated heritage asset. Consequently, the application was refused in part on heritage grounds.

- 4.27 Clearly here the proximity of the development the shopping building was a key consideration together with the impact of the verticality of the proposed tall building when seen against the low, horizontal shopping building.
- 4.28 The applicant appealed the refusal of the application by the City Council and the appeal was allowed in a July 2025 appeal decision. We summarise the appeal inspector's comments on tall building considerations below:
 - The appeal inspector considered there to be two main aspects to a consideration of the potential impact of the
 proposal on the setting and thereby the significance of the Shopping Building. The first relates to the interrelationship
 between the relatively tall buildings that form part of the proposal, and the Shopping Building when viewed from
 Midsummer, and Silbury, Boulevards, while the second relates to the presence of the proposals in views from Queens
 Square.
 - With regard to views from Midsummer and Silbury Boulevard, the appeal inspector considered that notwithstanding
 the contrast in height between the proposals and the Shopping Building, the proposals would not detract from the
 monumentally of the listed building or the ability to appreciate its composition. This was in part due to the separation
 distance provided by the generous grid layout within CMK. The appeal inspector did acknowledge however that this
 situation could change if a succession of proposals for tall buildings emerged, along Midsummer Boulevard especially.
 - From Queens Square, the appeal inspector noted that views of the sky, whether directly, or through the glazed arcades of the Shopping Building, are an important part of the experience of the square and for that matter, the arcades. The appeal proposals would be a much stronger visual presence in these views, and as a result of the heights of the buildings that make up the scheme overall, it would block off much more of the sky. This would have something of a damaging impact on the setting and thereby the significance of the listed building. The extent of harm would be very much at the lower end of the 'less than substantial' scale.
 - Considering countervailing public benefits, the appeal inspector identified the delivery of housing, economic benefits
 in the construction phase and in operation, and environmental improvements resulting from bringing the appeal site
 back into use. These public benefits were considered easily sufficient to outweigh the less than substantial harm that
 would be caused to the significance of the Shopping Building, through development in its setting.

PROPOSALS THAT WERE CONSIDERED TO HAVE A HARMFUL IMPACT ON THE SETTING OF HERITAGE ASSETS THAT WAS NOT OUTWEIGHED BY COUNTERVAILING BENEFITS

4.29 One scheme falls within this category, Campbell Park Northside, which was recently refused by the MKCC Planning Committee following an officer recommendation for approval. The scheme might also be appealed so it is possible that the Planning Inspectorate will determine the proposals.

CAMPBELL PARK NORTHSIDE

- 4.30 In relation to Campbell Park Northside, officers recommend approval of the application. The committee report acknowledges that the proposed development would cause harm to the significance of the registered parkland, due to the impact caused by the scale and bulk of the proposal, resulting in a dominant, isolated feature which will be located within key views and when viewed from the lower park. Noting the wider context of urban form rising above the fringes of Campbell Park, and that it is a park deliberately designed in the New Town era to sit amongst the city itself, the committee report concluded that the overall harm arising is of a low to moderate nature, with the NPPF stating that great weight be applied irrespective of harm to the conservation of the heritage asset, and this needs to be weighed in the planning balance, against the public benefits of the proposal.
- 4.31 The public benefits of the proposals were identified as including an increase in the resident population of CMK and housing delivery, funding for new affordable housing, supporting the vitality and vibrancy of the area, increasing human presence and natural surveillance, and delivering investment in the leisure and retail offer which exists. In addition, the proposal revitalises and regenerates a vacant parcel which is an allocated site and ensures delivery in line with projected housing supply delivering on the strategy and housing supply of the adopted development plan. The committee report set out that this should be afforded very significant weight within the planning balance with the published trajectory indicating the first completions on site being delivered in 2027/28. Public benefits were also attached to the contribution in lieu of affordable housing, which is in itself also afforded significant weight. Noting that it is inevitable that the allocation of 1,500

dwellings at Campbell Park Northside would have an urbanising effect in an area immediately adjacent to the park, it was considered that, on balance, the public benefits in this instance outweighed the harm.

4.32 MKCC's planning committee on review of the application took a different view with regard to the balance of harm and benefit, and determined to refuse the application, using the following single reason for refusal:

The proposal would result in less than substantial harm, at the moderate level, to the Grade II Listed Register Park and Garden (Campbell Park). The public benefits arising are not considered to clearly and demonstrably outweigh the harm caused by the scale and massing, resulting in an incongruous, dominant, and isolated feature within key views and the experience of the lower park. The proposal is contrary to Policy HE1 of Plan:MK and Paragraph 215 of the National Planning Policy Framework (NPPF).

5.0 POTENTIAL EFFECTS OF GROWTH OPTIONS

- In this section, informed by the analysis in Sections 3.0 and 4.0 above, we consider the following elements of the proposed growth strategy for CMK and their potential impact on the identified heritage receptors:
 - Placemaking principles associated with the movement strategy (MRT) and phased reduction in parking;
 - Placemaking principles associated with the blocks and grid structure, particularly in relation to building lines;
 - Place making principles associated with public realm, gardens, parks and city squares;
 - The potential height thresholds as set out in the tall building strategy.
- Although in this section we consider broad design principles within CMK, as has been highlighted above, there is no blanket protection of CMK as a heritage asset so in reality development proposals will need to be considered on a case-by-case basis with regard to their impact on the individual heritage assets within CMK. The approach to assessment will be determined by the type of heritage asset affected (designated or non-designated). In the case of designated heritage assets, we consider it highly unlikely that a proposal affecting the setting of such a heritage asset would result in 'substantial harm' to the significance of the asset. It is much more likely that certain (but not all) proposals within the setting of designated heritage assets might result in a level of 'less than substantial harm' that will need to be considered against any countervailing public benefits delivered by the proposals. Given the characteristics of the designated heritage assets, and their settings, (again assessed on a case-by-case basis), any identified harm may tend towards the lower end of the spectrum. As has been demonstrated in Section 4.0 above, there may be cases where the balance of harm and benefits will fall in favour of a proposed development, and others where it may not.
- 5.3 Below we first reproduce the applicable placemaking principles set out in the Growth Study and provide comments in italics with regard to potential impacts on the identified heritage assets. We then consider potential refinements to the tall building thresholds set out in the draft Tall Buildings Strategy.

PLACEMAKING PRINCIPLES

MOVEMENT

- Placemaking Proposal 1: Route proposed MRT along Midsummer Boulevard via interchanges at Station Square and
 the shopping centre and rerouting City Bus routes along Silbury and Avebury Boulevards to maximise accessibility
 across the whole city centre. Free up Midsummer Boulevard as a greenway that promotes active travel.
- Placemaking Proposal 2: Limit vehicular access to blocks via Midsummer Boulevard to allow a free-flow of safe pedestrian and cycle movement along the proposed Midsummer greenway.

Comments:

Midsummer Boulevard is a wide transport corridor and reusing it for a proposed MRT and greening the space is unlikely to be harmful in principle where the proposals are within the setting of heritage assets. If harm to heritage assets is identified at the detailed design stage this could potentially be outweighed by the public benefits of encouraging sustainable and active travel, and the design quality of the proposed interventions.

PARKING

- Placemaking Proposal 1: Coordinate the phased reduction of 'front of house' surface car parking areas along boulevards with introduction of MRT, promotion of green routes for active travel and other pedestrian improvements.
- Placemaking Proposal 2: Gradual reduction of surface car parking as densification increases over time.
- Placemaking Proposal 3: Reduce parking requirements in tandem with improved public transport provision. Manage retained parking areas to allow flexible useage to meet different demand profiles.

Comments:

Car parking areas where adjacent to heritage assets do form part of their original setting and they usually contain original planters with soft landscaping that make a positive contribution to the heritage assets. Additionally, in the planning history we have reviewed in Section 4.0, car parking has sometimes been identified as 'classic infrastructure' and identified as a non-designated heritage asset in its own right. Therefore, proposals to remove these elements may be considered to be harmful to adjacent heritage assets.

It is likely that the detailed design of whatever replaces the car parking will be key, and particularly if it retains elements of setting, such as the original planters, that are considered to make a positive contribution to the significance and appreciation of the heritage assets.

If harm to heritage assets is identified at the detailed design stage this could potentially be outweighed by the public benefits of encouraging sustainable and active travel, and the design quality of the proposed interventions.

BLOCK AND GRID STRUCTURE

- Placemaking Proposal 1: Retain and reinforce the established historical building line along the long side of the blocks fronting Silbury and Midsummer Boulevards.
- Placemaking Proposal 2: Comprehensive masterplan approach to B4 may follow building lines established by recent and adjoining developments on Avebury Boulevard.
- Placemaking Proposal 3: Allow the building line along the short sides of the blocks fronting Gates to flex in order to make more efficient use of land.
- Placemaking Proposal 4: Green the grid by peripheralising car movement and parking to create more pedestrianfriendly spaces and improved permeability within the blocks. Stop cars crossing Midsummer Boulevard at Witan and Saxon Gates to allow free movement for pedestrians and bicycles (retaining provision for public transport).

Comments:

The retention of the historical building line is likely to be a requirement where heritage assets define and establish the building line. In these circumstances new development that extends beyond the established building line may be considered to dominate or fail to respect the heritage assets.

B4 is currently largely free from existing development and contains no heritage assets. In this context a masterplan approach to B4 that following building lines established by recent and adjoining developments on Avebury Boulevard may not in principle be harmful to any heritage asset.

Car parking areas where adjacent to heritage assets do form part of their original setting and they usually contain original planters with soft landscaping that make a positive contribution to the heritage assets. Additionally, in the planning history we have reviewed in Section 4.0, car parking has sometimes been identified as 'classic infrastructure' and identified as a non-designated heritage asset in its own right. Therefore, proposals to remove these elements to allow the building line along the short sides of the blocks fronting Gates may be considered to be harmful to adjacent heritage assets. Examples include Witan Gate adjacent to the Magistrates Court, Saxon Gate adjacent to Saxon Court, Westminster House, Church of Christ the Cornerstone, Northgate and Southgate Houses, Aston House and Norfolk House, and the Civic Offices, and Secklow Gate adjacent to Lloyds Court.

Midsummer Boulevard is a wide transport corridor and prioritising pedestrians, cyclists and public transport, and greening the space, is unlikely to be harmful in principle where the proposals are within the setting of heritage assets. If harm to heritage assets is identified at the detailed design stage this could potentially be outweighed by the public benefits of encouraging sustainable and active travel, and the design quality of the proposed interventions.

STREETS AND PAVEMENTS

- Placemaking Proposal 1: Set out key locations and nodes where active (e.g. commercial) ground floors will be required. Minimise inactive ground floors (e.g. bike & bin storage) along other frontages, including Gates.
- Placemaking Proposal 2: Retain classic infrastructure that is part of CMK's heritage and identity, such as portes
 cochère. Ensure new public realm design respects coherence of legacy design in terms of materials and street
 furniture etc.
- Placemaking Proposal 3: Retain underpasses serving Midsummer Boulevard junctions while providing at-grade crossings along desire lines and from Station Square and following Midsummer Boulevard axis (facilitated by stopping Witan and Saxon Gates to cars at Midsummer Boulevard). Reconsider the future of underpasses along Avebury Boulevard in order to facilitate intensification of development in line with recent precedents and to provide at-grade crossings along desire lines.

Comments:

Increasing activity within the setting of heritage assets is unlikely to be harmful in principle. The retention of classic infrastructure including the underpasses will ensure positive elements of the setting of heritage assets are preserved.

The underpasses within CMK do contribute to the experience of and approach to particular heritage assets such as station square and they form part of the original design context of the heritage assets within CMK. The removal of underpasses and creation of at grade crossings where they form part of the setting of heritage assets is likely to be harmful. Harm could potentially be outweighed by any countervailing public benefits delivered by the proposals.

GARDENS, PARKS AND CITY SQUARES

- Placemaking Proposal 1: Reconceive Midsummer Boulevard as a linear greenway promoting active travel, pop up uses, biodiversity, mental wellbeing and sustainable drainage.
- Placemaking Proposal 2: Incorporate some of the district level open space functions that are missing from CMK's Green Infrastructure network, in order to maximise accessibility to open space.
- Placemaking Proposal 3: Reconfigure Station Square as a civic place of arrival, and create a new amenity space adjacent to the former bus station / proposed MRT interchange, with potential for both spaces to be activated by new buildings.
- Placemaking Proposal 4: Provide an enhanced physical and visual connection to Campbell Park in the form of a 'green bridge'.
- Placemaking Proposal 5: Pepper local and neighbourhood pocket parks throughout CMK to serve local communities and provide enhanced north south green links.

Comments:

We do not consider that improving existing green spaces and providing new green spaces with CMK would be harmful in principle to heritage assets. Works to green spaces that are identified as heritage assets should seek to conserve and enhance their significance. If harm to heritage assets is identified at the detailed design stage (including the proposed 'green bridge' to Campbell Park) this could potentially be outweighed by the public benefits of promoting active travel, biodiversity, mental wellbeing and sustainable drainage.

The reconfiguration of Station Square would likely have an impact on the setting of the station buildings and the former bus station, a grade II listed building. The existing Station Square is a largely unused space and new uses that activate the square may be considered enhancements to the non-designated heritage asset. If taller buildings were to be proposed these could potentially be considered to cause limited harm to the setting of the station buildings and the former bus station, and this would need to be balanced against any countervailing public benefits delivered by the proposals.

TALL BUILDING THRESHOLDS

- The draft Tall Buildings Strategy prepared by Montagu Evans following an analysis of CMK in relation to the sensitivity and suitability of particular areas to tall buildings proposes the introduction of threshold heights within CMK. Developments exceeding the identified threshold heights would be considered against criteria within a tall building development plan policy.
- 5.5 The current proposed threshold heights are reproduced below.



- Following our site visits, consideration of the setting of the identified heritage assets, and review of recent planning history relating to tall buildings in CMK, we make the following comments in relation to heritage considerations:
 - In response to MKCC's decision in relation to the proposals for the redevelopment of The Point, which included concerns around a 22-storey building next to the Shopping Building, together with the appeal inspector's comments relating to the potential cumulative impacts of a succession of proposals for tall buildings, consideration should be given to lowering the threshold heights in close proximity to the listed building. This would engage a tall building policy in a broader range of cases where a building be visible above the building line of the Shopping Building from Silbury Boulevard. Alternatively, the threshold heights could remain unaltered, and the tall building policy text could address potential cumulative impacts.
 - Following MKCC's decision in relation to the proposals for Campbell Park Northside, which included concerns around
 a 12-storey building next to the Campell Park, consideration should be given to lowering the threshold heights within
 the immediate setting of the registered parkland.
 - Adjustments should be made to the above plan to ensure that all housing identified on the New Town Heritage Register is allocated a more appropriate threshold height (for example in Block E1 some of the housing appears to have allocated a 15-storey threshold height).
 - Consideration should be given to lowering threshold heights where they are directly adjacent to public open spaces that have been identified as heritage assets to ensure that the tall building policy applies. Following our site visits it is considered that buildings of 15 or 20 storeys adjacent to Fred Roche Gardens may have an overbearing impact on the non-designated heritage asset and potentially overshadow it. Alternatively, the threshold heights could remain unaltered, and the tall building policy text could address potential impacts. Any tall buildings policy should include criteria to ensure that development is sufficiently varied to minimize the visual and environmental impacts on smaller public open spaces that have been identified as heritage assets. An assessment of overshadowing of public open spaces may be a useful addition to a tall building policy.

- Consideration should be given to amending threshold heights in the vicinity of the group of early Milton Keynes Development Corporation buildings referred to above. At present Norfolk and Ashton House are present in two different threshold height zones and this should be amended for consistency.
- The emerging CMK skyline is becoming more prominent in views from or across Loughton Conservation Area. An example view across the southern open part of the conservation area is provided below. Consideration should be given to proposing a consistent 15 storey threshold height at the western edge of CMK (currently part of this area has a threshold height of 20 storeys) in order to take into account views from the Conservation Area.



6.0 MITIGATING FACTORS

- As set out in the introduction, national planning policy requires an assessment of development proposals to be undertaken on a balanced basis (with the appropriate weight accorded to different matters), including taking into account any mitigation delivered by application proposals. Here we consider potential mitigation, with particular regard to tall building considerations.
- 6.2 Introducing a tall buildings policy in the development plan to fully assess the impacts of proposals for tall buildings would act as mitigation and ensure that effects on heritage assets are taken into account. This approach is recommended in the draft Tall Buildings Strategy, which suggests policy criteria could include:
 - Assessment of the visual impact of the building from a range of distances;
 - The effect of the proposal on the long-range skyline composition of Milton Keynes;
 - The effect on the spatial hierarchy of the locality, including legibility and wayfinding;
 - A general requirement for tall buildings to be of an exemplary architectural standard (informed by review by a Design Review Panel);
 - Avoiding harm to the significance of heritage assets, and where harm does arise, that this is demonstrably outweighed by planning benefits in accordance with the approach set out in the National Planning Policy Framework;
 - An assessment of glare;
 - An assessment of the ground level effect of the proposals, including the interaction with public realm and site access and servicing access;
 - An assessment of the cumulative visual effect of proposed and consented tall buildings.
- As noted in Section 5.0 above, following the preparation of this report we recommend that a tall buildings policy should also include criteria to ensure that development rooflines are sufficiently varied to minimize the visual and environmental impacts on smaller public open spaces that have been identified as heritage assets. This should include consideration of overshadowing due to potential impacts on green spaces that are heritage assets.
- Design Quality is a key consideration in the proposed tall buildings policy. This reflects that design excellence, for example with regard to architectural quality, connections at ground level, and approach to urban design, can be a reason to support a tall building proposal that might otherwise be unacceptable. The appeal inspector for the Jaipur redevelopment noted that the replacement 33 storey tall building stylistically would be in tune with early Central Business District buildings with a rectangular framework and grids of fenestration and that the scheme would therefore be in keeping with the architectural aesthetic of the Central Business District. This suggests a relatively simple approach to elevational treatment would be supported, but the tall buildings policy should be sufficiently flexible to allow consideration of different approaches that may also be acceptable.
- 6.5 MKCC could consider designating protected views within CMK relating to heritage assets and their settings. This however is quite a rigid approach that would limit the planning authority's ability to consider each proposal on its merits. Alternatively particular views of sensitivity could be identified such as views along or over the horizontal Shopping Building.
- 6.6 Finally, the benefits provided by a particular proposal can act as mitigation. As noted above, less than substantial harm to designated heritage assets can be weighed against the public benefits delivered by a proposal. For non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. In practice for both types of heritage asset this requires consideration of the significance of the heritage asset, the level of harm caused, and the benefits delivered by the proposals. In relation to designated heritage assets, harm is a weighted consideration.
- 6.7 In Section 4.0 above, a number of recent tall building proposals were discussed. Some of these were only considered acceptable because they delivered benefits that were considered to outweigh harm caused to heritage assets. Below we summarise the types of benefits that were identified across all schemes:
 - The creation of residential and retail units;
 - · The retention and reuse of heritage assets;
 - High design quality;
 - Affordable housing contributions;
 - Biodiversity net gain;
 - Effective use of brownfield land;
 - A positive contribution to the vitality and mix of uses within CMK;

- The introduction of active frontages and night-time uses;
- The introduction of new market rental homes in a sustainable location, contributing towards supply and delivery within the City;
- Public realm enhancements;
- Environmental benefits from the reuse of a vacant site;
- Economic benefits arising and jobs created through construction and subsequent operational uses.

7.0 CONCLUSION

- 7.1 In this Heritage Impact Assessment Montagu Evans has considered the draft Central Milton Keynes Growth Opportunity Study and Development Framework, including the draft CMK Tall Buildings Strategy, in the context of all heritage assets within CMK, including those identified on the New Town Heritage Register.
- 7.2 We have set out the balanced approach that should be taken when assessing the impact of taller buildings on heritage assets, which is weighted in the case of designated heritage assets. Our research has also included a review of recent planning decisions on tall buildings and how impacts on heritage assets were considered. In many cases a balanced assessment has led to the approval of tall building proposals, as the benefits of the proposals were considered to outweigh any harm to the heritage assets affected. In some cases, it was concluded there was no harm to heritage assets.
- 7.3 Mitigation is an important factor when considering impacts on heritage assets. An example of appropriate mitigation in this case is the approach advocated in draft CMK Tall Buildings Strategy, which sets threshold storey heights within CMK, over which a tall building policy is engaged. Applicable development proposals should then accord with the policy. The benefits delivered by a development proposals are also mitigating factors.
- 7.4 Following the assessment undertaken for this report, we have recommended amendments to the tall building threshold heights in certain locations due to the proximity of heritage assets. Alternatively, the threshold heights could remain unaltered, and the tall building policy text could address potential impacts. We have also suggested additions to the proposed tall buildings policy set out in the draft CMK Tall Buildings Strategy, for example to ensure that development rooflines are sufficiently varied to minimize the visual and environmental impacts on smaller public open spaces that have been identified as heritage assets.
- 7.5 Having regard to our assessment and recommendations, and mindful of the balanced approach that will apply to individual development proposals, we conclude the that the draft Central Milton Keynes Growth Opportunity Study and Development and the draft CMK Tall Buildings Strategy are consistent with the requirements of the NPPF in relation to heritage assets.

APPENDIX 1.0

SUMMARY OF MKCC AND APPEAL DECISIONS RELATING TO TALL BUILDINGS

Site	Height	Reference number (application or appeal)	Status	Comments relating to impact on heritage assets
Hotel La Tour	14 storeys	17/03053/FUL	Granted 30 May 2018	Committee report
				5.3 Impact on Heritage Asset
				5.3.1 The Local Planning Authority have a statutory duty to give 'special regard' to the desirability of preserving listed buildings or their settings or any features of special architectural interest which they possess under section 66 of the Planning (Listed Buildings & Conservations Areas) Act 1990.
				5.3.2 This legislation is echoed in national planning policy guidance. The NPPF requires the decision maker to consider whether the proposal sustains and enhances the significance of a heritage asset, making a balanced judgement having regard to the scale of harm or loss and significance of the heritage asset (paras. 131 to 135). Decision makers are required to give great weight to any harm to the significance of a heritage asset. If the application would cause substantial harm, paragraph 133 sets out that consent should be refused unless it can be demonstrated that the substantial harm or loss is <i>necessary</i> to achieve substantial public benefits that outweigh that harm. This requires consideration of whether the benefits could reasonably be achieved in another way which would cause less harm/reduced loss. If the application would cause less than substantial harm paragraph 134 requires that the harm should be weighed against the public benefits of the proposal.
				5.3.3 Policy HE5 of the Local Plan aims to restrict any development that would adversely affect the setting of a listed building. This guidance is echoed, albeit in different terms, under Policy CS19 of the Core Strategy.
				5.3.3 The centre:mk shopping mall is Grade II listed and its significance is well documented. The listing description defines the reasons for designation as follows:
				Architectural interest: a highly-regarded, little altered, 650-metre long steel and glass structure whose design was heavily influenced by the work of the leading early-mid C20 architect Mies van der Rohe; its rigour, consistency, luminosity and user-friendliness all denote its success as a new approach to retail design .
				Exemplar: as the outstanding post-war retail development in England, successfully drawing on American inspirations but creating a singular shopping centre, realised on a monumental scale.
				Materials: for the high quality and consistent deployment of materials and finishes, all executed to careful standards of finish Intactness: the public elements of the shopping centre are little-altered and retain the original appearance of the design.
				Adaptability: the success of the complex lies in part in its ability to accommodate fast-changing retail stores while retaining its overall architectural integrity.
				Artistic interest: for its public artworks, notably Liliane Lijn's Circle of Light, which endows this retail complex with prestige and meaning.
				Town planning : as the purpose-built centrepiece of Britain's last, largest, and in planning terms most innovative new town, which created a retail space realised on a civic scale
				5.3.4 The shopping building is currently the dominant feature within Central Milton Keynes. It achieves this through its considerable footprint, in particular its length and partly through its mixed (but predominantly retail) use, originally being conceived as CMK's open high street rather than a closed mall.
				5.3.5 Outside the requirements of policies G1 and G11 of the Neighbourhood Plan, the Councils Conservation officer has no objection to the development of the site in principle, since the car/coach parking makes limited contribution to the wider layout of heritage assets.
				5.3.6 In terms of scale, viewpoints from the south show that the considerable vertical mass of the proposed building would be readily appreciable in the context of the oblique views along the low, linear Shopping Building, particularly those from Secklow Gate and eastwards. The effect would be to substantially distract and detract from the important view along, and of, the listed building towards its

vanishing point. The presence and impact of such a tall, dominant structure within key views that form part of the setting and, in turn, the significance of the building would cause harm to the listed building. Even allowing for the presence of the consented multi storey car park this harm would fall within the 'less than substantial' bracket, which the NPPF advises must be balanced by public benefits delivered by the scheme in order to be compliant with national policy. 5.3.7 The Conservation Officer advises that the proposed scheme causes 'less than substantial' harm to a designated heritage asset. In order to be approved (i.e. conform to paragraph 134 of the NPPF), the scheme must deliver public benefits that outweigh the harm. Since there are no heritage benefits delivered by the scheme, these will need to be public benefits that are delivered in other areas outside the remit of the conservation officer. 5.3.8 Milton Keynes is expected to grow significantly in the period up to 2031 with a plan led strategic approach to provide 26,500 homes in that period. CMK benefits from its dominant economic status due its critical mass in provision (employment, retail and leisure) and in this way it can be expected that a majority of the forecast growth in hotel provision will orientate towards the City. Indeed, an identified shortfall in hotel provision has been established and the proposed development will contribute towards that identified shortfall. 5.3.9 In terms of socio-economic benefits the development represents a significant capital investment in Milton Keynes and will raise the overall level of economic activity and expenditure in the area once complete. The Scheme will create approximately 167 full-time equivalent end-use jobs; an estimated 195 construction jobs as well as several training opportunities for employees. 5.3.10 The proposed scheme will also provide significant receipts to MKC in the form of business rates and will create a new landmark feature in the CMK skyline, contributing overall to increased dwell time and expenditure in CMK. 5.3.11 Overall, the Scheme will deliver a number of fiscal benefits, promote economic growth and generate significant new employment opportunities while improving the hotel, conference and dining offer as well as the public realm. A currently under utilised site in the heart of Milton Keynes will be transformed to the benefit of the City, helping Milton Keynes compete against existing centres and help its long term vitality and viability. 5.3.12 The proposed development will create a high quality, luxury hotel – responding directly to a gap in the CMK offer. The extensive conference facilities will support local businesses and in turn will support MK in ensuring that businesses are able to grow and prosper. 5.3.13 'SeeMK' on the top floor of the building will create a unique and vibrant space to articulate a compelling 'MK Offer'. With art installations and views over both CMK and Campbell Park, 'SeeMK' is a distinctive opportunity for MK to 'market' itself.

development, including town centre uses.

- 5.3.14 The proposed development represents a key opportunity for the redevelopment of an under-utilised site in the heart of Milton Keynes. The site forms part of the Primary Shopping Area, within which activity should be focused. MKC has continued to hold aspirations for the Site to be redeveloped, most recently demonstrated in the draft Site Allocations Plan, which identified the site for mixed use
- 5.3.15 The Site is situated in an excellent location. In close proximity to thecentre:mk, the Theatre, the Gallery, Campbell Park and adjacent to the new MSCP which is under construction.
- 5.3.16 It is recognised that the Theatre and Gallery district are competing with new developments within CMK, such as The Hub. Creating a new destination to complement these uses will have a positive multiplier effect for the immediate area. The proposals will increase footfall in the immediate vicinity with the creation of a new hub of activity, linking CMK to Campbell Park and fostering greater interaction between thecentre:mk and the Gallery and Theatre District. In comparison to the current passive use of the site for vehicle parking, this will be a substantial improvement and will provide a footfall generating use adjacent to the new MSCP.
- 5.3.17 On balance, the 'less than substantial' harm to the significance of the heritage asset is considered to be outweighed by the substantial and significant public interest benefits that would arise if planning permission were granted by the proposed development.
- 5.3.18 It is noted that the conservation officer has stated, that if permission is to be granted, it will be important to ensure that the scheme delivered matches the quality of the elevations shown in visuals on page 62 of the Design and Access statement are achieved. In recent applications such as the BHS extension to the shopping building and the adjacent multi storey car park, conditions have been applied to

				require full size façade mock-up's, to ensure the quality of what is built matches that of what is proposed. For such an important development, the same condition should be applied to the mirror glazed façade treatment, including the window detail, and other key elevation aspects as appropriate.
Park Square	Up to 12 storeys	18/01591/FUL	Granted 2 July 2019	Committee report
				No discussion in relation to impact on setting of heritage assets.
Food Centre	Up to 14 storeys	19/02804/OUT	Granted 25 June 2020	Historic England consultation response letter 14 November 2019
				The proposals would also change the setting of the grade II listed shopping building, introducing a much higher group of buildings into the environs of the listed building which forms the centrepiece of the town but is of relatively low height. Having seen the visualisations prepared as part of the townscape and visual assessment we are content that a large building on this site, while in places visible from close to the shopping building, will not adversely impinge on an appreciation of its architectural qualities as sufficient open space would be around the listed building to ensure that the feeling of horizontal scale - the sense that the building runs on into the distance - that is so important to its architecture is not compromised.
				Committee report
				<u>Heritage</u>
				7.54 The application site is adjacent to a listed building. As such, section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that special regard is given to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses. The Food Centre buildings have prior approval for their demolition. The proposal is for up to 14 storey buildings which have the potential to change the setting of the grade II listed shopping building to the north of the site. This forms the centrepiece of the town but is of relatively low height. Historic England assessed the visualisations prepared as part of the townscape and visual assessment and were content that 'a large building on this site, while in places visible from close to the shopping building, will not adversely impinge on an appreciation of its architectural qualities as sufficient open space would be around the listed building to ensure that the feeling of horizontal scale - the sense that the building runs on into the distance - that is so important to its architecture is not compromised'. As a consequence there are no objections to the application on heritage grounds. The proposal consequently is not considered to cause any significant harm to the special quality of the building and therefore preserves the building, its settings and its features of special architectural or historic interest. There is public benefit in the provision of residential and retail units and the bringing into active use of the retail units
Bowback House	Up to 14 storeys	20/00185/FUL	Granted 18 December 2020	Committee report
riouse			2020	5.15 MKC Conservation Officer
				No objection. Notes no impact on setting of any listed buildings or conservation area, and that the site itself is not a heritage asset, and its demolition would have no harm to any group heritage value to the surrounding buildings.
				Impact on Heritage Assets
				7.41 The Council's Conservation Officer has considered the Heritage Assessment provided as part of the submission and is of the view that the existing building "does not possess the degree of heritage significance required to be considered a heritage asset" and is equally not surrounding by any non-designated or designated heritage assets, and none have been included on the New Towns Heritage Register. There is therefore no objection to the demolition of the building, nor would the height of the building cause any harm to the setting of any heritage assets within CMK.
				7.42 The Council's Archaeological Officer has no comments to make on the proposal.

				7.43 It is noted that Milton Keynes Forum have made a request for a heritage recording of the building to be secured by condition prior to the demolition. While the Conservation Officer has made no indication that this is necessary, it could nevertheless be secured by condition if required.
				7.44 Given above, the proposal is therefore considered acceptable and in accordance with Policy HE1 of Plan:MK, raising no heritage concerns and with no mitigation required.
Saxon Court	Up to 24 storeys	21/02246/FULEIS	Granted 6 September	Committee Report
			2022	5.16 MKC Conservation
				No objection. Happy that assessments have been carried out soundly and on the correct heritage assets. Supportive of the re-use of the existing building in heritage and environmental terms but note the potential to harm Saxon Court due to the size of the upwards extension being a similar size to the original building. Note that this is quite experimental in that it is the first time an early CMK building will be extended upwards alongside a tower taller than anything that has previously been constructed in the area.
				Note a low level (less than substantial) of identified harm to other designated and non-designated heritage assets (including the Shopping Centre, Central Library, Octo Sculpture, Former Bus Station, Campbell Park and Christ, Cornerstone Church and CMK public realm).
			Broadly supportive of the scheme's effort to retain the existing building. The drawings and design and access statement taken together convey the nature and extent of the development. It is vital that conditions are used to ensure that the development is delivered to the standard shown in the design and access statement as the same development carried out with different materials, particularly materials less sympathetic to the design of the original facades, would cause a significantly greater degree of harm and would affect the planning balance.	
				Impact on heritage assets
			8.73 The proposal combines new areas of built form with a significant addition to an existing structure - Saxon Court. Policy HE1 of Plan:MK states that proposals will be supported where they sustain and, where possible, enhance the significance of the heritage assets recognised as being of historic, archaeological, architectural, artistic, landscape or townscape significance. These assets include conservation areas, listed buildings and non-designated heritage assets as defined in Annex 2 of the NPPF. Where appropriate, the policy dictates that development proposals must provide an impartial and objective heritage assessment where there may be an impact on heritage assets.	
			8.74 Part G of Policy HE1 sets out that when assessing any potential harm or enhancement to the significance of a heritage asset(s), a number of criteria will be considered. With particular reference to this proposal, the application addresses the aims of this Policy by way of the following:	
			• the scheme includes one proposal for the extension to Saxon Court so avoids successive small-scale changes which lead to cumulative loss of or harm;	
				Saxon Court is being retained which ensures that original features are protected; and
			• the design of the scheme has secured the historic form and layout of the building whilst enabling development to secure its operation in the longer term.	
				8.75 The wording of the policy goes on to set out that it also requires that proposals which causes less than substantial harm to a designated heritage asset only be granted where the harm is demonstrably outweighed by public benefits delivered by the scheme. Regarding harm to non designated heritage assets, the policy states that proposals incurring such harm will be resisted unless the need for, and benefits of the development clearly outweigh the harm, taking into account the asset's significance and importance, and only once all feasible solutions to avoid and mitigate that harm have been fully considered.

				8.76 The policy notes that several considerations are to be taken into account when assessing any potential harm or enhancement to the significance of a heritage asset(s). This includes the cumulative impact of the development, respecting character and retaining architectural features and historic form of the asset(s).
				8.77 In this instance, the non-designated heritage asset is to be retained. There is, however, a fundamental change to the appearance of the building by way of additional floors above the existing structure which must be considered.
				8.78 The Council's Conservation Officer provides detailed observations on the scheme itself which are summarised above. However, a key statement from this response is focused around the submitted Heritage Assessment. It is concluded that the assessment correctly identifies that there will be less than substantial harm caused to designated heritage assets, and that this harm must be considered against the public benefits delivered by the scheme (as required by paragraph 202 of the NPPF). Similarly, it concludes that there also be low level harm caused to non-designated heritage assets and that this will require consideration under the balanced judgement at paragraph 203 of the NPPF, which sets out that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required.
				8.79 Due to the way in which the additional form is to be added to Saxon Court, the overall impact is concluded to be acceptable overall – the scheme has specifically been designed with features that create a much more lightweight structure than Saxon Court. This is considered to be a positive approach which ensures that the non-designated heritage asset is not overshadowed or dominated by the extensions, thus ensuring its legibility as an original building. Paragraph 8.13 of the CMKAP sets out that buildings which are classed as 'distinguished' such as Saxon Court should be retained and adapted to new uses wherever possible.
				8.80 The public realm around Saxon Court is also, by association, considered as a non-designated heritage asset and as such must also be assessed as part of the application. Detailed comments from the Conservation Officer conclude that there are no objections to The Village or the wider development, and this landmark feature will ultimately secure a key building within CMK whilst also creating a unique and architecturally ambitious development. In conclusion, the application is considered to be compliant with the relevant sections of Policy HE1 of Plan:MK and paragraphs 202 and 203 of the NPPF. The proposal brings additional benefits, as aforementioned, which outweigh any less than substantial harm. Relevant, detailed conditions are to be secured as appropriate and these will help to ensure appropriate treatment of any elements as set out in CMKAP G1 relating to Classic CMK infrastructure – particularly porte cochères.
Bank House	Up to 20 storeys	23/00550/FUL	Recommended for	Committee Report
		APP/Y0435/W/24/3338221	approval, refused by Committee 15	4.17 MKCC Conservation
			November 2023	Initial comments
	Allowed at appeal 1 July 2024	Allowed at appeal 16 July 2024	No objection. Suggested amendment to the proposed drawings to state the existing raised and flush kerbs/edging and the exact replacement and material types for those to be replaced.	
				Final comments
				Amended notation acceptable.
				Impact on heritage assets
				7.46 Policy HE1 of Plan:MK states that proposals will be supported where they sustain and, where possible, enhance the significance of the heritage assets recognised as being of historic, archaeological, architectural, artistic, landscape or townscape significance. These assets include conservation areas, listed buildings and non-designated heritage assets as defined in Annex 2 of the NPPF.
				7.47 Milton Keynes New Town is recognised as possessing heritage significance as set out in the emerging New Town Heritage Register (NTHR), and the wider value of the New Town heritage is recognised and includes both designated and non-designated heritage assets. The most relevant of which is the public realm (or 'classic infrastructure' as described in the CMK business neighbourhood plan) and Station Square and its flanking buildings. A number of assets across CMK have been nominated for the NTHR (a local list) but have yet to be

				considered against the adopted criteria, with the nearest being Witan Court. The existing building on the site is not known to have any heritage significance and has not been nominated. 7.48 The development seeks the construction of a tall building but the built form does not extend beyond the typical blocklet boundary. The built form will impact on Bouverie Square, which is taken to form part of the public realm, by virtue of the height compared to the existing 3 storey office. Sunlight assessments have considered the impact of the development Bouverie Square/ classic infrastructure, which concludes that there is no reduction in the areas receiving sunlight, thereby the impact on the asset is not considered to be harmful. 7.49 The proposal retains the surrounding paving but sought raised concrete and flush kerbs within the public realm. During assessment, however, plans were amended to confirm that the existing raised and flush kerbs/edgings shall be retained and damaged ones replaced with exact replacements, including material type. This amendment ensures that the development would not represent harm to the significance of the CMK classic infrastructure, thereby according with Policy HE1 of Plan:MK. The Conservation Officer raises no objection on the basis of this amendment. 7.50 The application is also accompanied by an Archaeological Desk Based Assessment. The Council's Archaeologist has reviewed this information and has confirmed that the development is not regarded as being of significant archaeological impact, and therefore no conditions are required in respect of archaeology. The development therefore complies with Policy HE1 of Plan:MK. Appeal decision Impact on heritage assets not considered at appeal stage.
Jaipur	33 storeys	23/01634/FUL APP/Y0435/W/24/3344711	Refused 7 December 2023 Allowed at appeal 31 March 2025	Committee report 5.9 Conservation and Archaeology Objection on the grounds that the development will cause less than substantial harm to the former Bus Station and harm to the Station, through the impact on the setting, as identified within the application. An overall planning balance will need to be carried out as to the harm caused by the development in respect of the non-designated heritage assets.
				Conservation 7.22 Policy HE1 of Plan: MK states that proposals will be supported where they sustain and, where possible, enhance the significance of heritage assets which are recognised as being of historic, archaeological, architectural, artistic, landscape or townscape significance. Heritage assets include Listed Buildings, Conservation Areas, Scheduled Ancient Monuments and non designated Archaeological sites, Registered Parks and Gardens, Assets on the MK New-Town Heritage Register; and those outlined within Annex 2 of the NPPF. 7.23 The council is required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirably of preserving a listed building or any of its features of special architectural or historic interest. 7.24 With regards the NPPF, Section 16 sets out the government's advice on conserving and enhancing the historic environment. Paragraph 199 advises great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification. Paragraph 201 states that where substantial harm to a designated heritage asset. Such cases should be weighed against the public benefit of the proposal.
				public benefit of the proposal. 7.25 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the decision maker to pay special attention to the need to preserve and enhance the character and appearance of the conservation area. 7.26 Paragraph 201 informs that not all elements of a conservation area will necessarily contribute to its significance. 7.27 The courts have held (South Lakeland DC v Secretary of State for the Environment, [1992] 2 WLR 204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve.

7.28 Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed. Heritage Assets 7.29 The subject site does not contain any designated or non-designated Heritage Assets; however, the site lies within close proximity to a number of surrounding Heritage Assets. The submission covers a radius of 2km from the application site, which identifies circa 43 designated heritage assets. In the interest of completion, the list below sets out the number of assets within 2km of the application site, however for the purposes of the Officer Report this application will focus on those located within a 500m radius of the application site and will be considered by designation. • There are 8 Scheduled Monuments within and outside of the 2km radius of the site boundary. • There are 28 Listed Buildings within 2km of the site boundary. • There is 1 Registered Park and Garden within 2km of the site boundary. • There are 3 conservation areas located within and outside of the 2km radius of the site boundary; and • There are 3 Non-Designated Heritage Assets located within 500 metres of the site boundary. Former Bus Station, Station Square - Grade II 7.30 The former bus station it located approximately 160 metres to the southwest of the site and was first included on the statutory list of buildings of special architectural or historical interest as Grade II on the 17th of July 2014, with amendments being made to the description on the 7th of September 2017. It is stated within the Heritage Statement that the bus station holds significance through the innovative architectural design by architects Derek Yeadon and Robert de Grey along with its connection to the wider new town development of Milton Keynes. The bus station has retained the majority of its original setting, with its contribution to its immediate, purpose-built surroundings as well as the train station, which contribute highest to its significance. The Heritage Statement concludes that there will be less than substantial harm to the listed bus station through the changes within its setting. Station Square 7.31 Station Square sits on the western end of the Central Milton Keynes grid square and is sited approximately 280 metres to the west of the application site. The buildings around the square form a u-shaped plan. The buildings are considered to be some of the most important in Milton Keynes as key public transport buildings at the centre of which lies Station House. The station and adjacent office blocks were designed by MKDC architect Stuart Mosscrop in 1979 and opened in 1982. 7.32 The Station Square buildings are significant for their scale and design quality. They stand midrise between 12 and 15 storeys and are an attractive architectural style at the heart of the central Milton Keynes grid square. Constructed in a modernist design, the buildings comprise of ground floor glass shop fronts with varied canopies at first floor and glass facing at upper storeys which transforms the ideas of civic architecture. Station Square is a mixed-use development comprising of commercial premises, offices, and the key node for transport in the town. 7.33 Station Square is of significance due to its function, which forms part of the transport node to Milton Keynes as well as its modernist design influencing a new style of civic architecture. Its setting is defined by the formal grid system of the new town planning of Milton Keynes with international views from Midsummer Boulevard and direct access to the Central Milton Keynes grid square. As with the bus

station the Heritage Statement concludes that there will be less than substantial harm to the listed bus station through the changes within its setting. **Grafton Park** 7.34 Grafton Park lies immediately to the north-west of the application site. The interest of Grafton Park is derived from its key design quality as a green space within the urban development of Milton Keynes. The landscape at Grafton Park was likely to be constructed at some stage during the 1980's and 1990's specifically to provide green infrastructure. Its functional layout of the park contributes to its overall interest, designed as a public outdoor area to serve the surrounding office and commercial developments comprising of water features, incorporating waterfalls, ponds, and planting. It's overall aesthetic as a green 'oasis' is achieved by the natural watercourses and land slopes east to west, as well as the natural boundary of mature trees which provide significant coverage to the surrounding urban area. The park holds historic association with Peter Youngerman, a pioneering landscape gardener involved in the Milton Keynes new town Masterplan. 7.35 Grafton Park is considered to be of high-quality design, being a very deliberately planned green space within an urban setting, which is still intact and functional, providing an "oasis" for nearby office/business workers. It has a strong association with the early planning of Milton Keynes as a New Town and in particular with Peter Youngman, a pioneering landscape architect, who worked on the Masterplan of Milton Keynes and was influential in ensuring that soft landscaping and green space was integra to the urban design, It is hidden away from the surrounding urban form of Milton Keynes which contributes to its appreciation and significance. The Heritage Statement concludes that whilst there will be a notable impact on the parks setting, the proposal would improve the appreciation of the parks location and further encourage use. **Conclusions** 7.36 Further to a consultation with colleagues within Archaeology and Conservation confirmation has been received that the Heritage Statement submitted in support of the application is supported within the exception of the CMK Public Realm. The assessment states that its significance is primarily layout, however, fails to recognise its extraordinary quality as a piece of post-war city planning. The overall scale and design quality set it aside from other UK City Centres with features contained within it which are bespoke to CMK, producing a unique sense of place with a wholly distinctive, recognisable identity. It is one of the primary, defining architectures of Milton Keynes, with the development of the plots within it having not altered its heritage significance. 7.37 In addition some of the evaluations are not supported within the evaluation assessment Grafton Park has been identified as a medium level of significance with the CMK Public Realm being assessed as having a low significance. In addition, the Heritage Statement does not include Octo, a Grade II Listed Building located on Saxon Gate, whilst this has not been included the setting would not be affected by the proposal and would not alter the professional opinion of colleagues within Archaeology and Conservation. 7.38 The existing Jaipur building appears to have been designed by David Byrne and Associates of Sherrington with planning permission being granted for the development in 1998. Due to its construction date this puts the application site beyond the scope of the New Town Heritage Register, which contains a Local List for buildings completed between 1976 and 1992. This however does not automatically rule it out from being a non-designated heritage asset, as it is included within 3.2 of the Heritage, Townscape and Visual Impact Assessment. Whilst Jaipur is a distinctive local landmark, by virtue of its distinctive style, the building itself does not contain sufficient heritage value in order to be considered a non-designated heritage asset, there are therefore no objections to the proposed redevelopment of this site. 7.39 In relation to the Grade II Bus Station, the submitted assessment outlines that there will be less than substantial harm caused. The scale of the proposed building, whilst located within a different block, will alter, and detract from the existing relationship and diminish the role the bus station plays when viewed from the Station. This impact is marginally reduced by the setback afforded by the Bus Station car park and Grafton Gate. It is considered that the scheme will cause less than substantial harm to the former Bus Station and harm to the Station, by virtue of the impact upon the setting.

7.40 The public benefits of the scheme will need to be weighed against this harm in order to reach an overall conclusion, along with a balanced decision in respect of the non-designated heritage asset. This weighed will be carried out within the Planning Balance section of the Officer Report. Planning Balance 7.155 The NPPF sets out a presumption in favour of sustainable development and advises decision takers to approve a development proposal that accords with the development plan without delay. The question of whether or not a particular proposal constitutes "sustainable development" is not simply a matter of location; it involves a wide variety of other considerations such as the three dimensions of sustainability. The NPPF at Paragraph 8 identifies the three overarching objectives to achieving sustainable development, those being economic, social, and environmental. Paragraph 8 goes on to advise that in order to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system. 7.156 From an economic perspective the proposed development would result in money being invested in construction on the site, employment relating to construction jobs over the build period, new spending within the city, a contribution to the viability of local retail uses, services, and businesses. Such matters would have a positive impact on the local economy and prosperity of the city which weighs in favour of the application. Notwithstanding the proposal is located within the Central Business District of CMK which seeks development within these locations to be office-led, with the exception of office work suites available to local residents the proposal does not seek to provide any commercial office space. Such factors carry significant weight against the development and in this instance the proposal is not considered to satisfy the economic role of sustainable development. 7.157 From a social perspective the proposal seeks to provide several communal uses for occupants of the development such as a home working suite, cinema, roof terrace, gym, dance studios, games room and lounge. In addition to the potential of providing a community café and retail unit due to an identified need for additional community space. Whilst it is acknowledged that these uses attract some weight in favour of the development it is not considered that they attract outstanding social value to the wider community. Furthermore, the proposal does not provide a policy compliant level of affordable housing which in itself is consequently a matter which weighs significantly against the application as there is no guarantee that a community café will be delivered within the application site with the communal uses not offering any benefit to the wider community with the exception of those who would occupy the development. As such, the proposed development is not considered to satisfy the social role of sustainable development. 7.158 From an environmental perspective the potential adverse impacts of the proposed development in relation to the use of the land, accessibility, landscape character and appearance, trees and hedgerows, heritage and archaeology, highway safety, traffic flows, public rights of way, flood risk, drainage, air quality, noise, contamination, visual amenity, residential amenity, water conservation and carbon emissions have all been considered. Furthermore, the proposal would result in a net gain in biodiversity of 15.34% which carries modest weight in meeting the environmental role of sustainable development. 7.159 Therefore, whilst the development of the site would result in environmental benefits there are significant concerns over the impact the proposal would have on the economic and social benefits. Paragraph 8 of the NPPF is clear that the 3 roles should not be taken in isolation but that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. Whilst it is acknowledged that there would be clear benefits in favour of allowing the proposal, the impact on the social and economic factors of the development, would mean, on balance, that the proposal would not represent sustainable development in terms of the NPPF and is therefore considered to be contrary to Plan: MK and the NPPF. **Appeal decision** Heritage 19. The relevant heritage assets are the Grade II listed former Bus Station and the non-designated heritage asset (NDHA) of Station Square. The bus station is mostly significant for its innovative design by the Council architects but gains some significance from its setting, which is largely unchanged. Station Square lies beyond this and has been identified as a NDHA for its function, forming a part of the transport node to Milton Keynes, as well as its modernist design, within the formal grid system.

				20. The proposals would have an impact on views of the Bus Station, particularly from Station Square, and its appearance would draw the eye slightly and cause some distraction from an appreciation of these assets. To this extent, I find that it would cause less than substantial harm to both assets, which should be balanced against public benefits, or taken into account as the case may be. I do this below. Benefits 24. The Council can demonstrate in excess of 5 years' housing land supply. Nevertheless, boosting the supply of homes on a brownfield site would align with government objectives, particularly in revised NPPF§125c) which expects proposals for homes on brownfield land to be approved unless substantial harm would be caused. Moreover, there is a distinct shortage of affordable housing. While Plan:MK Policy HN2 requires 31% affordable housing, it also allows that an off-site financial contribution will be accepted, subject to a viability assessment. The Council would prefer this as it would allow for family homes. Agreement was reached with regard to viability, and the affordable housing contribution increased significantly as a result. Subject to the s106 Agreement, I find that the contribution would amount to a benefit to which I give substantial weight. There would be additional benefits from construction jobs, which would boost the economy, additional long term employment and biodiversity net gain from the roof terraces.
				Planning balance
				28. With regard to heritage policy, in considering the tests in NPPF§215-216, I find that the less than substantial harm to the setting of the listed building would be outweighed by the public benefits. The small degree of harm to the setting of Station Square should be weighed in the balance.
				29.As well as heritage concerns, there would be harm from the missed opportunity for business use, a shortage of parking spaces for those with disabilities and for charging electric vehicles, the limited extent of active ground floor frontage and limited outdoor amenity space. However, all these would be outweighed by the provision of funds towards affordable housing and other benefits. The scheme also gains support from NPPF§125c) by providing homes on brownfield land. 30. For these reasons I find that the appeal would comply with the development plan as a whole and has support from the NPPF.
The Point	Up to 21 storeys	23/02265/FUL	Refused 23 July 2024	Committee Report
		APP/Y0435/W/24/3350378	Allowed at appeal 8	4.7 MKCC Conservation
			July 2025	Initial comments
				Objection. Although not listed, The Point holds strong local interest and importance due to its status as the country's first multiplex cinema and its architectural value. Preservation and enhancement of such assets contribute to a place's character and distinctiveness. The Point's architectural, artistic, and historic contributions make it significant in Milton Keynes. The Point has been nominated for listing on the NTHR and is one of the only sites that could potentially meet all six of the adopted selection criteria. Its heritage significance across a number of criteria and values is substantial and places it among some of the most important local heritage assets in Milton Keynes.
				The evaluation of non-designated heritage assets as defined in the NPPF paragraph 209 states that "a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." The significance of the heritage asset is of the highest possible degree within the local level/non-designated heritage asset category, considered against the scale of any harm or loss, in this case complete loss of the asset. The maximum weight allowable within the provisions of policy must be used when making a balanced judgement. The applicant believes that the value of The Point relies solely on its communal significance and the shared experiences of its visitors, not the building itself.
				The proposal has failed to meet the requirements of Policy HE1 as it relates to non-designated heritage assets. The total loss of The Point fails to meet the requirement of Part A, that states that proposal should sustain, and where possible, enhance the significance of heritage assets. Part F requires that the benefits of the proposal clearly outweigh the harm, with due consideration given to the asset's significance, and that all feasible solutions to avoid and mitigate harm have been fully implemented. The proposal fails to deliver any heritage benefits.

Further justification in a marketing assessment is needed to show that all feasible solutions to avoid or mitigate harm, or whether retaining some elements of the site were considered, and whether collaborative re-development opportunities with adjacent property owners was sought.

With regard to the setting of the listed building the demolition of The Point would fall within the less the substantial harm category. The scale of the proposal would create a striking juxtaposition to the Shopping Building and would likely result in a visual dominance over those surroundings, even in consideration of other recent consents for tall buildings, that will cause harm to the listed building, falling within the less than substantial category. In accordance with national and local planning policy a balanced judgement will be required, the public benefits delivered by the scheme will need to be weighed again the heritage harm stated.

Revised/additional comments

Considers the applicant has understated the heritage value of The Point as a non-designated heritage asset and that they have not fully considered alternatives to the complete demolition of the structure. Options for partial retention and re-use on site are not, in their opinion, reflective of the scale and character of the original building design. As the scheme has evolved pre-submission, the impact on the adjacent listed building has become more of a concern.

4.36 Historic England

Initial comments

Objection, main concern being the impact on The Point and the nearby Grade II listed Shopping Building.

The Point holds significance as the first multiplex cinema in Britain and is locally recognised as an iconic landmark. The Shopping Building. with its long, low structure, distinctive architecture, clean lines, and mirroring glass stands as a centrepiece of post-war city centre planning, and contributes to the city's unique character.

The proposed demolition of The Point and the introduction of dense and tall buildings near the shopping building would significantly alter its appearance and diminish its prominence. This alteration is viewed as harmful and goes against the town's architectural and landmark qualities. Moreover, this harm has not been justified or minimized, as required by the NPPF guidelines.

Additional/revised comments

The proposed development within the setting of the Shopping Centre is identified as the main source of harm. While the views from Midsummer Boulevard are not a major concern, the views from Silbury Boulevard would present a stark contrast. The Shopping Building's clean horizontal lines would be overshadowed by the towering structure behind it, detracting from its architectural composition.

Additionally, the proposed development would draw viewers' attention upwards, disrupting the horizontal emphasis of the listed building. However, the key concern lies in the impact on views from Queens Court, which currently offer a unique perspective from the Shopping Building. The proposed development would change this experience by diverting attention away from the open sky and architectural qualities of the Shopping Building. Historic England suggests reducing the height or density of the scheme to mitigate some of the harm.

4.38 Twentieth Century Society

Objection. Considers The Point's enduring architectural significance and historical importance make it a prominent and landmark building in the city, and its loss would be irreparable. Its local historic and architectural importance merits designation as a Non-Designated Heritage Asset. The proposed 21-storey development threatens the setting of the Grade II listed Shopping Building, triggering concerns about heritage conservation. Preservation efforts should consider the balanced judgment outlined in planning guidelines.

Impact on heritage assets

7.52 Policy HE1 of Plan:MK states that proposals will be supported where they sustain and, where possible, enhance the significance of the heritage assets recognised as being of historic, archaeological, architectural, artistic, landscape or townscape significance. These assets include conservation areas, listed buildings and non-designated heritage assets as defined in Annex 2 of the NPPF. Where appropriate, the

policy dictates that development proposals must provide an impartial and objective heritage assessment where there may be an impact on heritage assets.

7.53 The policy also requires that proposals, which cause less than substantial harm to a designated heritage asset, only be granted where the harm is demonstrably outweighed by public benefits delivered by the scheme. This reflects NPPF paragraph 208.

7.54 Regarding harm to non-designated heritage assets, the policy states that proposals incurring such harm will be resisted unless the need for, and benefits of the development clearly outweigh the harm, taking into account the asset's significance and importance, and only

significance of the asset.

The policy notes that several considerations are to be taken into account when assessing any potential harm or enhancement to the significance of a heritage asset(s). This includes the cumulative impact of the development, respecting character and retaining architectural features and historic form of the asset(s). For clarity, the categories of harm to a heritage asset are assessed as follows: 'total loss', 'substantial harm', 'less than substantial harm', and 'no harm', and for substantial and less than substantial categories harm is a sliding scale depending on the impact.

once all feasible solutions to avoid and mitigate that harm have been fully considered. Paragraph 209 of the NPPF states that a balanced judgement is required for applications that affect nondesignated heritage assets, having regard to the scale of harm or loss and the

7.56 In addition to the nearby listed buildings, most notably the Shopping Building, Milton Keynes New Town is recognised as possessing heritage significance as set out in the emerging NTHR. The wider value of New Town heritage is recognised and includes both designated and nondesignated heritage assets. The Point building itself is nominated to the NTHR, as is the public realm (or 'classic infrastructure' as described in Policy G1 of the CMKAP).

Impact on non-designated heritage assets (The Point)

7.57 The proposal would involve the total loss of The Point, which has previously been considered for listed status but fell short of the high bar for designation of post-war buildings. While not of national interest, The Point is of significant local interest. The Conservation Officer notes that The Point holds key areas of significance which align with the conservation principles that could lead to a national (or local) designation, such as historic value as the first multiplex cinema in UK, and aesthetic and communal value as an iconic building locally and part of the national image of Milton Keynes.

7.58 While the NTHR has not yet been adopted, the consideration of non-designated heritage assets is supported by Policy HE1 of Plan:MK and Policy G2 of the CMKAP. The Conservation Officer considers The Point to be one of a small number of nominations which could meet all six of the adoption selection criteria, highlighting the building's valuable local significance and substantial value as a non-designated heritage asset within Milton Keynes, and placing it towards the top of any list of non-designated heritage assets.

7.59 The demolition of The Point should therefore be afforded significant weight within the provisions of Policy HE1 and paragraph 209 of the NPPF in making a balanced judgement of the scheme.

7.60 The submitted Heritage Statement concludes that the demolition would result in "only a low level of less than substantial harm" to the heritage asset, by forming a narrative that the significance of The Point does not rely on the continued existence of the building itself, and that the memory of the building and retention of the site is enough to preserve its significance. The Conservation Officer fundamentally disagrees, as if this were the case then there would be no need for any heritage assets to be preserved in situ and documentation and collective memory would suffice for any proposal. The applicant also considers that the design of the new scheme preserves the cultural significance, but references to The Point in the new design are subtle and unremarkable in the context of the other buildings in CMK.

7.61 As per Policy HE1 (Part F) the benefits of the development must clearly outweigh this harm. In accordance with the PPG, a public benefit must flow from the development "and could be /FUL

anything that delivers economic, social or environmental objectives as described in the NPPF (paragraph 8)". As set out elsewhere in this report, there are no public benefits to outweigh this harm. Provision of market housing alone, whilst a positive aspect, is not considered sufficiently significant given that, whilst contributing towards housing growth in CMK, the mix of properties proposed does not reflect the SHMA and table 7.1 in Plan:MK. There are also no heritage benefits delivered, as discussions during pre-application stages to preserve,

relocate or reuse elements of the red pyramid structure in a prominent public position or within the site have not been realised in these proposals. In fact, the lack of affordable housing and infrastructure contributions are arguably 'public disbenefits' of the scheme that further exacerbate the harm resulting from the proposal.

7.62 The effective use of brownfield land and reintroduction of a leisure use and new retail units, enhancing the vibrancy of CMK and supporting local facilities through an increased resident population, are also considered positive but these benefits are fettered by the loss of the lawful leisure uses already present and, again, not considered sufficiently significant. The limited retail and leisure floorspace provision compared to that previous secured and envisaged in the CMKAP also limits positive weight which can be afforded to the proposal.

7.63 In addition, Policy HE1 (Part F) also states that the weighing exercise should only take place "once all feasible solutions to avoid and mitigate that harm have been fully implemented". While the supporting marketing report focuses on the re-use of the whole site for leisure uses, it has not been demonstrated that all feasible options for retention or a hybrid retention solution have been assessed. For example, there is no assessment of retaining the pyramid structure while demolishing the cinema and car park, and only redeveloping the southern twothirds of the site; nor is there consideration of an innovative solution for incorporating the pyramid structure into or between buildings, or even retaining and refurbishing it for the proposed leisure and retail uses. It is noted by consultees and interested parties that retaining the least important building on site fails to properly assess and work with its constraints. The proposal therefore fails to comply with Policy HE1, in that it is not possible to move to balancing exercise when all feasible solutions to avoid or mitigate the harm (total loss) of The Point have not been explored.

Impact on non-designated heritage asset (Classic CMK Infrastructure)

7.64 In terms of the wider public realm/classic infrastructure, this is considered to be unaffected by the proposal.

Impact on designated heritage assets

7.65 The site is adjacent to the Grade II Shopping Building. The Point building is considered to make a positive contribution to this setting by forming a group of New Town buildings, and to the wider character of CMK – in particular due to the shared palette of materials. Given its unique design, The Point otherwise stands alone as a focal point for leisure uses, rather than the understated design of the Shopping Building. It is also notable that the apex of The Point can be seen from within the Shopping Building, in particular from Queen's Court through gaps in the arcades. The Shopping Building character is defined by its horizontal linear structure, and a key aspect of this is how it appears within the skyline and visible space around the building.

7.66 However, it is also noted that the dominance of Midsummer Place Shopping Building dilutes the significance of The Point due to its height and position, with it being attached to the Shopping Building, and The Point being separated by Midsummer Boulevard and being of lower height. Notwithstanding this, the Conservation Officer considers that the loss of The Point would erode the grouping and relationship of these New Town buildings, although the harm caused to the setting of the listed building would be low (i.e. less than substantial).

7.67 While The Point building undeniably contributes to the setting of the Shopping Building, other prominent development in CMK is a factor that already affects this setting Shopping Building to differing degrees. For example, Hotel La Tour, at 14 storeys, changed the setting to its east, altering the vanishing point but not disrupting its horizontal emphasis, as noted by Historic England. With no current tall building strategy for CMK, and there being a number of developments granted or in the process of being implemented; each proposal must be considered on its own merits.

7.68 The proposed scheme, at 22 storeys at its highest and closest to the Shopping Building, is significantly taller than other schemes being constructed or proposed immediately around the Shopping Building. It would be the tallest feature in the immediate setting, with the next tallest being Hotel La Tour at 14 storeys and the redevelopment of the Food Centre, at 13 storeys tall. Both of these are around two-thirds of the height proposed on The Point site.

7.69 Historic England object to the current scheme with concerns around the prominence of the scheme, as viewed from within Queen's Court, and that the building would appear overly dominant and striking when viewed in the setting of the listed building. The towers would be visible from various points within and beyond the Shopping Building, disrupting the skyline when viewed from both Queen's Court and

from the northern side, looking across the roofline of the Shopping Building from, for example, North Ninth or North Tenth Streets. Whilst it is recognised that Historic England are not a statutory consultee for this application, with their involvement only required on applications affecting the setting of Grade I and II* listed buildings, their concerns are with merit as the Conservation Officer agrees that the considerable change in scale would lead to a visual dominance over the surroundings and the Shopping Building in particular. It is considered that this would cause less than substantial harm to the listed building.

7.70 In addition to the Shopping Building, the proposal would be visible from Campbell Park, (a Grade II park & garden). However, it is not considered to have an impact on the park, as the predominant CMK skyline when viewed from within it already includes Xscape, the Theatre, and Hotel la Tour which influences the setting as an urban park. The development would not be a significant feature influencing this setting. No comment has been made by Historic England or The Garden's Trust in this regard. Other nearby listed buildings, such as the Central Library and the Octo sculpture are not considered to be negatively affected by the proposal.

7.71 As above, where less than substantial harm has been identified, the wider public benefits of the proposal must be taken into account, and development only be permitted where these demonstrably outweigh this harm. In this regard, the wider public benefits of the scheme, as set out in this report, include the provision of market housing, re-use of brownfield land, and provision of new retail and leisure floorspace. However, these cannot be afforded great weight given, amongst other things, the lack of a viable policy compliant contribution towards affordable housing and confidence in there being a positive and high-quality design response to the site and skyline. It is, therefore, considered that there is no demonstrable public benefit to the proposal that outweighs the harm to the designated heritage asset and the proposal is therefore contrary to Policy HE1, paragraph 208 the NPPF, and it is recommended that the proposal is refused on this basis.

7.72 Were the proposal to be approved, conditions would be required to secure a detailed record of The Point prior to demolition, for the City Archive.

7.73 Overall, the public benefits of the scheme are not considered to outweigh the harm to non designated heritage asset, The Point, nor the designated heritage asset, the Shopping Building, and the proposal is therefore contrary to Policy HE1, paragraphs 208 and 209 of the NPPF and it therefore it is recommended that this forms a reason for refusal.

Heritage-related reasons for refusal

- (3) Impact on the setting of the listed building The proposal would result in less than substantial harm to the grade II listed shopping building (List Entry Number: 1393882). The public benefits arising are not considered to clearly and convincingly outweigh this harm, such that the proposal is contrary to Policy HE1 of Plan:MK and paragraph 208 of the National Planning Policy Framework (NPPF).
- (4) Loss of a non-designated heritage asset The proposal would result in the total loss of the non-designated heritage asset of high significance both in Central Milton Keynes and across the city. Given this total loss and high value of the asset, great weight should be afforded to its preservation or enhancement in a balanced judgement of the proposal. By not investigating every feasible option of retaining or mitigating the loss, and by there being limited public benefits arising; the proposal fails to overcome the degree of harm arising. The proposal therefore does not comply with Policy HE1 of Plan:MK, in particular Part F, and fails to comply with paragraph 209 of the NPPF.

Appeal Decision

'The Point'

15. The building known as 'The Point' has been treated by the main parties (correctly in my view) as a non-designated heritage asset. It is included on the MK New Town Heritage Register (MKNTHR). When it opened in 1985, it was the first of a number of multiplex cinemas planned in the UK. The building is made up of two elements – to the rear is the rectangular block containing the cinemas, and at the front, facing the Shopping Building, is the 'ziggurat' or 'pyramid' structure which formed the main entrance. It is this part of the overall building that is regarded as having heritage significance. Once the tallest building in Milton Keynes, the pyramid frame was lit in red, and visible from afar, giving the building a landmark quality.

- 16. I consider that the building makes some contribution in terms of 'group value' to the significance of the Shopping Building opposite. They have an obvious synergy as two of the buildings that were part of the original growth phase of the New Town. On top of that, it is instructive, in an architectural sense at least, to see the unashamedly modernist Shopping Building, inspired by the works of Mies van der Rohe, alongside a post-modern building, an architectural style that was a reaction to modernism. It is perhaps unfair to suggest that the Shopping Building has stood the test of time rather better, because development economics obviously played a part in the way 'The Point' was implemented. It suffices to say that 'The Point' has nowhere near the build quality of the Shopping Building, and as it stands today, it is in a very sorry state, largely unused, and with a somewhat uncared for appearance.
- 17. On the face of it, the proposals would result in the total loss of 'The Point' and its significance. I do appreciate that the building has a special place in the memory of the people of Milton Keynes, and others beyond. That attachment to the building is understandable, given its history, and its loss would be a shame, in many ways. Having said that, the evidence shows that the 'The Point' has clearly outlived its purpose, and there are no realistic prospects for its effective re-use.
- 18. All that said, the scheme does not propose to leave no trace whatsoever of 'The Point'. There has been dialogue between the parties about the best way in which a nod or reference back to the 'The Point' could be included as a part of its replacement. To my mind, retaining elements of the existing building, for example the pyramid structure, as part of the scheme, would be all too predictable and indeed tokenistic. There ought to be room for a more subtle and considered response and to my mind, lighting the crown of Block C of the proposal in red, as the pyramid structure of 'The Point' was formerly, would be a more respectful and intelligent way of recognising the building that formerly occupied the site, and its landmark quality. In that way, people's memories of 'The Point' could be triggered in a pleasing way, long after it had gone.
- 19. Nevertheless, it must be acknowledged that very much, if not all, of the significance of 'The Point' would be lost as a result of the scheme. The contribution it makes to the significance of the Shopping Building would disappear so there would be a harmful impact on the setting and as a result, the significance of the listed building too. That needs to be brought into the balancing exercise that I carry out below.

The Shopping Building

- 20. As set out in the helpfully comprehensive list description, the Shopping Building was designed by Stuart Mosscrop and Christopher Woodward working under Derek Walker. The list description refers to the principal reasons for designation as: Architectural Interest: a highly-regarded, little altered, 650 metre long steel and glass structure whose design was heavily influenced by the work of the leading early-mid C20 architect Mies van der Rohe; its rigour, consistency, luminosity and user friendliness all denote its success as a new approach to retail design; Exemplar: as the outstanding post-war retail development in England, successfully drawing on American inspirations but creating a singular shopping centre, realised on a monumental scale; Materials: for the high quality and consistent deployment of materials and finishes, all executed to careful standards of finish; Intactness: the public elements of the shopping centre are little-altered and retain the original appearance of the design; Adaptability: the success of the complex lies in part in its ability to accommodate fast-changing retail stores while retaining its overall architectural integrity; Artistic interest: for its public artworks, notably Liliane Lijn's Circle of Light which endows this retail complex with prestige and meaning; and Town planning: as the purpose-built centrepiece of Britain's last, largest, and in planning terms most innovative new town, which created a retail space realised on a civic scale.
- 21. It is also useful to reflect on the importance of the building's monumental scale to its significance. That monumental scale is related to its horizontal extent rather than its height. It is relevant to note too, that the original design of the city centre and its grid and thus the Shopping Building, which was integral to the plan was informed by the play of natural light, and the arcades are parallel with Midsummer Boulevard which itself is aligned with where the sun rises on the Summer Solstice. Indeed, I found the most pleasing exterior views of the Shopping Building, where the contribution setting makes to its significance can best be appreciated, to be where you can take in its length, disappearing into the distance, eastwards, from relatively close quarters.
- 22. It is right to observe that from some points, on the Midsummer Boulevard side of the Shopping Building especially, that this sense of the building disappearing into the distance has been devalued by the intrusive presence of the Hotel la Tour, and the multi-storey car park

alongside it, which close off the view in one direction, and by Midsummer Place, the extension to the Shopping Building, which interrupts the view in the other. 23. It is also of note, for reasons will become clear, that the Shopping Building also includes two 'public squares', one covered - Middleton Hall - and one open to the sky - Queens Court. The latter is not in its original form having been eaten into by covered areas but that makes no great difference to its importance as part of the overall composition. 24. Apart from the group value it shares with 'The Point', that I have referred to above and return to below, like the Council, I consider there to be two main aspects to a consideration of the potential impact of the proposal on the setting and thereby the significance of the Shopping Building. The first relates to the interrelationship between the relatively tall buildings that form part of the proposal, and the Shopping Building when viewed from Midsummer, and Silbury, Boulevards, while the second relates to the presence of the proposals in views from Queens Square. 25. In terms of Midsummer Boulevard, the nearest parts of the proposal would be much higher than the Shopping Building, and its verticality would be very much in contrast to the horizontality of the Shopping Building. However, unlike Midsummer Court, the proposal would respect the grid, which would allow for a significant degree of separation (of the order of 80 metres) between the proposals and the listed building. As a result, the ability to appreciate the composition, and in particular the monumental length, of the Shopping Building, from Midsummer Boulevard would be unaffected. Moreover, the 'breathing space' allowed for by this degree of separation means that the contrast between the Shopping Building and the proposal would not be an injurious one. 26. From Silbury Boulevard, the proposal would be a contrasting visual presence in views towards the Shopping Building, with the towers beyond, rising above it. However, in these views, which, despite the trees, are very open as a result of the generosity of the grid, the horizontal monumentality of the Shopping Building would remain easily dominant. The presence of the proposal beyond it would not take away from the sense of the monumental Shopping Building disappearing into the distance. In that way, views of the proposal from Silbury Boulevard would not detract from the setting or the significance of the Shopping Building. 27. I note that Historic England in objecting to the proposal take a contrary view, suggesting (and I summarise) that the tall building nature of the proposal would challenge the architectural and landmark qualities of the Shopping Building, making it a secondary feature in these views. I disagree with that for the reasons I have set out above, but I must also note that the monumental scale of the Shopping Building gives it a degree of robustness that a single proposal, like that before me, offers no real challenge to its supremacy. 28. I recognise that this situation could change if a succession of proposals for tall buildings emerged, along Midsummer Boulevard especially, and my attention has been drawn to a number of such schemes in central Milton Keynes. However, no issues around cumulative impact were raised by the Council and the potential for such an impact seems to me to be a strategic question best dealt with through a Tall Buildings Strategy, enshrined in policy. I can only deal with the proposal before me and these wider questions are for others in the future to deal with 29. Unlike Silbury Boulevard, Queens Square, and for that matter the arcades surrounding it, are much more enclosed spaces. From what I saw, views of the sky, whether directly, or through the glazed arcades of the Shopping Building, are an important part of the experience of the square and for that matter, the arcades. The ability to appreciate the largely transparent nature of the building, and the lightness of the structure, from Queens Square and its environs, contributes to its overall heritage significance. While 'The Point' is already visible from Queens Square and enclosed areas around it, the proposals would be a much stronger visual presence in these views, and as a result of the heights of the buildings that make up the scheme overall, it would block off much more of the sky. 30. That said, like 'The Point', the proposals would accord with the town grid so the sense of them lining up with the axis of Queens Square would remain. That would allow the buildings to avoid appearing as arbitrary intrusions but nevertheless, the strength of their visual presence, and the extent to which they would reduce the ability to appreciate the transparent, light, nature of the Shopping Building by blocking out, to an extent, the sky beyond, would have something of a damaging impact on the setting and thereby the significance of the listed building. 31. Bringing those points together, the proposals would in my view cause a degree of harm to the setting and thereby the significance of the Shopping Building. This harm would manifest itself in two ways. First, there would be the harm caused by the loss of a good part of the

relationship between the Shopping Building and 'The Point', or their group value. Secondly, there would be the harmful impact caused by the visual presence of the proposal, blocking out the sky, in views from Queens Square and areas around it.

32. To my mind, this harm to the setting and thereby the significance of the Shopping Building would be 'less than substantial' so, in accordance with the workings of Plan:MK Policy HE1 and paragraph 215 of the Framework, that harm needs to be weighed against the public benefits of the proposal. To carry out that balancing exercise, it is necessary to conclude where on the scale of less than substantial harm, which runs from a level of harm that is hardly perceptible, at one end, to something not very far short of the vitiation of significance at the other, the level of harm caused would sit.

33. On my analysis, the extent of harm would be very much at the lower end of the 'less than substantial' scale. I reach that conclusion because first of all, there would be no direct impact on the listed building, and the fabric of the building, enclosing the spaces within it, provides the predominant constituent of its overall significance. Moreover, the close-up views of the building that best inform its significance, in other words the key parts of its setting, would be unaffected.

34. Secondly, the harmful impact on the setting of the Shopping Building would be experienced in only very limited areas. Large swathes of the extensive interior would still allow the play of natural light, and the transparency of the structure, to be readily appreciated. Again, I can see that there would be a danger of this impact becoming cumulatively greater if a succession of proposals for tall buildings along Midsummer Boulevard came forward. However, as I have indicated above, that is a strategic question best dealt with in those terms.

Conclusion

36. Having set out these harmful heritage impacts, in relation to 'The Point' and the Shopping Building, following the line of MK:Plan Policy HE1 and the approach of the Framework, I need to address the public benefits that would come forward if it is implemented. Before doing so, I must say something about the nature of the proposal. The evidence shows that as things stand, it is not viable. Conventional wisdom suggests that a proposal that is not viable is very unlikely to be implemented, so the benefits will not come forward. However, in that instance, the harmful impacts would not manifest themselves either.

35. Thirdly, the loss of the relationship with the 'The Point' would not devalue the significance of the Shopping Building to any great

degree, and in any event, an echo of that relationship would remain as part of the proposals.

- 37. It seems to me that the decision-maker rarely knows for sure whether a development for which permission might be granted will come forward, so all balancing exercises of this type are carried out in the abstract. In that context, questions around viability have not exerted any great influence on my approach to the balancing exercise, save for one particular matter relating to affordable housing, that I highlight below.
- 38. First, the delivery of almost 500 accessible, energy efficient residential units, or apartments, would represent a significant boost in housing terms. As things stand, the Council can demonstrate a five-year supply of housing but nevertheless, the objective of the Government is to significantly boost the supply of housing, and not just in areas that cannot demonstrate a five-year supply. The housing crisis is a national one, after all.
- 39. The Agreement under s.106 includes a financial contribution to the provision of affordable housing off-site. For the reasons set out below, I have not attached any weight to this in reaching my conclusions.
- 40. Second, there would be significant economic benefits in the construction phase. I note what the Council says about the nature of these benefits, but Government policy says that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The construction industry is an important driver of economic growth and as such the jobs created or sustained, and the expenditure on materials and such like, involved in the scheme, attract significant weight in its favour.
- 41. The proposal would also bring forward economic benefits in operation. New residents would be brought into the city centre creating meaningful increases in local expenditure that could help sustain the Shopping Building, and the facilities within it, as well as other city

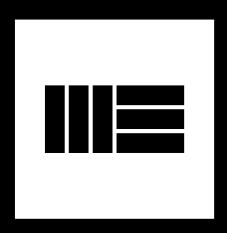
				centre facilities. The provision of new leisure and outdoor sports facilities as part of the scheme would be attractions in themselves, generating visitors to the city centre, and associated expenditure. 42. There would also be environmental benefits flowing from the proposal. In particular, notwithstanding its status as a non-designated heritage asset, 'The Point' is largely unused and has a semi-derelict appearance. There is no reasonable prospect of it coming back into operation. To suggest that it should remain, nevertheless, would serve to fossilise an important city centre site that is largely moribund and crying out for effective re-use. Bringing the site back into that effective re-use through what I regard as a very well-designed scheme would make for an efficient use of the site, in line with advice in the Framework, and have a positive impact on the city centre in character and appearance terms. On top of that, the scheme would provide a biodiversity net gain of 90.4%. 43. Bringing those points together, I am of the view that these public benefits are easily sufficient to outweigh the less than substantial harm that would be caused to the significance of the Shopping Building, through development in its setting, and to justify the loss of 'The
				Point'. On that basis the proposal accords with Plan:MK Policy HE1, the development plan considered as a whole, and Government advice in the Framework. There are no other material considerations that would justify a decision not in accordance with the development plan. On that basis, it is my conclusion that the appeal should be allowed.
Theatre Car Park	Up to 25 storeys	24/00036/FUL	Granted 15 August 2024	Committee Report
Faik			2024	4.11 MKCC Conservation
				No objection raised regarding the impact on designated and non-designated heritage assets, with the development considered to cause no harm to these assets or their significance. Comments raised regarding the design of the building being largely acceptable but consider that it is underwhelming for the proposed location, with the upper levels lacking a distinct character. Requests that the external materials be conditioned.
				4.28 <u>Historic England</u>
				Initial comments
				No objection raised, but consider that the proposal would impact the CMK Shopping Building, appearing prominently along the roofline of the building, which has the potential to impact the architecture that forms part of the significance of the building. Also concerned that the scheme would result in a dominant urban feel from Campbell Park, with the scheme creating a more solid skyline when compared to the existing more open skyline, which allows distance views into the City Centre. Request further viewpoints along Secklow Gate and more careful consideration of the views from Campbell Park.
				Revised comments
				Welcome the further assessment provided and additional views, but maintain previous position. The proposal would provide a constant presence above the Shopping Building, and consider this to result in less than substantial harm to the listed building. Consider the impact could be mitigated by reducing the height of the tallest element. Consider that the Council (conservation officer) needs to be satisfied that the harm has been minimised as much as possible, and it is for the conservation officer to consider the weighing of any harm against public benefits of the scheme.
				Impact on heritage assets
				7.52 Policy HE1 of Plan:MK states that proposals will be supported where they sustain and, where possible, enhance the significance of the heritage assets recognised as being of historic, archaeological, architectural, artistic, landscape or townscape significance. These assets include conservation areas, listed buildings and non-designated heritage assets as defined in Annex 2 of the NPPF. Where appropriate, the policy dictates that development proposals must provide an impartial and objective heritage assessment where there may be an impact on heritage assets. The policy also requires that proposals, which cause less than substantial harm to a designated heritage asset, only be granted where the harm is demonstrably outweighed by public benefits delivered by the scheme. This reflects NPPF paragraph 208.

7.53 Regarding harm to non-designated heritage assets, the policy states that proposals incurring such harm will be resisted unless the need for, and benefits of, the development clearly outweigh the harm, taking into account the asset's significance and importance, and only once all feasible solutions to avoid and mitigate that harm have been fully considered. Paragraph 209 of the NPPF states that a balanced judgement is required for applications that affect nondesignated heritage assets, having regard to the scale of harm or loss and the significance of the asset. 7.54 Part G of Policy HE1 sets out that when assessing any potential harm or enhancement to the significance of a heritage asset(s), a number of criteria will be considered. The importance of Campbell Park and its setting is also considered in Policy G4 of the CMKAP. 7.55 The height and massing form a significant part of the consideration regarding the impact on heritage assets within the surrounding area. The site is located within the setting of Campbell Park, a Grade II Registered Park and Garden, and the setting of the CMK Shopping Building, a Grade II Listed Building. In addition, classic CMK infrastructure falling within and surrounding the site is considered to be a nondesignated heritage asset. Designated heritage assets 7.56 The scheme sits at the interface of CMK and Campbell Park. Due to the height and massing of the building, the proposal would significantly influence the setting of the Grade II Registered Park and Garden. The views south-west within the park are of the emerging cityscape of CMK, of which Hotel La Tour is currently the primary tall building, given its height, with the Xscape and Theatre Building also on this horizon. 7.57 The proposal has been designed to consider the surrounding built form and local character, while acknowledging the prominent position within the city skyline. The Conservation Officer has no objections to the proposal, though considers that the scheme is underwhelming in utilising the opportunity that the site could accommodate. While considering this, it is acknowledged that the scheme creates visual interest at lower levels through the double height colonnade and use of materials. The improved public realm is also considered, in principle, to enhance the setting of Campbell Park by providing a welcoming entrance. In the view of the Conservation Officer, the upper levels are considered not to conflict with the character, or harm the setting of, Campbell Park. 7.58 It is noted that Historic England have raised concerns, concluding that the scheme would result in a lesser extent of harm to the setting of Campbell Park, though the exact degree has not been specified. As such, it is for the Council to establish the level of harm. Campbell Park is a city park, with the association with CMK integral to its significance, whilst the key views are out from the park to the north and east. Its setting with buildings such as Hotel La Tour form part of this character and, in principle, a tall building in this location would preserve the established skyline which borders the Park, though it is noted that this building would be significantly taller than those contributing to this setting. However, as noted above, the Conservation Officer has concluded that the scheme is designed sympathetically and would not cause harm to the setting or significance of Campbell Park. It is also noted that The Gardens Trust welcome the proposal in improving linkages to the Park. It is therefore considered that this development would result in very minor harm to the setting of Campbell Park, and this must be weighed against the public benefits associated with the scheme. These benefits are discussed within this report and are considered to outweigh the very minor harm identified as a result of the proposal. 7.59 In relation to the Grade II Shopping Building, additional information and a further viewpoint has been produced to address comments raised by Historic England. Despite this, concerns continue to be raised regarding the impact of the proposal on the views from the Shopping Building, with it concluded that the scheme would result in harm to its setting. Again, the exact degree of harm has not been clearly identified. However, Historic England are not a statutory consultee in relation to the impact on the Shopping Building and their response is provided alongside that relating to Campbell Park. Consideration of the harm to grade II listed assets is for the Conservation Officer to assess, informed by Historic England if considered appropriate. Much of the concern relates to the height of the development and the visibility of this above existing infrastructure in CMK, visible from the intersection of Secklow Gate and Silbury Boulevard. The submitted view indicates that the upper floors of the taller block would be visible from the Shopping Building. 7.60 However, it is considered that the distance between the site and the listed building, and acknowledgement that these are wider city centre views noting that it is only from certain aspects the development can be appreciated in the same view as the Shopping Building; the scheme would not undermine the heritage significance of the Shopping Building. The scheme would not dominate views of and from the

				Shopping Building, and its architectural significance (including its horizontal emphasis) would be maintained, with the predominant 'bookend' still being Hotel La Tour. This is reflected in comments received by the Conservation Officer, and it is therefore concluded that the scheme would not result in harm to this asset.
				7.61 Beyond CMK, there are some conservation areas and designated heritage assets of which a glimpse of the proposed building may be obtained. These assets are not considered to be impacted by the proposal.
				7.62 The proposal, overall, is considered to result in minimal harm to the setting of Campbell Park. Given this assessment, public benefits of the scheme are required to be balanced against this harm. As concluded, the benefits set out in this report are considered to outweigh the minimal level of harm identified. The scheme is therefore considered to be in accordance with the relevant national and local policies and legislation.
				Non-designated heritage assets
				7.63 In regard to the impact on the classic infrastructure and public realm, the scheme seeks to upgrade this area, providing an improvement to the existing provision. The building is designed to sit on the existing footprint of the MSCP, rather than extend onto this area, preserving the grid along the Boulevard. The scheme includes additional soft landscaping, planting, public realm improvements and additions of street furniture to create a vibrant, welcoming and interactive space for those accessing the building, as well as those passing through the area to access CMK and Campbell Park.
				7.64 The improvements are not considered to result in harm and are considered to be a public benefit of the scheme. Given this, no balancing exercise in relation to the impact on non designated heritage assets needs to take place, with the proposals being a welcome enhancement of the assets.
				8.0 Conclusions
				8.1 The proposal would make effective use of brownfield land as outlined within paragraph 120(c) of the NPPF and complies with elements of Policy SD2 and SD3 in respect of making a positive contribution to the vitality and mix of uses within CMK, which support residential development within CMK. The introduction of active frontages and night-time uses would also support the vitality of CMK, as advocated by policies of Plan:MK and the CMKAP. It is also recognised that the proposal would bring forward new market rental homes in a sustainable location, contributing towards supply and delivery within the City, whilst the enhancement to elements of the public realm also lend further weight to the benefits arising.
				8.2 It is acknowledged that there are some shortcomings in the design, and there is a difference of opinion between the Conservation Officer and Historic England over whether there is any harm to the setting of Campbell Park. However, the benefits afforded to the redevelopment of the site, as set out above, along with economic benefits arising through the construction of the scheme and subsequent leisure uses, would go towards outweighing the very minor harm identified. The scheme is considered to be of a good quality for the proposed location.
Cambell Park	Up to 12 Storeys	24/01612/FUL	Recommended for	Committee Report
Northside			approval, Committee Decision Refused on 29 April 2025	7.12 Policy HE1 of Plan:MK states that proposals will be supported where they sustain and, where possible, enhance the significance of the heritage assets recognised as being of historic, archaeological, architectural, artistic, landscape or townscape significance. These assets include listed buildings and non-designated heritage assets.
				7.13 Policy HE1 is supported by the NPPF where paragraph 212 advises great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification including RPGs. Paragraph 215 states that where substantial harm to a designated heritage asset will lead to less than substantial harm, such cases should be weighed against the public benefit of the proposal, with the PPG discussing the concept of public benefits further.

7.14 The site sits adjacent to Campbell Park, a Grade II RPG and therefore a designated heritage asset. The park forms a point of transition from the urban character of the western CMK grid squares through to the canal and the areas beyond, with the latter being characterised by development within landscaping and more conventional height residential development. It is important to note that Campbell Park is enclosed by further, undeveloped, residential allocations, located at Blocklets F1.2-F1.4, G1.1-G1.4N and G4.1-G4.2, expected to come forward. Campbell Wharf is also located within Blocklet H4.1 with a maximum height of 8 storeys. 7.15 To the west of the park, a city skyline is emerging, with Hotel La Tour (14 storey) and the MK Gallery (5 storey) sitting on the ridge overlooking and directly addressing the park. In addition to this, there are resolutions to approve schemes at The Theatre car park (part 25, part 18, part 16 story) and Westminster House (8 storey), both of which are increasing the height of development within the city centre. The site itself sits immediately adjacent to Campbell Park and within its setting. The open nature of the site extends the green character of the park, but its unkempt nature results in a neutral contribution to its significance. By virtue of the site being allocated, there is a longstanding presumption of its development for such purposes. There is therefore no 'in-principle' heritage objection to Phase 1. 7.16 The level of harm must be understood within the context of the site being within the setting of the RPG and the impact it has on the asset's significance. The proposed development would cause harm to the significance of the designated heritage asset, due to the impact caused by the scale and bulk of the proposal, resulting in a dominant, isolated feature which will be located within key views and when viewed from the lower park. Whilst this harm is considered to be within the less than substantial harm category, which is accepted by the applicant who considers it is at a low level, the Conservation Officer considers it to be contained at a moderate level. The wider context of urban form rising above the fringes of the park must be recognised, it being a park deliberately designed in the New Town era to sit amongst the city itself. The overall harm arising is therefore of a low to moderate nature, with the NPPF stating that great weight be applied irrespective of harm to the conservation of the heritage asset, and this needs to be weighed in the planning balance, against the public benefits of the proposal. 7.17 In order for compliance with policy HE1, the public benefits delivered by the scheme must clearly outweigh the harm caused. The proposal provides public benefits, including an increase in the resident population of CMK and housing delivery, funding for new affordable housing, supporting the vitality and vibrancy of the area, increasing human presence and natural surveillance, and delivering investment in the leisure and retail offer which exists. In addition, the proposal revitalises and regenerates a vacant parcel which is an allocated site and ensures delivery in line with projected housing supply – delivering on the strategy and housing supply of the adopted development plan. This much be afforded very significant weight within the planning balance with the published trajectory indicating the first completions on site being delivered in 2027/28. Public benefits are also attached to the contribution in lieu of affordable housing, which is in itself also afforded significant weight. 7.18 It is inevitable that the allocation of 1,500 dwellings at Campbell Park Northside would have an urbanising effect in an area immediately adjacent to the park. Therefore, the acceptability of a level of harm to the heritage asset had already been established through the adoption of Plan:MK. The harm from this development is caused in respect of the massing and the height of the development. It is therefore considered that, on balance, the public benefits in this instance outweigh the harm. Reason for refusal on decision letter 1 The proposal would result in less than substantial harm, at the moderate level, to the Grade II Listed Register Park and Garden (Campbell Park). The public benefits arising are not considered to clearly and demonstrably outweigh the harm caused by the scale and massing, resulting in an incongruous, dominant, and isolated feature within key views and the experience of the lower park. The proposal is contrary to Policy HE1 of Plan: MK and Paragraph 215 of the National Planning Policy Framework (NPPF).

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