



Milton Keynes Council
Central Milton Keynes (CMK) Business Neighbourhood Plan
Decision Statement

Summary

Following an independent examination (including a Hearing) and decision at its Cabinet on 13th October 2014¹, Milton Keynes Council confirms that the CMK Business Neighbourhood Plan will proceed to referendum on 7 May 2015. The referendum area has been extended to cover the borough of Milton Keynes and, as this is a Business Neighbourhood Plan, there will be two referendums – one for residents and one for businesses.

Background

On 25 July 2012, Milton Keynes Council designated the parish of Central Milton Keynes as a business neighbourhood area for the purpose of preparing a business neighbourhood plan in accordance with Part Two of the Town and Country Planning (England) Neighbourhood Planning (General) Regulations 2012.

Following the submission of the CMK Business Neighbourhood Plan to Milton Keynes Council, the Plan was publicised and representations invited. The publicity period ended on 18th September 2013.

Milton Keynes Council appointed an independent examiner, Mr Jeremy Edge, to conduct an examination into whether the Plan meets the basic conditions and should proceed to referendum.

The examiner's report concludes that, subject to making the minor modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a referendum.

Decision and reasons

At a meeting of the Milton Keynes Council's Cabinet on 13th October 2014 it was agreed that the Plan should proceed to a referendum.

Having considered each of the recommendations made by the Examiner in his report, and the reasons for them, Milton Keynes Council has agreed to make the modifications to the draft Plan as shown in Table 1 below, to ensure that the Plan meets the basic conditions set out in legislation.

¹ For papers see Item 11 on Cabinet on 13 October 2014 at: <http://milton-keynes.cmis.uk.com/milton-keynes/Calendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/4378/Committee/944/Default.aspx>

Table 1: Modifications to be made to the CMK Business Neighbourhood Plan in line with the Examiner’s recommendations

Examiner’s recommendation	Milton Keynes Council response
<p>Policy CMKAP S1</p> <p>1. I recommend that Policy CMKAP S1 be deleted and the preceding paragraph 3.32 be revised as follows:</p> <p>“3.32 Preparation of the business neighbourhood plan has been guided by the objectives in Policy CS7 of the Council’s adopted Core Strategy as follows:</p> <ol style="list-style-type: none"> 1. Achieve higher quality buildings and spaces around them, with greater attention to human scale and more detail and variety of uses within proposals 2. Promote a higher density of development in appropriate locations 3. Achieve growing visitor numbers from outside the city to further enhance CMK's status as a regional and national destination for shopping, culture and leisure 4. Offer a range of travel options which collectively will support an increase in visitor numbers to the city centre and increased average travel distances 5. Develop as an attractive focus for all the residents of the Borough, whilst recognising its role as a District Centre for most of the surrounding estates 6. Encourage greater access to and within 	<p>Agreed.</p> <p>Deleting Policy CMKAP S1 avoids criticism that the policy is of a strategic nature. The paragraph now correctly reflects the status of the Core Strategy and faithfully follows Core Strategy Policy CS7.</p>

<p>the area by walking, cycling and public transport</p> <p>7. Provide more pedestrian-friendly routes and spaces between new and existing buildings and public areas</p> <p>8. Improve integration between the facilities and defined quarters of the area</p> <p>9. Accommodate the expansion needs of tertiary Higher Education such as the University Campus Milton Keynes (UCMK)</p> <p>10. Offer an attractive urban living environment for the residents of current and future dwellings”</p>	
<p>Policy CMKAP G2</p> <p>2. I would recommend that the policy be modified to reflect this aspiration as follows;</p> <p style="text-align: center;">“Policy CMKAP G2 Classic CMK Buildings & Public Art</p> <p>CMK Alliance shall support the preparation of a Local List by the Council and periodic reviews to identify any assets that might be appropriate to be referred to the Secretary of State for statutory listing.”</p>	<p>Agreed.</p> <p>The Modification clarifies that is the decision of MKC whether to prepare a local list – it is not a decision that the CMKAP can make.</p>
<p>Policy CMKAP G3</p> <p>3. I believe that there could be longer term benefit in the delivery of the Plan were this policy to be amended as follows in the context of core strategy policy CS7, sub paragraphs 5) and 10):</p>	<p>Agreed.</p> <p>The proposed modifications introduce some future flexibility by cross-referencing the policy to CMKAP G11 –</p>

<p>“Policy CMKAP G3 Landscaping & Open Space</p> <p>a) Retention of landscaping: the structural tree planting and landscaping forming part of the classic CMK infrastructure is protected by Policy G1. Remnants of Common Lane (Figure 15), and its hedgerows and trees, are a heritage asset and are to <i>shall</i> be conserved.</p> <p>b) Existing public open spaces to be retained (Figure 15): these amenity assets are integral to the design and successful enjoyment of CMK and a reduction in quantity, quality and usefulness shall will not be acceptable <i>other than for exceptional developments as defined within Policy CMKAP G11.</i></p> <p>c) Existing semi-public spaces: a reduction in quantity, quality, use and public accessibility of all or part of Bouverie Square, Ashton & Norfolk House Square, Middleton Hall, Queens Court, Midsummer Place, City Square, and Exchange Square to make way for new development shall will not be acceptable <i>other than for exceptional developments as defined within Policy CMKAP G11.....”</i></p>	<p>Exceptional Developments.</p>
<p>Policy CMKAP G4</p> <p>4. I recommend the minor modifications to the text in italics below to fit more appropriately within the context of strategic core strategy policy CS7 sub-paragraph 5):</p> <p>“Policy CMKAP G4 Campbell Park and its Setting</p> <p>a) Campbell Park (Figure 15) <i>shall</i> is to be retained and protected. It is of national and international importance, being one of the largest and finest contemporary urban parks in Europe.</p> <p>b) The development of buildings within the public green space of Campbell Park will require special justification. The design of any building proposed and</p>	<p>Agreed.</p> <p>The modifications make the policy fit more appropriately within the context of Core Strategy Policy CS7.</p>

<p>justified on an exceptional basis shall be appropriate to the character area of the Park within which it is proposed and be of the highest architectural standard, demonstrably enhancing the quality and function of the Park.....”</p>	
<p>Policy CMKAP G5</p> <p>5. I therefore recommend the policy should be modified as follows to fit more appropriately within the context of strategic core strategy policy CS7, sub-paragraphs 5) and 10) and the topic based policy CS20:</p> <p style="text-align: center;">“Policy CMKAP G5 The Green Frame</p> <p style="text-align: center;">Development in the Green Frame (Figure 15) <i>within the CMKAP area defined in Figure 13</i> around CMK will only be permitted if:</p> <p>It is located at places of connection with adjoining grid squares where it can be clearly demonstrated that it has a public benefit in terms of improving the quality and safety (as well as perception of safety) of pedestrians and cyclists using overbridges and underpasses, and ideally will occur on both the CMK and adjoining grid square sides;.....”</p>	<p>Agreed.</p> <p>The modifications clarify the extent of the CMKAP area but do not harm the spirit and intention of the plan.</p>
<p>Policy CMKAP G7</p> <p>6. I would therefore recommend that this draft policy should be modified to reflect land use development and the concerns of the various consultees, including Milton Keynes Council. Such proposed modification would be consistent with strategic core strategy policy CS7, sub-paragraphs, 5), 7) and 8) as follows:</p> <p style="text-align: center;">“Policy CMKAP G7 Active frontages</p> <p style="text-align: center;">Ground floor blocklet frontages facing the public realm and identified in Figure 10 shall be expected to provide predominantly active frontages including</p>	<p>Agreed.</p> <p>The Examiner considered that the draft policy did not fully reflect the needs of businesses that might be affected nor has there been an assessment of the capacity of the market to deliver the extent of active frontages sought. Additionally, the draft target of 80% active frontages was considered challenging by the Examiner.</p>

<p>offices, shops and retail showcases, cafes and restaurants, service providers, civic and cultural uses and artistic installations, subject to viability. Design facilitating passive surveillance will be encouraged.</p> <p>Weather protection: Development comprising blocklet frontages shall normally provide continuous weather protection and shelter with a depth of at least two metres at the same level as the adopted pavement.</p> <p>Porte cocheres: where buildings comprised within development proposals abut porte cocheres, direct and sheltered access shall be provided from them to the entrances of proposed buildings.”</p>	<p>As revised, the policy allows flexibility and consideration of viability.</p>
<p>Policy CMKAP G8</p> <p>7. I suggest that the draft policy be modified to facilitate such eventualities over the life of the Plan. These proposed modifications would be consistent with the strategic objectives of core strategy Policy CS7, sub paragraphs 1), 5) and 7):</p> <p>“Policy CMKAP G8</p> <p>Development Blocks and Blocklets</p> <p>a) Development is generally preferred to be in the form of perimeter development on Blocks and Blocklets with frontages facing the surrounding public realm, and private facilities such as servicing and parking yards located in the core of the development. Frontages to the public realm are to be active (as defined in Policy G7).</p> <p>b) Development is to clearly define the edge of the public realm. Frontages <i>shall be designed</i> —are— to appear continuous, without significant gaps save</p>	<p>Agreed.</p> <p>The modification makes the policy less mandatory and allows for alternative scenarios for example where new development might provide employment r other benefits to the wider area that would outweigh the desire to maintain permeability.</p>

<p>those which enhance the public realm by providing views through to landscaping or by providing pedestrian access to development behind.</p> <p>c) Routes through Blocklets which are designed to act as public thoroughfares should provide access at all times, with rights secured by legal agreement, <i>having regard to other material considerations.</i></p> <p>d) For large developments requiring large buildings, linked buildings, or secure campuses, the assembly of several Blocklets or parts of Blocklets may be justified, which may omit the creation of, or require the closure of, one or more Streets. In such circumstances, alternative arrangements for equivalent public accessibility and permeability of the Block shall will be required to be provided."</p>	
<p>Policy CMKAP G9</p> <p>8. I therefore recommend the modification to sub paragraphs e) and f) as provided below:</p> <p>e) "Proposals for taller buildings <i>in excess of eight storeys above natural ground level</i> will be tested against these criteria – that they:</p> <p>i. Offer outstanding economic and social benefits to CMK and Milton Keynes;</p> <p>ii. Avoid any adverse impact on:</p> <ul style="list-style-type: none"> » The microclimate, caused for example by increasing wind speeds, by overshadowing and by restricting daylight both in the public realm and in adjacent developments; » Telecommunications; » Adjacent developments by overlooking them and reducing privacy; » Adjacent developments when illuminated; 	<p>Agreed.</p> <p>The modification clarifies the definition of taller buildings. It removes a superfluous criterion (e (ii)) and removes the difficulty of having to objectively assess whether a taller building would "enhance the skyline".</p>

<p>f) Taller Structures which are not buildings <i>but which are in excess of the equivalent of eight storeys above natural ground level shall are not be acceptable</i> unless they have a necessary function (e.g. chimneys or communications masts) or are civic interventions (such as memorials and public works of art); “</p>	
<p>Policy CMKAP G10</p> <p>9. I would recommend that this element of the policy should be modified as follows:</p> <p>g) The creation of communities within developments should be fostered by establishing communal facilities, such as shared open space. , and wherever possible establishing management structures that are controlled by the residents to look after shared areas and take on shared responsibilities.</p>	<p>Agreed.</p> <p>The modification removes the non-land use planning part of the policy.</p>
<p>Policy CMKAP G11</p> <p>10. I propose for clarity the following minor modification to the policy text as follows:</p> <p>“CMKAP G11 Exceptional Developments</p> <p>Policy G1 may be applied with some flexibility if an exceptional development is proposed. An exceptional development would demonstrably raise the profile of Milton Keynes nationally or internationally, would make a substantial contribution to the economic, employment, social, cultural and other key objectives of the Plan and city prosperity, and would enhance CMK’s distinctive identity.</p> <p>Proposals are expected to show that:</p> <p>a) options have been considered that do not breach policy, with a detailed analysis of the pros and cons of each</p>	<p>Agreed.</p> <p>Minor amendment clarifies that both criteria should be met rather than one or the other.</p>

<p>relative to the original proposal, including at least one <i>an</i> alternative, or <i>further options</i>, put forward by the local community, if one is forthcoming; and</p> <p>b) pre-application engagement has taken place with stakeholders and the public to consider <i>evaluate</i> the options and with independent opinion surveys based on well informed samples to assess public support for the original and next best option.”</p>	
<p>Policy CMKAP G12</p> <p>11. I therefore recommend that for clarity there should be minor modifications to the planning obligations policy to allow for changes in the planning obligations regime during the life of the CMKAP as follows:</p> <p style="text-align: center;">“Policy CMKAP G12 Planning Obligations</p> <p>To support <i>deliver</i> the policies and strategies of the Plan, the system of planning obligations (including Section 106 agreements and Community Infrastructure Levy) applied by MK Council for CMK <i>during the life of this Plan shall include support for the provision of social and physical infrastructure with the Neighbourhood Plan area.</i>”needs to be revised and adopted when this Plan is adopted bearing in mind the comments made above.”</p>	<p>Agreed.</p> <p>The modification prevents the CMKAP from fettering the discretion of MKC to formulate and adopt a policy for planning obligations and/or CIL.</p>
<p>Policy CMKAP SS1</p> <p>12. I consider that further guidance regarding the Strategic Reserve Sites within Policy CMKAP SS1 should be provided through the following modification;</p> <p style="text-align: center;">“Policy CMKAP SS1 Strategic Reserve Sites</p>	<p>Agreed</p> <p>The modification provides further guidance for the development of the reserved area, including the role of parameter plans and statements of design principles.</p>

<p>Blocks B4 and Blocklets F1.2 - F1.4 are identified as being reserved for major developments of strategic importance, such as a university campus, major research or similar institute, or international headquarter offices or government establishment which would raise the profile of Milton Keynes nationally and/or internationally.</p> <p>Sites reserved for major developments must <i>should</i> be comprehensively planned, designed and developed, <i>through the use of a parameter plan, statement of design principles and by quantifying the maximum gross floorspace for the respective proposed land uses. Phased development of these strategic reserve sites shall be acceptable in the context of an agreed parameter plan, however piecemeal development of these sites shall will not be permitted. although future phasing of development is acceptable</i></p>	
<p>Policy CMKAP SS2</p> <p>13. Taking these land use issues together dealing with the shopping area, I would recommend the following modifications to this policy:</p> <p>“Policy CMKAP SS2 Shopping Area</p> <p>a) When retail development over 1,000 m2 cannot be realised in the Primary Shopping Area, sites in the Edge of Centre area (as demarcated in Figure 11) may be considered, followed by sites adjacent to Boulevards and Gates elsewhere.</p>	<p>Agreed.</p> <p>Usefully clarifies the size of “small shop units” and “encourages” rather than mandates their delivery.</p>

<p>b) Major new retail developments (more than 2,500 m²) <i>shall encourage the</i> are to include provision for a range of small shop units (up to 500 m²). (with some in prime locations. Where small shop units have been provided under this policy, the amalgamation of individual units will not be permitted without justification.</p> <p>c) Development of Block D3 with a Market Hall, as shown in the Proposals Plan, is encouraged with permanent stalls for independent retailers and market traders.</p> <p>d) Improvements to the existing outdoor market in Market Square will be encouraged to provide not only attractive lockable and serviced small stall units and a number of mobile traders, but also to provide the flexibility of demountable stalls for single day 'set up/take down' traders.</p> <p>e) To improve the visitor experience and services, a mix of leisure, cultural and community uses within the Primary Shopping Area is to be provided as part of any new major retail development.</p> <p>f) The pasting over or infilling of permitted shop frontages to Boulevards, Gates and Streets <i>shall not</i> will not be permitted and will be reversed where possible.</p>	
<p>Policy CMKAP SS3</p> <p>14. I suggest that the draft policy needs minor modification prior to the preparation of the AAP as follows:</p> <p style="text-align: center;">“Policy CMKAP SS3 Midsummer Blvd East</p>	<p>Agreed.</p> <p>The modification provides more appropriate wording so as not to fetter the discretion of MKC.</p>

<p>'Midsummer Boulevard East' as identified in Figure 11 <i>is proposed as declared to be</i> an Inset Action Plan Area, for which a detailed design and consultation process is to be undertaken by the CMK Alliance."</p>	
<p>Policy CMKAP SS4</p> <p>15. Accordingly I recommend the following minor amendments to this policy:</p> <p>"Policy CMKAP SS4 Indicative Land Use Proposals</p> <p>a) The Proposals Plan (Figure 16) and associated schedule (Table 4) will be used to guide development of undeveloped or under-developed sites, as well as regeneration and refurbishment opportunities of existing sites, as noted.</p> <p>b) The delivery of the broad land uses shown will be encouraged; however, variations may be acceptable as long as they meet the aims of Policy CMKAP G6 Mixed Use.</p> <p>c) Proposed variations will need to be assessed against the following criteria:</p> <ul style="list-style-type: none"> i. that the proposed alternative uses do not jeopardise the desired spread of uses or overall ambition for growth in CMK; ii. that developments are good neighbours to adjacent uses; ii) that cultural, sporting and community facilities, where indicated, are accommodated by careful design that will enable <i>demonstrate</i> compatibility with the 	<p>Agreed.</p> <p>The modification deletes criterion c) (ii) as it was unclear how proposals would be assessed as "good neighbours"</p>

<p style="text-align: center;">mix of uses to which they contribute.</p>	
<p>Policy CMKAP T1 16. I would recommend that the draft policy be modified as follows;</p> <p style="text-align: center;">“Policy CMKAP T1 - Access & Design New development in CMK should reflect the following access and transport principles: Protect existing movement corridors established as the grid of Gates, Boulevards, Streets, and ‘slow streets’ within the perimeter parking areas and North and South rows. Improve safe, attractive and convenient access for pedestrians, cyclists and users of public transport. Ensure that vehicle movement and parking demand generated by the proposed development can be accommodated whilst also taking into account the needs of other development <i>commitments where planning permission has been granted but not commenced or completed. s in future as indicated on the Proposals Plan (Figure 16) and associated schedule (Table 4).</i>”</p>	<p>Agreed. Modification allows consideration to be taken of known commitments.</p>
<p>Policy CMKAP T2 17. “Policy CMKAP T2 Public Transport and Hackney Carriages</p> <p style="margin-left: 40px;">a) New developments shall contribute to the provision of <i>public transport infrastructure within CMK, including:</i></p> <p style="margin-left: 80px;">i. A second public transport hub in the retail core with passenger</p>	<p>Agreed. Modification clarifies that the policy relates to public transport infrastructure and cross references the policy to G12 concerning planning gain.</p>

<p>facilities integrated with adjacent development; and</p> <p>ii. An intra-CMK transit network, such as a shuttle or more advanced system, using Silbury and Avebury Boulevards, making best use of the porte-cochere infrastructure, to connect all areas of CMK and Campbell Park.</p> <p>b) The Transport Assessment and Green Travel Plan submitted with major planning applications will help determine the need and contribute to the brief for hackney carriage provision and pick-up and set-down space where required. In general, provision for hackney carriage and pick-up & set-down space will be required for food store developments over 2,500 m², for large retail and leisure developments of all kinds, for hotels, and at rail and bus stations and transport interchanges.</p> <p>c) Facilities for hackney carriages should:</p> <ul style="list-style-type: none">i. have adequate capacity for hackney carriages according to existing and/or anticipated customer demand;ii. be within easy walking distance of the development;iii. have seating and shelter;iv. be in a secure location, well-lit and overlooked; andv. be accessible for disabled people	
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<p>i. Where existing off-site hackney carriage provision in the public domain can be shown to satisfy the above criteria, additional provision will not be required.</p> <p>ii. Where existing off-site access for hackney carriages and pick-up & set-down space is inadequate, a legal agreement will be sought to secure the developer's contribution to works in the public domain or on site to provide the necessary infrastructure. This will be relative to the scale and type of the development and the relevant performance characteristics of the local highway network.</p> <p>f) <i>Developer contributions made under this policy shall, in accordance with Policy CMKAP G12, reflect the system of planning obligations (including Section 106 agreements and Community Infrastructure Levy) applied by MK Council for CMKAP during the life of this Plan, from time to time and used to support the provision of relevant public transport infrastructure with the Neighbourhood Plan area."</i></p>	
<p>Policy CMKAP T4 18. I therefore recommend that this policy be modified as follows: "Policy CMKAP T4</p>	<p>Agreed. The inclusion of "maximum" rather than "expected" provides clarity over what can be</p>

<p>Parking</p> <p>a) The car parking standards for CMK are shown in Table 3. These are the <i>maximum</i> number of parking spaces that are expected to be provided by new development.....”</p> <p>12.0 In order to aid understanding of Table 3 which provides guidance on parking standards, it would be helpful if the following rubric or similar could be included within the table, as in the earlier SPG:</p> <p><i>“(All values refer to 1 parking space per X square metres (m2) gross floor area, unless described otherwise).”</i></p>	<p>expected to be delivered.</p>
<p>19. I therefore recommend that if referendums are to be held, that the geographic extent of each should extend to the administrative boundary of Milton Keynes Council.</p>	<p>Agreed. See Cabinet report for full discussion.</p>