

CMK Town Council's submission re: Application 23/01634/FUL, Demolition of vacant 2-storey building (Class E) and the erection of a 33-storey building comprising commercial floorspace (Class E) on the ground floor and mezzanine level with residential units on upper floors comprising up to 302 dwellings and associated works, Jaipur And Orchard Lounge 599 Grafton Gate Central Milton Keynes Milton Keynes MK9 1AT

CMK Town Council objects to the application on the material planning grounds cited below. If, notwithstanding our objections, Officers are minded to approve the application, we request that it is referred to the Planning Committee or Planning Panel for determination, being contrary to policy.

CMK Town Council requests that the application be refused due to the controversial nature of the proposals, having regard to the scale and nature of development, which it considers to be in material conflict with:

- Policy DS3 of Plan:MK, given the site's location within the Central Business District (CBD) where development should be office-led; and
- Policy CMKAP G9 of the CMK Neighbourhood Plan that requires that building over eight storeys must offer outstanding economic and social benefits to CMK and Milton Keynes as a whole.

Conflict with Plan:MK

Policy DS3 states that the CBD shall be developed with major mixed-use office-led development, with the overarching aim of increasing the amount of high-quality office floorspace and the number of businesses in this area. It establishes a clear intention to protect and enhance existing employment areas and buildings, and to promote the CBD of CMK as a hub for business related knowledge-based activity.

Additionally, the principle of a solely residential development would also not accord with the objectives of Plan:MK Policies DS2, SD2 and SD3 in respect of the expected role of the CBD.

Conflict with Policy CMKAP G9

This proposed high-rise tower comprises 302 build-to-rent flats across 32 residential floors above a ground floor. Policy G9 requires that the building's form, details and materials and associated public realm should be well considered and of high quality and the design should demonstrate an appreciation of and response to the wider context of the site. In particular, **buildings over eight stories must offer outstanding economic and social benefits to CMK and Milton Keynes as a whole**. It is self-evident that a very tall block of flats, is in no way capable of being considered to meet the bar of outstanding development.

Density and design

Policy HN1 of Plan:MK specifically states that the density of residential development in CMK should be within the range 150-500 dwellings per hectare (dph). Policy G10 of the CMKAP states that the density of residential developments will generally be 250 dph between the Station end of CMK and Marlborough Gate. In contrast to this planning guidance, the applicant's planning statement states that the density of his proposed scheme is 1,258dph. Clearly, this constitutes gross overdevelopment of this small site giving rise to conflicts at ground floor affecting the ability to provide effective servicing of the building.

The ground floor contains two commercial units, along with bin storage, a lobby, cycle storage, and two substations. Two stairwells are provided throughout the building, with three elevators. One stairwell and two elevators are for general use, with one stairwell and one elevator reserved for fire service use. The fire escape stairwell discharges into the ground floor, whereas the general-use stairwell discharges directly from the mezzanine level of the ground floor to the building exterior.

The Town Council notes the lack of balconies. Particularly, with no open space provided within the applicant's site, the lack of any balconies is not acceptable.

Housing mix and affordable housing

Being a fully build-to-rent scheme comprising one and two bed flats, the proposed mix does not accord with Policy HN1, with its expectation to secure a wider mix of tenure. In CMK, as a result of prior approvals for office to residential conversions, together with many planning consents for new dwellings, almost all being for 1 and 2 bed flats, in excess of 5000 flats now have a planning consent. Whilst the majority of the 5000+ approvals have yet to be built, it is self-evident that potentially there is a vast over-supply of flats in CMK. Not only is this scheme contrary to policy, the argument cannot be made that, in some way, the scheme is responding to an acute shortage of this type of accommodation in CMK.

The application proposes only 15 discounted market rent units, which is well below the policy requirement of 31% of units set out in Plan:MK Policy HN2. The response from the Council's strategic housing team, clearly sets out the requirement that re-development of this site for residential needs to achieve, in terms of affordable housing requirements.

Car parking

The development proposes no on-plot private parking spaces. The Council's recently adopted Car Parking SPD 2023, specifically examined the requirements for build to rent schemes. The SPD requires 0.33 parking spaces per 1-bed unit and 0.5 spaces per 2-bed unit. Since the building contains 153 one-bed units and 149 two-bed units, this creates a requirement for 125 on-plot private spaces. The applicant argues that sufficient parking is

available in the adjacent public realm and therefore the provision of private parking to support the development is unnecessary.

The Town Council is particularly concerned at the lack of any on-plot parking at all. Milton Keynes Council must ensure that the proposals on parking being put forward by developers on build to rent housing schemes, are commensurate with expected demand. The Town Council considers that it is not acceptable that the whole of this expected demand is reliant on any spare capacity that happens to exist on the public highway at any point in time, particularly in light of other known major development proposals in nearby locations. The fallback position proposed by the developer, of purchasing parking from the public parking areas, if dedicated parking is required by the Council, is most strongly resisted by the Town Council. In any event, the general principle of the possibility of selling off parts of the CMK public realm is absolutely unacceptable and would create a most detrimental and undesirable precedent.

Having now seen the response from Transport Development Management on behalf of Highways, the Town Council considers that the writers have misdirected themselves. Falling back on general NPPF guidance is only necessary when policy is lacking in the Local Development Plan. This is not the case in respect of parking standards and policy in Plan:MK. As stated above, the Council has only very recently adopted a new Parking Standards SPD. The consultants commissioned to produce this SPD were specifically asked to determine the on-site parking requirements for build-to-rent developments in CMK. There can be no justification for departure from Plan:MK requirements.

Active frontages and weather protection

It is noted that the proposed colonnade on the Avebury Boulevard is only 1.8m deep and its ground level surface is not continuously flush with the immediately adjacent public realm. Such a detail fails to comply with CMKAP Policy G7. This policy requires that, where weather protection is provided, the level of the pavement under the colonnade is at the same level as the immediately adjacent public realm pedestrian footway, both for ease of securing pedestrian weather protection in inclement weather and for safety reasons, to avoid the creation of a trip hazard.

Protection of Grafton Park

Grafton Park is not a park in the traditional sense, as a place for recreation. It is an urban public garden; a quiet space that provides relief from the increasingly dense development surrounding it. It might have more appropriately been named 'Grafton Gardens' by MKCC. This urban garden was designed by the same team that was responsible for the design of the now listed Campbell Park.

This important open space, incidentally labelled Grafton Gardens in the CMK Alliance Business Neighbourhood Development Plan, is afforded protection by that Plan. Policy CMKAP G3b states that 'these amenity assets are integral to the design and successful enjoyment of CMK and a reduction in quantity, quality and usefulness, shall not be acceptable.

The applicant's very high-rise development proposal sits right on the edge of the gardens. Not only will it cause unacceptable overshadowing, it will also detract from its primary use as open space due, particularly, to its unacceptable overbearing visual impact. With the disproportionate increase in residential development in what is the Central Business District of CMK there is a need for more open space to provide relief from dense development. It is therefore essential that the important and special open spaces in CMK, such as Grafton Gardens (of which there are too few) are afforded protection from the impacts of development in accordance with the requirements of planning policy.

Fire escape concerns

Whilst the Town Council notes the Fire Strategy report, as prepared by Innovation Fire Engineering Limited, there are certain concerns which it wishes focus on in respect of the fire escape planning from this 33-storey building.

The Fire Strategy notes that it is not considered safe for e-bike/e-scooter batteries to be charged in the apartments. It is considered that this possibility creates a fire risk if residents decide to ignore the restriction. In any event it will encourage batteries to be charged in the secluded cycle stores on the ground floor, where the fire escape discharges.

Being cognisant of the number of fires being caused by cheap imported e-bike/e-scooter batteries, it is felt to be highly risky to propose escaping from a fire stair via the cycle store. The Town Council is of the view that a major redesign of the ground floor escape routes would be necessary to alleviate this risk, should this development proposal proceed despite this objection.