

# ITEM 6(a)

**Application Number: 15/00619/FUL**

**Description** Outline planning application for physical improvements to the Bottledump roundabouts and a new access onto the A421 (priority left in only) to accommodate the development of land in Aylesbury Vale District reference 15/00314/AOP (for Outline planning application with all matters reserved except for access for a mixed-use sustainable urban extension on land to the south west of Milton Keynes to provide up to 1,855 mixed tenure dwellings; an employment area (B1); a neighbourhood centre including retail (A1/A2/A3/A4/A5), community (D1/D2) and residential (C3) uses; a primary and a secondary school; a grid road reserve; multi-functional green space; a sustainable drainage system; and associated access, drainage and public transport infrastructure - EIA development).

**At** Land At Buckingham Road, Tattenhoe Roundabout, Standing Way To Bottle Dump Roundabout

**For** SWMK Consortium

**Statutory Target:** 08.06.2015

**Extension of Time:** Yes – 29.11.2019

**Ward:** Bletchley Park

**Parish:** West Bletchley Council

**Report Author/Case Officer:** Paul Keen  
Deputy Development Management Manager

**Contact Details:** 07795475593  
paul.keen@milton-keynes.gov.uk

**Team Manager:** Sarah Hine  
Development Management Manager  
sarah.hine@milton-keynes.gov.uk

## 1.0 RECOMMENDATION

1.1 It is recommended that permission is granted subject to conditions set out in this report.

## 2.0 INTRODUCTION

### Background and Updates

2.1 The application was deferred by the Development Control Committee on 09.03.2017 to allow time for application 15/00314/AOP (within Aylesbury Vale District) to be determined by Aylesbury Vale District Council to develop the Salden Chase estate.

- 2.2 Officers can confirm that application 15/00314/AOP now has a resolution to grant planning permission by Aylesbury Vale District Council planning committee members, and it is understood that final version of the Section 106 Agreement is out for signature. Once signed the planning permission will be issued by Aylesbury Vale District Council. Development Control Committee members will be updated on the position by way of a further update paper or at the Development Control Committee meeting itself where necessary.
- 2.3 Officers can also confirm that the s106 agreement relating to the Salden Chase site will include financial contributions in the sum of up to £1,990,057 towards hospital provision, to mitigate against the impact of the development on facilities within Milton Keynes District. This follows initial concerns raised by Milton Keynes Council during the consultation on the application at Aylesbury Vale (MKC reference 15/00223/CONS), and subsequent negotiations and agreement between Milton Keynes Council and Aylesbury Vale District Council officers. It is also important to note that Aylesbury Vale District Council has demonstrated that all other financial contributions would be required within Aylesbury Vale District and go towards projects within their jurisdiction.
- 2.4 This application (15/00619/FUL) was deferred by the Development Control Committee on 2<sup>nd</sup> February 2017, as members were concerned that the revised transport assessment report did not adequately address whether further modelling is required, and to allow that work to be undertaken.
- 2.5 This application (15/00619/FUL) was deferred by the Development Control Committee on the 17<sup>th</sup> November 2016 to allow further legal advice to be sought as to whether the proposed highway works require planning permission. It also allowed further information to be provided in respect of the modelling processes used to complete the transport assessment, to ascertain the implications of and give a view on the application submitted within Aylesbury Vale District in highway impact and suitability terms.
- 2.6 Following further consideration and consultation with the Council's Legal and Highways Officers it has been confirmed that, on the basis that the proposed works include (a) the construction of new access ways on to a classified road and (b) the construction of new carriageways, planning permission is required.
- 2.7 It has been confirmed that any financial contributions relating to highways improvement works could be made and secured through an agreement pursuant to section 278 of the Highways Act 1980 (supported by a performance bond).

#### The Site

- 2.8 The application site is to the south west of Milton Keynes and includes part of the A421 and Whaddon Road. The site lies to the north of Newton Longville.
- 2.9 Outside of Milton Keynes Council's jurisdiction, and under application reference 15/00314/AOP (within Aylesbury Vale and to be determined by Aylesbury Vale District Council) outline planning permission is sought with all matters reserved except for the access for a mixed-use sustainable urban extension on land to the

south west of Milton Keynes to provide up to 1,855 mixed tenure dwellings; an employment area (B1); a neighbourhood centre including retail (A1/A2/A3/A4/A5), community (D1/D2) and residential (C3) uses; a primary and a secondary school; a grid road reserve; multi-functional green space; a sustainable drainage system; and associated access, drainage and public transport infrastructure.

### The Proposal

- 2.10 This application (15/00619/FUL) seeks outline planning permission for physical improvements to the highway to facilitate the development of an access to the site.
- 2.11 The proposal includes physical improvements to the Bottledump roundabouts and for a highways access onto the A421, which would be a priority left in only junction. The application includes an equestrian crossing and links to the redway route to the north of the A421, and the installation of a roundabout junction on Buckingham Road.
- 2.12 The determination of this proposal deals only with the proposed highways works, as the wider development area is outside of the Milton Keynes boundary and therefore falls to Aylesbury Vale District Council to determine.
- 2.13 The planning application is accompanied by a Transport Assessment (TA) and a Travel Plan (TP).
- 2.14 There have been minor changes to the application site boundary between the original submission and the formal revision. A revised red line plan was provided when the application was formally revised in 2016. These changes relate to the exclusion of land at the western end of Whaddon Road approaching the Bottledump Roundabout. This was originally included to facilitate a particular access arrangement to the recycling facility, which was subsequently abandoned. This resulted in amendments to the access from the A421, 'left in – left out' to 'left in' only, which moved the red line to the east.
- 2.15 Since the March 2019 Development Control Committee meeting, the Transport Assessment and Ecological appraisal (contained within the Environmental Impact Assessment) have been updated to indicate that the conclusions of those documents are still valid.
- 2.16 An Environmental Impact Assessment (which also relates to Aylesbury Vale's application and this application) has been submitted with the application. The application has been advertised in full accordance with 2011 EIA Regulations (neighbour letters/site notices/press advert) and EU Directive 2011/92/EU.
- 2.17 Members will note that the suffix FUL is used in the MKC reference for this application, rather than OUTEIS which is normally used for (Outline applications subject to an Environmental Impact Assessment). Members can be assured that suffixes are used purely for internal administrative purposes, and this anomaly does not indicate any deviation from any procedural planning law or regulations. . On the contrary, officers can confirm that the application has been dealt with in full

accordance with planning procedural law. For the avoidance of doubt it is hereby confirmed that this is an outline application

Reason for referral to committee

2.18 The application has been referred to committee due to political and public interest.

Scope of debate/decision

2.10 This application proposal (15/00619/FUL) is in outline and only the following matters (in addition to principle of the development) can be considered under this application:

- Access

Reserved matters (which do not form part of the assessment of this application) therefore include:

- Layout
- Scale
- Landscaping
- Appearance

2.11 Other matters which do not form part of the assessment of this application include matters which relate to the application submitted with Aylesbury Vale District Council (15/00314/AOP).

### **3.0 RELEVANT POLICIES**

#### **National Policy**

3.1 National Planning Policy Framework (February 2019) (NPPF)

Section 2 - Achieving sustainable development  
Section 8 - Promoting healthy and safe communities  
Section 9 - Promoting sustainable transport  
Section 11 - Making effective use of land  
Section 12 - Achieving well-designed places

In addition, the Planning Practice Guidance is also a material consideration

#### **The Development Plan**

3.2 Neighbourhood Plan

There is no draft or made Neighbourhood Plan for this area.

### 3.3 Plan: MK (March 2019)

Since 09.03.2017 Development Control Committee Plan:MK has been adopted at Council on 20 March 2019 and now forms part of the statutory development plan for Milton Keynes, and includes the Policies Map that indicates land use in the Borough.

Policy SD15 – Place Making Principles for Sustainable Urban Extensions in Adjacent Local Authorities

Policy CT1 - Sustainable Transport Network

Policy CT2 - Movement and Access

Policy CT3 - Walking and Cycling

Policy CT5 - Public Transport

Policy INF1 - Delivering Infrastructure

Policy FR1 - Managing Flood Risk

Policy FR2 - Sustainable Drainage Systems (SUDS) and Integrated Flood Risk Assessment

Policy NE1 - Protection of Sites

Policy NE2 - Protected Species and Priority Species And Habitats

Policy NE3 - Biodiversity and Geological Enhancement

Policy NE4 - Green Infrastructure

Policy NE5 - Conserving and Enhancing Landscape Character

Policy D1 - Designing a High Quality Place

Policy D2 - Creating a Positive Character

Policy D5 - Amenity and Street Scene

### 3.4 Supplementary Planning Documents/Guidance

Sustainable Construction Guide SPD (April 2007)

Milton Keynes Drainage Strategy - Development and Flood Risk

SPG (May 2004)

### 3.5 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

## **4.0 RELEVANT PLANNING HISTORY**

### 4.1 Relevant Pre-application Advice

None

### 4.2 Application Site

15/00223/CONS

Consultation for Vale Aylesbury Vale District Council in relation to Outline planning application with all matters reserved except for access for a mixed-use sustainable urban extension on land to the south west of Milton Keynes to provide up to 1,885 mixed tenure dwellings; an employment area (B1); a neighbourhood centre including retail (A1/A2/A3/A4/A5), community (D1/D2) and residential (C3) uses; a primary and a secondary school; a grid road reserve; multi-functional green space; a sustainable drainage system; and associated access, drainage and public transport infrastructure.

Milton Keynes Council raised objections to the development, as it considered the application fails to:

- take account of the level of services and facilities required to meet the day-to-day needs of its future residents; and
- make proportionate contributions towards an increase in the capacity of existing facilities within Milton Keynes to satisfy these increased demands and to mitigate the impact of the proposed development on existing services and infrastructure in Milton Keynes.

It was therefore, considered that the proposal fails to meet the statutory test for the use of planning obligations in accordance with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, and policies within the Local Plan and National Planning Policy Framework.

Following negotiations between Milton Keynes Council and Aylesbury Vale District Council officers, a contribution has been secured in relation to hospital facilities within Milton Keynes District. Officers consider that the original objection has been addressed.

#### 4.3 Salden Chase Estate (Aylesbury Vale District Council)

15/00314/AOP

Outline planning application with all matters reserved except for access for a mixed-use sustainable urban extension on land to the south west of Milton Keynes to provide up to 1,885 mixed tenure dwellings; an employment area (B1); a neighbourhood centre including retail (A1/A2/A3/A4/A5), community (D1/D2) and residential (C3) uses; a primary and a secondary school; a grid road reserve; multi-functional green space; a sustainable drainage system; and associated access, drainage and public transport infrastructure.

(Aylesbury Vale District Council)\_Committee resolution to grant planning permission subject to conditions and s106 agreement. The s106 agreement includes financial contributions to be paid towards hospitals within Milton Keynes District.

## 5.0 FULL CONSULTATIONS AND REPRESENTATIONS

### 5.1 West Bletchley Parish Council

**Initial comments received**

Objection, for following reasons:

1. The principle of the development is not supported by any adopted development plan or supplementary planning document.
2. The development would place an unacceptable burden on the transport infrastructure.
3. The proposed grid road that would follow the gas pipeline is neither shown to be technically viable, nor that such a proposal represents a health and safety risk.
4. Loss of agricultural land.
5. Unreasonable heads of terms.
6. Impact on local services.
7. Location of the allotments.
8. Visual impact and poor mix of house types.
9. Inclusion of open space within the site of the proposed secondary school.

### **Officer comments**

These comments appear to relate to the wider residential development being considered by Aylesbury Vale District reference 15/00314/AOP (our reference: 15/00223/CONS).

The proposed highways improvements in this application are to facilitate any future residential development.

### **Additional comments following re-consultation**

Following re-consultation since the previous (09.03.2017) Development Control Committee deferral, further comments have been received. They outline the same issues as mentioned above.

## **5.2 Shenley Brook End and Tattenhoe Parish Councils**

### **Initial comments received (08/09/2016)**

The proposed development would place an unacceptable burden on the transport infrastructure in particular the already congested A421. Any increase in use of the A421 would inevitably lead to traffic using the alternative route of V1 and H7, which is already a very congested route at peak times, through our parish to gain access into the centre of Milton Keynes and the V3 to gain access to the newer areas of the Western flank to the north of us.

There has been a lot of discussion about a new A421 expressway and until the route of this is decided we feel that no further development should be allowed in this area as this could affect all development decisions especially in this South West Corner of Milton Keynes.

The draft plan includes reference to S106 agreements and a Community Infrastructure Levy to fund essential services. We do not believe that developer's contributions will sufficiently fund the transport infrastructure requirement without considering the rest of the essential services such as schools and health care. We

have already seen in Newton Lees that a doctor's surgery has been built but is sitting empty as there is no money to staff and run it. The Doctors surgeries and schools in our Parish are already oversubscribed and the Primary health care and hospital provision in Milton Keynes is already under pressure. We are aware that residents from the village of Whaddon in AVDC area already access the doctor's surgery at Westcroft. The schools in our Parish are full and all are having extensions built to cater for the existing population and the expected increase in housing of approximately another 2,500 properties in the future.

The use of facilities such as the Household Recycling centre at Bleak Hall in Milton Keynes by residents of the proposed development is also a problem. Leisure particularly sports facilities are under particular pressure in our parish where it is extremely difficult for local clubs to find sports fields to hire and youth and elderly services provided by our parish are oversubscribed.

Taking into account that Tattenhoe Park which has outline planning permission for almost another 2,000 properties still has to be built, also directly abutting the A421 it is impossible to see how further development straddling the county border should even be considered.

The infrastructure for any development would need to be in place as soon as the first residents moved in as they could certainly not be accommodated across the border in Milton Keynes. This coupled with the transport problems leads us to object most strongly to this development going ahead.

### **Officer comments**

These comments appear to discuss the principle of the wider residential development being considered by Aylesbury Vale District reference 15/00314/AOP (our reference: 15/00223/CONS).

The proposed highways improvements in this application are to facilitate any future residential development.

### **Additional comments following re-consultation**

Objection: The Parish Council's comments in their previous representations still stand.

The proposed junctions for the development in South West Milton Keynes (Salden Chase) would place an unacceptable burden on the transport infrastructure, leading to a significant level of congestion on the A421. We agree with the findings of the Transport Assessment commissioned by West Bletchley Council

Additionally, with the increase of residents from the proposed development, this would place an unacceptable increased demand on local services within our Parish, such as Healthcare and Schooling, which are already under pressure.

We would also question the inclusion of a further roundabout as per the current boundary, and also the boundary itself, which appears to have extended.



### 5.3 Newton Longville Parish Council

Objection (16/11/2016):

1. The letter addresses both the application to Milton Keynes Council and the consultation on the application to Aylesbury Vale. It is important to realise (contrary to how the application has been shown) that the applications are identical (as they are required to be by the government).
2. We apologise to members that matters are being raised now in such detail, however the points have been highlighted to officers for quite some time. As the report to committee was only published on 9th November it was not possible to comment on the report until after that.
3. For the reasons given in more detail below, we hope the committee will defer consideration of the application 15/11619/FUL so it can be given a correct description, advertised in accordance with the Environmental Impact Regulations and considered in the light of that. We stress this is not the fault of the applicants who (initially at least) made identical applications. In addition the applicants should be required to submit a new complete (albeit multi-volume) Environmental Statement with does not constitute a "Paper Chase" as ruled out by the House of Lords.
4. If members to not agree to deferring application 15/11619/FUL we hope that members will agree that the fairer process would be to consider and decide on the consultation 15/00223/CONS before deciding the application 15/00619/FUL. There has been significant confusion and many of the public who have asked to speak on 15/00223/CONS believe they are speaking on a planning application that MKC is to be determining rather than expressing a view to AVDC.
5. We believe that the response to AVDC can and should go ahead. It should be noted though that the description being used is incorrect, as the number of dwellings proposed is 1855, not 1885 as in the MKC description.

#### **Application not dealt with in accordance with Environmental Regulations**

6. The report to committee purports to deal only with the highways changes parts of the application within the Milton Keynes Council boundary, however we contend that is a fundamentally flawed approach and that in particular account needs to be taken of the overall transport implications of the complete application. As is clear from Planning Practice Guidance Paragraph: 034 Reference ID: 22-034-20141017

*"If an application site is on land that falls within the boundary of more than one local planning authority, then identical applications must be submitted to each local planning authority, identifying on the plans which part of the site is relevant to each."*

7. The application has not been treated as an EIA application when it clearly is. Therefore the correct process for dealing with the application in accordance with the Environmental Impact Regulations have not been followed. It is the application site as a whole that determines whether or not it is an EIA application. An

Environmental Statement has been submitted (and subsequently revised in part). This issue was raised with Milton Keynes Council on 26th September.

8. Process issues were raised with the case officers and head of legal at both Milton Keynes Council and Aylesbury Vale on 26th September. This related to several matters:

- Environmental Statement (ES) – Failure by the applicants to comply with Environmental Impact Regulations – Avoidance of a “Paper Chase” As the PPG makes clear, an ES may consist of one or more documents, but it must constitute a “single and accessible compilation of the relevant environmental information and the summary in non-technical language” (Berkeley v SSETR [2000] 3 All ER 897, 908).” What has been submitted does not comply with this.
- Missing Raw Traffic Data
- That at public meetings in West Bletchley and Newton Longville the applicants and their representative claimed that various matters had been “agreed” with the highways authorities and other consultees, but yet there is little or no detail of these discussions on the planning files.
- Other issues with Environmental Statement – inappropriate use of Google Maps Traffic data to “validate” models and failure to carry out stage one safety audits on the junctions affected other than the proposed Whaddon Road junction – and not to have carried out a revised safety audit after making significant changes to the proposed junction.

9. It was only in the reply to that it became clear that Milton Keynes Council believed they did not have the same application as submitted to Aylesbury Vale – despite the clear evidence otherwise including the submissions by the applicants and the above PPG paragraph requiring identical applications are submitted. Amongst other things this meant that MKC were claiming that no Environmental Statement had been sent to them as part of application 15/00619/FUL – and therefore the issues we were raising were irrelevant to Milton Keynes Council and could only be addressed to Aylesbury Vale District Council.

10. There is no doubt that the applicants did in fact submit identical applications to each planning authority. A copy was also supplied to the parish council. However it appears that early on someone at Milton Keynes Council chose to imagine an application that is not what was actually submitted and so contrary to the Planning Practice Guidance and a failure to comply with the Environmental Impact Regulations. As it has been so long since the application was first submitted there has been several changes of case officer since then and this may explain the fundamental error, misunderstanding and so failure to comply with the regulations.

11. After getting a response which implied MKC had not been sent an Environmental Statement by the applicants this point was queried and the response from officers on 11th October said:

*“It is our understanding the ES was not submitted to MKC in respect of the highways application and there has not been a processing error in this regard; in any event an ES would not be required for works of this nature.”*

This continues the fundamental misunderstanding of the true situation, no doubt an error made innocently at first, but not something that can still be ignored.

12. When dealing with a cross-boundary application such as this the government are clear that there should be extensive co-operation and co-ordination between the planning authorities involved. Whilst there are some indication of some joint meetings there is a lack of clear evidence to show there has been true co-operation, joint working and a compliance to comply with the duty to co-operate.

13. Whilst the government guidance does give any more detail about handling cross-boundary application as such, the Environmental Impact Regulations clearly apply to the site as a whole.

14. We do not suggest that it is necessary for Milton Keynes Council to consider in any detail all of proposals on the site as a whole, but not can an artificial boundary be assumed to run along the local authority boundary as if the world ceases at the local authority boundary.

15. A lot of time and effort was spent by Milton Keynes members and planning policy officers in drafting what is now Core Strategy Policy CS6 to cover this very situation. Yet there is scant regard paid to CS6 within the officer report.

16. We ask members to carefully consider policy CS6 and how it should be applied here so that the sort of situation described by residents in the wilderness of "Newton Leys South" are finding by not being within the MKC administrative boundary. Milton Keynes Council has regained control of its own destiny we ask committee to reject cross-boundary applications that fail to comply with the principles laid down in policy CS6. A very strong case can be made that without this, an application will fail all three tests of sustainability as defined in the National Planning Policy Framework.

### **Transport Implications**

17. You have already has a copy of the report on the Transport Implications of this cross-boundary application produced by David Tucker Associates, Transport Planning Consultants in support of the objections by Newton Longville Parish Council to this application. The report was jointly commissioned by both Newton Longville Parish Council and West Bletchley Council.

18. Our consultants report raises various issues which we believe require attention and detailed consideration before the application may be determined.

19. A particular and fundamental outstanding issue which was raised with both Milton Keynes Council and Aylesbury Vale District Council over six weeks ago is the continuing failure to produce the raw data for the traffic analysis undertaken. However we understand the data has more recently been supplied by the applicant to Milton Keynes Council on a CD but for as of now has not yet been placed on the planning file (or a reference to it being available on request). All such information must be made publically available. Until this information is made available by Milton Keynes Council application

20. The lack of the full dataset is raised in paragraph 3.1 of our consultants report in relation to the proposed new T-junction from development to Whaddon Road. Whilst this access is not within the MKC boundary it clearly has the potential for a fundamental effect on traffic flows on the MK Highways Network. The entry and exit points and traffic flows cannot be treated in isolation on the basis of which planning or highways authority they are located in.

21. So far no explanation has been provided by the applicants or highways authority to explain the rational or justification for the removal of a left in, left out junction to the A421 as originally proposed. We understand the only reason for the change is the applicants so not wish to pay the costs of the infrastructure changes that would be needed to support provision of the out part of the proposed junction. So instead they are merely assuming the traffic that would have used that junction can instead us the remaining two proposed junctions.

22. The applicants consultants Mouchel contend that the majority of the highways impact of the site will be towards Milton Keynes – and from a public transport point of view in particular would point towards Central Milton Keynes rail station in particular rather that to Bletchley. Given the impact is said to be towards Milton Keynes rather than Buckinghamshire the proposed new junction to Whaddon Road cannot simply be ignored by Milton Keynes Council as it has been in the current report. The traffic that would have exited the development from the A421 junction will now instead have to exit to Whaddon Road and the access the MK highways network via Bottledump Roundabout. The T-junction proposed is only a short distance from the MK boundary and yet is the sort of junction that is now being either closed off or limited to left-only out with in MK due to the number of serious and fatal road traffic collisions they have been at such junction on the MK grid road network in recent years.

5.4 Ward - Bletchley Park - Cllr McKenzie

No representation received

5.5 Ward - Bletchley Park – Cllr Rankine

**Comments**

This application should be withdrawn again until the highways impact issues have been properly addressed by the Councils highways team and until the Council has published a full response to these matters on the public portal for comment. The presentation of evidence on the portal in this case is incredibly poor and difficult for residents to interrogate. Many related documents should be combined and properly labelled as it is hindering the transparency of this process. The conditions set by the DCC in November 2016 have not been met and the return of this application is premature.

The Council planning team should re run the public consultation when the Council has published full responses on the traffic concerns and clarified its legal position as per the requirements set out by DCC decision in November 2016. Council responses must be laid out in a clear way so that they are transparent and so that

the public can respond and comment on the Councils conclusions to the challenges that have been made by multiple residents, Parish Councils, organisations and legal representatives.

It is also recommended that planners listen to comments from DCC Councillors (November 17 2016 DCC meeting minutes) that "the application was in isolation and proved difficult to determine without first knowing the outcome of the decision on the application for the associated housing development".

Only when these matters have been fully addressed, and if officers are still minded to approve this application then the application must return to DCC to complete their decision process.

5.6 Ward - Bletchley Park - Cllr Wales

No representation received

5.7 Ward - Bletchley Park - Cllr Clancy

No representation received

5.8 Ward - Tattenhoe - Cllr Small

No representation received

5.9 Ward - Tattenhoe - Cllr Bald (Ward Member at time of initial application)

No representation received

5.10 Ward - Tattenhoe - Cllr Morla

No representation received

5.11 Ward - Bletchley Park - Cllr Nazir

No representation received

5.12 Ward - Tattenhoe - Cllr Brown (Vice Chair – DCC)

No representation received

5.13 Ward - Tattenhoe - Cllr Lancaster (elected 08-05-2019)

No representation received

## 5.14 MKC Highways

### **Initial comments**

In summary, the Transport Assessment has demonstrated that the development (in AVDC) is able to be accommodated on the highway network. Improvements to junctions within Milton Keynes are proposed and, subject to agreeing a financial contribution, appear acceptable to mitigate the development.

The two accesses proposed within Milton Keynes have been tested and have been Safety Audited. The accesses are deemed to be acceptable.

Proposals for public transport and connections to the walking and cycling networks are acceptable but their implementation needs to be secured.

A section 106 agreement and conditions are required to ensure that appropriate highway works are carried out at the right time and to the right standards. A Section 278 agreement will ultimately cover the works within the public highway.

Consequently there is no highway objection to this application subject to securing the works, improvements and funding referred to.

### **Additional MKC Highways Comments**

Following the last meeting which deferred a decision on the SWMK access proposals we have had a chance to look in detail at Mr. Heath's objections and also discussed them with the applicant. I am now satisfied that Mr. Heath's concerns are misplaced and see no reason to change our recommendation.

Following concerns expressed by third parties about the potential traffic impact of the development we have revisited the junction modelling of the site access points and the improved Bottle Dump Roundabout. This confirms that the junctions will operate within capacity when the development is complete and that there is also scope for further improvement at the detailed design stage.

We would also stress that the works will be subject to a Section 278 Agreement whereby detailed designs (complete with Road Safety Audits) will need to be presented to the respective Highway Authorities for approval. The Council (together with Buckinghamshire County Council) therefore retain control over the final detailed design

### **Comments since 09.03.2017 DCC meeting**

The only new evidence from a highways point of view is the Review of Traffic Modelling.

The Review has been undertaken because of the period of time that has elapsed since the last Transport Assessment was produced and the fact that additional traffic modelling work has been undertaken by the respective Authorities to support their Local Plan process. The review sets out the current situation with regards the

discussions on the Transport Assessment and the agreed mitigation. It then does a comparison of the key junctions (in general capacity terms) between the Transport Assessment and the latest modelling results. Although only a high level comparison, the effect is to demonstrate that nothing has significantly changed and the previous conclusions remain valid.

I would agree therefore with the conclusion that previous work done on the basis of the Transport Assessment remains valid and there is not a need to rerun the traffic impact assessments.

Highways have also confirmed that the revised site boundary and West Bletchley Parish 'review of transport implications' were into account in their assessment.

5.15 Highways England

No representation received

5.16 The Parks Trust

**Comments**

The Parks Trust owns and maintains land under 999-year transportation corridor leases that will be affected by the proposed changes around the Tattenhoe Roundabout and the proposed new junction on the A421. We have received notice of the submission of the planning application but to date we have not been consulted on the landscape impacts of these junctions on land in the Trust's care. We have not been able to view any information submitted with the application about the landscape impacts of these junctions as it is not available to download from the online planning system. The Trust must be consulted at an early stage on managing and mitigating the landscape impacts of these junction changes where they affect land in the Trust's care, especially where any re-landscaped areas will be handed back to the Trust for on-going maintenance. The Trust's approval of any tree management and any re-landscaping scheme on its land must be obtained before planning consent is granted and before works commence.

**Officer comments**

This is noted. Tree protection / management plan and landscaping scheme could be secured by conditions. The Parks Trust could be consulted at that time.

5.17 MKC Rights of Way Officer

Shenley Brook End Bridleway 009 is within the development boundary and is located south-west of Bottledump roundabout. The bridleway must remain open and unobstructed at all times.

5.18 British Pipeline Agency

No representations were received.

5.19 Bucks And MK Environmental Records Centre

No representations were received.

5.20 Natural England

**Comments**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England also advised that they raised no objection to the residential development within Aylesbury Vale District.

5.21 MKC Archaeologist

No representations were received.

5.22 Cranfield Airport

No representations were received.

5.23 Environment Agency

No representations were received.

5.24 RAMBLE Ramblers Association

No representations were received.

5.25 Neighbour/ Third Party Representations

Comments have been received from approximately 75 addresses/neighbours. The material planning considerations are summarised below:

- Highway safety issues from alterations to Bottledump roundabout.
- Object to the proposal to create a left-in only access off A421 (H8 Standing Way).
- Impact of proposed traffic calming on village.
- Landscape and visual assessment.
- The traffic flows used to assess the application are incorrect and the traffic is already at the rates expected for 2026.
- Traffic flows on Whaddon Road will increase.
- The development has an unacceptable impact on the road traffic in Newton Longville and on the surrounding Milton Keynes road network.
- The development has an unacceptable visual impact on the landscape and setting of Newton Longville.
- The road through Newton Longville is used as a rat run through to the Stoke Hammond Bypass the development will make this worse.



Matters raised by third parties, which are not material to the consideration of this application include:

- Local services including the hospital and GP's are at capacity.
- Schools are at capacity and children already have to travel outside of the area.
- It is inappropriate to consider this application before the adoption of Plan:MK and the Vale of Aylesbury Plan (VALP).
- It is inappropriate to consider this application in advance of the emerging Newton Longville Neighbourhood Plan (NLNP).
- The development has an unacceptable impact on productive agricultural land
- The bridge near the proposed site should have a weight limit.
- The principle of development in this location is not supported in any (MKC or AVDC) local planning document. The principle of developing this site has not been agreed by either or both authorities.
- Cross development between authorities does not work.
- No development shall take place until local transport infrastructure is in place such as the Southern Bletchley relief road, and interchange on the EastWest rail link.
- Increase in traffic in relation to new residential development.
- Increase in air pollution in relation to new residential development.
- Impact on infrastructure in relation to new residential development.
- Prematurity of application as Neighbourhood Plan not made.

## **6.0 MAIN ISSUES**

6.1 The application is in outline form where only access is identified as a matter for consideration. However the proposed development also raises the following material considerations:

- Principle of development
- Highway matters (including access)
- Impact on character of the area
- Ecology
- Drainage and flood risk
- Development at Salden Chase in Aylesbury Vale District

## **7.0 CONSIDERATIONS**

### Principle of development

7.1 The use of the land as highway is established. The proposal relates to highway works and therefore the principle of the development is acceptable subject to all material planning considerations.

7.2 This was not a matter of contention at the last Development Control Committee (March 2017), and the adoption of Plan:MK and the updated National Planning Policy Framework does not affect this position in officers' opinion.

- 7.3 Layout, scale, landscaping, appearance can also be assessed under any reserved matters application if this application is successful.

#### Highway matters

- 7.4 The proposal needs planning permission as it involves works to a classified road. Milton Keynes Council is the Local Highways Authority responsible for the highways which are the subject of this application. The application is accompanied by a Transport Assessment, which has been the subject of discussions between the Highway Engineers at MKC and Buckinghamshire County Council (the Highway Authority for the Aylesbury Vale District) together with the applicant
- 7.5 The Transport Assessment has demonstrated that the application for a mixed use development submitted in Aylesbury Vale District is able to be accommodated on the highway network. Improvements to junctions within Milton Keynes are proposed and, subject to agreeing the detail, are acceptable to mitigate that neighbouring development. The two accesses proposed within Milton Keynes have been tested and have been Safety Audited and are, therefore, deemed to be acceptable.
- 7.6 A review of the Transport Assessment has been undertaken since the March 2017 Development Control Committee, due to the period of time that had elapsed since the Transport Assessment was produced and the fact that additional traffic modelling work has been undertaken by the respective Authorities to support their Local Plan process. The review sets out the current situation with regards to the discussions on the Transport Assessment and the agreed mitigation. It then does a comparison of the key junctions (in general capacity terms) between the Transport Assessment and the latest modelling results. In conclusion, the Council's Highways Engineers have confirmed that there has not been a significant change in circumstances and the previous conclusions on the Transport Assessment remain valid. Development Management Officers have no reason to disagree with this advice.
- 7.7 Milton Keynes Highways Engineers have also confirmed that the revised site boundary and West Bletchley Parish 'review of transport implications' were taken into account in their assessment.
- 7.8 A Section 278 agreement will ultimately cover the works within the public highway. Consequently there is no highway objection to this application.
- 7.9 Following concerns expressed by third parties about the potential traffic impact of the development, the Councils highway Engineers have revisited the junction modelling of the site access points and the improved Bottle Dump Roundabout. This confirms that the junctions will operate within capacity when the development is complete. It should be noted that there is also scope for further improvement at the detailed design stage.
- 7.10 In addition, the works will be subject to a Section 278 Agreement whereby detailed designs (complete with Road Safety Audits) will need to be presented to the respective Highway Authorities for approval. The Council (together with

Buckinghamshire County Council) therefore retain control over the final detailed design.

- 7.11 Subject to adequately worded conditions (and subsequent details assessed at the reserved matters and s278 stages), the proposed development therefore accords with Policies CT1, CT2 and CT3 of Plan:MK.
- 7.12 The Council's Footpath Officer has noted that Shenley Brook End Bridleway 009 is within the development boundary and is located south-west of Bottledump roundabout. It is recommended that the bridleway must remain open and unobstructed at all times. Again this can be controlled by a suitably worded condition.

#### Impact on character of the area

- 7.13 Clearly the development will have some visual impact on the locality, but, as outlined above, it is necessary to facilitate the development in Aylesbury Vale District. Without the highway upgrades proposed in this application, there would be capacity issues within the existing highway infrastructure. To reiterate, that development scheme has a resolution to grant planning permission from Aylesbury Vale District Council, subject to a s106 agreement which is near completion.
- 7.14 However, subject to adequate tree protection, further details of temporary accesses / construction of the A421 and Buckingham Road access, as well as any reserved matters details to follow, it is considered that any harm can be adequately mitigated or would only be short to medium term in impact.
- 7.15 Subject to an adequately worded condition, the proposed development is considered acceptable in this regard, and compliant with Policies D1, D2 and D5 of Plan:MK.
- 7.16 The previous report to the 09.03.2017 Development Control Committee recommended a landscape condition. However, on reflection, officers consider this to be unnecessary at this stage and they are not now advising the condition be included. The reason for this is that Landscaping is a reserved matter, and any landscaping scheme proposals can be assessed and secured at that stage. Milton Keynes Council would be given the opportunity to do this. To add it now would not meet the tests of conditions and would involve repetition within the planning process.

#### Ecology

- 7.17 The Environmental Impact Assessment fully assesses Ecology both within Milton Keynes and Aylesbury Vale Districts. Natural England has confirmed they do not object to either application. Officers have no reason to disagree with this advice.
- 7.18 Subject to further assessment at the reserved matters stage, the proposal is therefore compliant with Policies NE1-NE5 of Plan:MK.

- 7.19 Once approved the application would be subject to the mitigation and enhancement contained within the Environmental Impact Assessment. This can be secured by condition.

#### Drainage and Flood Risk

- 7.20 Similarly, The Environmental Impact Assessment fully assesses drainage and flood risk both within Milton Keynes and Aylesbury Vale Districts, and would be subject to the mitigation contained within. This can be secured by condition.
- 7.21 Any storm water and surface water drainage scheme would also be assessed and secured at the s278 (Highway Works) stage.
- 7.22 Subject to compliance with the details set out in the Environmental Impact Assessment and further assessment at the reserved matters stage, the proposal is therefore compliant with Policies FR1 and FR2 of Plan:MK.

#### Development at Salden Chase in Aylesbury Vale District (AVDC)

- 7.23 The South West Milton Keynes planning application straddles the administrative boundary between two Local Planning Authorities (LPA). In these situations advice in the national Planning Practice Guidance (PPG) sets out that two identical applications should be submitted, one to each LPA, seeking planning permission for the development of land falling within each LPA's administrative area. The planning fee is paid to the local planning authority whose area contains the largest part of the application site. In this case, the majority of the application site falls within the administrative area of Aylesbury Vale District Council.
- 7.24 Pursuant to section 101(1) of the Local Government Act 1972 a LPA may arrange for the discharge of its functions by a Committee of another local planning authority. Accordingly it could have been possible for MKC to delegate its decision making powers to AVDC in respect of this cross boundary application and AVDC could then have determined both applications. The alternative method is for each local authority to determine the elements within their respective boundaries and within their jurisdiction.
- 7.25 In this case, all the mixed use and residential development is being considered by Aylesbury Vale District Council, as this falls within their district. The only elements within the administrative boundary of Milton Keynes are the proposed alterations to the Bottledump roundabout and the provision of a new junction from the A421. There has been ongoing dialogue and joint working between the two LPAs on this proposal looking at both the process of determination as well as the merits of the applications. The option to deal with matters within respective Local Authority jurisdictions has been taken by Officers (at both Councils) as the most appropriate way to deal with the current applications. There are two distinct and clear elements to the overall scheme, one in each LPA area. The determination of the access application could be undertaken by Milton Keynes Council aside from the determination of the housing and associated works application by Aylesbury Vale District Council.

- 7.26 Although associated with it, the development at Salden Chase in Aylesbury Vale District is not within the jurisdiction of Milton Keynes Council. Paragraphs 2.2 and 2.3 of this report provide the latest position on that neighbouring development, as well as the financial contribution towards hospitals that have been negotiated to mitigate against the impact on Milton Keynes District health services.
- 7.27 Policy SD15 (Place Making Principles for Sustainable Urban Extensions in Adjacent Local Authorities) of Plan:MK acknowledges that proposals on the edge of Milton Keynes are likely to have an impact upon the infrastructure and services of Milton Keynes. Amongst other things, it sets out that the need for joint working between neighbouring authorities to achieve a coordinated and well-designed development, and secure developer contributions towards improvement and provision of infrastructure to support the development.
- 7.28 Both through the consultation and assessment of the Aylesbury Vale application (under 15/00223/CONS) and the assessment of this application, officers have carried out the objectives of Policy SD15, within Milton Keynes jurisdictional parameters. Given Milton Keynes Council has no jurisdiction over Aylesbury Vale Council's application (and vice versa) due to the split nature of the development, it would be difficult for Policy SD15 and Milton Keynes Council officers to have influence over the finer detail of that development. The only time the intentions of Policy SD15 could be fully carried out is if a neighbouring authority devolved its jurisdiction of a site/application to Milton Keynes Council. As mentioned, the development at Salden Chase has been assessed against Aylesbury Vale's Local Plan, with a resolution to grant permission, where it is understood that the final version of the s106 agreement is being prepared for signature. To Milton Keynes benefit however, officers can confirm that a planning contribution towards hospitals within Milton Keynes forms part of the s106 agreement, further demonstrating compliance with Policy SD15 as is possible in this case.
- 7.29 Securing s106 contributions towards hospital provision with Milton Keynes District, would also ensure compliance with Policy INF1 (Delivering Infrastructure) of Plan:MK.

## **8.0 CONCLUSIONS**

- 8.1 The proposal involves highway works to the A421 and Bottledump roundabout. These works will help to ensure that there would be no undue impact on the highway network in Milton Keynes in terms of capacity and safety as a result of the neighbouring authority planning application (15/00314/AOP) once planning permission is issued by Aylesbury Vale District Council following completion of the associated s106 agreement.
- 8.2 If planning permission is not forthcoming from Aylesbury Vale District Council then the highway works would not be implemented. This can be secured by condition. The Highway Engineer is satisfied that the works are acceptable and there would be no adverse impact on capacity or safety subject to conditions for further details of highway works.

## 9.0 CONDITIONS

1. Approval of the details of the appearance, means of access, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

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

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

3. All existing trees, woodlands and hedges to be retained are to be protected according to the provisions of BS 5837: 2012 'Trees in relation to design, demolition and construction - Recommendations'.

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

4. Details of any temporary accesses to site compounds / storage yards and any construction accesses shall be submitted to and approved in writing prior to commencement of works on site. The temporary access works shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety within the locality.

5. Details of the construction of the A421 and Buckingham Road accesses shall be submitted to and approved in writing prior to commencement works on site. The development works shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety within the locality.

6. Shenley Brook End Bridleway 009 shall remain open and unobstructed at all times. Details shall be submitted to and approved in writing prior to any works commencing within the application site demonstrating this objective during and after construction works. The development shall be carried out in accordance with the approved details.

Reason: To ensure access along the bridleway is provided during and after construction has been completed in the public interest.

7. The development shall be carried out in full accordance with the recommendations and mitigation measures outlined within the submitted Environmental Impact Assessment relating to drainage strategy.

Reason: To limit the environmental impact of the proposed development in relation to drainage and flooding matters.

8. The development shall be carried out in full accordance with the recommendations and mitigation measures outlined within the submitted Environmental Impact Assessment relating to ecology.

Reason: To limit the environmental impact of the proposed development in relation to ecology matters.

9. The development hereby approved shall not be implemented until the neighbouring development application at Salden Chase (15/00314/AOP), or any other subsequent revised application for development of that site has been approved by Aylesbury Vale District Council, and has itself been deemed implemented.

Reason: In the interest of the visual amenity of the locality







