



Appeal Decision

Site visit made on 25 October 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2022

Appeal Ref: APP/Y0435/W/22/3295512

Western Expansion Area, Area 10-1 - 10-3, Watling Street H3 to H4, Milton Keynes MK5 7FF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Redlawn Land Limited against the decision of Milton Keynes Council.
 - The application Ref 21/02516/DISCON, dated 10 August 2021, sought approval of details pursuant to condition 6 of planning permission Ref 18/00010/FUL, granted on 12 April 2018.
 - The application was refused by notice dated 27 January 2022.
 - The development proposed is variation of condition 1 (approved plans) attached to application 15/01423/MMA At: Wea Area 10-1 - 10-3 Watling Street H3 To H4 Milton Keynes.
 - The details for which approval is sought are: The proposed extension of Tattenhoe Street (V2) from the connection to the Oakhill roundabout to A10 road 102 at the intersection with North Bucks Way.
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Decision

1. The appeal is allowed and the details submitted pursuant to condition 6 attached to planning permission Ref 18/00010/FUL, granted on 12 April 2018, in accordance with application Ref 21/02516/DISCON, dated 10 August 2021 are approved.

Applications for costs

2. An application for costs was made by Redlawn Land Limited against Milton Keynes Council. This application is the subject of a separate Decision.

Preliminary matter

3. The application form does not specify a site address. Consequently, I have taken this from the Council's appeal questionnaire which is broadly consistent with the appellant's appeal form.

Background and Main Issue

4. The appeal relates to Area 10-1 – 10-3, Watling Street H3 to H4 which forms part of the Western Expansion Area ('WEA'). The WEA is expected to provide about 200ha of new housing and ancillary uses, approximately 10-20ha of employment uses, new schools, local centres and open space.

5. Part of the land within the WEA is identified for the extension of the V2 Tattenhoe Street grid road ('V2 extension') to serve as the south access to the WEA.
6. Outline planning permission for the WEA Area 10, was secured in 2007. This permission included consent for the principle of the proposed V2 extension. The subsequent reserved matters consent in 2011, secured the general arrangement of the V2 extension. That consent and a further consent for amended plans approved in 2015, similarly included a condition requiring the submission and approval of detailed designs for the V2 extension.
7. Further amended plans submitted in 2018 (in relation to application Ref 18/00010/FUL) included minor amendments to the general arrangement of roads within Area 10, including amendments to the V2 extension arrangement. Condition 6 of that permission states:

'Notwithstanding the details as shown on the submitted plans, full details of the proposed extension of Tattenhoe Street (V2) from the connection to the Oakhill roundabout to A10 road 102 at the intersection with North Bucks Way shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this section of the proposed V2 extension. The details shall also include pedestrian crossing facilities to serve the adjacent Hazeley School. The approved details shall be fully implemented concurrently with the implementation of this section of the V2 extension.'
8. The reason for condition 6 states: 'To ensure a satisfactory standard of development and highway safety to accord with policy T10 of the Milton Keynes Local Plan 2001-2011.'
9. The application which is the subject of this appeal sought to discharge condition 6, insofar as it relates to the approval of the details of the proposed V2 extension.
10. Accordingly, the main issue is whether the submitted details for the proposed V2 extension are acceptable with regard to highway safety.

Reasons

11. In addition to the implementation of the V2 extension, condition 6 seeks to secure the approval of the technical details for this. These include, typical cross-sections, signage, road markings, drainage and details of pedestrian crossing facilities to be provided. This information essentially duplicates the detail which is required under a section 38 agreement and/or a section 278 agreement to meet the requirements of the Local Highway Authority ('LHA').
12. The route of the proposed V2 extension which would be to the north of the Hazeley Academy has already been established through the granting of planning permissions for the WEA and the general arrangement of the V2 extension.
13. The submitted details include a signalised Puffin Crossing along the V2. This would facilitate access for pedestrians across the V2, including students and other visitors to the Hazeley Academy.
14. Most notably, the submitted details for the V2 extension were finalised following a Stage 2 Road Safety Audit. Since the Council's refusal of the

application, which is the subject of this appeal, the LHA has also provided a Technical Approval Certificate, based on the submitted details. Together, these processes have informed and addressed matters relating to highway safety aspects of the V2 extension, including proposed highway speeds and the design, location and signage for the Puffin Crossing.

15. For the above reasons and in the absence of any strong technical evidence to the contrary, I conclude that the submitted details for the V2 extension are acceptable and do not raise any unacceptable highway safety issues.
16. Accordingly, I find no conflict with the highway safety aims of Plan:MK(2019) Policy CT2 and Policy CT8 which provides guidance and support for the Grid Road Network.

Other Matters

17. In addition to the above matters, third parties have raised a number of concerns in relation to the design of the V2 extension with objections made over the loss of the Grange Farm roundabout and the need for an underpass under the V2 extension. However, as already stated the general arrangement of the V2 extension has been approved and the appeal before me relates to the provision of the full details for this. I have also had regard to the requests for a reduction in the speed limit along the V2 extension. Nevertheless, speed limits are secured under highways legislation. As such, these matters are outside the scope of this appeal.
18. The environmental effects of the proposal, including traffic noise / disturbance and landscape effects, would have been dealt with under previous approvals for the WEA and the general arrangement of the V2 extension and are therefore not relevant to its technical details.
19. Matters relating to whether or not the proposed V2 extension was revealed on property searches and the extent to which neighbours were notified about planning applications relating to the WEA are for the Council and do not alter my findings on the main issue.

Conclusion

20. For the above reasons, I conclude that the appeal should succeed.

M Aqbal

INSPECTOR