

Application Number: 20/02682/FUL

Description: Erection of 12no. dwellings with associated parking and creation of access road.

At: Frosts Landscape Construction, Newport Road, Wavendon, Milton Keynes, MK17 8UZ

For: Mr Luke Webb

Ward: Danesborough and Walton

Parish: Wavendon Parish Council

Report Author/Case Officer: Christopher Walton
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UPDATE PAPER

1.0 RECOMMENDATION (UPDATED)

- 1.1 Subject to the completion of a section 106 (s106) agreement securing the obligations and terms set out in the report, as modified in the update paper below, permission be **granted** subject to the conditions set out in the Officer's report, as modified in the update paper below (and via any verbal update to the Committee).
- 1.2 In the event that the s106 agreement is not completed within 28 days following the Committee's resolution, the Head of Planning be delegated authority to extend the period for completion of the s106 agreement, or, in consultation with the Chair and Vice Chairs, refuse permission.

2.0 ALTERATION TO S106 HEADS OF TERMS

- 2.1 Further to paragraph 7.107 of the report and following advice from the Council's legal officers, the requirement within the s106 Agreement for the applicant to enter into a section 38 (s38) agreement under the Highways Act – so to secure the estate roads and connection to the footpath on Newport Road, has been removed. This follows advice that the Council cannot force a developer to put land up for adoption via a section 38 agreement.
- 2.2 An existing s38 agreement serves to adopt of most of the access route as shown on the plans submitted. The applicant has confirmed an intent to amend that agreement upon the grant of planning permission. Given most of the estate road is being

constructed under the permission for the adjacent site, the only element which would need to be added to the agreement is the cul-de-sac and turning head proposed, leading off from the 'loop' road around the wider development. This cul-de-sac is also designed to adoptable standards (with a footway to service margin to either side). It is therefore considered unlikely that the developer would not seek adoption of this extra limb of highway, such that there is no need for a precautionary condition for maintenance and management of it in the absence of statutory adoption.

2.3 Furthermore, the need to provide the cycle connection to Newport Road is likely to require agreement under section 278 of the Highway Act. In order to ensure this connection is realised, it is proposed to add a further line to condition 4 (as set out on page 57). The condition would read (added text underlined):

4. *Notwithstanding the details shown on the approved plan, details of the proposed cycle link between the site and the Redway on Newport Road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. For the avoidance of doubt, the submitted details should include a 3m wide link, laid out and constructed to Milton Keynes Redway standards. The link shall be provided and made available for use prior to the first occupation of any of plot nos. 7 to 12 and thereafter maintained as such.*

3.0 SETTLEMENT BOUNDARY

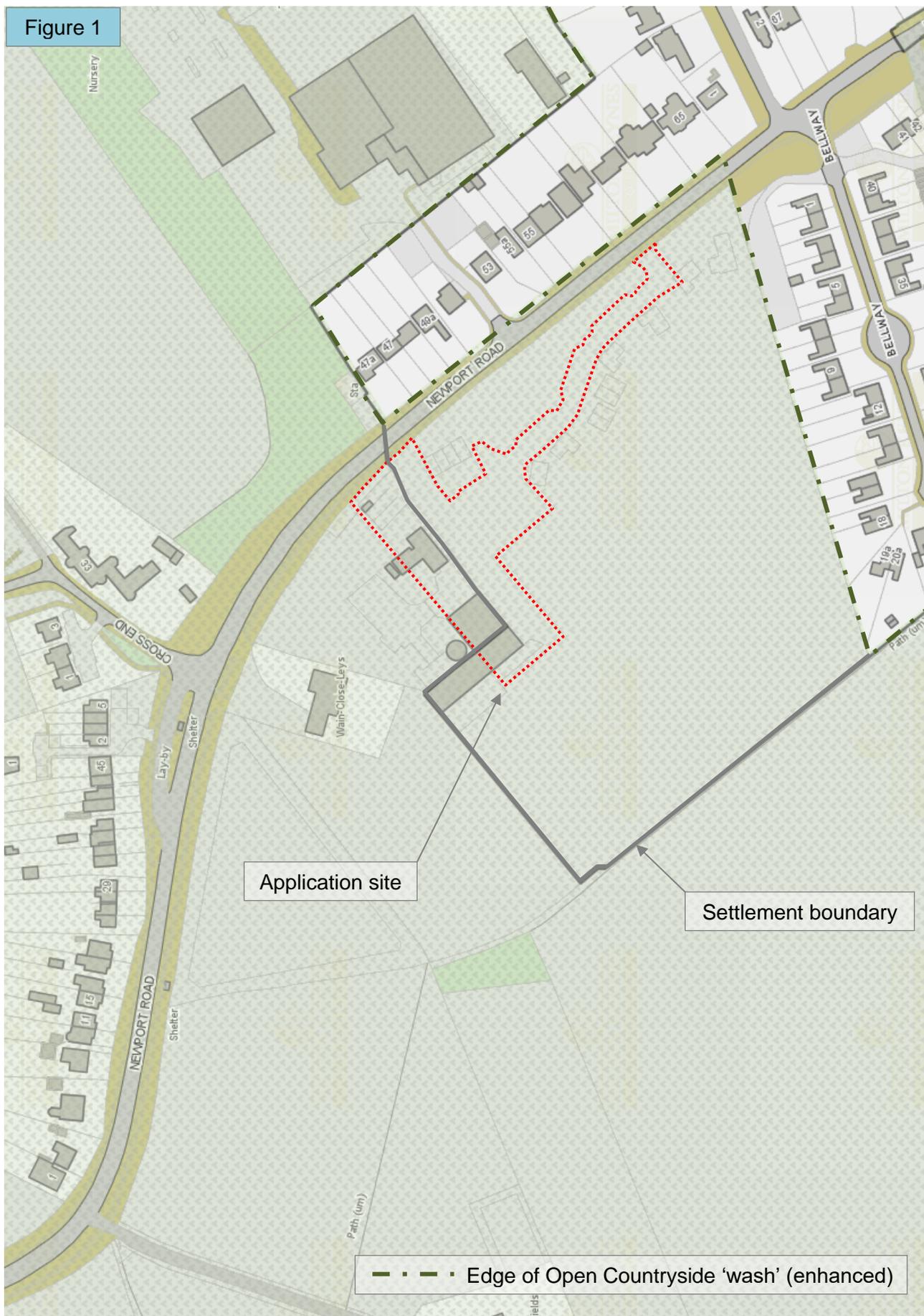
3.1 It is noted that paragraph 7.9 of the report states that part of the site is both within the settlement boundary for Woburn Sands and the Open Countryside.

3.2 It is first important to stress that the proposals map is not a policy document in its own right and are prepared to "*illustrate geographically the application of the policies in the adopted development plan*" (Plan:MK Examining Inspector's report, paragraph 7).

3.3 Taking into account Figure 1 below which shows the Open Countryside 'wash' and the settlement boundary overlapping, as well as Figure 2 which shows the SEMK allocation and the committed housing site under policies SD11 and DS2 respectively, it is evident the settlement boundary is correct in the same vein that the allocation and commitment are also correct.

3.4 Furthermore, Development Plans officers have advised that policies DS1 and DS2 direct development to within Woburn Sands, which has a settlement boundary as shown on the maps. As stated in the report at paragraph 7.9, this portion of the site was included within the settlement boundary within the MK Settlement Boundary Study which formed part of the evidence base for Plan:MK. Coupled with the above observations, this gives confidence in that the settlement boundary takes primacy over the Open Countryside designation.

Figure 1



Application site

Settlement boundary

Edge of Open Countryside 'wash' (enhanced)

Figure 2

