

## RESERVED MATTERS PLANNING PERMISSION GRANTED

To: Smith Jenkins Ltd  
Mr Matthew Pearce  
1st Floor  
1 Canon Harnett Court  
Wolverton Mill  
Milton Keynes  
MK12 5NF

Application no: 21/02521/REM  
Applicant: Inter MK Ltd  
C/o Agent

Milton Keynes Council, under their powers provided by the above legislation, **Permit** the

**Approval of all reserved matters (Access, Layout, Scale, Appearance and Landscaping) pursuant to outline approval 20/02304/OUT, for the erection of two drive-thru restaurants and associated works.**

**At: Land To The South of KFC Stadium Way East Denbigh North Milton Keynes**

In accordance with your application, valid on 16th August 2021.

Approval is given subject to the condition(s) set out below. Some of the conditions may require further details to be provided **before the development commences**. The conditions need to be complied with for the permission to remain valid. If the conditions are not complied with, legal action can be taken against the developer and the land owner. The details required by the conditions, need to be submitted formally to the Council. Call the Planning Enquiries number at the bottom of the page or use the link [www.milton-keynes.gov.uk/publicaccess](http://www.milton-keynes.gov.uk/publicaccess) for further details.

### Conditions:

(1) The approved development shall be carried out in accordance with the following drawings/details:

2021/82/P01 - Proposed Site Plan, date: 21.08.2021, received 16.09.2021

2021/43/P02 - Proposed Unit B Ground Floorplan, date: 20.08.2021, received 16.09.2021

2021/43/P03 - Proposed Unit B External Elevations Sheet 1, date: 31.08.2021, received 16.09.2021

2021/43/P04 - Proposed Unit B External Elevations Sheet 2, date: 31.08.2021, received

Development Management,  
Civic, 1 Saxon Gate East, Central Milton Keynes MK9 3EJ  
Planning Enquiries Direct Line (01908) 252358  
MK Council Tel: (01908) 691691  
[www.milton-keynes.gov.uk](http://www.milton-keynes.gov.uk)

16.09.2021

2021/43/P05 - Proposed Unit A Ground Floorplan, date: 20.08.2021, received 16.09.2021

2021/43/P06 - Proposed Unit A External Elevations Sheet 1, date: 27.08.2021, received 16.09.2021

2021/43/P07 - Proposed Unit A External Elevations Sheet 2, date: 27.08.2021, received 16.09.2021

2021/43/P08 - Unit A and B Building Sections, date: 09.09.2021, received 16.09.2021

2021/82/P09 - Proposed Drive Thru Units A and B Context Plan, date: 09.09.2021, received 16.09.2021

2021/82/P10 - Proposed Drive Thru Units A and B Master Plan, date: 09.09.2021, received 16.09.2021

2021/82/P11 - Proposed Drive Thru Units A and B Site Plan, date: 09.09.2021, received 16.09.2021

1751-6/1 Unit A and B Drainage Proposal, date: Sep 2021, received 05.10.2021

QD782-200 Landscape Details, date: 16th September 2021, received 23.09.2021

SJO1a Site Location Plan, received 18.08.2021

Reason: For the avoidance of doubt and in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

(2) The development hereby permitted shall begin before the expiration of two years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 91 of the Town and Country Planning Act 1990.

(3) No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been constructed, surfaced and permanently marked out. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway in accordance with Policies SD1, D1 and CT10 of Plan:MK (2019).

(4) No development shall take place until details of the proposed finished floor levels of all

buildings and the finished ground levels of the site, in relation to existing site levels of surrounding property, has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved levels.

Reason: To ensure that construction is carried out at suitable levels having regard to drainage, access, the appearance of the development and the amenities of neighbouring properties in accordance with Policies D3 and D5 of Milton Keynes' adopted Plan:MK (2019).

( 5) Prior to the first use of the development hereby permitted, details of the Electric Vehicle Charging Spaces (at a minimum of 1 space per 21-50 parking spaces) shall be submitted to and approved in writing by the Local Planning Authority, these details shall be implemented prior to first occupation and retained thereafter.

Reason: To provide suitable Electric Vehicle Charging Spaces in accordance with Policy CT6 of Plan:MK (2019).

( 6) Prior to any ground works, a tree survey and report, an arboricultural impact statement, a tree protection plan and an arboricultural method statement all in accordance with BS 5837:2012, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details throughout all phases of the development.

Reason: To protect significant trees and hedgerows, safeguarding the character of the area and preserving habitat and to minimise the effect of development on the area in accordance with Policies NE4 and NE5 and Policy D1 of Plan:MK (2019).

( 7) The landscaping scheme hereby approved shall be carried out in accordance with the approved plans and specifications within or before the first planting season following the completion of development.

Reason: To ensure that the appearance of the development is satisfactory and accords with Policies D2, D5 and Policies NE3 and NE4 of Plan:MK (2019).

( 8) Details of the proposed bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be provided prior to the first occupation of the development hereby permitted.

Reason: To ensure that adequate cycle parking facilities are provided to serve the development in accordance with Policies CT2, CT3 and D5 of Plan:MK (2019).

(9) No building or use hereby permitted shall be occupied or the use commenced until the extract/ventilation systems as detailed within the Airflow cooling Taco Bell MK1 and Costa Coffee MK1 Mechanical Ventilation and Environmental Control Equipment (received 18.08.2021) have been installed in accordance with the documents and specifications. The extract/ventilation system shall thereafter be permanently retained.

Reason: To safeguard the amenity of nearby premises and the area generally in accordance with Policy D5 of Plan:MK (2019)

(10) Prior to the first occupation of the development hereby permitted, the submitted drainage layout (Reference: 'Unit A and B Drainage Proposal'. Drawing: 1751-6/1. Sep 2021) shall be fully implemented and maintained thereafter.

Reason: To reduce the risk of flooding on and off site and to accord with Policy FR1 of Plan:MK (2019) and Paragraph 163 of the National Planning Policy Framework (2019).

(11) Prior to the commencement of development above slab level, a sustainable construction strategy demonstrating how the development will accord with the principle as set out in Policy SC1 shall be submitted to and approved in writing by the Local Planning Authority, the development shall be carried out in accordance with these details.

Reason: To accord with Policy SC1 of Plan:MK (2019).

(12) The development hereby permitted shall be carried out in accordance with the submitted Construction Management Plan, dated July 2021, received 18.08.2021, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure there are adequate mitigation measures in place, in the interests of highway and pedestrian safety and in order to protect the amenities of existing and future occupiers in accordance with Policies CT2 of Plan:MK (2019).

### **Working With the Applicant**

In accordance with paragraph 38 of the National Planning Policy Framework Milton Keynes Council takes a positive and proactive approach to development proposals focused on solutions. Milton Keynes Council works with applicants/agents in a positive and proactive

manner by: offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application; where possible suggesting solutions to secure a successful outcome; informing applicants/agents of any likely recommendation of refusal prior to a decision; and by adhering to the requirements of the Milton Keynes Council Corporate Plan and the Planning and Transport Service Plan.

### **Building Regulations**

Please note that this is a planning permission only and you may also require approval under the Building Regulations. If you are in any doubt about this you can get further information via <https://www.milton-keynes.gov.uk/planning-and-building/building-control> or the Building Control Helpline Tel. (01908) 252721.

### **Your attention is drawn to the attached notes**

A handwritten signature in blue ink, appearing to be 'JP', with a horizontal line extending to the right.

21st December 2021

**Jon Palmer MRTPI – Head of Planning**  
For and on behalf of the Council

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal, then you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

You can appeal using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Customer Support Unit, Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).

Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – <https://www.planningportal.co.uk/info/200207/appeals>. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local planning authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

**Development Management,  
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If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council, or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).

### **The Party Wall etc. Act 1996**

Anyone intending to carry out work described in the Act MUST give adjoining owners at least 2 months notice in writing of their intentions.

The Act covers:- (i) work to be carried out directly to an existing party wall or structure  
(ii) new building at or astride the boundary line between properties  
(iii) excavation within 3 or 6 metres of a neighbouring building or structure, depending on the depth of the hole or foundations

If you are not sure whether the Act applies to work that you are planning, you should seek professional advice. A free explanatory booklet is available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7BN. Tel 0870 1226236 e-mail [odpm@twoten.press.net](mailto:odpm@twoten.press.net)