

**Application Number:** 21/02698/DISCON

**Proposal:** Details submitted for approval pursuant to condition 17 (noise management plan) of permission ref. 18/02341/FUL, relating to demolition of existing B8 storage and distribution warehouse and erection of a new B8 storage and distribution warehouse with ancillary B1 floorspace and associated works at Blakelands 1, Yeomans Drive, Blakelands, Milton Keynes, MK14 5AN

**Applicant:** GUPI 6 Ltd

**Application type:** Approval of details reserved by condition

**Ward:** Newport Pagnell South      **Parish:** Great Linford

**Statutory Target:** 28.10.2021      **Extension of Time:** 05.11.2021

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## **1.0 Recommendation**

1.1 It is recommended that the details submitted pursuant to condition 17 (noise management plan) of planning permission ref. 18/02341/FUL are approved.

## **2.0 Introduction**

2.1 The application has been referred to the Development Control Committee (DCC) due to the controversial nature of the development, noting the public interest in relation to the planning history of the site in conjunction with the subject matter of the condition concerned.

## **3.0 Background**

### The site and its context

3.1 The application site is situated on the northern boundary of one of the employment areas of Blakelands. The former warehouse building has been demolished and a new warehouse building constructed in accordance with the extant permission ref. 18/02341/FUL.

- 3.2 The surrounding area is largely characterised by light industrial, warehouse and office uses, comprising buildings of varying sizes. However, abutting the northern boundary of the site are residential properties, including a row of bungalows in Bessemer Court.
- 3.3 Four conditions attached to the planning permission require further details to be submitted for approval. These include conditions 5 (bicycle parking), 17 (noise management plan), 18 (traffic management plan) and 19 (external lighting). Details pursuant to conditions 5 and 19 have already been approved under ref. 19/01031/DISCON.
- 3.4 Condition 17 states:

*Prior to occupation, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and the recommendations within the Plan shall be fully implemented and adhered to. The Plan shall then be updated, in order to reflect operations on the site.*

*Reason: To ensure the development does not cause unacceptable noise pollution to the detriment of residential amenity.*

#### The proposal

- 3.5 The application seeks approval of details pursuant to condition 17 (noise management plan) of planning permission 18/02341/FUL. The Plan includes matters as follows:
- Noise Manager
  - Complaints Procedure
  - Training (of on-site staff)
  - Vehicle Plant
  - Vehicle engines
  - Vehicle alarms
  - Surfaces
  - Radios & Public Awareness
  - Loading Bays
  - Forklift Vehicles
  - Unplanned events
  - Display & Awareness
  - Status & Reviews
- 3.6 The Noise Management Plan (NMP) was initially revised from that originally submitted to respond to concerns raised by Cass Allen (on behalf of MKC Environmental Health), Great Linford Parish Council and interested parties (including the Blakelands Residents Association). Those revisions included:
- **Radios:** This has been extended to prohibit use of public address systems that are audible external to the building;
  - **Display & Awareness:** In addition to the displaying of the NMP in a prominent place within the building, key items specifically regarding switching off engines, vehicle plant

and radios and avoiding use of horns should be displayed on signage clearly visible on entry to the site and/ or once vehicles arrive at the loading bays;

- **Status & Reviews:** This has been extended to state *“Any changes made to the Plan will first be submitted to the Council pursuant to Condition 17”*; and
- **Vehicle alarms:** Changed from reference to tonal alarms to broadband White noise reversing alarms - this is now consistent with the requirements of Condition 9 of the host 2018 application.

3.7 Other comments not directly related to specific measures in the NMP but recommended for inclusion (by Cass Allen) were also added to that revised NMP, as follows:

- **Loading bay doors** should be kept shut when not in use. The revised NMP also states that the use of bays most distant from the residential noise sensitive receptors will be prioritised wherever possible.
- The revised NMP states that only **forklift vehicles** that are battery operated or electric forklift vehicles will be used.

3.8 Since Cass Allen’s review of the originally revised NMP, further changes (to the section titled ‘Status & Reviews’) have been made (taking the document to Revision C). These revisions are very minor and deal with procedural matters only so to ensure it is clear that any changes that may occur as a result of any new future occupant require referral back to the Council under the condition, so it may efficiently enforce and monitor the NMP.

#### 4.0 Relevant planning history

##### 4.1 Application site

21/02650/DISCON Details submitted for approval pursuant to condition 18 (Traffic Management) of permission ref. 18/02341/FUL, relating to demolition of existing B8 storage and distribution warehouse and erection of a new B8 storage and distribution warehouse with ancillary B1 floorspace and associated works.

Submitted concurrently with this application – under consideration.

21/01878/DISCON Details submitted for approval pursuant to conditions 17 (Noise Management) and 18 (Traffic Management) of permission ref. 18/02341/FUL, relating to demolition of existing B8 storage and distribution warehouse and erection of a new B8 storage and distribution warehouse with ancillary B1 floorspace and associated works.

Details refused on 13.08.2021 for the following reasons:

##### 1. *Condition 17 - Noise Management Plan*

*Due to a lack of evidence to support the submitted Noise Management Plan, it fails to consider the individual circumstances and constraints of site, including the requirements of other conditions on the host approval. The Local Planning Authority is*

*therefore not satisfied that the submitted Noise Management Plan would suitably meet the requirements of Condition 17 of planning permission 18/02341/FUL, in the interests of protecting the amenity of adjoining and nearby residents, and in turn conflicting with policy NE6 of Plan:MK and policy GLPC N13 (parts (c) and (e)) of the Great Linford Parish Neighbourhood Development Plan North.*

2. *Condition 18 - Traffic Management Plan*

*Given the concerns raised in the above reason for refusal (relating to condition 17), in that traffic movements within the site would be a noise generating activity which needs to be assessed in conjunction with the Noise Management Plan, the Local Planning Authority cannot be satisfied that the Traffic Management Plan, as submitted, would not give rise to adverse impacts on the amenity of nearby residents. To make a positive determination on the Traffic Management Plan, at this stage, would not be in the interests of good planning, nor ensure that the amenity of nearby residents is protected, as requirements of the Noise Management Plan may also affect the detail of the Traffic Management Plan. As such, the Local Planning Authority cannot be satisfied that the Traffic Management Plan, as submitted, is in a form that is required to meet the requirements of Condition 18 of planning permission ref. 18/02341/FUL without causing contention with other conditions on the permission, in turn causing conflict with policy NE6 of Plan:MK and policy GLPC N13 (parts (c) and (e)) of the Great Linford Parish Neighbourhood Development Plan North.*

19/02062/NMA	Non-material amendment to 18/02341/FUL (modification to the kerbline in the south east corner of the service yard) – retrospective. Approved 10.09.2019.
19/01758/FUL	Erection of a substation and electrical transformer housing – Retrospective. Approved 10.09.2019.
19/01031/DISCON	Details submitted pursuant to the discharge of conditions 5 (bicycle parking) and 19 (external lighting) pursuant to planning permission 18/02341/FUL. Details approved 26.04.2019.
18/02341/FUL	Demolition of existing B8 storage and distribution warehouse, and erection of a new B8 storage and distribution warehouse with ancillary B1 floorspace and associated works ('the planning permission'). Approved 11.04.2019.

## 5.0 Consultations and representations

All responses and representations received can be viewed in full, online at [www.milton-keynes.gov.uk/publicaccess](http://www.milton-keynes.gov.uk/publicaccess) using application reference 21/02698/DISCON. The following paragraphs summarise those responses and representations.

### 5.1 Great Linford Parish Council

Comments on the NMP as originally submitted:

As with the previous 21/02650/DISCON, this application must be considered alongside the Traffic Management Plan as that is a part of the noise that will be generated on site. The submitted Noise Management Plan does not meet the requirements of condition 17 of planning permission 18/02341/FUL, in the interests of protecting the amenity of adjoining and nearby residents, and in turn conflicting with policy NE6 of Plan:MK and policy GLPC N13 (parts (c) and (e)) of the Great Linford Parish Neighbourhood Development Plan North.

There are concerns that the revised NMP does not give detail on the methods of mitigation or identify the noise sources. The NMP still does little to protect the amenity of the nearby and adjoining residents. Residents are concerned that the NMP does not address noise from forklift trucks, picking equipment, tannoy systems, and general working and operations noise.

Concerns that (smaller) vehicles other than HGVs can be used which would also create noise. Loading would take place in the yard, as the loading bays would not be suitable, with a subsequent increase in noise during both day (and possibly) night-time hours

Residents are concerned that the NMP does not address noise from internal activities. Reference is made that the new occupants will employ 120 people.

Concerns are raised that without restrictions on the use the overflow car park on the northern boundary closest to homes will be in constant use. The operational changes proposed by the developer have not been included in the NMP – namely restricting use of the overflow carpark at the northern boundary and restricting use of the northern turning circle.

The noise barrier only extends the length of the northern turning circle and not along the roadway and car park alongside homes so there are no mitigation measures in place (thus the noise attenuation barrier is insufficient). Without any barrier between the car park and homes vehicle headlights will sweep across the residents' houses as they manoeuvre in and out of parking bays.

Although not a noise issue, it is worth noting that the issues with the lighting along the northern side of the warehouse has not been addressed or resolved – the lights on the warehouse are set so that to residents they are unshielded and point at homes.

The additional noise mitigation measures which had been planned for the loading bays have not been installed. One of the level access points for the warehouse is on the northernmost corner and even closer to homes than the first loading bay. It is unclear what operations may be carried out on site by the occupant.

5.2 Councillor Paul Alexander (Newport Pagnell South Ward) (Member of DCC)

No comments received.

5.3 Councillor Scot Balazs (Newport Pagnell South Ward)

No comments received.

5.4 Councillor Jane Carr (Newport Pagnell South Ward)

No comments received.

5.5 MKC Environmental Health

**Initial comments:**

Cass Allen provided the following comments (on the NMP as originally submitted) on behalf of MKC Environmental Health:

1. *"This document details the review of the Sharps Redmore Noise Management Plan (NMP) relating to the above site. Cass Allen has also reviewed the Residents' Group and Great Linford Parish Council comments regarding the document...."*
2. *"Cass Allen are in general agreement with the measures proposed within the NMP and note that other conditions such as conditions 9, 10 and 12 provide additional protection from tonal reversing alarms, fixed mechanical plant and out-of-hours working respectively. However, based on our experience of similar sites and along with the comments received from the other stakeholders the following amendments are proposed (with reference to paragraph numbers taken from the NMP):"*
  - 2.10 **Radios:** *This should be extended to prohibit use of public address systems that are audible external to the building.*
  - 2.12 **Display & awareness:** *In addition to the displaying of the NMP in a prominent place within the building, key items specifically regarding switching off engines, vehicle plant and radios and avoiding use of horns should be displayed on signage clearly visible on entry to the site and/ or once vehicles arrive at the loading bays.*
  - 2.13 **Status & reviews:** *This should be extended to ensure that, as and when the NMP is amended for whatever reason, the amended document should be submitted to and approved by Milton Keynes Council.*
3. *"Other comments not directly related to specific measures in the NMP but are recommended for inclusion are as follows:"*
  - *Loading bay doors should be kept shut when not in use.*
  - *External forklift activity should be minimised as much as possible and should not occur at any time outside the hours permitted for HGV movements in Condition 12.*
  - *Use of loading bays most distant from the nearby noise sensitive receptors should be prioritised wherever possible.*

4. *“It is noted that the Residents’ Group considers it appropriate for the contact details of the nominated Noise Manager to be made publicly available. However, it is the position of MKC that any noise complaints should be addressed to the Council to be dealt with through the Environmental Health department and subsequently onto the Noise Manager and therefore no direct contact details are necessary.*
5. *“It is also noted that the Parish Council raise concerns that the proposed barrier extents and locations are not sufficient to mitigate the noise impact to an acceptable level. However, the barrier proposals formed part of the application against which condition 17 is imposed and were considered appropriate by MKC at the time of permission being granted. There is therefore no scope to increase or amend the barriers, etc. as part of the NMP. This also applies to the acoustically enclosed bays which were proposed as part of the (denied) application to extend operation hours and therefore are not required to be installed under this permission.”*

**Further comments from Cass Allen following submission of revised NMP (Rev.B):**

*“The recommendations detailed in the Cass Allen review of the original NMP have been incorporated by Sharps Acoustics and are agreed.*

*It is understood that a further comment has been received from a local resident regarding the possibility of introducing on-site speed limits as a method of noise control. However, it should be noted that there will be very little difference in noise level at the range of speeds likely to be achieved by vehicles around the site. As such this amendment is not considered necessary and the NMP can remain as written in Revision B.”*

5.6 MKC Highways

No comments, with the matter best considered by Environmental Health.

5.7 Representations from interested parties

Comments and recommendations from Blakelands Residents Association on the NMP as originally submitted (including those by D Stabler in their behalf) are set out below:

- 5.7.1 Condition 9 requires that any HGV vehicles operating on the site shall be fitted with broadband white noise reversing alarms.
  - I. Tonal alarms are the original solution to help reduce reversing accidents but emitted a single piercing note that caused disturbances to neighbouring communities and came with a host of other issues.
  - II. With such a strident sound in an urban environment, the sound bounces off walls causing vulnerable road users to think the sound was coming from the opposite direction.
  - III. White sound reversing alarms are the safest and yet quietest on the market. The white sound emitted uses broadband sound with multiple frequencies rather than a single alarm. They are directional therefore instantly locatable, enabling pedestrians to work out exactly which vehicle is moving and in which direction, allowing them to move to safety. They also dissipate sounds quickly and can only be heard in the danger zone.

- 5.7.2 The following matters should be addressed in the NMP as they have potential to affect the amenity of residents living in adjacent properties, by creating adverse noise pollution to the detriment of their residential amenity:
- A. Sounding of vehicle horns whilst on site;
  - B. Use of public address systems;
  - C. Internal noise escaping from the warehouse; and
  - D. Forklift operations in the service yard.
- 5.7.3 There is nothing in the NMP to demonstrate how restrictions on HGV operating hours will be implemented, to protect the amenity of adjacent residential properties from adverse noise pollution. The access gates to the site should be locked to prevent HGVs entering, or exiting the site, from 21:00 to 07:00 Monday to Friday, and from 16:00 to 10:00 on Saturdays, Sundays, and Bank Holidays.
- 5.7.4 The named person(s), as Noise Manager, must be contactable by those seeking to complain during all hours of the operation of the warehouse, car parks and service yard, with details clearly posted at each entrance/exit to the site and posted to each dwelling in Blakelands.
- 5.7.5 There shall be an annual, independent monitoring survey of noise to establish the relevance of the NMP and ensure that it continues to protect the amenity of adjacent residential properties from changes in possible adverse noise pollution.
- 5.7.6 Procedures should be put in place to verify and record that all HGV vehicles entering the site are fitted with broadband white noise reversing alarms, and prevent those which are not.
- 5.7.7 In line with condition 17, the Plan should be reviewed periodically to ensure it remains relevant to the operation of the site, including remedial measures following a complaint. Any periodic review resulting in amendments to the NMP shall have the prior agreement and approval in writing from the local authority.
- 5.7.8 The north car park should only be used as an overflow carpark for limited periods, or for access by maintenance vehicles, and not by HGVs at any time.
- 5.8 Further comments from D Stabler were received following Environmental Health's (Cass Allen's) initial consultation response:

*"I note and welcome the response from [the] Environmental Health Noise Team, prepared by Cass Allen.*

*The report notes:*

*"That the Residents' Group considers it appropriate for the contact details of the nominated Noise Manager to be made publicly available."*

*But Cass Allen comment:*

*“It is the position of MKC that any noise complaints should be addressed to the Council to be dealt with through the Environmental Health department and subsequently onto the Noise Manager and therefore no direct contact details are necessary.”*

*This is not an appropriate way of reporting a noise nuisance after office working hours or at weekends or bank holidays. The Council do not have an Environmental Health Officer on duty, 24/7/365, only a message service, and so any complaints are not immediately dealt with or investigated.*

*If there’s an issue or activity, perhaps carried out in error; a vehicle moving, loading dock door left open, tannoy announcement, it could be resolved quickly and amicably, by calling the dedicated mobile telephone number or emailing the named person/s as Noise Manager, rather than wait until the next working day to speak to the Council.*

*Please reconsider and implement the recommendations that:*

- 1. A dedicated mobile telephone number and email address for each named person/s as Noise Manager shall be clearly posted at each entrance/exit to the site.*
- 2. The dedicated mobile telephone number and email address for each named person/s as Noise Manager will be delivered in a letter to each dwelling in Blakelands.*
- 3. Any changes to the named person/s as Noise Manager and/or site operator will be clearly posted at each entrance/exit to the site and will be delivered in a letter to each dwelling in Blakelands.*
- 4. There shall be annual independent monitoring survey of noise; to establish the relevance of the Noise Management Plan, and that it continues to ensure and protect the amenity of adjacent residential properties, from changes in possible adverse noise pollution.”*

5.9 Other interested party representations raise similar matters to those raised by the Parish Council and the Residents Association/D Stabler - the majority of which have been dealt with above. Other issues raised include:

- The traffic report previously actioned by the Council should be revisited (due to parking issues on Yeomans Drive);
- The acoustic studies would need to be repeated to reflect actual use with suitable noise mitigation measures to fulfil the requirements of condition 17; and
- The NMP does not state any site speed limit, for managing and minimising traffic noise and for on-site traffic safety.

#### Correspondence in support of the application

5.10 A letter of support from 4PX (prospective occupants of the development) was submitted with the application. A further letter of support from 4PX was also submitted with the revised NMP.

The submissions do not raise any further matters than those which have been raised above, although they do set out how the submitted NMP would adequately deal with noise matters on the site. They state their “strong support” for the contents, and that the measures contained within the NMP are “entirely acceptable” to them given their “commitment to being a responsible operator and good neighbour”.

Although not a material consideration to this application, the second letter also refers to a site meeting with Blakelands residents at their Dunstable site on 30<sup>th</sup> September 2021, where it was explained to them that the normal delivery schedule was between 5 to 8 deliveries a day. The representation states that it was explained to the residents that due to health and safety there is no work carried out at night in the outside yard, and that deliveries were mostly containers which, once reversed onto the loading bays, ignitions were then turned off and the keys kept inside warehouse so there can be no idling of engines. It was also noted that as they only use certain couriers, they load up full containers around circa 8 to 16 times per day and do not have multiple small delivery vans arriving and departing consistently during the day.

## **6.0 Relevant policies, guidance and legislation**

### The Development Plan

6.1 The Great Linford North Neighbourhood Plan (made March 2016):

- N13 - Proposals for larger scale employment and enterprise

6.2 Plan:MK (adopted March 2019)

- Policy NE6 - Environmental pollution
- Policy D5 - Amenity and street scene

### National planning policy and guidance

6.3 National Planning Policy Framework (2021) (NPPF):

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 15 - Conserving and enhancing the natural environment

6.4 In addition, national Planning Practice Guidance (‘the PPG’) is also a material consideration.

## **7.0 Planning considerations**

7.1 The sole focus of this application is to assess whether the submitted NMP will ensure the development does not cause unacceptable noise pollution to the detriment of residential amenity, as required by condition 17 of the planning permission.

7.2 When assessing applications to consider details that have been reserved by condition, matters of principle and detail which already form part of the extant planning permission, or imposition of further restrictions, cannot be considered. In this case, the approval of the physical works

and the use of the building and site as a class B8 storage and distribution warehouse with ancillary B1 office floorspace has already been established, replacing a former warehouse not subject to the conditional control now in place.

- 7.3 A number of matters have been raised by Great Linford Parish Council (GLPC), Blakelands Residents Association and other interested parties which cannot be taken into account, or it would be unreasonable for the Council to do so. Some of the suggestions would attempt to impose new restrictions (conditions) that would add further restrictions to those already imposed on the planning permission, beyond the specific scope of condition 17 – as it is written. These are further discussed below.
- 7.4 Material considerations have been raised by consultees and interested parties. These have been considered by planning officers and Cass Allen (on behalf of MKC Environmental Health), and the applicant, leading to the revised NMP which takes into account those matters raised. The changes made to the NMP are outlined in paragraphs 3.5 to 3.8 of this report.

## **8.0 Appraisal**

- 8.1 This appraisal should be read in conjunction with the consultation/interested party comments set out in section 5.
- 8.2 Cass Allen (on behalf of MKC Environmental Health) have reviewed the NMP. Despite being in general agreement with the NMP as originally submitted, amendments were requested in their initial response, taking into account the other representations received.
- 8.3 Some matters raised by Cass Allen in their initial response were not carried forward (or further developed) into the revised NMP. These include:

- Any complaints being made to the MKC Environmental Health department.

As this matter relates to a planning condition, it is for the planning authority to determine the expediency and type of enforcement action. Thus, complaints must be first made to the planning service. The NMP (para 2.3) also states that in addition to appointing a Noise Manager, their details will be provided to the Council.

- That external forklift activity should be minimised as much as possible and should not occur at any time outside the hours permitted for HGV movements in condition 12.

As explained above, requiring forklift vehicles to only operate within the allowed times for HGVs would, in effect, lead to further control than the existing permission dictates, and is therefore beyond the scope of condition 17. However, the applicant has incorporated into the revised NMP (at para 2.12) that all forklift vehicles will only be *“battery operated or electric forklift vehicles will be used”*. This would significantly reduce the amount of noise generated by forklift vehicles at all times of day than otherwise be apparent if using diesel engines.

- 8.4 The revised NMP also takes account of noise generated by internal activities within the warehouse building, such as loading doors being kept shut when not in use, and use of bays

most distant from the residential noise sensitive receptors will be prioritised wherever possible (at para 2.11).

- 8.5 The NMP has also been revised to refer to the requirements of condition 9 of the planning permission (which secures the use of broadband white noise reversing alarms). It also states that tonal reversing alarms are to be avoided. Furthermore, the NMP has been revised to limit the sounding of vehicle horns whilst on site and preclude external use of public address systems, as well as stating that loading bay doors will be kept shut when not in use and the use of bays most distant from the residential noise sensitive receptors will be prioritised wherever possible.
- 8.6 Representations observe there is nothing in the NMP to demonstrate how restrictions on HGV operating hours will be implemented and communicated to contractors, to protect the amenity of adjacent residential properties from adverse noise pollution. HGV operating hours are controlled by condition 12 of the planning permission. How this is achieved is a matter for the future occupant of the development, noting the onus always remains with the developer/occupier to adhere to requirements of planning conditions. Non-compliance raises the risk of planning enforcement action being taken.
- 8.7 The request for access gates to the site to be locked to prevent HGVs entering or exiting the site outside of permitted hours would impose a greater level of restriction than the conditions of the planning permission require. It would be unreasonable to add further restrictions at this stage and under this type of application. Locking the gate during these hours is also likely to unnecessarily and unreasonably restrict the movements of other employees coming and going from the site. Again, there is an onus on the operator to comply with condition 12.
- 8.8 In considering the desire for details of the appointed Noise Manager to be communicated widely and be contactable by interested parties, this would give rise to concerns over the effective monitoring and enforcement of conditions. Whilst the intention of this request is understood, and there could always be an informal agreement between the occupant of the site and residents within the locality to this effect; complaints in relation to breaches of planning control should always be directed to planning enforcement officers (as well as MKC Environmental Health in terms of noise matters). It is for the planning authority (with the support of Environmental Health colleagues) to enforce conditions of the planning permission. This request is not necessary to satisfy the requirements of condition 17, otherwise there is a danger that any breaches of planning control are not correctly recorded. Subsequently, it would not be possible to monitor the frequency, origin and type of complaints.
- 8.9 Points 2.3 and 2.4 of the NMP adequately deal with this matter. The NMP requires that the contact details of the Noise Manager are provided to the Council (as well as any changes to the named person) so that if any complaints are made this can be followed up by the Council with the appropriate person(s). Furthermore, requiring a letter to be sent to each resident creates an unreasonable burden on the operator to monitor the change in occupancy of each of those residential properties, to ensure subsequent owners are aware. For this reason alone, residents should rely upon the planning authority to report any concerns.
- 8.10 An annual and independent monitoring survey of noise is not required under condition 17 and, as such, this would go beyond the scope of the condition. However, Cass Allen has suggested

that as and when the NMP is amended, for whatever reason, the amended document should be submitted to the Council. The condition itself does require that (following implementation) *“the Plan shall then be updated, in order to reflect operations on the site”*.

- 8.11 The applicant has updated the NMP to go further than this to ensure that revisions will be first submitted to the Council as part of its own monitoring and compliance checks of the condition. The NMP also now refers to future change in occupier who may need to change the content of the Plan. The level or nature of any enforcement complaints may also indicate to the Council that the NMP requires updating, thereby instigating engagement with the occupant on the matter.
- 8.12 Representations concerning the use of the overflow car park for limited periods only, or for access by maintenance vehicles, should be considered in the context that this is an approved part of the scheme and unrestricted in so far as extent and times of use under the planning permission. It would not be reasonable to impose further restrictions at this stage and under this application type – this is beyond the scope of condition 17 in this regard.
- 8.13 It should be noted that the noise barrier was approved as part of the original planning permission. The matter cannot be revisited under this application. Furthermore, concerns over vehicle and site lighting do not relate to noise management within the site and, as a result, cannot be considered under this application.
- 8.14 Finally, representations seek a revisiting of the traffic report previously considered by the Council (due to parking issues on Yeomans Drive), that acoustic studies would need to be repeated to reflect actual use with suitable noise mitigation measures to fulfil the requirements of condition 17, and the NMP does not state any site speed limit, for managing and minimising traffic noise and for on-site traffic safety.
- 8.15 The scope of this application is to assess the submitted NMP. These matters either cannot be revisited at this stage or are not a material considerations in any case, given the issues are either existing and not related to the operation of this development, or it has been advised by Cass Allen that vehicle speeds are not likely to make a significant difference to noise levels and thus are not a relevant factor in this assessment. Speed restrictions would moreover be for safety reasons rather than a noise reduction measure in any case, and safety matters are for the operator to address under other legislation.
- 8.16 Cass Allen has reviewed the revised NMP in the context of the legislative parameters of the planning process and is satisfied that the measures contained within, if followed, would ensure that the residential amenity of nearby residents to the site would be preserved to an acceptable degree. The NMP would therefore fulfil the requirements of condition 17.
- 8.17 This recommendation takes into account legislative parameters which dictate what the local planning authority (LPA) can reasonably consider under this application. The LPA should not seek to include matters which have been adequately secured by other conditions (HGV hours and reversing alarms for example), and cannot impose further restrictions than what is already set out under the planning permission (movement times of other vehicles and further noise barriers, for example).

8.18 Given the above assessment, it is considered that the submitted revised NMP (Revision C) adequately addresses the requirements of condition 17. On the other matters not included within the NMP, these are not deemed necessary, reasonable or are outside of the scope of this application.

## **9.0 Conclusions**

9.1 For the reasons set out in the report, it is recommended that the Noise Management Plan (Revision C) is approved as it meets the requirements of condition 17 of planning permission ref. 18/02341/FUL, and ensures the development would comply with Policies D5 and NE6 of Plan:MK and Policy N13 of the Great Linford North Neighbourhood Plan.

9.2 As also set out in the above report, none of the other matters raised through the publicity and consultation process amount to material considerations.

9.3 Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change and human rights legislation (including 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).

## Annex

### A1.0 Consultations and representations

The following paragraphs present the original text of responses and representations made by consultees.

#### A1.1 Great Linford Parish Council

##### **Comments received on Noise Management Plan as originally submitted**

As with the previous 21/02650/DISCON this application must be considered alongside the traffic management plan as that is a part of the noise that will be generated on site.

The submitted Noise Management Plan does not meet the requirements of Condition 17 of planning permission 18/02341/FUL, in the interests of protecting the amenity of adjoining and nearby residents, and in turn conflicting with policy NE6 of Plan:MK and policy GLPC N13 (parts (c) and (e)) of the Great Linford Parish Neighbourhood Development Plan North

On the previous refusal submitted for DISCON of this condition the case officer suggested a long list (not exhaustive) of what the LPA would expect to see.

Extract from refusal

“The following suggestions are however measures that I would expect a responsible company, taking its neighbourly relations and potential impact on the surroundings seriously, to have in place as part of the due diligence in their business operations.

The following is not an exhaustive list and not a check list to discharge the condition but elements I would expect to see and have considered:

Noise from the site will need to be actively managed, as with every other element of the business (i.e. accounts, order processing, invoicing, inventories, goods in/out, etc etc - none of that occurs by chance, neither does noise management)

Noise Impact Assessment

- a risk assessment format

- Identify noise sources, - not covered in NMP

- identify noise sensitive receptors (NSR) – Not covered in NMP

- consequences for receptors (time dependent), — Not covered in NMP

- magnitude HML (time dependent), - Not covered in NMP

- characteristic of noise source (eg tonal, low/high frequency, impact sound, operational. Plant, equipment) – Not covered in NMP

- probability of disturbance (time dependent - HML), - Not covered in NMP

- remedial action, mitigation/attenuation/control, measures/recommendations – Not covered in NMP The attenuation barrier is insufficient at the northern end nearest the houses

- Responsibilities

- named person/people to action

A documented Complaints procedure

A Nominated company representative for dealing with complaints

Observe good neighbour relations dealing with any complaints professionally and objectively.

Neighbour engagement/community liaison.

Documenting and recording complaints and subsequent actions

Identify exceptions in advance and notify neighbours - ie one off noisy short duration high noise impact maintenance works for instance. – Not covered in NMP

An environmental noise monitoring plan – Not covered in NMP

Site and premises organisation and layout, prioritising use of docking bays most distant from NSR's, capitalising on distance attenuation – Not covered in NMP

- monitoring of noise levels at site perimeter? Parameters? LAeq over a time period, Tie in BS4142 assessment parameters – Not covered in NMP
- Consideration of Statutory Nuisance - Best Practicable Means will need to be employed at the site – Not covered in NMP
- Use of inherently quieter processes/ low noise plant" – Not covered in NMP

However, the new submission still does not give detail on the methods of mitigation or even identify the noise sources in any detail whatsoever.

I have highlighted red on this document the areas which the Noise Management Plan does not give sufficient relevant information

*From resident:* The NMP still does little to protect the amenity of the nearby and adjoining residents

- The additional noise mitigation measures which had been planned for the loading bays have not been installed
- The operational changes proposed by the Developer have not been included in the NMP: namely restricting use of the Overflow carpark at the Northern boundary and restricting use of the Northern turning circle

The proposed new tenant, 4PX, is a storage and distribution company. At present it is unclear what operations may be carried out on site and whether, like similar distribution companies (e.g. DPD), much of the ongoing distribution will be through use of vans and vehicles not classified as HGV/LGV (ie. Under 3.5 tonnes) – 'All vehicles make noise not just HGVs'

Residents are concerned if this were to be the case that:

- This may 'get round' the restriction on hours as HGV/LGV are specified
- Loading would take place in the yard, as the loading bays would not be suitable, with a subsequent increase in noise during both day (and possibly) 'night time' hours
- One of the level access points for the warehouse is on the northernmost corner and even closer to homes than the first loading bay

4PX Express states it will employ 120 people, it is likely therefore without restrictions on use that the overflow car park on the Northern boundary closest to homes will be in constant use

- The noise barrier only extends the length of the Northern turning circle and not along the roadway and car park alongside homes so there is **no mitigation** measures in place (thus the noise attenuation barrier is insufficient)
- Without any barrier between the car park and homes vehicle headlights will sweep across our (the residents) houses as they manoeuvre in and out of car parking

Residents are concerned that the NMP does not address noise from internal activities, as well as fork lift trucks, picking equipment, tannoy systems, and general working and operations noise.

Although not a noise issue it is worth noting that the issues with the lighting along the Northern side of the warehouse has not been addresses or resolved – the lights on the warehouse are set so that to residents they are unshielded and point at homes

A1.2 Councillor Paul Alexander (Newport Pagnell South Ward) (Member of DCC)

No comments received

A1.3 Councillor Scot Balazs (Newport Pagnell South Ward)

No comments received

A1.4 Councillor Jane Carr (Newport Pagnell South Ward)

No comments received

A1.5 Environmental Health

**Initial comments received (on NMP Revision A):**

1. “This document details the review of the Sharps Redmore Noise Management Plan (NMP) relating to the above site. Cass Allen has also reviewed the Residents’ Group and Great Linford Parish Council comments regarding the document. The NMP relates specifically to Condition 17 attached to application 18/02341/FUL and states:

*(17) Prior to occupation, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and the recommendations within the Plan shall be fully implemented and adhered to. The Plan shall then be updated, in order to reflect operations on the site. Reason: To ensure the development does not cause unacceptable noise pollution to the detriment of residential amenity.*

2. Cass Allen are in general agreement with the measures proposed within the NMP and note that other conditions such as Conditions 9, 10 and 12 provide additional protection from tonal reversing alarms, fixed mechanical plant and out-of-hours working respectively. However based on our experience of similar sites and along with the comments received from the other stakeholders the following amendments are proposed (with reference to paragraph numbers taken from the NMP):

2.10 – **Radios:** This should be extended to prohibit use of public address systems that are audible external to the building

2.12 – **Display & Awareness:** In addition to the displaying of the NMP in a prominent place within the building, key items specifically regarding switching off engines, vehicle plant and radios and avoiding use of horns should be displayed on signage clearly visible on entry to the site and/ or once vehicles arrive at the loading bays.

2.13 – **Status & Reviews:** This should be extended to ensure that, as and when the NMP is amended for whatever reason, the amended document should be submitted to and approved by Milton Keynes Council.

3. Other comments not directly related to specific measures in the NMP but are recommended for inclusion are as follows:
  - Loading bay doors should be kept shut when not in use.
  - External forklift activity should be minimised as much as possible and should not occur at any time outside the hours permitted for HGV movements in Condition 12.
  - Use of loading bays most distant from the nearby noise sensitive receptors should be prioritised wherever possible.
4. It is noted that the Residents' Group considers it appropriate for the contact details of the nominated Noise Manager to be made publically available. However it is the position of MKC that any noise complaints should be addressed to the Council to be dealt with through the Environmental Health department and subsequently onto the Noise Manager and therefore no direct contact details are necessary.
5. It is also noted that the Parish Council raise concerns that the proposed barrier extents and locations are not sufficient to mitigate the noise impact to an acceptable level. However, the barrier proposals formed part of the application against which Condition 17 is imposed and were considered appropriate by MKC at the time of permission being granted. There is therefore no scope to increase or amend the barriers etc. as part of the NMP. This also applies to the acoustically enclosed bays which were proposed as part of the (denied) application to extend operation hours and therefore are not required to be installed under this permission."

**Additional comments following receipt of the revised NMP Revision B:**

1. "This document details the review of the revised Sharps Redmore Noise Management Plan (NMP Revision B) relating to the above site.
2. The recommendations detailed in the Cass Allen review of the original NMP have been incorporated by Sharps Acoustics and are agreed.
3. It is understood that a further comment has been received from a local resident regarding the possibility of introducing on-site speed limits as a method of noise control. However it should be noted that there will be very little difference in noise level at the range of speeds likely to be achieved by vehicles around the site. As such this amendment is not considered necessary and the NMP can remain as written in Revision B."

A1.6 MKC Highways

The discharge of this conditions isn't really something highways can comment on.

Sounds like it needs to go to environmental health.

Representations from interested parties

- A1.7 All responses and representations received can be viewed in full, online at [www.milton-keynes.gov.uk/publicaccess](http://www.milton-keynes.gov.uk/publicaccess) using application ref. 21/02698/DISCON.

A1.8 Comments and recommendations from Blakelands Residents Association and D Stabler (on the NMP as originally submitted):

BACKGROUND.

Conditions attached for application 18/02341/FUL on the Decision Notice; issued on 11<sup>th</sup> April 2019, for and on behalf of the Council, by Tracy Darke Director - Growth, Economy and Culture.

*(9) Any HGV vehicles operating on the site shall be fitted with broadband White noise reversing alarms.*

*Reason: To ensure the development does not cause unacceptable noise pollution to the detriment of residential amenity.*

*(10) Any plant and/or air handling units which are roof mounted shall be directed away from residential properties or suitably screened, to limit operation noise to 5dB below background levels at the nearest noise sensitive receiver. Reason: To ensure the development does not cause unacceptable noise pollution to the detriment of residential amenity.*

*(12) There shall be no heavy goods vehicles, entering, exiting or operating within the site outside of the hours of 07:00 to 21:00 Monday to Friday and 10:00 to 16:00 on Saturdays, Sundays and Bank Holidays. Reason: To protect the amenity of adjacent residential properties from adverse noise pollution.*

*(17) Prior to occupation, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and the recommendations within the Plan shall be fully implemented and adhered to. The Plan shall then be updated, in order to reflect operations on the site. Reason: To ensure the development does not cause unacceptable noise pollution to the detriment of residential amenity.*

*(18) Prior to occupation, a Traffic Management Plan shall be submitted to and approved in writing by the Local Plan Authority. The site shall thereafter be managed in accordance with the approved details. Reason: To ensure the development provides adequate movement within the site and at the access points.*

NOISE MANAGEMENT PLAN

Submitted by Sharps Acoustics on behalf of the applicant GUPI 6 Ltd.

CONSIDERATIONS

It is noted that both the developer and prospective tenant have failed to engage with residents and GLPC.

As the Noise Management Plan, required by Condition 17, is there to protect the residents, it could be assumed that the developer and/or tenant would have been eager to prepare a Noise Management Plan following engagement and discussions with local residents about their concerns.

We wish to make the following comments/objections/recommendations to the Noise Management Plan for warehouse site at: 1 Yeomans Drive, Blakelands Milton Keynes MK14 5BT.

## 1.0 Introduction

*1.4 The measures are also suited to the specific characteristics of the site and surrounding area. The Plan has been prepared against the context of the operational restrictions that have been imposed on the site under the 11th April 2019 permission, namely and summarised below:*

- *Condition 9: HGV vehicles fitted with broadband white noise fitting alarms.*
- *Condition 10: roof mounted plant and air handling units direct away from residential properties or suitably screened to limit operation noise.*
- *Condition 11: noise barrier installed and retained.*
- *Condition 12: restriction on HGV operational hours within the site.*
- *Condition 17: approval of this Plan and ensuring it is updated to reflect operations on the site.*

### COMMENT/OBJECTIONS to 1.4

There is nothing in the Noise Management Plan to demonstrate how restrictions on HGV operating hours will be implemented, to protect the amenity of adjacent residential properties from adverse noise pollution.

### RECOMMENDATIONS

1. HGV operators contracted to deliver or pick up from the site must be informed that; the site will not allow HGVs to enter, exit, or operate within the site, from 21:00 to 07:00 Monday to Friday, and from 16:00 to 10:00 on Saturdays, Sundays, and Bank Holidays.
2. The access gates to the site shall be locked to prevent HGVs entering, or exiting the site, from 21:00 to 07:00 Monday to Friday, and from 16:00 to 10:00 on Saturdays, Sundays, and Bank Holidays.
3. HGVs will be prevented from operating within the site from 21:00 to 07:00 Monday to Friday, and from 16:00 to 10:00 on Saturdays, Sundays, and Bank Holidays.

## 2.0 Noise Management Plan

*2.1 The landlord will notify the tenant(s) of the requirements of the Planning Permission and the noise related restrictions and requirements including the approved Noise Management Plan.*

### COMMENT/OBJECTION to 2.1

How are the terms and conditions of the Noise Management Plan communicated to those persons working in the offices, warehouse and the service yard?

### RECOMMENDATION

The tenants should be required to make available, and or display, copies of the Noise Management Plan together with a summary of the key requirements in the Office, Warehouse, the Site Security Office at the main gates, and externally adjacent each loading bay door.

## 2.0 Noise Management Plan

*2.3 Noise Manager: the site operator will identify and appoint a named person as Noise Manager with responsibility for noise control and management. The Manager will be reported to the Council and be the main contact in relation to noise related matters. The Manager will update this Plan as required to reflect operations on the site. The named person will also be responsible for managing any neighbour / third party complaints that are received in the accordance with the complaints procedure (see point 2.4 below). This is to ensure good neighbour relations are upheld and any complaints are dealt with professionally and objectively. Any change to the named person and/or site operator will be reported to the Council.*

#### COMMENT/OBJECTION to 2.3

The named person/s as Noise Manager must be contactable by those seeking to complain during all hours of the operation of the warehouse, car parks and service yard.

#### RECOMMENDATIONS

1. A dedicated mobile telephone number and email address for each named person/s as Noise Manager shall be clearly posted at each entrance/exit to the site.
2. The dedicated mobile telephone number and email address for each named person/s as Noise Manager will be delivered in a letter to each dwelling in Blakelands.
3. Any changes to the named person/s as Noise Manager and/or site operator will be clearly posted at each entrance/exit to the site and will be delivered in a letter to each dwelling in Blakelands.
4. There shall be annual independent monitoring survey of noise; to establish the relevance of the Noise Management Plan, and that it continues to ensure and protect the amenity of adjacent residential properties, from changes in possible adverse noise pollution.

#### 2.0 Noise Management Plan

*2.8 Vehicle Alarms: use of tonal reversing alarms will be minimised at all times.*

#### COMMENT/OBJECTION to 2.8

Condition 9 requires that any HGV vehicles operating on the site shall be fitted with broadband White noise reversing alarms.

- IV. Tonal alarms are the original solution to help reduce reversing accidents but emitted a single piercing note that caused disturbances to neighbouring communities and came with a host of other issues.
- V. With such a strident sound in an urban environment, the sound bounces off walls causing vulnerable road users to think the sound was coming from the opposite direction.
- VI. White sound reversing alarms are the safest and yet quietest on the market. The White sound emitted uses broadband sound with multiple frequencies rather than a single alarm.  
They are directional therefore instantly locatable, enabling pedestrians to work out exactly which vehicle is moving and in which direction, allowing them to move to safety. They also dissipate sounds quickly and can only be heard in the danger zone.

#### RECOMMENDATIONS

1. Procedures will be put in place to audibly verify and record that all HGV vehicles entering the site are fitted with broadband White noise reversing alarms.
2. HGV operators contracted to deliver or pick up from the site will be informed that any vehicle fitted only with a tonal reversal alarm only, will be barred from entering the site.
3. Any HGV, fitted only with a tonal reversal alarm only, attempting to enter the site, shall be immediately turned away and prevented from entering the site.

#### 2.0 Noise Management Plan

2.13 Status & Reviews: this Plan will become a controlled document and form part of the Site's Management System. In line with Condition 17, the Plan will be reviewed periodically to ensure

it remains relevant to the operation of the site and events that have occurred include remedial measures following a complaint.

#### RECOMMENDATION

1. Any periodic review, resulting in amendments to the Noise Management Plan, shall have the prior agreement and approval in writing from the Local Authority.

#### NOISE RELATED MATTERS NOT COVERED IN THE NOISE MANAGEMENT PLAN

The following matters should be addressed in the Noise Management Plan; as they have potential to affect the amenity of residents living in adjacent properties, by creating adverse noise pollution to the detriment of their residential amenity.

- E. Sounding of vehicle horns whilst on site.
- F. Use of public address systems.
- G. Internal noise escaping from the warehouse.
- H. Forklift operations in the service yard.
- I. Use of the north overflow carpark.

#### RECOMMENDATIONS

1. Only in an emergency should HGV, or other vehicle horns, be sounded whilst the vehicle is stationary, or operating on the site.
2. There should be no use of any public address systems that are audible externally.
3. To avoid noise spill, from inside the warehouse, all loading bay doors should be closed when not in use.
4. External forklift activity should be minimised as much as possible. Diesel powered forklifts must not be used within the restricted operating hours for HGVs.
5. The north car park, should only be used as an overflow carpark for limited periods, or for access by maintenance vehicles, and not by HGVs at any time

A1.9 Comments and recommendations from D Stabler following first representation from Cass Allen (on behalf of MKC Environmental Health):

"I note and welcome the response from Matthew Barnes Environmental Health Noise Team, prepared by Cass Allen.

The report notes:

*"That the Residents' Group considers it appropriate for the contact details of the nominated Noise Manager to be made publicly available."*

But Cass Allen comment:

*"It is the position of MKC that any noise complaints should be addressed to the Council to be dealt with through the Environmental Health department and subsequently onto the Noise Manager and therefore no direct contact details are necessary."*

I believe that this is not an appropriate way of reporting a noise nuisance after office working hours or at weekends or Bank Holidays. The Council do not have an Environmental Health Officer on duty, 27/7/365, only a message service, and so any complaints are not immediately dealt with or investigated.

If there's an issue or activity, perhaps carried out in error; a vehicle moving, loading dock door left open, tannoy announcement, it could be resolved quickly and amicably, by calling the dedicated mobile telephone number or emailing the named person/s as Noise Manager, rather than wait until the next working day to speak to the Council.

Please reconsider and implement the recommendations that:

1. A dedicated mobile telephone number and email address for each named person/s as Noise Manager shall be clearly posted at each entrance/exit to the site.
2. The dedicated mobile telephone number and email address for each named person/s as Noise Manager will be delivered in a letter to each dwelling in Blakelands.
3. Any changes to the named person/s as Noise Manager and/or site operator will be clearly posted at each entrance/exit to the site and will be delivered in a letter to each dwelling in Blakelands.
4. There shall be annual independent monitoring survey of noise; to establish the relevance of the Noise Management Plan, and that it continues to ensure and protect the amenity of adjacent residential properties, from changes in possible adverse noise pollution."

A1.10 Comments from other interested parties (3 no.) are as follows:

- "D Stabler has highlighted to me that MKC's EHO and Cass Allen have provided a response to the proposed noise management plan (NMP). I have looked through both of those responses this morning and have the following comments to make.

The NMP sets out that there will be a noise manager and complaints procedure (paras 2.3 and 2.4) to "ensure good neighbour relations". However, the NMP does not set out that the neighbouring residents should be notified with the contact details of the noise manager. I believe this to be inadequate. If there is noise manager and complaints procedure, then residents need to know who to contact to raise an issue or complaint. It is not practical to expect residents to have to attend the warehouse to find out who the noise manager is and how to make a complaint.

MKC's EHO position, as set out in the Cass Allen report, is that the noise complaints should be raised through its EH department rather than with the occupier of the warehouse. This position conflicts with the NMP. The complaints procedure in the NMP is quite clearly worded so that residents can raise a complaint with the noise manager. This is obvious from the use of the word "complainant", as it would be worded 'Council' if the process was only intended for MKC to raise complaints.

I would also make the point that directing all noise issues or complaints to MKC's EH department undermines the purpose of the NMP. Most intermittent or accidental noise issues would be dealt with quicker and more effectively with the noise manager. For example, say there was a vehicle alarm going off accidentally on a Friday evening. MKC's EH department would not even pick that up until Monday morning at the very earliest. If the residents could contact the noise manager, then it would clearly be dealt with almost immediately.

Finally, I have a general comment that the purpose of the NMP condition is to reflect the operations at the warehouse, i.e. the type of occupier. In this case, it looks like the occupier is a logistics company similar to Royal Mail. I am not confident that the NMP has actually been prepared to actually reflect the operations of a logistics company, which I understand will use smaller vehicles more frequently than HGVs. There are also parts of the NMP which are also not relevant to the operations of the logistics company, for example para 2.6 refers to vehicle plant/refrigerated units, but it is my understanding the logistics company will not be using such vehicles and units."

- "I would like to comment on the above planning applications.

I agree with the comments made by my neighbour [REDACTED].

It's hard to predict issues when we don't know the makeup of the proposed leasee's fleet, but if it is a Logistics company that leases the building, they are likely to use Vans.

Most logistics companies that use vans, load inside their premises, obviously this would not be practical with the development as is, as it was constructed for mainly HGV's.

If the leasee does intend to use Vans, please consider ensuring that the overflow car park is not used as an alternate access to the loading bays and that any loading activities are done as far away from the residents as is possible.

Also, if the leasee is able to 'get around' the working hours by using Vans, additional sound barriers would be required along the boundary between the residents and the warehouse to protect residents from the traffic/vehicle noises, headlights etc.

I also believe that the traffic report actioned by the council previously, should be re visited.

There are always parked vehicles along Yeomans Drive which causes traffic to flow either up or down the road (it can't flow in both directions at the same time), this causes tailbacks on Brickhill Street.

On 06/02/19 I took photo's of the traffic on Yeomans Drive, to send to DCC to show how congested the road is (without the additional traffic that will result from this warehouse), I was there for about 25 minutes. I have attached some of the Photo's for you to see.

Could the bulk of their vehicles be directed to use Delaware Drive to access and leave the site? This would alleviate a bottleneck situation and benefit Blakelands , Gifford Park , Redhouse Park and Newport Pagnell residents."

- "While the Noise management Plan (NMP) submitted by the Developer does address some of the policy and organisational issues which were lacking in the original NMP is still does little to manage or monitor noise activities to protect the amenity of the nearby and adjoining residents to the site.

The Developer argues further noise studies or detail on how noise is to be controlled are not necessary. It should be noted the additional noise mitigation measures which had been

planned for the loading bays have not been installed nor have the operational changes proposed by the Developer been included in the NMP. Namely restricting use of Overflow car park at the northern boundary and restricting use of the Northern turning circle.

While Condition 17 and the informative(s) of the original Planning Permission is not specific it does clearly set out what would be expected and what is necessary to comply with the Policies of Plan:MK and the Framework. This was also clearly stated in the case officer response to the original NMP.

The NMP needs to be relevant to the activities on site. The proposed new tenant, 4PX Express, is a storage and distribution company. At present it is unclear what operations may be carried out on site and whether, like similar storage and distribution companies, much of the forward distribution will be through use of vans and vehicles not classed as HGV/LGV (ie under 3.5 tonnes).

This needs to be clarified and the NMP updated to reflect actual operations.

Residents are concerned if there is any onward distribution using vans and vehicles not classed as HGV that:

- This may be used to 'get around' the restriction on hours as HGV/LGV are specified
- Loading would take place in the open yard, as the loading bays would not be suitable, with a subsequent increase in noise from traffic movements and external loading activities
- One of the level access points for the warehouse is on the northernmost corner of the warehouse so there is the likelihood of this activity taking place even closer to homes. All the acoustic studies have been predicted on activity taking place predominantly within loading bays and with the first loading bay being used as the most proximal measure to homes and noise sensitive receptors. The acoustic studies would need to be repeated to reflect actual use with suitable noise mitigation measures to fulfil the requirements of Condition 17.
- 4PX Express states it will employ 120 people it is likely therefore, without restrictions, that the overflow car park on the northern boundary closest to homes will be in constant use
- The noise barrier only extends along the northern turning circle and not along the roadway and car park alongside homes so there are no mitigation measures in place

Although not specifically relevant to the NMP, without any solid barrier between the car park and homes, vehicle headlights will sweep across our homes as vehicles manoeuvre in and out of the car parking spaces.

It should be noted that residents issues with lighting along the northern side of the warehouse have not been addressed or resolved: the lights on the warehouse are set at a level so that to residents they are unshielded and visually comparable to car headlights pointing at our gardens and homes.

#### Traffic Management plan

The onsite traffic management plan (TMP) separates car vehicles and HGV however if there is to be any onward distribution through use of vans under 3.5 tonnes

- There is no specific provision for separation of van and HGV traffic
- There is no designated van loading area
- The number of vehicle movements to and from the site will have been vastly underestimated which will have a significant impact on traffic movement along the access roads, V10 and V10/H3 junction

Neither the NMP nor the TMP states any site speed limit, normally considered essential for managing and minimising traffic noise and for on-site traffic safety.”

#### A1.9 Letters in support of the application from 4PX Express UK Co Ltd:

##### First letter

“Please accept this letter as confirmation of our strong support for the current application.

We are currently in advanced stages of legal agreements with GUPI 6 to take a 10 year lease of the premises. We have a pressing need to operate from the site as soon as possible and intend to use it as a storage and distribution facility in accordance with the use and restrictions set by Planning Permission Ref: 18/02341/FUL.

4PX Express is a well-established distribution/fulfillment service provider, founded in China in 2004, and voted the number one cross-border e-commerce solutions provider in recent years. 4PX employs over 1,500 employees across 50 different worldwide locations. Please visit our website for more details. (<http://en.4px.com/index.php/about-us.html>).

We have had a longstanding requirement for a storage and distribution facility in Milton Keynes to support our existing and planned business growth. As you will appreciate, Milton Keynes is strategically located to serve the M1 corridor and wider strategic road network. The Blakelands area is ideally positioned to support this requirement and we particularly attracted to the modern and sustainable facility that has been constructed by GUPI 6 compared to a range of less suitable alternatives. The site’s short-term availability has also been an important consideration compared to other options, particularly those outside Milton Keynes.

We intend to employ 120 people in a range of full and part time posts. As this is a new location for our business, we expect the majority of posts to be new and primarily filled by Milton Keynes’ workforce and local population. This will offer a significant economic and social benefit to the local area. Due to the nature of our business, we also expect to create relationships with existing businesses such as One Stop Pest Control and Ace Window Cleaning Services to support our daily operations. This will offer important spin-off benefits for the local economy.

We are fully aware of the site’s existing planning permission and the operational restrictions that have been imposed. Our intention to occupy the property has been in the full knowledge of those restrictions, which we will operate within. We also inputted into the noise and highway management plans that were submitted as part of this application to ensure that the details reflect our operational and management methods.

We are a good neighbour and have extensive experience of managing our properties and operations to ensure that the amenity and living conditions of nearby residents is protected.

This is a significant long-term investment for us and want to have a positive relationship with your Council and residents from the outset.

We hope this letter demonstrates our commitment to the responsible management of this property and the economic and social benefits we will offer to Milton Keynes. We also request the current application can be determined positively at the earliest opportunity to allow our occupation to proceed.”

### Second letter

“I refer to the above application. You will be aware from our letter of support dated 28th July 2021 that we are the prospective occupier of the site.

We have been monitoring the application with close interest. We have also been in discussions with GUPI 6 on the content of the Noise Management Plan and have inputted into and approved the revisions that have been made following the Cass Allen advice letter dated 5th October 2021. The Plan has our strong support and is entirely acceptable to us given our commitment to being a responsible operator and good neighbour.

As part of your consideration of this application, we would like to report that on Thursday 30th September 2021, we hosted representatives of the Blakelands residents at our Dunstable site. We understand they wished to inspect our operation in light of concerns regarding the operation of the Milton Keynes sites.

We were pleased to meet the residents and our Warehouse and Health & Safety, Maintenance & Security Managers gave them a tour of the operation. My colleagues explained the daily operation of the site, how many deliveries we receive and the process for onward distribution. We also explained our management of the site in terms of noise sensitive operations including the following:

- Noise of trucks arriving / idling outside
- Sound from loading trailers
- Staff leaving night shifts
- Operation of the 2 loading bays closest to the overflow carpark.

We demonstrated the loading of a container that was on a bay using a silent battery-operated forklift truck and reiterated that our normal delivery schedule was between 5 to 8 deliveries a day and certainly not the 38 per hour which they had been informed it would be. We explained that due to health and safety there is no work carried out at night in the outside yard and that our deliveries were mostly containers which once reversed onto the loading bays, ignitions were turned off and the keys kept inside warehouse so there can be no idling. It was also noted that as we only use certain couriers, we load up full containers around circa 8 to 16 times per day and we did not have multiple small delivery vans arriving and departing consistently during the day.

Overall, it was a very productive meeting and we appreciated the time taken by the residents to visit us and understand our business operation. We understand our responsibility to be a good neighbour and have never had any complaints from our neighbours in Dunstable. We

hope this is the beginning of a positive and close working relationship with the Blakelands residents once we are in occupation of the site.

I trust this letter is a useful update and demonstrates our continued commitment to the responsible management of this property and the economic and social benefits we will offer to Milton Keynes.”