

# ITEM 7(a)

**Application Number:** 18/02341/FUL

**Description** 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

**FOR** GUPI 6 Limited

**Target:** 20<sup>th</sup> December 2018

**Extension of Time:** No

**Ward:** Newport Pagnell South

**Parish:** Great Linford Parish

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## 1.0 RECOMMENDATION

### 1.1 Recommendation A

To rescind the resolution made at the 8<sup>th</sup> November 2018 Development Control Committee (DCC) to grant planning permission subject to conditions and a s.106 agreement (to require revocation of the original planning permission).

### 1.2 Recommendation B

It is recommended that planning permission is granted, subject to the conditions recommended at section 9.0 of this report and a s106 unilateral undertaking.

1.3 The draft s106 unilateral undertaking provided by the developer includes an undertaking that would ensure that the developer will not continue to implement the site under the original planning permission (16/03023/FUL). At the time of writing the report, the wording of this undertaking is being negotiated and the final wording will be made available by way of an update report before the Development Control Committee. This undertaking has been provided as an alternative instead of an undertaking requiring revocation of the original planning permission, as resolved by the Development Control Committee in November 2018. The revocation would

have required a separate revocation process under section 97 of the Town and Country Planning Act 1990.

## **2.0 INTRODUCTION**

### The Site and Surroundings

- 2.1 The application site is situated on the northern boundary of one of the employment areas of Blakelands. The former warehouse building has been demolished in accordance with the extant permission 16/03023/FUL. The former warehouse contained ancillary offices, loading/unloading areas and parking areas for HGVs and cars.
- 2.2 The surrounding area is largely characterised by light industrial, warehouse and office uses occupying buildings of varying sizes. However, abutting the northern boundary of the site are residential properties and in particular a row of bungalows in Bessemer Court.

### The Proposal

- 2.3 The application is a resubmission of the original planning permission (Original Permission) under 16/03023/FUL. The proposal involves the redevelopment of the existing warehouse to provide a new warehouse within a redesigned site layout. The existing warehouse building has a floorspace of 17,414 square metres whilst the proposal would increase this to 20,522 square metres. In addition the former warehouse was 10.5 metres high along the elevation facing towards Bessemer Court whilst the proposed building would be 17.0 metres high along the same elevation and 18.4 metres high in total and to date, has been constructed in accordance with the Original Permission.
- 2.4 The former warehouse was some 48 metres from the rear elevation of the closest dwelling (70 Bessemer Court). The proposed building would be 37 metres from the same property. Details of the proposal as described above can be seen in the plans appended to this report.
- 2.5 The proposal includes 14 dock levellers and 4 loading doors for HGVs along the eastern elevation of the building along with parking spaces for 35 trailers and a main car park for 173 cars in front of the southern elevation of the building together with a remodelled access to serve the loading bays/HGV parking. The proposal also includes a 51 space 'Overflow' car park to the north of the building and provision is made for cycle and motorcycle parking.
- 2.6 Details of the proposal as described above can be seen in the plans appended to this report.

## **3.0 REASON FOR REFERRAL BACK TO COMMITTEE**

- 3.1 Members originally resolved to grant planning permission at the November 2018 Development Control Committee (DCC), subject to conditions and a s106 agreement, albeit not all of the conditions which were missing in the Original

Permission, because some conditions had formally been discharged due to the submission of satisfactory information with the current application.

- 3.2 The officer recommendation to DCC in November 2018 for the current application was to approve and members resolved to grant planning permission subject to the conditions in the officer report and a s106 agreement. It was considered that upon determination of the current application, this would resolve the issue of the missing conditions in the Original Permission. As part of the DCC resolution, members resolved that the s106 agreement was to include an obligation to require the revocation of the Original Permission, however the s106 agreement was not signed and the application has not been determined since the November 2018 DCC. The applicant has not applied for non-determination of the application.
- 3.3 The Council has now been approached by the applicant requesting determination of the current planning application and has provided the Council with a draft S106 unilateral undertaking. The draft s106 unilateral undertaking includes an undertaking that would ensure that the developer will not continue to implement the site under the Original Permission. At the time of writing the report, the wording of this undertaking is being negotiated and the final wording will be made available by way of an update report for the DCC. This undertaking has been provided instead of an obligation in a s106 agreement requiring revocation of the original planning permission, as resolved by the DCC in November 2018. The revocation, h would have required a separate revocation process under section 97 of the Town and Country Planning Act 1990is the reason the matter must return to DCC for a further resolution.
- 3.4 Whilst the wording of the undertaking is currently being negotiated, the principle is considered acceptable, as this would ensure that the applicant will not continue to develop the Original Permission and would continue development at the site in accordance with the current planning application, which would include all of the conditions attached to this report and the s106 unilateral undertaking. What this means is that all of the conditions as part of this planning application would become enforceable, and any breach of these conditions would allow the Council to take enforcement action where it is considered expedient to do so.
- 3.5 Of most importance is that the conditions missed off the Original Permission when the decision notice was issued on 17<sup>th</sup> January 2018, can now be reinstated (or revised following submission of additional information since 17 January 2018 and forming part of this application), and would mitigate the impact of the development for the neighbouring residents, to the same extent and in accordance with what was intended when members resolved to grant planning permission for the Original Permission in May 2017. Effectively, this resolves the concern regarding the missing conditions.

## **4.0 RELEVANT POLICIES**

### **4.1 Changes in circumstances since DCC in November 2018**

4.2 The only other difference to the application since November 2018, is the adoption of Plan:MK. (in addition to the change to the s106 set out above). A full list of relevant Plan:MK policies is provided below:

4.3 It is important to note that as Plan:MK has been adopted, previous Local Plan and Core Strategy 2013 policies no longer carry any weight.

4.4 The Original Permission 16/03023/FUL is a material planning consideration. Considering the development has commenced, it can be carried out in accordance with the approved plans and limited number of conditions issued on the decision notice dated 17 January 2018. The current proposal, if approved, would enable all previous conditions to be included, and represents a significant improvement when compared to the Original Permission. The S106 unilateral undertaking would also ensure that development in accordance with the Original Permission does not continue and to ensure compliance with the conditions set out in this officer report. . As such the Officer recommendation to Members remains to grant planning permission.

### **4.5 National Planning Policy Framework (2019)**

The changes made since the determination of the Original Permission do not have a significant bearing on the policy basis that the application was previously considered on. It is important to note that the up to date development plan (Plan:MK and Neighbourhood Plan) have supremacy in any case.

### **4.6 Great Linford North Neighbourhood Plan (2016)**

Once a Neighbourhood Plan has been agreed at a referendum and is made (brought into legal force) by the local planning authority, it becomes part of the local planning authority's development plan as an official development plan document which carries statutory weight.

The Great Linford North Neighbourhood Plan was made by Full Council on 23 March 2016 and forms part of the Development Plan and should be used when considering this application.

N9 – Trees, hedgerows and planting – new developments are required to retain important trees and hedgerows and provide additional planting where appropriate.

N11 – New development – accessibility, getting around and biodiversity – new development must ensure they provide adequate provisions for vehicles, pedestrians and cycle access including access and parking. In addition, new development must not have an adverse impact on areas of local biodiversity importance and ensure appropriate mitigation/compensation measures are provided.

N13 – Proposals for larger scale employment and enterprise – where new floorspace to be provided exceeds 1000sqm, developments must ensure they are integrated with existing clusters of activity, protect residential amenity, achieve high standards of design, provide adequate drainage and are appropriately landscaped.

N14B – Major developments in strategic locations – major developments must incorporate art in the design of development on site or in strategic open space areas.

#### 4.7 Plan: MK (March 2019)

The Council received the Inspector’s final report into Plan: MK, which concluded that as amended by main modifications, it is sound and provides an appropriate basis for the planning of the Borough up to 2031. The plan was taken to Cabinet (5 March) and Council (20 March) for approval and adoption. Plan:MK was adopted at Council on 20 March and now forms part of the statutory ‘development plan’ for Milton Keynes and alters the Policies Map that indicates land use in the Borough.

Policy MK1 - Presumption in favour of sustainable development

Policy SD1 - Place making principles for development

Policy CT1 - Sustainable transport network

Policy CT2 - Movement and access

Policy CT3 - Walking and cycling

Policy CT5 - Public transport

Policy CT10 - Parking Provision

Policy INF1 - Delivering Infrastructure

Policy FR1 - Managing flood risk

Policy NE6 - Environmental Pollution

Policy D1 - Design a high quality place

Policy D2 - Creating a positive character

Policy D3 - Design of buildings

Policy D4 - Amenity and street scene

Policy SC1 - Sustainable construction

Policy ER1 – Employment Sites Within the Borough of Milton Keynes

Policy ER2 – Protection of Existing Employment Land and Premises

Policy CC1 - Public Art

Policy NE6 – Environmental Pollution

- 4.8 The local and national policy basis that the original application and this current application were considered against, does not conflict with the relevant Plan:MK policies or national planning guidance contained within the NPPF 2019.

In respect of the development plan (Plan:MK and the Neighbourhood Plan) whilst policies in the development plan will be in general conformity, s38(5) of the Planning and Compulsory Purchase Act 2004 states that any conflicts between policies in the development plan shall be resolved by the decision maker in favour of the policy which is contained in the last document to become part of the development plan.

#### 4.9 Supplementary Planning Documents

Parking Standards SPD (2012)  
Sustainable Construction (2007)  
The Milton Keynes Drainage Strategy - Development and Flood Risk

#### 4.10 Human Rights Act 1998

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

### 5.0 PREVIOUSLY DISCHARGED CONDITIONS

5.1 Since the approval of the Original Permission three discharge of conditions applications have been submitted and the details approved. Their relevance and requirement for the current application are discussed below, as follows:

5.2 18/01045/DISCON - Details submitted pursuant to discharge of condition 9 (Historic Building Record) attached to the Original permission 16/03023/FUL. Details approved 16.05.2018

Condition 9 reads:

*Prior to any demolition or alteration of the warehouse taking place, the applicant shall ensure the production of a record of the warehouse to a scheme and level agreed in writing by the Local Planning Authority. The record will comprise a report with plans, elevations and sections of the building drawn to the standards set by Historic England (2016). This will be accompanied by a written description of the building and its development, together with a photographic record of the interior and exterior. Two copies of the building recording report will be deposited with Milton Keynes Historic Environment Record prior to any demolition or alteration of the warehouse taking place, and within three months of the recording survey being completed. The final report and details of the project will also be added to the Archaeology Data Service OASIS website. Prior to the demolition of any part of the warehouse, the building record shall be submitted to and approved in writing by the Local Planning Authority.*

*Reason: To ensure that affected heritage assets are adequately recorded pursuant to paragraph 141 of the National Planning Policy Framework.*

Although the approved details have not been submitted with the current application, officers are satisfied that the original building has been adequately recorded. It is advised that this condition is not required in respect of the current application.

5.3 18/02162/DISCON - Details submitted pursuant to discharge of condition 3 (Industrial Access Roads) and condition 8 (Surface Water Management Strategy) attached to the Original Permission 16/03023/FUL. Details approved 08.10.2018.

Condition 3 reads:

*Prior to the commencement of the development details of the Industrial Access Road(s) including vision splays shall be approved in writing by the Local Planning Authority and no part of the development shall be occupied until the access road(s) have been laid out and constructed in accordance with the approved details. The access road(s) so laid out shall be retained thereafter.*

*Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.*

These details have been submitted with the current application and have already been deemed to be acceptable. As such, an amended condition to set out that the development is carried out in accordance with those details is recommended in section 9.0 of this report.

Condition 8 reads:

*No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hardstanding areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority*

*Reason: To prevent environmental and amenity issues arising from flooding.*

Similarly, these details have been submitted with the current application and have already been deemed to be acceptable. As such, an amended condition to set out that the development is carried out in accordance with those details is recommended in section 7.0

- 5.4 19/00348/DISCON - Details submitted pursuant to the discharge of condition 6 (cycle shelter) attached to the Original Permission 16/03023/FUL. Details approved 05.03.2019.

Condition 6 reads:

*Prior to the first occupation of the development hereby permitted details of the proposed bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the scheme approved shall be provided and be retained thereafter.*

*Reason: To ensure that adequate parking facilities are provided to serve the development.*

These details have not been submitted with the current application. As such it is recommended that the condition remains as part of the current application.

5.5 Conditions 11 and 12 - As part of the current application the applicant has submitted an Environmental Review and Ground Investigation Report which is considered to be acceptable by the Council's Environmental Health Officer. The case officer agrees. For this reason, the imposition of conditions 11 and 12 of the missing conditions from the Original Permission are not required. However, although the original report for the current application taken to November 2018 DCC did not suggest a replacement condition, given that the site is still under construction, the sites proximity to residential properties, and that Environmental Review and Ground Investigation Report suggests mitigation and remedial works, it is considered necessary and reasonable that a compliance narrative is included on the contaminated land condition (recommended in section 9.0 of this report). The compliance condition would also be in accordance with the intentions of missing condition 12 of the Original Permission, which states:

*Any land contamination remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate verification report prior to first occupation of the development.*

## 6.0 MAIN ISSUES

- Principle of development
- Highway matters and parking
- Impact on character of the area
- Impact on Designated Heritage Assets
- Residential amenity
- Landscape
- Ecology
- Drainage and flood risk
- Sustainable construction
- Planning Obligations
- Other matters

## 7.0 CONSIDERATIONS

### 7.1 Principle of development

The principle of this development has been established through approval and implementation of planning permission 16/03023/FUL (the Original Permission). In physical terms, the current applicant consists of exactly the same proposals. As previously mentioned, the extant Original Permission is a material planning consideration.

7.2 The current application has been submitted for reasons set out in section 3.0 of this report, as are the material changes to the proposal insofar as including an undertaking that would ensure the developer will not continue to implement the site under the Original Permission.

7.3 Officers can confirm that the adoption of Plan:MK since the Original Permission, and the policies contained within it, do not provide a significantly different policy basis that would lead to a different officer recommendation.

7.4 Highway matters and parking

Policy CT10 of Plan:MK and the Council's Parking Standards 2016 set out the parking requirements for the proposed development. In addition Plan:MK policy CT3 requires proposals must be designed to meet the needs of pedestrians and cyclists. Policy CT1 of Plan:MK promotes a safe, efficient and convenient transport system.

7.5 The layout for this planning application includes parking and access arrangements and supporting information has been previously considered under the Original Permission 16/03023/FUL. The Highways Engineer commented that in respect of car parking provision the proposal meets the Council's Parking Standards. The case officer agrees, and confirms that there here have been no changes in circumstances to come to a different view on the matter. The table below shows parking provision for the proposal to exceed the standards by 1 space.

| <b>Car Parking</b>        | Required   | Proposed   |
|---------------------------|------------|------------|
| B8 (warehousing)          | 198        |            |
| B1 (office accommodation) | 26         |            |
| <b>Total</b>              | <b>224</b> | <b>224</b> |

7.6 As outlined in the Parking Standards 2016, 5% of the 224 spaces should be provided as parking spaces for those with disabilities which equates to 11 spaces (14 provided). The level of disabled parking was considered acceptable under the Original Permission.

7.7 Additionally, 3 electric vehicle charging spaces/points should be provided together with 3 spaces for powered two-wheeler vehicles (6 provided in accordance with this). The level of electric vehicle and two-wheeler parking was considered acceptable under the Original Permission.

7.8 The standards also recommend provision of 35 cycle parking spaces for a development of this size and in this location. 24 cycle parking spaces in covered shelters with individual bike locking is proposed and the Highway Engineer considers that this level of provision is acceptable in this case. The Case Officer agrees with this assessment. The site is served by bus stops that are 50 metres in distance from the application site. Buses at peak periods run at 15/20-minute intervals and therefore provide a good level of sustainable transport to the area. The level of cycle parking was considered acceptable under the Original Permission.

| <b>HGV Parking</b> | Required | Proposed                 |
|--------------------|----------|--------------------------|
| B8 (warehousing)   | 66       | 53 (80% of the standard) |

- 7.9 The Highway Engineer has assessed HGV provision and considers the proposed spaces acceptable. The Highways Engineer accepts that the applicant or end user would have control over the arrival and departure of HGV's such that HGV parking to be provided would be acceptable for the scale of development proposed. Furthermore good management of HGV logistics at the site would also help to control movements of this class of vehicle. With 80% of the standard of parking provided and parking restrictions in place on Yeomans Drive, it is considered that the shortfall in HGV parking spaces would not create inconvenience or safety issues on the local highway network.
- 7.10 As outlined in the submitted Transport Statement, an analysis of the accident data for the latest five year period has been undertaken. This analysis has confirmed there are no existing highway safety issues in the local highway network that the proposed development may exacerbate to significant degree to raise concerns.

#### *HGV Access*

- 7.11 An access at the south side of the site, onto Yeomans Drive is proposed to serve HGVs entering the site to use the loading bays and parking area on the east side of the proposed warehouse. This access was approved under the Original Permission, and was considered acceptable as it allows HGVs to approach and leave the application site from both directions along Yeomans Drive.
- 7.12 The site plan identifies two turning circles within the HGV area to the east side of the site. One of these is positioned in the north and the other in the south of the site. These ensure that there is adequate manoeuvrability within the site for HGVs. As there has been no material change in circumstances, this aspect of the scheme is considered acceptable, subject to a condition for a Traffic Management Scheme to be submitted and approved. There have been no changes in circumstances since the Original Permission to come to a different view.

#### *Car Park Access*

- 7.13 The site layout proposes 2 access points for vehicles (not HGVs) to serve the main car park at the south and the overflow car park to the north. Both access points are positioned on the western industrial road and also one existing but modified access on Yeomans Drive.
- 7.14 The provision of these access points separates standard employee and visitor traffic from the HGVs and is considered to be acceptable in Highway safety terms. The case officer agrees and confirms that there have been no changes in circumstances since the Original Permission to come to a different view on the matter.

#### *Pedestrian Access*

- 7.15 A pavement would be provided along the length of Yeomans Drive leading pedestrians to the access along the western edge of the site, close to the main car park entrance. Where existing access points are being closed along Yeomans

Drive, the pavements would be reinstated. The works would be carried out under a S278 highway legal agreement. Both the car parks are served by good internal pedestrian routes and external routes along Yeomans Drive.

#### *Traffic Impact*

- 7.16 The Council's Highway Engineer has assessed the Traffic Survey (TS) and considers that the additional trips generated by the development will be distributed between the junction of Yeomans Drive with Brickhill Street and Delaware Drive with Danstead Way. The level of additional trips as a result of the larger footprint of the building are consistent with what could be expected in variations of daily traffic flows and do not present conditions of residual cumulative impact that could be termed 'severe', or leading to harmful impacts on traffic flow within the locality.
- 7.17 The case officer agrees and can confirm that there have been no changes in circumstances since the Original Permission to come to a different view on the matter.
- 7.18 For the reasons outlined above, the proposed development is considered to be appropriate in highways term. The proposed development would accord with Plan:MK policies CT1, CT3 and CT10

#### Impact on character of the area

- 7.19 Policies D1-D3 of Plan:MK seek to ensure that development proposals positively contribute to the character of the area and that they relate well to the surrounding area. Policy NP13 of the Great Linford North Neighbourhood Plan requires larger scale employment sites to ensure that the development is integrated with existing clusters of activity in terms of their design, mass and scale.
- 7.20 The Landscape and Visual Impact Assessment (LVIA) submitted is the same as previously considered under the Original Permission. The LVIA presents an assessment of the proposed development and how this would sit within the surrounding area. Officers agree with the methodology used by the applicants and the conclusions of the LVIA. The same conclusion was made when assessing the Original Application.
- 7.21 The application site falls within the industrial estate and is clearly separated from the residential development to the north of the site through the dense planting screen that would be retained and enhanced by the proposed development. The submitted landscaping plan, includes the provision of new semi-mature trees along the north edge of the warehouse, positioned internally within the site closer to the warehouse, retention of the existing landscape buffer, new soft landscaping around the site perimeter. The Council's Landscape Architect commented that these trees are shown at incorrect spacings and need to be further apart so that as they mature they will develop better form and achieve the aim for the northern edge tree planting to be a closed woodland canopy. Amended plans were received which address those concerns.

### *Industrial Estate*

- 7.22 The character of the Industrial Estate consists of large scale industrial units to the east of Brickhill Street and to the west of the M1. The area extends north towards Newport Pagnell and to the south, towards Willen. The area is a highly active industrial area with dense road network and infrastructure, service yards and associated car parking facilities.
- 7.23 The area is characterised by varying scales of warehouse and associated developments. There are no landscape designations within the industrial area. The predominant activity within the industrial estate is employment with transient landscape for associate vehicle travel. Although large, the proposal is in keeping with the character of the industrial estate.

### *Settlement of Blakelands*

- 7.24 The settlement is located to the west of Brickhill Street, with the residential homes located between the industrial estates to the north and south. Properties within the residential area are varied, from bungalows to three storey properties. The LVIA identifies, the landscape susceptibility to change is low and the landscape value is low.
- 7.25 Representations from local residents received during and post issuing of the Original Permission have raised concerns regarding the size of the approved development. Although it is acknowledged that the size and height of the approved building is larger than the original building on the site, a decision was made to grant planning permission for the development. The Original Permission is a material planning consideration. Adoption of Plan:MK and the NPPF 2019 do not change the policy context to come to a different view, in officers opinion.

### *Tongwell Lake*

- 7.26 Tongwell Lake is located to the east, towards the M1. The LVIA notes that this area contains attractive features, such as the lake, established vegetation and circulatory footpath network. However, there are also some detracting urban elements which are apparent above the existing tree cover, with the M1 a prominent element of the local landscape.
- 7.27 Overall, for each of the above identified character areas, the LVIA identifies that within both year 1 and year 15, the proposed replacement warehouse would have a negligible to low impact on the landscape setting of the area.
- 7.28 In terms of the visual impact, for which residential, pedestrian and vehicle receptors have been assessed it has been identified there are a number of highly sensitive residential receptors along Bessemer Court and Telford Way. The visual effect of the proposed development in year 1 (pre-mitigation) would have a slight to moderate impact, with one view point having a moderate-substantial effect. In terms of the year 15 (with mitigation) impacts, the level of these effects reduce to low-negligible to moderate, with no substantial effects recorded. It is considered

that a landscape scheme can mitigate the landscape and visual impacts of the scheme to an acceptable level.

7.29 Overall, the proposed development ensures sufficient screening is retained and enhanced along the sites northern and north eastern boundary to screen the development from the adjacent residential properties. The proposed development would therefore accord with Policies D1-D3 of Plan:MK. There have been no changes in circumstances since the Original Permission to come to a different view on the matter.

7.30 Impact on Designated Heritage Assets

Under the Original Application 16/03023/FUL, the Council's Conservation Officer considered there was some historic and architectural merit to the original warehouse building. The original warehouse was deemed to be a non-designated heritage asset and recommended a condition for the building to be recorded prior to its demolition. The Historic Building Record was submitted to and agreed by the Conservation Officer and Local Planning Authority. This record is kept on the Council's Historic Environment Record, and can be publically viewed.

7.31 The existing warehouse has been demolished and the Authority has received copies of the Historic Building Record. The proposed development accords with the requirements of condition 9 of the Original Permission. That condition is therefore no longer required.

7.32 Residential amenity

*Privacy*

Policies D3 and D4 of Plan:MK seek to ensure that proposed developments do not cause an unacceptable overlooking of neighbouring residential properties.

7.33 The proposed development includes two narrow vertical strips of glazing on the proposed north elevation, which face onto the rear garden spaces and elevations of the residential properties along Bessemer Court. However, as shown on the submitted site layout plan and floor plans, this would be an area of warehouse activity with limited potential for overlooking as operations would largely take place at ground level such that there would be harm to residential amenity through a loss of privacy. Notwithstanding this, the site layout plan shows an area of dense landscaping to be retained and enhanced. This would provide dense screening between the residential properties of Bessemer Court and the proposed replacement warehouse. This would mitigate any potential for overlooking into residential properties.

7.34 Nothing has changed for officers to come to a different view on the matter, particularly when seen in the context of the current extant Original Permission. The proposed development would therefore comply with Plan:MK in this regard.

### *Access to light, sunlight and daylight*

- 7.35 Policies D3 and D4 of Plan:MK also outlines protection of residential amenity of neighbouring properties in terms of harm to sunlight, daylight or privacy.
- 7.36 As the proposed development is for a replacement warehouse, consideration must be given to the additional impacts arising from the development compared to the existing situation. The proposed development would result in an additional 3,109 square metres of floorspace and would be sited approximately 11.2 metres closer to the nearest residential property, no. 70 Bessemer Court. The height of the proposed warehouse would increase by 6.5 metres to a total of 17 metres, in relation to the elevation closest to Bessemer Court.
- 7.37 The application has been supported by proposed section drawings showing a 25 degree line of sight from adjacent properties and a Daylight, Sunlight and Shadow Study in accordance with BRE Guidance (BRE209 – Site Layout Planning for Daylight and Sunlight 2011).
- 7.38 The BRE Guide provides a standard which is used when considering the impact of development proposals on residential amenity which is the 25 degree test. The 25 degree test is used where development is opposite a window and uses a line of sight to determine if proposals may result in an unacceptable loss of daylight, sunlight or by being visually obtrusive. The centre of the lowest habitable room is usually used as a reference point with a 25 degree line of sight measured vertically. If the proposed development falls beneath the 25 degree line of site, the proposed development is considered not to cause unacceptable harm to daylight, sunlight or by creating a visual intrusion to neighbouring properties.
- 7.39 The submitted sectional drawings show a 25 degree line of sight taken from the ground level of the private garden space closest to the dwelling. These sectional drawings show a worst case scenario impact on the residential properties and demonstrates that the proposed warehouse building does not breach the 25 degree line of sight for any of the nearby residential properties. Should the 25 degree line of sight be taken in line with the industry standard, from the lowest habitable room, the impact would improve as the 25 degree line of sight starting point would be at a higher level than the ground.
- 7.40 In addition to the submitted proposed sections, the Daylight, Sunlight and Shadow Study which uses BRE Guidelines confirms the proposed development is fully compliant with these guidelines in terms of the neighbouring daylight, sunlight and overshadowing. This assessment provides further evidence to demonstrate that the proposed development would not cause unacceptable harm to the amenity of the neighbouring properties along Bessemer Court through a loss of sunlight, daylight or through overshadowing.
- 7.41 In light of the assessments submitted by the applicant, the proposed development would not cause any substantial loss of light, sunlight or overshadowing or create a visual intrusion to the neighbouring residential properties. As such, the proposed development complies with Policies D3 and D4 of Plan:MK.

### *Visual Intrusion*

- 7.42 Policies D3, D4 and D5 of Plan:MK also seek to ensure that development proposals do not cause an unacceptable visual intrusion or adverse impacts through overshadowing. Private views are not protected and are not a material planning consideration; however, an assessment of whether the proposed development would create a visual intrusion can be considered. The proposed development must be considered against the additional visual impact only. In this section of the report, the visual impact in relation to the adjacent residential properties is considered only, not the impact on the streetscene.
- 7.43 Following various meetings and receipt of additional representations from local residents, it is acknowledged that a key concern of the public is the visual impact of the development due to the scale, bulk and mass of the proposed development on the neighbouring residential properties.
- 7.44 As shown on the submitted sectional site drawings, the proposed replacement warehouse does not impinge on the 25 degree line of sight as outlined in the British Research Establishment (BRE) standards. Whilst officers understand the concerns raised, the additional height and bulk of the building would not be so great to warrant a reason for refusal. And to reiterate, given that the extant and implemented Original Permission can and is being carried out lawfully, this represents a significant material consideration in the determination of the current application. Furthermore, the current application also represents a marked improvement in terms of restrictions and mitigation over and above what the Original Permission currently provides.
- 7.45 In addition, the site layout plan shows the retention of the existing landscape buffer along the northern boundary (to the rear of the properties along Bessemer Court) in conjunction with proposed enhanced landscaping. Only the portion of warehouse above the tree canopy would be visible from neighbouring properties. Care has been taken to reduce the perceived bulk of the warehouse through the use of different elevational cladding and colouration.
- 7.46 The siting of the proposed replacement warehouse is broadly located on the footprint of the existing warehouse. The design incorporates low facing gables to the north (towards Bessemer Court) where there is existing dense landscaping and to the south (within the Blakelands industrial area). This design feature helps to lower the height of the proposed warehouse and reduce its bulk, when perceived from the residential properties.
- 7.47 It is acknowledged by Officers, that the proposal is taller than the original warehouse. However, it is considered the proposed replacement warehouse would not cause an unacceptable visual intrusion to such a degree to warrant refusal, for the reasons set out above. As such, the proposed development complies with Policies D3 and D4 of Plan:MK.

## Landscape

- 7.48 Policies D1 and D3 of Plan:MK requires development proposals to include landscaping (which could include boundary treatments) that integrate with those of the surrounding area.
- 7.49 As shown on the submitted layout plan, the perimeter of the site would include the provision of new landscaping or the retention of the existing landscaping. The submitted landscape plan includes the enhanced buffer in the North East corner between the proposed warehouse and the residential dwellings to the north. The updated planting plan proposes more trees in this corner than what was proposed as part of the original application therefore thickening the buffer. Following concerns from the Council's Landscape amended plans has concerns regarding proposed tree species, amended plans have been received which addresses those concerns. A compliance condition to ensure that the Landscape Strategy is carried out within the first planting season following completion of the development is suggested in section 9.0 of this report.
- 7.50 A Tree Survey and Arboricultural Impact Assessment has been submitted as part of the supporting documentation. The survey identified a total of eighty-nine individual trees and three groups of trees. The majority of the trees/groups of trees identified fall within Category C, those of low quality and value. Usually, Category C trees would not be retained where they would impose a significant constraint to development. The proposed development would result in the loss of two individual Category B Trees (moderate quality and value) and 72 Category C trees. Whilst the loss of these trees is regrettable, the benefits of the proposed development must be weighed against any harm caused to the loss of soft landscaping and its impacts on the character of the area.
- 7.51 Much of the landscaping to be removed is located along the western, southern and eastern edges of the application site. These edges are located adjacent to existing industrial buildings and form part of the industrial character of Delaware Drive/Yeomans Drive. The loss of these trees is not considered to cause significant harm to the character of the area in the long term.
- 7.52 Officer's acknowledge that the proposal would result in the loss of a large number of trees, however that the important buffer to the north and north east is being improved or retained. A Tree Protection Plan has been submitted demonstrating those trees to be retained and protected and the protection measures to do this. A condition is suggested to be imposed to secure this in section 9.0.
- 7.53 It is considered that the development is set within an industrial context with a shared boundary to the north with residential properties and not within an area of important or attractive landscaping. It is considered that agreement could be reached through the landscape plan, to mitigate any harm caused through the loss of trees in accordance with Policy D3 of Plan:MK.

## Ecology

- 7.54 Policies NE2 and NE3 of Plan:MK seeks to ensure that development proposals do not cause harm to protected species and provide suitable biodiversity enhancements.
- 7.55 Although the site is located in relatively close proximity to Willen Lake which is known to provide habitat to protect species, the context of the site amongst commercial and residential development and the M1 motorway restricts the likeliness of protected species using the site as habitat.
- 7.56 The site comprises of a limited range of species poor habitats. Within the site, one tree is noted within the submitted preliminary ecological assessment has have low suitability for roosting bats, although the risk of roosting in this location is considered to be low. There is very limited potential for any protected species to be present on site and overall, this is not considered to be a constraint to the proposed development.
- 7.57 The submitted ecological assessment outlines that notwithstanding the limited potential, there is a requirement for development proposals to positively contribute to biodiversity.
- 7.58 The applicant has submitted a Biodiversity Management Plan which sets out how wildlife interests will be enhanced, restored and maintained. The measures set out in the Plan are proposed to be secured via a compliance condition set out in section 9.0 of this report.

## Drainage and flood risk

- 7.59 Section 11 of Plan:MK seeks to ensure that developments manage and reduce flood risk and to provide adequate drainage including surface water disposal.
- 7.60 The applicant has been working with the Council's LLFA officer to prepare an acceptable foul and surface water drainage strategy which has been submitted as part of this application.
- 7.61 Anglian Water have previously confirmed that the existing foul drainage and sewerage system have capacity for the flows that would result from the proposed development, under the Original Application 16/03023/FUL. It is therefore considered there is sufficient capacity within the existing drainage system.
- 7.62 The proposed development complies with section 11 of Plan:MK in this regard.

## S106 Planning Obligations

- 7.63 The requirements for this scheme would be Carbon Neutrality in accordance with Policy SC1 and the Sustainable Construction SPD and a financial contribution of £16, 521.84 would be provided. In terms of the Carbon Neutrality Contribution, it would be reasonable to only charge for the additional floor space rather than the

entire proposed floor space. This approach was followed when determining the Original Permission and there is no reason to change that view.

- 7.64 The Public Art requirement for this scheme would be in accordance with Policy CC1 of Plan:MK, the Social Infrastructure SPD and a financial contribution of £81,786.49 would be provided. The Public Art should either be incorporated into the design of the development or as a separate project post completion within or within the immediate vicinity of the development, engaging a public artist in accordance with the MKC Art and Public Art Strategy 2014-2023.
- 7.65 These contributions would be secured through the s.106 unilateral undertaking and would accord with the requirements of Policies SC1 and CC1 of Plan:MK, and NP14B of the Great Linford North Neighbourhood Plan.

The s106 unilateral undertaking would also include an undertaking not to continue to implement the site under the Original Permission. As set out in paragraph 3.3 above, the wording of this undertaking is being negotiated and will be made available in an update paper.

#### Other matters

##### *Pollution - Noise*

- 7.66 Policy D4 of Plan:MK seeks to ensure that development proposals do not cause unacceptable pollution by noise, to the detriment of the locality.
- 7.67 A noise assessment has been prepared by an external consultant on behalf of the applicant and submitted as part of the supporting application documentation. The Noise Assessment considers the operation of the proposed development unit in line with the requirements of BS 4142:2014. The Assessment identifies that the control of noise associated with any fixed external plant can be achieved through the selection and siting of plant and/or through standard noise mitigation techniques and that 24 hour warehousing is acceptable in this location, given the surrounding context with residential properties.
- 7.68 In response, the proposed development incorporates a 4m high acoustic barrier along the north eastern corner of the application site. The benefits of this acoustic barrier have been assessed within the noise assessment which concludes the barrier in conjunction with complementary management controls, would ensure that the proposal would not result in an unacceptable loss of amenity to the nearest identified noise sensitive receptors (i.e. the residential properties along Bessemer Court).
- 7.69 The Council's Environmental Health Officer has confirmed that the development is acceptable in those terms subject to conditions. There has not been a material change in the circumstances since the approved Original Permission and the current submission; and as such the development is considered acceptable subject to suitable conditions relating to the submission of a Noise Management Plan, HGV vehicles operating on the site shall be fitted with broadband (White noise reversing

alarms, noise limitations on any plant, and securing a noise barrier. Subject to such conditions, the proposal complies with Policy D4 of Plan:MK.

#### *Pollution - Air Quality*

- 7.70 Policies D4 and D5 of Plan:MK also protects the impact of the proposed development on the locality from unacceptable pollution by smell, light and other air pollution.
- 7.71 The Environmental Health Officer has confirmed that an air quality assessment was not required for this application because of the low number of vehicle movements associated with both the old and new development and therefore no risk of exceeding Air Quality Objectives (AQOs). Furthermore there are no a material changes in the circumstances between the Original Permission and the current submission. As such the current proposal is considered acceptable in this regard.
- 7.72 The estimate peak hourly trip generations, is noted to be a maximum of 67 vehicles of which 28 would be HGVs. This would be an increase of around 4 vehicles movements per hour above the existing levels noted in the Transport Statement.
- 7.73 The main access into the site would be from the south side of the warehouse, away from residential properties, with the loading bay located to the east of the site. The northern roadway would be used for emergency use only and the access would also serve the overspill car park to the north. There is not a risk that air quality objectives would be exceeded at the nearest residential properties and as such, there is no requirement for an air quality assessment.
- 7.74 The Environmental Health Officer has also confirmed that there are no set dust levels for the demolition and construction works. Monitoring is usually visual involving daily checks around and outside the boundary by the construction company. Enforcement is undertaken by Environmental Health using the statutory nuisance powers contained in sections 79 and 80 of the Environmental Protection Act 1990. If a complaint is received visits will be made to the complainant and to the site to assess what measures are in place and if further mitigation is required.
- 7.75 The Environmental Health Officer also confirmed that with regard to pollutants from vehicles and air quality, the number of HGV movements would have to increase beyond the capacity of the proposed development to have any measurable negative effect. Even then Air Quality Objectives (AQOs) would not be exceeded,
- 7.76 Therefore considering the above, the proposed development would comply with saved Policies D4 and D5 of Plan:MK in respect of the impact on air quality and due consideration has been given to the proximity and content of residential properties.

#### *Light Pollution*

- 7.77 Policies D3 and D4 also seek to ensure that development proposals do not cause harm to the amenity of residential properties through the generation of unacceptable light pollution.

- 7.78 The proposed development has been carefully designed to ensure the volume of glazed openings on the north elevation is reduced in order to limit any potential light spill. In addition, the windows are proposed to have a dark coloured glazing, to integrate with the external appearance but also, reduce any light spill from the windows. As such it is considered the proposed warehouse building would not generate significant light spill to the detriment of the adjoining neighbouring properties, even with 24 hour operation.
- 7.79 External lighting details have been submitted as part of the application and is considered acceptable in terms of light spillage from light sources. The Council's Environmental Health Officer has confirmed that they investigate artificial light nuisance complaints, which is very different to looking at a lighting scheme (LUX plans) at the development stage and therefore have no further comment to offer at this time on this matter.
- 7.80 It is considered that an acceptable scheme could be provided and the development would be acceptable in this regard. Nothing has changed for officers to come to a different view on the matter, particularly when seen in the context of the current extant Original Permission. The proposed development would therefore comply with Policies D3 and D4 of Plan:MK.

#### *Site Contamination*

- 7.81 Policy NE6 of Plan:MK requires proposals not to cause unacceptable impact on human health. The application is supported by an Environmental Review and Ground Investigation Report. Environmental Health Officer commented that further details of gas monitoring were required. This has been provided and addresses the concerns raised. Subject to a condition requiring compliance with the mitigation measures outlined in the submitted report, the proposal is considered to be acceptable in this regard.

## **8.0 CONCLUSION**

- 8.1 The revised proposal would achieve the same outcome as that approved under the Original Permission 16/03023/FUL. All necessary conditions would be reinstated or revised to be more relevant following the submission of additional information since the November 2018 DCC meeting.
- 8.2 To reiterate, the only difference is in the draft s106 unilateral undertaking submitted by the applicant is that it includes an undertaking that would ensure that the developer cannot continue to implement the site under the Original Permission. This is instead of an obligation which would require revocation of the Original Permission.
- 8.3 Subject to the revised condition list below and the revised s.106 unilateral undertaking it is recommended by officers that Members proceed to grant planning permission.

## 9.0 CONDITIONS

1. The development hereby permitted shall begin before the expiration of three 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.

2. Within one calendar month of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up in accordance with the details shown in the approved drawings.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

3. Prior to the initial occupation of the development the turning area shown in the approved drawings shall be provided and that area shall not be used for any other purpose thereafter.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway.

4. Prior to the first occupation of the development hereby permitted details of the proposed bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the scheme approved shall be provided and be retained thereafter prior to first occupation or bringing into use of the building.

Reason: To ensure that adequate parking facilities are provided to serve the development.

5. Prior to the occupation of the development hereby permitted the car parking area shown on the approved drawings shall be 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.

6. The development shall be carried out in accordance with the mitigation and remedial works as set out in the submitted Environmental Review and Ground Investigation Report, carried out by Tier Consult (ref: T161822GIR) dated 28 June 2018.

Should any unforeseen contamination be encountered the Local Planning Authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination will also be carried out to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the site is fit for its proposed purpose and any potential risks to human health, property, and the natural and historical environment, are appropriately investigated and minimised.

7. All existing trees, woodlands and hedgerows to be retained as shown on the approved plans shall be fully protected in accordance with the latest British Standards (currently BS 5837:2012 'Trees in relation to design, demolition and construction-Recommendations') and in accordance with the submitted Tree Protection Plan, by the time construction begins. All protective measures must be in place prior to the commencement of any building operations (including any structural alterations, construction, rebuilding, demolition and site clearance, removal of any trees or hedgerows, engineering operations, groundworks, vehicle movements or any other operations normally undertaken by a person carrying on a business as a builder). The Root Protection Area (RPA) within the protective fencing must be kept free of all construction, construction plant, machinery, personnel, digging and scraping, service runs, water-logging, changes in level, building materials and all other operations. All protective measures shall be maintained in place and in good order until all work is complete and all equipment, machinery and surplus materials have been removed from the site.

Signs informing of the purpose of the fencing and warning of the penalties against destruction or damage to the trees and their root zones shall be installed at minimum intervals of 10 metres and a minimum of two signs per separate stretch of fencing.

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 CS13 and CS19 of the Milton Keynes Core Strategy 2013 and Saved Policies D1 and D2A of the Milton Keynes Local Plan 2001-2011.

8. 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.

9. 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.

10. The proposed noise barrier, as shown on the submitted drawings shall be installed prior to the occupation of the warehouse and shall thereafter be retained.

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

11. 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.

12. No part of the development shall be occupied until the industrial access road(s) have been laid out and constructed in accordance with the approved details. The access road(s) so laid out shall be retained thereafter.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

13. No hard-standing areas to be constructed until the drainage works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority

Reason: To prevent environmental and amenity issues arising from flooding.

14. All planting in accordance with the landscape scheme shall be carried out in accordance with the approved details within the first planting season following completion of development. Any trees or shrubs removed, dying, severely damaged or diseased within two years of planting shall be replaced in the next planting season with trees or shrubs of such size and species as approved.

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

15. The Biodiversity Enhancement Scheme shall be implemented prior to the occupation of the building hereby permitted.

Reason: To ensure long term biodiversity enhancement of the site.

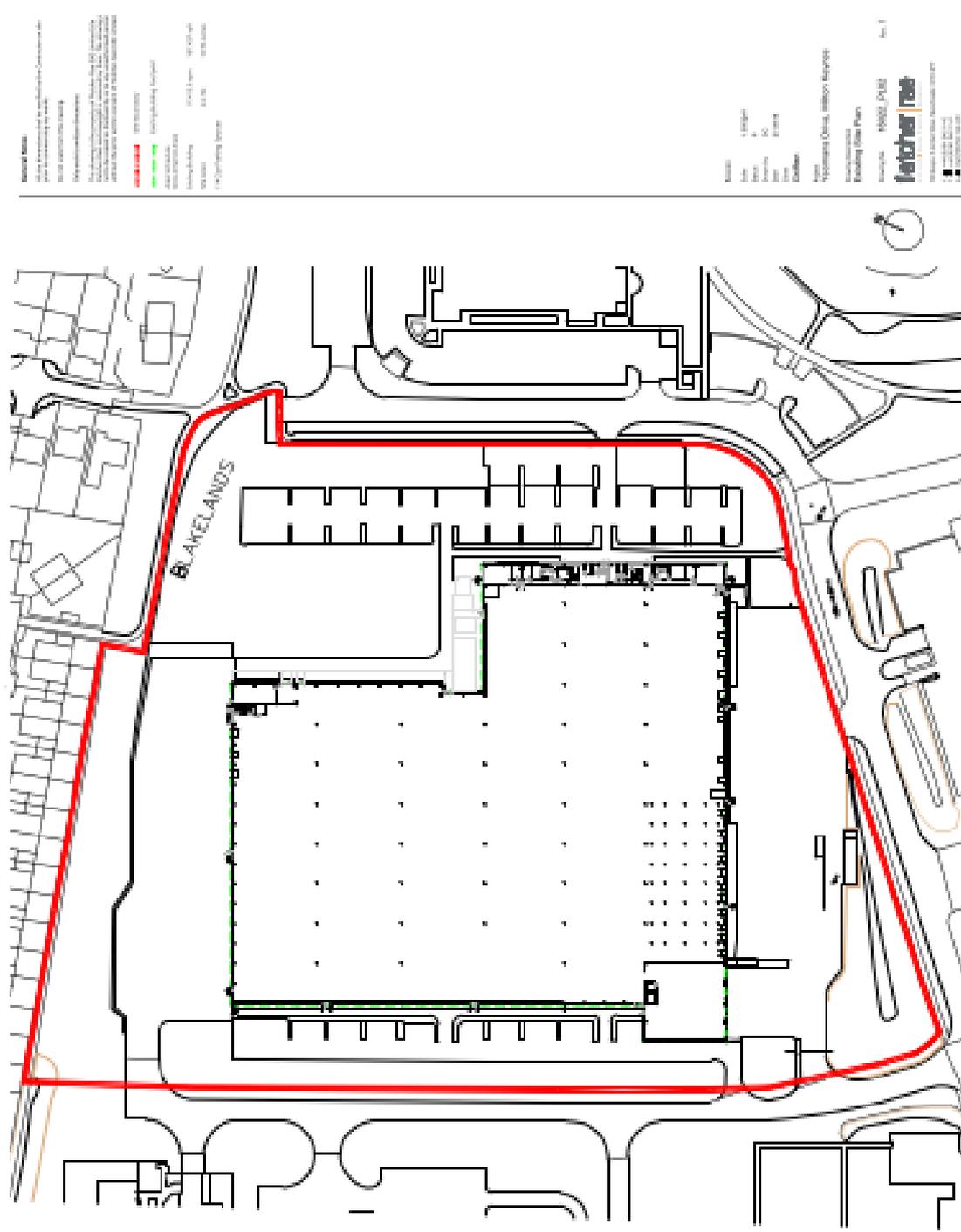
16. Prior to occupation, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and the recommendations within the Plan shall be fully implemented and adhered to.

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.

17. 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.



**GENERAL NOTES**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

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19. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

20. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

**PROJECT INFORMATION**

Project Name: [REDACTED]

Client: [REDACTED]

Location: [REDACTED]

Scale: 1:500

Date: [REDACTED]

Author: [REDACTED]

Check: [REDACTED]

Approved: [REDACTED]

Professional Seal: [REDACTED]

Professional Title: [REDACTED]

Professional Registration: [REDACTED]

Professional Number: [REDACTED]

Professional Category: [REDACTED]

Professional Status: [REDACTED]

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Professional Email: [REDACTED]

Professional Website: [REDACTED]

Professional Logo: [REDACTED]

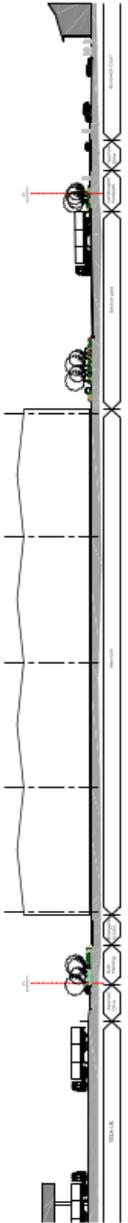
**Existing Site Plan**



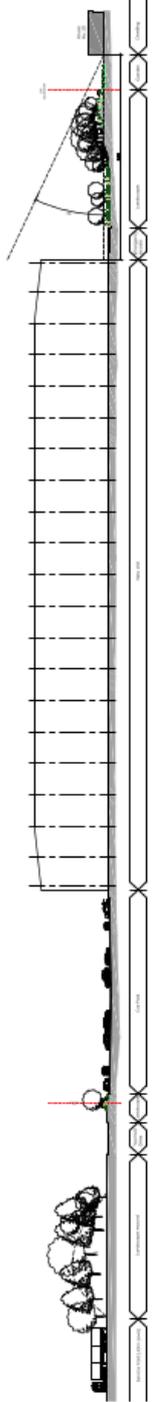




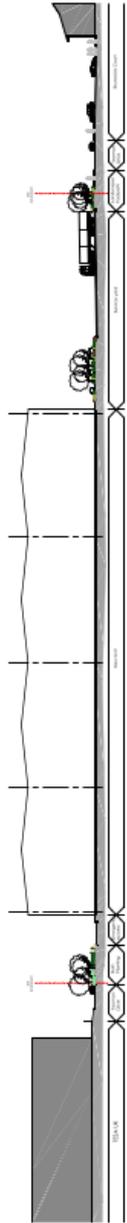
Do not scale from this drawing.  
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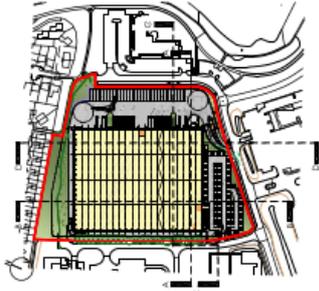
Indicative Site Section AA 1:500



Indicative Site Section BB 1:500



Indicative Site Section CC 1:500



Project No: 16022/PL14  
 Scale: 1:500/3/4  
 Title: P  
 Discipline: ARCH  
 Date: 08.11.17  
 Client: Griffin  
 Architect: Yeomans Drive, Milton Keynes  
 Drawing Description: Proposed Site Sections  
 Drawing No: 16022\_PL14  
 Rev: 0

flintkirk.com

**Proposed Section Drawings**

## **Appendix to 18/02341/FUL**

### **A1.0 RELEVANT PLANNING HISTORY**

16/03023/FUL – Full planning permission was granted for the same development as the current application. However, due to an administrative error conditions that were recommended were not imposed on the decision notice.

An appeal has been submitted in relation to the above application, where the appellant is seeking to remove condition 10 which Committee imposed to restrict HGV movements at specific unsociable hours. The appeal was withdrawn on 05 October 2018.

18/01045/DISCON- Details were approved for the submitted Historic Building Record, in respect of application 16/03023/FUL. Details approved.

18/02162/DISCON – An application to approve details for the discharge of condition 3 (Industrial Access Roads) and condition 8 (Surface Water Management Strategy) attached to planning permission 16/03023/FUL. Details approved.

19/00348/DISCON - Details submitted pursuant to the discharge of condition 6 (cycle shelter) attached to the Original Permission 16/03023/FUL. Details approved

### **A2.0 ADDITIONAL MATTERS**

None.

### **A3.0 CONSULTATIONS AND REPRESENTATIONS**

#### **A3.1 Third Party Representations**

At the time of writing, 16 public objections have been received in relation to the application. The comments have been summarised below

The following are material planning considerations and have been considered as part of this assessment:

- Unacceptable noise pollution leading to harm to health and enjoyment of properties
- Out-of-keeping by reason of the scale, with the surrounding industrial character
- Objection to a 24/7 operation
- Pollution and harm arising from diesel particulates to health and amenity
- Unacceptable light pollution
- Overlooking and loss of privacy to residential properties
- Proposed planting not dense enough
- Light pollution of vehicles
- Building overshadowing neighbouring residential properties
- Proximity of HGC movements to residential properties
- Increase in traffic movements and congestion

The following are not material planning considerations and cannot be considered

as part of this application:

- Impact upon house prices
- Personal circumstances of adjacent residents
- Development is a fire hazard

Further Third Party Correspondence received:

There has been much correspondence with the local residents and Milton Keynes Council in respect of the application. This has continued since the publication of the Committee Report.

Since the publication of the Committee Report, an additional 2 representations from third party representatives have been formally submitted.

The following are considered to be materially relevant to the consideration of this application:

- Concerns with the accuracy of the Transport Assessment
- Loss of Sunlight/Daylight
- Diesel particulates will cause harm to health
- Loss of trees on the site following earlier approval
- Loss of amenity
- Harm to views from Tongwell Lake
- Details of the S106 agreement

Officer response to the material planning considerations:

- The Transport Assessment has been checked by the Highways Engineer who have confirmed the methodology used is acceptable, using the industry standard to calculate expected vehicle movements.
- Loss of light is addressed in the above appraisal
- The impact of particulates is addressed in the above appraisal
- An updated landscape plan and planting plan has been submitted, which increases the buffer and replaces the trees lost as noted in this update paper
- Amenity issues are addressed in the above appraisal
- Visual impacts from the development and surrounding area are addressed in the above appraisal
- S106 contributions are outlined in the above appraisal

The following are considered not to be materially relevant to the consideration of this application and no weight can be afforded to them, when determining this application:

- Personal background of the objectors
- Comparison of the site dimensions to a football pitch
- Personal expense on extensions, renting of office space
- Request to re-orientate the building
- Insufficient car parking at the Volkswagen Building
- No right for the public to appeal the decision

### **Accuracy of the Plans**

There is a lot of concern from objectors regarding the accuracy of the plans that have been provided.

In response, the Planning Team have asked the Property Services Team to independently review the accuracy of the submitted red edged site local plan and the site layout plan. In terms of the information the Authority has, regarding land registry ownership, the measurements of the site are accurate.

In addition, the Planning Enforcement Team have also visited the site, to check the measurements of the warehouse being constructed under planning permission 16/03023/FUL. The Enforcement Team have confirmed, that so far, the construction of the warehouse is being carried out in accordance with the approved plans.

### **A3.2 Highway Engineer (SMT)**

#### Parking

The proposed site layout drawing and the D&A statement both provide information regarding parking provision.

The 2016 Milton Keynes Parking Standards show that the following parking provision could be made: -

|                   |            |
|-------------------|------------|
| B8 (warehousing)  | 198 spaces |
| B1 (office accom) | 26 spaces  |
| TOTAL             | 223 spaces |

Of the total provision for 'B' class development, 5% of these spaces should be provided as parking spaces for those with disabilities which equates to 11 spaces. Additionally, 3 electric vehicle charging spaces/points should be provided together with 3 spaces for powered two-wheeler vehicles.

The standards also call for a provision of 35 cycle parking spaces.

The proposed site layout plan shows a provision of 156 car parking spaces to the front of the proposed building with a further 51 spaces on the north side of the site making a total of 207 spaces but to that figure the provision of 14 car parking spaces for those with disabilities needs to be added along with 3 electric vehicle spaces/charging points making a total car parking provision of 224 spaces.

Therefore, in respect of car parking provision the proposal meets the MKC 2016 car parking standards. The D & A Statement states that three spaces are provided for powered two-wheeler vehicles so that requirement is also met.

The 2016 MKC parking standards also lay down what should be provided in terms of parking for heavy goods vehicles and for the B8 floor space, 66 such spaces could be provided. The proposed site layout shows 35 parking spaces and 18 spaces at unloading bays making a total of 53 spaces. This provision is 80% of the figure given in the standards. On the basis that the operation of a distribution premises such as this has a significant percentage of its transport fleet involved in collecting and delivering goods, it is felt that the provision as

shown on the site layout drawing can be accepted. Good management of HGV logistics at the site will also help to control movements of this class of vehicle. At the provision shown and with parking restrictions in place on Yeomans Drive, it is unlikely that the shortfall will create inconvenience or safety issues on the local highway network.

The plan shows 24 cycle parking spaces in covered shelters with individual bike locking. The level of provision is considered acceptable.

### Layout

The current site has five points of access that will be reduced to three under the submitted proposals. Two of these will be for cars and one for HGV traffic. This is an improvement on the current proposals and avoids the need for shared access between HGVs and cars and therefore the proposals provide a potentially safer arrangement over the existing layout. The access at the north of the site will provide for car parking and for emergency vehicle access. The access at the south west of the site will be used for the main car park for employees and visitors. It will also provide access for refuse collection vehicles.

The access for HGVs shows that this class of vehicle can approach and leave the application site from both directions along Yeomans Drive and is considered acceptable. Alterations to the existing accesses and reinstatement of highway verges as a result of the permanent closure of vehicular accesses can be carried out under a S278 Highway legal agreement.

Whilst the D&A statement states that three motorcycle spaces will be provided, the plan only shows 2 such spaces and it is therefore requested that the plan be revised to include a third motorcycle space.

The main car park area doesn't show that a refuse vehicle can negotiate a route around the car park to get to the refused storage compound and it is therefore requested that tracking diagrams for this vehicle around the car park be provided.

The proposed site layout plan shows that the area for HGV operations can accommodate required turning movements and is therefore acceptable.

### Local Highway Network

The Transport Statement gives a summary on the highway layout in the area around the application site. It also provides a report on accident data for junctions in both Blakelands and Tongwell. This is justified as Yeomans Drive links to Delaware Drive via a grade separated crossing of Monks Street (H3). The report states that although there are a high number of accidents in that area, there have been none at the junction of Yeomans Drive with Brickhill Street. The causation of accidents has been due to driver error and in no instance has the layout or design of the highway been cited as being at fault. The TS should also provide a commentary on traffic accidents at the junction of Delaware Drive with Danstead Way (H4) as this junction will also be used to access Yeomans Drive on which the application site is located.

The applicant has surveyed traffic movements at the application site access points and this has revealed that the peak morning hour is 07.45 - 08.45 and in

the evening, 16.15-17.15.

The statements regarding accessibility on foot and by cycle are agreed. The site is served by bus stops that are 50 metres distant from the application site. Buses at peak periods run at 15/20-minute intervals and therefore provide a good level of sustainable transport to the area.

A section of new footway from Yeomans Drive around the radius of the junction leading to the revised main access for pedestrians at the south west corner of the site is required. The applicant is requested to construct this section of footway on the existing public highway and confirmation of agreement to construct this as part of the proposed development would be welcomed. The works would be carried out under a S278 highway legal agreement.

#### Traffic Impact

The applicant had previously surveyed trips from the existing facility but given that no information was provided regarding the level of occupation/activity of the premises at the time the survey was carried out, it is felt that the information derived from the industry accepted TRICS (Trip Rate Information Computer System) database provides a wholly reliable analysis. The TS reports that as a result of interrogation of the TRICS database, the proposed development results in 9 additional two-way trips in the morning peak and 10 in the evening peak. The additional trips generated by the development will potentially be distributed between the junction of Yeomans Drive with Brickhill Street and Delaware Drive with Dansteed Way. The level of additional trips as a result of the larger footprint of the building are consistent with what could be expected in variations of daily traffic flows and do not present conditions of residual cumulative impact that could be termed 'severe' as referenced at paragraph 109 of NPPF (2018), on the local highway network.

#### Conclusion

The proposed site layout plan together with the D & A statement provide a generally acceptable provision in terms of the highway requirements for this application site. The Transport Statement in terms of traffic impact, accessibility by sustainable transport modes and trip generation support the application.

The above comments request minor pieces of additional information and requests for revisions which if forthcoming, should provide an acceptable proposal from the highway perspective.

#### **A3.3 Senior Archaeologist**

No comments.

#### **A3.4 Landscape Architect**

The principle of the proposed layout was agreed under a previous permission for this site and so my comments relate to the quality of the proposed landscape and ensuring existing landscape features identified for retention are protected. Key matters raised at a meeting held on 2nd October between the planning case officer, local residents and Councillors have also been considered in forming my

assessment and recommendations.

The tree survey was carried out in July 2016 with the Arboricultural Impact Assessment section of the report updated on 27th September 2018. In the executive summary it states that the tree survey included 89 individual trees and 3 groups of trees putting the total number of 'existing' trees across the site in excess of 92.

In the report Conclusions (paragraph 21) it states 'The trees surveyed were generally found to be in good to fair condition.' Of the 92 trees/groups surveyed there were none deemed to be high quality category 'A'; and 6 trees/groups were identified as 'good' retention category 'B'.

My interpretation of the 'tree protection plan' leads me to conclude that all trees on site were to be removed to facilitate the development with the exception of 2 groups of 'B' category trees consisting of Norway maple, Purple Sycamore, Elm, Hawthorn, Elder, Plum, Cherry, Field maple. The two groups to be retained are G10, the group at the rear between the warehouse and Bessemer Court bungalows and G1, the tree line along the access road leading to the army reserve centre. In total around 90 trees/groups were proposed to be removed.

I visited Yeomans Drive on 5th October 2018 and noted that G1 and G10 appear to be retained along with 3 trees on the corner of the site nearest Tongwell Lake; but I was unable to confirm with certainty from outside of the site if the root protection areas (RPAs) for G1 and G10 had been compromised by clearance, demolition and construction activity. The tree officer would be best placed to visit site and assess if any of the trees to be retained have been removed and to agree suitable tree protection measures for the remaining trees intended to be retained. It is worth bearing in mind demolition of the building is complete and some incursion into recommended RPAs may have already taken place. I suggest the tree officer is requested to visit site immediately, to agree satisfactory tree protection measures are installed as a matter of urgency but also so that any compensatory tree planting can be identified and additional replacement tree planting can be included on the planting plan prior to determination of the planning application.

I have reviewed Planting Plan 201 Rev A received 26th September 2018. The planting proposals show a total of 120 trees are to be planted, plus additional native shrub mix planting which also includes trees species. Of the trees proposed, 23 are supplied as whips / feathers 80-100cm high, and 97 are supplied as semi-mature standards 20-25cm girth and 4.5m in height. The specification of the whips should be amended to a supply size of 18-20cm girth 4.25-6m height semi-mature to provide instant impact, except where limited by supply.

Those trees currently shown as whips should be spaced further apart so that as they mature they will develop better form and the aim for the northern edge tree planting should be to achieve a closed woodland canopy.

I have reviewed the proposed tree species and positions along the northern edge

between the warehouse and residential properties along Bessemer Court. The majority of existing established buffer planting remains intact on site and is proposed for retention; but where additional tree planting is shown on the planting plan I suggest amendments to the composition of tree species to increase the balance of larger native trees to improve screening over time as the trees mature. Pine (evergreen) and Hornbeam (retains its leaves well) will provide good winter screening effect. Along the northern section substitute 9nr SA (*Sorbus aucuparia*) and 11nr BP (*Betula pendula*) with the following:  
6nr *Tilia cordata* native Small Leaved Lime  
5nr *Pinus sylvestris* native Scots Pine  
4nr *Carpinus betulus* native Hornbeam  
5nr *Alnus glutinosa* native Alder

Along the eastern edge replace 8nr AcSw (*Acer campestre* Streetwise) with 8nr PcC (*Pyrus Chanticleer*) or alternative taller fastigate tree. This will provide better amenity screening along this edge nearest Tongwell Lake and in terms of biosecurity (protecting against the risk of future tree diseases) I would prefer to avoid reliance on single species for lines of trees.

In addition there are 2 locations where additional specimen trees should be accommodated along the frontage of Yeomans Drive where the tree planting proposal is light. On the south-west corner of the site the plan should be amended to include 1nr *Tilia cordata*, 2nr *Alnus glutinosa* and 2nr *Sorbus aria*. In addition the planting plan has shown 2 'existing' trees retained south-west of the proposed entrance, but these have been removed; the plan should be amended to include 1nr *Tilia cordata*, 1nr *Alnus glutinosa* and 3nr *Sorbus aria* to compensate in this location. One proposed tree along the frontage is unlabelled, this should be specified as *Sorbus aria*.

Also, in these 2 locations there are large blank areas which are not labelled with any planting / landscaping. These areas need to be specified and include mixed shrub planting to with native plants or amenity planting beneficial to wildlife.

The label '305nr PL (h)' points to the pavement kerb and needs adjustment for clarity.

I suggest the tree officer is requested to visit site immediately to agree satisfactory tree protection measures, to be installed as a matter of urgency. The retained tree groups do not identify individual trees and it is possible some trees may have been removed or damaged as part of the clearance works. These trees will require replacement and should be included on the planting plan prior to determination of the planning application.

Please request that the applicant or the agent arrange for the amendments to be made to the landscape proposals and re-consult me on the revised plans when they are available.

**Further comments following amended/additional information:**

Amended landscaping and planting plans have been submitted, which address

the concerns raised by the Landscape Architect. The revised scheme is considered acceptable.

### **A3.5 Economic Development**

No objections.

The proposal seeks permission to demolish an existing B8 storage and distribution warehouse, and erect a new B8 storage and distribution warehouse with ancillary B1 floorspace.

Overall, the proposal supports the priorities and aims of the Economic Development Strategy 2017-2027.

The Economic Development Strategy 2017 – 2027 is based upon the four priorities of brand, connections, enterprise and skills.

The 'enterprise' priority centres upon "facilitating access to the assistance and appropriate space that will enable businesses to start and which supports existing businesses, of all sizes and from across a range of sectors, to succeed and fulfil their growth aspirations". It is essential that for businesses to thrive, they have access to suitable commercial space; the proposed storage and distribution warehouse looks to increase the B8 floorspace from 17,413.5m<sup>2</sup> to 19,754m<sup>2</sup> and create an additional 768m<sup>2</sup> of B1 floorspace.

The 'brand' priority of the Economic Development Strategy is focused upon building on the city's strengths to make MK 'a location of choice for business development both nationally and internationally'. Constructing the new warehouse provides an opportunity to create new commercial space which is better suited to current / future needs. This statement is supported by the Planning Statement, prepared by Knight Frank, which suggests that the existing warehouse has had difficulty attracting new tenants as it is no longer deemed fit for purpose.

The Planning Statement also states that the existing warehouse has been operating well under capacity for some time, with only a 'skeleton staff' on site. This suggests that the proposed warehouse will bring job creation opportunities; however, the expected number is not specified in application.

There will also be temporary employment created through the site development, but this would only be limited to the time taken to construct the new warehouse.

### **A3.6 Environmental Health – Contamination**

I have read the reports submitted in respect of the above planning permission and have the following comments: The geo-environmental consultant has not identified any elevated chemical contaminants that require remediation, however they have identified slightly elevated levels of landfill gas. Mitigation measures were proposed but a further two rounds of gas monitoring we were due to take place. These have not included in the report and I can't see an addendum in the

planning documents. As the report was written in June 2018 I would have thought this information is now available. Is it possible for this to be supplied by the developer and confirmation of the mitigation measures please?

Also I'm not clear what is happening to the remedial trench that was dug following an diesel spill in 2004? It is difficult to tell exactly from the plans but it appears that the trench will be in the car park but the remediation trench holding tank looks like it will coincide with the gatehouse. Please can the consultants or the developer let me know if there are any plans to remove the trench or tank or if they are satisfied that it doesn't pose an unacceptable risk to future users of the site please?

### **A3.7 Environmental Health - Lighting scheme**

The lighting plan attached is a lux plan and there is no supporting text so it's difficult to interpret and assess. Brian Rodger (if still working at the council) used to comment on lighting assessments - Environmental Health investigates artificial light nuisance complaints, very different to looking at a lighting scheme at the development stage.

Further comments received:

It is acknowledged that an acceptable scheme could be submitted. As part of the application, a lighting scheme has been submitted and details of the lighting units have also been provided.

To confirm whether the scheme is acceptable in planning terms, Officers have reviewed the submitted lighting plan, which should LUX levels (levels of illuminance) across the site and the potential spill into the adjacent residential properties.

When considering lighting scheme, the Local Authority must consider whether there would be unacceptable harm caused through light spill/obtrusive light. To help Authorities determine whether light spill is considered unacceptable, the Institution of Lighting Professionals has prepared a guidance note for the reduction of obtrusive light. This guidance note is widely used by Local Planning Authorities across England.

The guidance note uses Environmental Zones, ranging from protected areas to urban areas (E0 to E4) to outline levels of obtrusive light.

| Zone | Surrounding | Lighting Environment       | Examples  |
|------|-------------|----------------------------|---|
| E0   | Protected   | Dark                       | UNESCO Starlight Reserves, IDA Dark Sky Parks             |
| E1   | Natural     | Intrinsically dark         | National Parks, Areas of Outstanding Natural Beauty etc   |
| E2   | Rural       | Low district brightness    | Village or relatively dark outer suburban locations       |
| E3   | Suburban    | Medium district brightness | Small town centres or suburban locations                  |
| E4   | Urban       | High district brightness   | Town/city centres with high levels of night-time activity |

In this case, it would be reasonable to apply a standard associated with an E3, suburban location, to the context of this site given the adjacent existing industrial uses and that this is a suburban area of Milton Keynes.

The below table outlines the standards allowed for:

| Environmental Zone | Sky Glow ULR [Max %] <sup>(1)</sup> | Light Intrusion (into Windows) $E_v$ [lux] <sup>(2)</sup> |             | Luminaire Intensity $I$ [candelas] <sup>(3)</sup> |             | Building Luminance Pre-curfew <sup>(4)</sup> |
|--------------------|-------------------------------------|---|-------------|---|-------------|--|
|                    |                                     | Pre-curfew  | Post-curfew | Pre-curfew  | Post-curfew | Average, $L$ [cd/m <sup>2</sup> ]            |
| E0                 | 0                                   | 0   | 0           | 0   | 0           | 0  |
| E1                 | 0                                   | 2   | 0 ( 1*)     | 2,500   | 0           | 0  |
| E2                 | 2.5                                 | 5   | 1           | 7,500   | 500         | 5  |
| E3                 | 5.0                                 | 10  | 2           | 10,000  | 1,000       | 10   |
| E4                 | 15                                  | 25  | 5           | 25,000  | 2,500       | 25   |

In this instance, the post-curfew time is referring to external light used after 11pm, and not necessarily a restriction imposed through a planning condition. The most important section is the light intrusion into windows, which outlines the LUX levels.

The impact of the proposed lighting scheme is provided on the plan submitted by the applications, which contains a series of LUX level annotations across the lighting plan. As can be seen on the submitted plan, the level of associated lux, across the Bessemer Court and Telford Way properties, when taken to the nearest habitable window including accounting for extensions, the proposed light spill does not exceed 1 LUX. This accords with the post-curfew, i.e after 11pm levels allowed for by E3 of the guidance note, where there is an 2 LUX limit before light spill is considered to be obtrusive.

As such, given that the LUX light spill accords with this guidance note, it is not reasonable or necessary to make the development acceptable to include a condition restricting the use of the external lighting.

### A3.8 **Environmental Health – Air quality**

An air quality assessment was not required for this application because of the low number of vehicle movements associated with both the old and new development and therefore no risk of exceeding Air Quality Objectives (AQOs). As a comparison, the Local Air Quality Management (LAQM) Technical Guidance Note TG(16) Table 7.1 recommends a screening assessment for bus stations where there are more than 2500 bus movements per day and relevant exposure within 10 metres. Similarly, a screening assessment is recommended where there are more than 2500 Heavy Duty Vehicles (HDVs) per day on roads and relevant exposure within 10 metres. Pollution from vehicles disperses and dilutes rapidly with distance from the source. TG (16) <https://laqm.defra.gov.uk/documents/LAQM-TG16-February-18-v1.pdf>

There is a document published by the Institute of Air Quality Management (IAQM) that is a useful guide for planners, “Land-Use Planning and Development Control: Planning for Air Quality” <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

There are no set dust levels for the demolition and construction works. Monitoring is usually visual involving daily checks around and outside the boundary by the construction company. Enforcement is undertaken by Environmental Health using the statutory nuisance powers contained in sections 79 and 80 of the Environmental Protection Act 1990. If a complaint is received visits will be made to the complainant and to the site to assess what measures are in place and if further mitigation is required. Construction companies are normally keen to comply and will respond positively to complaints received directly from residents.

The two main pollutants from vehicles that require assessment are particles (PM10) and nitrogen dioxide (NO2). The annual mean Air Quality Objective (AQO) for both pollutants is 40 micrograms per cubic metre, 40 µg/m<sup>3</sup>; the maximum PM10 annual mean does not exceed about 20 µg/m<sup>3</sup> at any relevant location (where people are exposed) in Milton Keynes. The annual mean NO2 objective is not exceeded in the Borough, even within the Air Quality Management Area (AQMA) in Olney where the traffic flow is approx. 17,000 vehicles per day of which about 1,000 are HGVs and exposure is within 5 metres.

The number of HGV movements would have to increase beyond the capacity of the facility to have any measurable effect and even then AQOs would not be exceeded.

#### **Furthermore comments following receipt of additional information:**

I have reviewed the application and the noise impact assessment.

I would recommend that planning conditions are applied to the site which would afford residents in the vicinity a level of protection from noise which is in line with World Health Organisation levels and levels in line with British Standards

BS4142: 2014.

I would suggest:

- At the nearest noise sensitive receiver, noise levels from the site to have a BS4142:2014 rating level of 5dB below background levels.
- Internal noise events at the nearest noise sensitive receiver not to exceed 45dB  $L_{AFMax}$  in line with World Health Organisation Guidelines on Community Noise 1999. (Levels to be determined by calculation as opposed to measurement inside the property)
- A Noise Management Plan to be in place for site activities and the Council is to be furnished with a copy. The Plan is to be maintained up to date in order to reflect operations on the site.
- Broadband (white noise) reversing alarms fitted to vehicles operating on the site
- Any plant/air handling units which are roof mounted are to be directed away from residential and / or suitably screened. To limit noise impact the installed plant is to operate at 5dB below background levels at the nearest noise sensitive receiver.
- The proposed 4m acoustic barrier is to be retained

I believe those conditions would afford a fair and reasonable level of protection from all noise associated with the operation of the site. See BS4142 excerpt below on what is covered.

Re-assessment Questions from Officers:

- Accuracy and acceptability of the methodology used in the NIA for the assessment of the impact on residential properties for this type of development i.e. has the correct method been used?

The correct standard and method has been applied:

*“BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound*

*This British Standard describes methods for rating and assessing sound of an industrial and/or commercial nature, which includes:*

- a) sound from industrial and manufacturing processes;*
- b) sound from fixed installations which comprise mechanical and electrical plant and equipment;*
- c) sound from the loading and unloading of goods and materials at industrial and/or commercial premises; and*
- d) sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises or processes, such as that from forklift trucks, or that from train or ship movements on or around an industrial and/or commercial*

site.

*The methods described in this British Standard use outdoor sound levels to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident.”*

Securing a Planning condition on the noise levels from the premises would ensure the impact on residential properties is in line with World Health Organisation levels and also with site specific relativity, i.e. to ensure that the noise levels from the site are below background sound levels. If operating noise levels are attached as Planning conditions the operators will have to adhere to the stated levels or they would be in breach of the site Planning permission. The onus is on the operator to comply with the conditions and manage the noise they produce.

- Does the assessment fully assess the impact of the development i.e. it appears to not include the turning circle, but assess noise from the loading barrier only

It is in accordance with what I would expect to see in an assessment. The noise impact assessment is based on reasonable estimations of noise impact which is standard practice, the noise from operations can't be measured on the site because the operation is not being undertaken so desktop calculations of the impact have to be made.

As previously mentioned however if Planning conditions are attached which give noise levels to be adhered to, it affords the nearest noise sensitive receptors a level of protection from all site operations outlined in the BS4142 excerpt and gives the operators clear objectives and limits to be achieved.

- Please review and re-assess the NIA that has been submitted

Please see first section of this doc

Questions from the residents:

- Has the impact on the extension at no 72 Bessemer Court been considered – this sits in close proximity to the turning circle (this is shown on the MKC GIS System)

Please see the first section.

Nonetheless, if the Planning conditions suggested previously are attached the residents will be afforded protection from noise which is in line with World Health Organisation levels / below background sound levels which offers a fair protection from noise generated on the site.

- Does the NIA account for the noise generated from the turning circle

See first section comments

- Is there going to be harm from reflected noise from the warehouse building, given this is a flat surface?

See previous comments in relation to protection afforded by noise limits being attached as a Planning condition.

There's not a specific metric to quantify 'harm', nor annoyance, nor nuisance. Sound is highly subjective which is problematic in attempting to delineate a baseline level at which 'harm' occurs. Noise is a subjective interpretation of sound pressure level. A 'sound pressure' can be measured, 'noise' as a human response to a sound pressure level cannot.

There are however quantities given in BS8233:2014 (same as World Health Organisation levels) for internal noise levels as a 'reasonable standard', but they're not levels of 'harm' per se.

How you could also look at it is in terms of BS4142 which gives a 'likelihood of complaint' (as per info in the submitted noise impact assessment) which takes the measured background sound level in a given location and looks at how much over the background sound a specific noise source is – this relates to external sounds as opposed to the internal noise climate of a property. Setting a BS4142 rating level limit to be achieved which is below background level would mean that background sound levels would provide a masking effect to the specific sounds of the warehouse operation.

- The northern overflow car park, to the rear of Bessemer Court does not currently contain any noise mitigation for vehicular traffic – are noise barriers or other mitigation required?

See previous comments in relation to protection afforded by noise levels being attached as a Planning condition.

The noise barriers are to protect from sound generated by the operations of loading and unloading of HGV's, the plans show the 'northern overflow car park' to be just that – an overflow carpark for cars and a route for emergency vehicles as opposed to being an area where loading / unloading is occurring.

- What can be done about the roof mounted plant?

Planning condition to ensure they operate at 5dB below background sound levels at the nearest noise sensitive receiver and also ensure they (the fans) face away from the residential

- Why type of noise barrier are the developers proposing? How does this work? Is 4m high enough?

As per the noise impact report it will be a *“circa 4metre high reflective acoustic barrier...A solid, close boarded timber barrier...a mass per unit area of >10kg/m<sup>2</sup>, sealed to the ground and is fitted with cover strips to prevent gaps forming over time”*

A noise barrier acts as a physical barrier relying on physical mass, height and completeness (i.e. no air gaps) between the noise source (i.e. HGV unloading activities) and receiver obstructing the path of the sound propagation. For an example you can see the barrier between the Newport Pagnell community recycling centre (tidy tip) and the newly built residential properties N Crawley Rd, Newport Pagnell MK16 9FE, it is of similar size and dimension.

Re 'is 4m high enough' see comments on planning conditions

- Will there be harm if the number of HGV movements increases above the 32 per hour predicted in the transport assessment?

As per the above, there is no metric for 'harm' per se. Sound level limits attached as a condition of planning permission would extend a degree of protection to noise sensitive receivers.

Officers note that the Environmental Health Officers have recommended an additional 2 conditions, from those previously recommended on application 16/03023/FUL. These are the first two bullet points listed in the above response and seek to place decibel limits on noise levels from the site and noise generated from internal events.

As with all conditions, Officers are required to review whether these conditions meet the 6 tests of the NPPF, as outlined below.

necessary;  
relevant to planning and;  
to the development to be permitted;  
enforceable;  
precise and;  
reasonable in all other respects.”

Officers have sought advice from the Council's Legal Team and the Planning Enforcement Team regarding the imposition of these conditions. An assessment against each of the tests has been provided below. All 6 tests must be satisfied in order for a condition to be imposed.

As outlined above, Officers consider that the requested conditions fail to meet the tests of the NPPF and therefore, they cannot be imposed on a decision notice. However, it is recommended that these requirements be used to inform the Noise Management Plan and therefore, the below informative is recommended to be include:

1. Necessary – No, the proposed conditions were not previously recommended under application 16/03023/FUL and there has not been a material change in the noise generated from the development. As such, it is considered the proposed conditions are not necessary to make the development acceptable in planning terms
2. Relevant to planning – No, the proposed conditions refer to guidance

which is not used within the Planning Industry but would be relevant should any issues to controls that the Environmental Health Department have.

3. Relevant to the development to be permitted – yes, the conditions are relevant to the development being considered
4. Enforceable- No, given that these are standards which apply to non-planning legislation and are highly technical aspects relating to Environmental Health controls, the enforcement team have confirmed they would not be enforceable
5. Precise – Yes, the conditions are precise
6. Reasonable in all other respects – No, the conditions are not considered reasonable in all other aspects. They are overly onerous, seeking to control matters that were not previously identified as a concern under application 16/03023/FUL and seek to prescribe set levels of noise, when there is not sufficient evidence to demonstrate that without them, there would be unacceptable harm caused.

Whilst Officers consider that these conditions fail to meet the requirements of the 6 tests of the NPPF for imposing conditions, it is considered that the below informative should be placed on the decision notice. This places an expectation that the developer would demonstrate compliance with these through the submission of the Noise Management Plan.

#### **Informative**

It is expected that the Noise Management Plan will include evidence of how acceptable levels of noise generated from site will be controlled to meet the requirements of BS4142:201 and how internal noise events at the nearest noise sensitive receiver will not to exceed 45dB  $L_{AFMax}$  in line with World Health Organisation Guidelines on Community Noise 1999.

### **A3.9 Great Linford Parish Council**

#### Considerations

1. The applicant acknowledges that views from Bessemer Court will experience some change with the proposed building appearing above the existing tree and vegetation line in summer.  
This could cause shadowing.
2. The building is at least 6.0m taller than the existing unit and the northern façade of the building at 37.0m from Bessemer Court and Telford Way, approximately 11.0m closer to the dwellings.
3. The existing building is 10.5 metres high facing Bessemer Court.
4. The proposed building would be 17.0 metres high 62% taller along the same elevation and overall 18.4 metres high 75% taller than the existing building.
5. Bessemer Court and Telford Way are some 56.0m to the closest loading bay and noise from internal operations and use of the loading bays 24 hours a

day, particularly at night when lighting would be used, could have an effect on the occupants of the dwellings.

6. The turning circle to be used by HGVs is approximately 20.0 metres from the rear garden boundary of №72 Bessemer Court and №8 Telford Way,

7. The Transport Statement traffic forecasts notes:

“The existing trip generation from the site (the previous 17,468m<sup>2</sup>warehouse) at maximum operation is 52 two way trips in the morning peak period and 57 two-way trips in the evening peak period.”

“The proposed trip generation (from proposed the 20,522m<sup>2</sup> warehouse) is 61 two-way trips in the morning peak period and 67 two-way trips in the evening peak period.”

“The proposed development results in an additional 9 two-way peak hour trips in the morning peak hour period and an additional 10 two-way peak hour trips in the evening peak period.”

8. The Noise Impact Assessment says: “The likely traffic generation associated with the application site is understood to be materially the same as the existing use operating at full capacity. In this context, the potential impact of the generated traffic volume is considered to be negligible and has not been considered further.”

9. The location of sprinkler tanks storage areas for pallets and refuse are not specified.

### Conclusions

1. The operational volume of the new warehouse excluding the office accommodation is calculated to be 313,200 cubic metres. (20,880m<sup>2</sup> by 15.0m high internally)

2. The original John Lewis warehouse was 17,771m<sup>2</sup> by 9.0m high giving an operational volume of 159,939 cubic metres.

3. Thus the operational volume is 95.82% greater than the original building.

4. The increased warehouse volume is designed to store more goods. This must have significant influence on the number of arriving and departing HGV vehicles, and movement of trailers accessing the loading bays compared with the original warehouse.

5. It cannot be just an extra 9/10 peak hour trips as calculated in the Transport Statement or materially the same as stated in the NIA 4.05.

6. The impact of the greater height of the warehouse and it being closer to the northern boundary on the dwellings in Bessemer Court and Telford Way is also significant. Overshadowing could be mitigated by reducing the development length by 1 or 2 bays.

7. The nearest noise sensitive receptors (NSRs) to the site are the existing

dwellings off Bessemer Court and Telford Way to the north.

8. Sound pressure level at the NSRs, due to internal operations within the development building is calculated by the applicant at 35dB. These are levels that are below the measured night time background noise level. The developer claims the noise impact of internal operations is not considered to be significant.

9. The assessment of the proposed night time loading activity indicates an adverse impact at the NSRs, with a predicted rating level 6dB above the measured background noise level.

10. The solution proposed is a 4.0 metre high reflective acoustic barrier along the northern boundary of the HGV vehicle yard. This could be a solid, close boarded timber barrier, sealed to the ground and is fitted with cover strips to prevent gaps forming over time. The impact of the proposed 4.0m high fence should be evaluated.

11. Reversing alarms fitted to vehicles could be a nuisance particularly during long night time winter months.

12. It is proposed that for night time operations a Noise Management Plan should be developed in order to control external noise emissions; including guidance to drivers and warehouse staff on best practice for night time operations.

It would be better if the loading bays could be moved or the distance of the nearest loading bay from Bessemer Court and Telford Way reduced.

13. No mention is made of limiting the use of lighting to the service yard and loading bays and northern overspill car park. This could have a significant impact on the amenity of local residents.

14. Sprinkler tanks, storage for pallets and refuse must be located away from the northern boundary.

#### Recommendation

GLPC recommends refusal as the application is Contrary to Milton Keynes Local Plan 2001-2011.

##### 1. POLICY D1

(i) Additional traffic generation which would overload the existing road network or cause undue disturbance, noise or fumes

(iii) An unacceptable visual intrusion or loss of privacy, sunlight and daylight.

(iv) Unacceptable pollution by noise, smell, light or other emission to air, water or land

##### 2. POLICY D2

i) Are in scale with other buildings in the immediate vicinity in terms of their height and massing, except where a greater scale is necessary to reflect the development's function and importance

ii) Relate well to and enhance the surrounding environment

3. GLPC Neighbourhood Plan Policy N13 - Proposals for larger scale employment and enterprise.

New developments of 1000 or more square metres of new floor space must ensure that they:

- a) Are integrated with and complement existing clusters of activity in terms of their design, mass and scale
- c) Protect residential amenity
- e) Do not result in the loss of amenity for existing residents
- f) Include appropriate provisions for service facilities and the storage of waste which does not detract from the street scene and do not impede the movement of vehicles or pedestrians.

If MKC are minded to approve the application GLPC require a condition on the hours of operation of heavy vehicles into, out of and within the site to be included to any approval to restrict operation to 07:00 to 21:00 Monday to Friday and 10:00 to 16:00 on Saturdays with no heavy vehicles movements into, out of and within the site on Sundays or Bank Holidays.

#### **Further correspondence received Great Linford Parish Council:**

Following the publication of the Development Control Committee report, there has been ongoing correspondence with Great Linford Parish Council and Milton Keynes Council in respect of a number of technical matters.

8.4 An additional representation was formally submitted by Great Linford Parish Council on 6<sup>th</sup> November 2018. This has been published to the Council's website and outlines the following material planning matters:

- Reiteration of the measurements of the building, site context and proximity to Bessemer Court
- Request for the HGV operation restriction condition, to be further restricted to include no HGVs operating into, within or from the site on Sundays and Bank Holidays
- Concern with the accuracy of the Transport Assessment

8.5 Other matters were included, as outlined below, but these are not materially relevant to the consideration of this application:

- Speculative nature of the development
- Comparison to Magna Park
- Number of buses/passengers that could fit into the warehouse

8.6 Officer response to the material planning considerations:

- These measurements are noted.
- It is considered unreasonable to add further restriction to the operation of HGVs within, into and from the site. This application is not materially different to the earlier application considered and approved by Members, adding a further restriction would be unreasonable and not necessary to make the development acceptable, failing the 6 tests of the NPPF.
- The Transport Assessment has been checked by the Highways Engineer who have confirmed the methodology used is acceptable,

using the industry standard to calculate expected vehicle movements.

A3.10 **Ward - Newport Pagnell South - Cllr Alexander (Member of Development Control Committee)**

None received

A3.11 **Ward - Newport Pagnell South - Cllr McCall**

None received

A3.12 **Ward - Newport Pagnell South - Cllr Carr**

None received