

**Application Number:** 21/02650/DISCON

- Proposal:** Details submitted for approval pursuant to condition 18 (Traffic Management) of permission ref. 18/02341/FUL, relating to demolition of existing B8 storage and distribution warehouse and erection of a new B8 storage and distribution warehouse with ancillary B1 floorspace and associated works at Blakelands 1, Yeomans Drive, Blakelands, Milton Keynes, MK14 5AN
- Applicant:** GUPI 6 Ltd
- Application type:** Approval of details reserved by condition
- Ward:** Newport Pagnell South      **Parish:** Great Linford
- Statutory Target:** 22.10.2021      **Extension of Time:** 05.11.2021
- Case Officer:** Paul Keen  
Development Management Team Leader (East)  
paul.keen@milton-keynes.gov.uk
- Team Manager:** Chris Nash  
Development Management Manager  
chris.nash@milton-keynes.gov.uk

## **1.0 Recommendation**

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

## **2.0 Introduction**

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

## **3.0 Background**

### The site and its context

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

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

*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.*

#### The proposal

- 3.5 A Traffic Management Plan has been submitted pursuant to condition 18 in order to satisfy the prior to occupation requirements of it. It provides traffic management for:
- heavy goods vehicles;
  - cars/motorcycles;
  - pedestrians;
  - cyclists; and
  - management and implementation of these matters.

### **4.0 Relevant planning history**

#### 4.1 Application site

21/02698/DISCON Details submitted for approval pursuant to condition 17 (noise management plan) of permission ref. 18/02341/FUL, relating to demolition of existing B8 storage and distribution warehouse and erection of a new B8 storage and distribution warehouse with ancillary B1 floorspace and associated works  
Submitted concurrently with this application – under consideration.

21/01878/DISCON Details submitted for approval pursuant to conditions 17 (Noise Management) and 18 (Traffic Management) of permission ref. 18/02341/FUL, relating to demolition of existing B8 storage and distribution warehouse and erection of a new B8 storage and distribution warehouse with ancillary B1 floorspace and associated works.  
Details refused on 13.08.2021 for the following reasons:

1. *Condition 17 - Noise Management Plan*

*Due to a lack of evidence to support the submitted Noise Management Plan, it fails to consider the individual circumstances and constraints of site, including the requirements of other conditions on the host approval. The Local Planning Authority is therefore not satisfied that the submitted Noise Management Plan would suitably meet the requirements of Condition 17 of planning permission 18/02341/FUL, in the interests of protecting the amenity of adjoining and nearby residents, and in turn conflicting with policy NE6 of Plan:MK and policy GLPC N13 (parts (c) and (e)) of the Great Linford Parish Neighbourhood Development Plan North.*

2. *Condition 18 - Traffic Management Plan*

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

19/02062/NMA	Non-material amendment to 18/02341/FUL (modification to the kerbline in the south east corner of the service yard) – retrospective. Approved 10.09.2019.
19/01758/FUL	Erection of a substation and electrical transformer housing – Retrospective. Approved 10.09.2019.
19/01031/DISCON	Details submitted pursuant to the discharge of conditions 5 (bicycle parking) and 19 (external lighting) pursuant to planning permission 18/02341/FUL. Details approved 26.04.2019.

18/02341/FUL Demolition of existing B8 storage and distribution warehouse, and erection of a new B8 storage and distribution warehouse with ancillary B1 floorspace and associated works ('the planning permission').  
Approved 11.04.2019.

## 5.0 Consultations and representations

All responses and representations received can be viewed in full, online at [www.milton-keynes.gov.uk/publicaccess](http://www.milton-keynes.gov.uk/publicaccess) using application reference 21/02650/DISCON. The following paragraphs summarise those responses and representations.

### 5.1 Great Linford Parish Council (GLPC)

5.1.1 Notes this TMP was previously submitted for 21/01878/DISCON, together with the noise management plan (NMP), and was refused. It is also noted the TMP has now been submitted separately but as the traffic and vehicles are the main source of the noise that will be generated, it can only be considered in conjunction with the NMP, for which there is a separate application 21/02698/DISCON. The TMP, as submitted, does not meet the requirements of condition 18 without causing contention with other conditions on the permission, in turn causing conflict with policy NE6 of Plan:MK and policy GLPC N13 (parts (c) and (e)) of the Great Linford Parish Neighbourhood Development Plan North.

5.1.2 GLPC's comments also include comments from a resident:

- The TMP separates car vehicles and HGV but if onward distribution is through the use of vans under 3.5 tonnes:
  - There is no specific provision for separation of vans and HGV traffic; and
  - There is no designated van loading area;
- The number of vehicle movements to and from the site will have been vastly underestimated this will have significant impact on traffic movement along V10 and V10/H3 Junction;
- Speed of vehicles has not been mentioned;
- The volume of ALL traffic operational and staff has not been addressed in the TMP; and
- Whether the 120 staff is per shift or in total.

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

No comments received.

### 5.3 Councillor Scot Balazs (Newport Pagnell South Ward)

No comments received.

### 5.4 Councillor Jane Carr (Newport Pagnell South Ward)

No comments received.

## 5.5 MKC Environmental Health

No comments.

## 5.6 MKC Highways

No objection.

## 5.7 Representations from interested parties

Representations from two households were received which referred to matters relating to the NMP (submitted under application ref. 21/0298/DISCON). In addition to matters raised in GLPC's comments above, other matters in relation to the TMP being considered in this application were raised, as follows:

- The traffic report previously actioned by the Council should be revisited (due to parking issues on Yeomans Drive);
- Concerns with regard to traffic congestion on Yeomans Drive and the further impact this development will have;
- Whether the bulk of vehicles could be directed to use Delaware Drive to access and leave; and
- The TMP does not state site speed limits which would normally be essential for managing on-site traffic safety.

### Correspondence in support of the application

- 5.10 A letter of support from 4PX (prospective occupants of the development) was submitted with the application. They state their "strong support" for the contents of the Traffic Management and Noise Management Plans, and that the measures contained within them are "entirely acceptable" to them given their "commitment to being a responsible operator and good neighbour".

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

### The Development Plan

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

- N13 - Proposals for larger scale employment and enterprise

- 6.2 Plan:MK (adopted March 2019):

- Policy CT2 - Movement and access

### National planning policy and guidance

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

- Section 2 - Achieving sustainable development

- Section 4 - Decision-making
- Section 15 - Conserving and enhancing the natural environment

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

## **7.0 Planning considerations**

7.1 The sole focus of this application is to assess whether the submitted TMP will ensure adequate movement within the site and at the access points, as required by condition 18 of the planning permission.

7.2 When assessing applications to consider details that have been reserved by condition, matters of principle and detail which already form part of the extant planning permission, or imposition of further restrictions, cannot be considered. In this case, the approval of the physical works and the use of the building and site as a class B8 storage and distribution warehouse with ancillary B1 office floorspace has already been established, replacing a former warehouse not subject to the conditional control now in place.

7.3 A number of matters have been raised by Great Linford Parish Council (GLPC) and other interested parties which cannot be taken into account, or it would be unreasonable for the Council to do so. In some cases, some suggestions would attempt to impose new restrictions (conditions) that would be further to those already imposed on the host planning permission, and beyond the specific scope of condition 18. These matters are discussed further below.

## **8.0 Appraisal**

8.1 This appraisal should be read in conjunction with the consultation/interested party comments set out in section 5.

8.2 The reasons given by GLPC do not substantiate their position on why the submitted TMP "*does not meet the requirements of condition 18*", or why the TMP would cause "*contention with other conditions on the permission*". The application needs to be assessed in light of the reasons for the condition – to ensure the development provides adequate movement within the site and at the access points, and with regard to the previous reason for refusal – that the requirements of the NMP could also affect the TMP, and in the context of the NMP being unacceptable at that point in time it would not have been appropriate to approve the TMP. As indicated, the NMP is subject to fresh consideration under application ref. 21/02698/DISCON, also presented to this meeting of the DCC.

8.3 On review of the TMP against the NMP (as revised under application ref. 21/02698/DISCON), officers are now satisfied that there is no conflict between these two documents. The TMP has been formulated to be read in conjunction with the NMP in this regard, and the uncertainty which led to the refusal of both documents previously has been overcome.

8.4 The MKC Highways Officer has reviewed the submitted TMP and raises no objections, and there appears to be no evidential reason to disagree with this advice. The set back and segregation of HGVs from other vehicle types and cycle/pedestrian areas, as well as swept paths (showing adequate turning areas), would allow for adequate movement within the site and at the access

points. The gate house being set back by some 50m from the access point onto Yeomans Drive would also help achieve this.

- 8.5 Turning to the remaining comments made by interested parties, the applicant has confirmed that they will be using larger vehicles. However, even if smaller vehicles are used, as the TMP is deemed to be acceptable for larger vehicles to ensure “adequate movement within the site and at the access points”, it follows that the operations will be adequate to achieve this requirement as well.
- 8.6 Beyond this, there are several non-material comments raised. The number of vehicle movements to and from the site, as well as employee numbers associated to this point, was a matter assessed as part of the principle of development. It cannot be revisited at this stage. The speed of vehicles on the site is not a relevant consideration given the specified reason for the condition, and would, in any case, be a matter for the operator in respect of health and safety legislation. Furthermore, on-street parking on Yeoman’s Drive is not a material consideration given the issue is existing and not related to the operation of this development.
- 8.7 It is therefore considered that the submitted TMP fulfils the requirements of condition 18, in that it will ensure adequate movement within the site and at the access points. This judgement takes into account legislative parameters which dictate what the local planning authority (LPA) can reasonably consider under this application. As noted, the LPA cannot revisit principle matters (congestion on wider road network for example) or impose further restrictions (speed limits for example) than what is set out under the planning permission. As such, on the other matters not included in the TMP, these are not deemed necessary or reasonable and/or are outside of the scope of this application.

## **9.0 Conclusions**

- 9.1 For the reasons set out in the report, it is recommended that the submitted Traffic Management Plan is approved as it meets the requirements of condition 18 of the planning permission, and ensures the development would comply with Policy CT2 of Plan:MK and Policy N13 of the Great Linford North Neighbourhood Plan (2016).
- 9.2 As also set out in the above report, a number of the matters raised through the publicity and consultation process are not material considerations.
- 9.3 Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change and human rights legislation (including Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions).

## **Annex**

### **A1.0 Consultations and representations**

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

A1.1 Great Linford Parish Council

“This traffic management plan was previously submitted for DISCON 21/01878/DISCON together with the noise management plan and was refused.

It has now been submitted separately but as the traffic and vehicles are the main source of the noise that will be generated it can only be considered in conjunction with the Noise Management Plan for which there is a separate application 21/02698/DISCON. The Traffic Management Plan, as submitted, does not meet the requirements of Condition 18 of planning permission ref. 18/02341/FUL without causing contention with other conditions on the permission, in turn causing conflict with policy NE6 of Plan:MK and policy GLPC N13 (parts (c) and (e)) of the Great Linford Parish Neighbourhood Development Plan North

*From resident:* The TMP separates car vehicles and HGV but if onward distribution is through use of vans under 3.5 tonnes

- There is no specific provision for separation of vans and HGV traffic
- There is no designated van loading area
- The number of vehicle movements to and from the site will have been vastly underestimated this will have significant impact on traffic movement along V10 and V10/H3 Junction.
- Speed of vehicles has not been mentioned
- The volume of ALL traffic operational and staff has not been addressed in the TMP
- The 120 staff is that per shift or in total?”

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

No comments received

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

No comments received

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

No comments received

A1.5 MKC Environmental Health

No comments received.

A1.6 MKC Highways

“I have reviewed the details of the traffic management plan submitted for condition 18. Highway have no comments and therefore no objection to the discharge of this condition.”



## Representations from interested parties

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

A1.8 Comments from other interested parties (2 no.) are as follows:

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

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

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

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

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

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

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

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

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

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

- Traffic Management plan
  - The onsite traffic management plan (TMP) separates car vehicles and HGV however if there is to be any onward distribution through use of vans under 3.5 tonnes
  - There is no specific provision for separation of van and HGV traffic
  - There is no designated van loading area
  - The number of vehicle movements to and from the site will have been vastly underestimated which will have a significant impact on traffic movement along the access roads, V10 and V10/H3 junction

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

A1.9 Letter in support of the application from 4PX Express UK Co Ltd

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

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

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

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

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

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

We are a good neighbor and have extensive experience of managing our properties and operations to ensure that the amenity and living conditions of nearby residents is protected. This is a significant long-term investment for us and want to have a positive relationship with your Council and residents from the outset.

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