

DEVELOPMENT CONTROL COMMITTEE

4 November 2021

COUNCILLORS' ADDITIONAL PAPERS

INDEX OF DOCUMENTS CIRCULATED AFTER PUBLICATION OF THE AGENDA

1. Speaking Commitment

Speaking Commitment (**Page 2**)

2. Item 6b – 18/02341/FUL - Land at : Blakelands 1, Yeomans Drive

Officer Update (**Pages 3 - 9**)

SPEAKING LIST
DEVELOPMENT CONTROL COMMITTEE – 4 NOVEMBER 2021

ITEM NO.	TITLE	REQUESTS TO SPEAK IN OBJECTION	TIME ALLOCATED	RIGHT OF REPLY OR SPEAKERS IN FAVOUR	TIME ALLOCATED
Item 6a - 21/02650/DISCON	Blakelands 1, Yeomans Drive, Blakelands				
Item 6b - 21/02698/DISCON	Blakelands 1, Yeomans Drive, Blakelands	Mr D Stabler Ms D Scholefield	3 Mins 3 Mins	Mr M Harris (Freeth's LLP) (Applicant's Agent)	6 Mins

Item 7 - Consultation on the draft Development Brief for the CMK Theatre Multi-Storey Car Park site

Cllr P Murphy (CMK Town Council)

Application Number: 21/02698/DISCON

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

Applicant: GUPI 6 Ltd

Application type: Approval of details reserved by condition

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

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

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

UPDATE PAPER

1.0 Recommendation

1.1 The recommendation remains that the details submitted pursuant to condition 17 (noise management plan) of planning permission ref. 18/02341/FUL are approved. For clarity, those details are included in the submitted Noise Management Plan (NMP), Revision C.

2.0 Late representations

Two representations from D. Stabler on behalf of the Blakelands Residents Association have been received.

2.1 First representation (in full see UA1.1)

This repeats a request for the NMP to include the following (also set out in representations in para 5.8 of the main report and subsequently discussed at paras 8.8 to 8.11):

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

2.2 Second representation (in full see UA1.2)

The representation refers to the Environmental Health Department's guidance on 'How to Complain about Noise Disturbance' (an extract is attached to the representation), and notes that there has not been an 'out of hours service' operated by Milton Keynes Council to report a noise complaint since 2017.

Reference is made to the four points above (in the first late representation). It is alleged that failure to include the four points *"is directly contrary to the stated policy on the MK web site, on how to complain about a noise nuisance"*.

3.0 **Considerations**

3.1 Noise Manager's contact details

Paragraphs 8.8 and 8.9 of the main report adequately deal with the first three points relating to the noise managers contact details. Whilst officers understand the reasons why this request is made, that part of the report outlines that such a requirement would give rise to concerns over the effective monitoring and enforcement of conditions on the host planning permission. The key concern of a 'bypass' option is that some noise complaints would not be captured by the Local Planning Authority (LPA) when it remains the responsibility of the LPA to monitor the NMP and enforce any breaches of planning control based on evidence it has gathered.

It should be noted that subject to the measures contained within the NMP being carried out, there would be no reason for the noise manager to be contacted in any event. In essence, this is what the NMP seeks to achieve, and in the absence of evidence to the contrary it must be reasonably assumed that it will be adhered to.

In terms of references made to Environmental Health's noise policy, in addition to not being planning policy in itself, it does not command that the concerned party *must* contact the responsible person first, to the degree that contact details must be available in advance. It is not for the LPA to facilitate the exchange of contact details

under the terms of the planning condition. As outlined in paragraph 8.8 of the main report, there is nothing to prevent residents making a direct approach to the operator (their contact details are available on the letter supplied with the application) or indeed the operator making that approach, and circulating it between themselves. However, an informative is suggested in section 4.0 below.

3.2 Annual independent monitoring survey of noise

Paragraphs 8.10 and 8.11 of the main report adequately deal with the last point relating to annual and independent monitoring survey of noise. Essentially, the condition itself requires the document to be kept up-to-date, and the NMP requires those updates to be first submitted to the Council. Furthermore, such a requirement would add additional restrictions to what is contained within the planning permission.

4.0 **Conclusion**

By reference to the main report, it is evident that the late representations have already been responded to in that report. For the reasons set out above (and within the main report), it is not considered necessary or reasonable to require that the requests raised in the late representations are included within the NMP.

Nonetheless, it has been suggested that if the details are to be approved, Members may decide to place an informative relating to the Noise Manager's contact details on any decision notice. Officers suggest the following informative wording if that is preferable to the Committee:

Notwithstanding the need for any noise complaints (or any other breaches of planning control) to be directed to the Council, the applicant/future occupiers of the site, is/are encouraged to provide local residents with the contact details of the appointed site Noise Manager (and any changes to that appointed person), whether this information is posted at each entrance/exit to the site, by letter to residents, or both.

5.0 **Other matters**

A numbering typographical error has been noted in the main report. Section A1.9 of the annex, after A1.10, should be labelled as A1.11.

UA1.0 ADDITIONAL REPRESENTATIONS

UA1.1 First representation - D. Stabler

Thank you for informing me that a further revision “C” has been provided by the applicant.

This is a revision to the Plan “A” dated 15th June 2021 and the Plan “B” dated 26th August 2021 following comments made by the Council’s acoustic advisor on 5th October 2021. This also accommodates changes to paragraph 2.15.

BACKGROUND TO REVISION C

The Sharps Acoustics report says:

“1.3 This Plan has been prepared to demonstrate how the Occupier of the site will actively manage their business operations with a series of best practice management measures in the interests of protecting residential amenity and being a responsible operator. This is with specific regard to the residents to the north of the site on Bessemer Court, Telford Way and Minton Close.”

The Sharps Acoustics report goes on to say:

2.3 Noise Manager: the site operator will identify and appoint a named person as Noise Manager with responsibility for noise control and management. The Manager will be reported to the Council and be the main contact in relation to noise related matters.”

“The named person will also be responsible for managing any neighbour / third party complaints that are received in the accordance with the complaints procedure (see point 2.4 below). This is to ensure good neighbour relations are upheld and any complaints are dealt with professionally and objectively. Any change to the named person and/or site operator will be reported to the Council.”

COMMENT

It is good to know that the objective of the Noise Management Plan is to provided *“measures in the interests of protecting residential amenity and being a responsible operator.”*

However, nowhere in the Noise Management Plan does it say how any neighbour, or third-party complaints are to be made, or to whom they should be made.

Neither are details of the telephone number or email address of the Noise Manager to be posted on site, or notified to the residents of Blakelands, for them to make a complaint, and whose residential amenity is allegedly to be protected, by the terms of the Noise Management Plan.

There must be a way of reporting a noise nuisance after office working hours or at weekends or Bank Holidays directly to the appointed Noise Manager. The Council do

not have an Environmental Health Officer on duty, 27/7/365, only a message service, and so any complaints are not immediately dealt with or investigated.

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

CONSIDERATIONS.

1. The Noise Management Plan is drafted "*in the interests of protecting residential amenity and being a responsible operator.*"
2. The Noise Manager will be "*The named person ---responsible for managing any neighbour / third party complaints that are received in the accordance with the complaints procedure (see point 2.4 below). This is to ensure good neighbour relations are upheld and any complaints are dealt with professionally and objectively.*"
3. The Noise Management Plan does not explain the process for how Blakelands residents report a noise issue.
4. Neither does the Noise Management Plan say to whom they report any noise issues.
5. Nor does the Noise Management Plan explain how a noise issue, occurring after standard office working hours, or at weekends, or on Bank Holidays, is reported and to whom do residents report a noise issue.

For the second time of asking will you please ensure any approved the Noise Management Plan incorporates the following?

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

UA1.2 Second representation - D.Stabler

I note that the DISCON application report for the DCC meeting on the 4th November has been posted on line.

As you will be aware, from 1st April 2017, there has been no “Out of Hours service” operated by Milton Keynes Council to report a noise complaint.

I am very concerned that in the report to DCC MKC are unwilling to agree the 4 points in my objection.

These would ensure that the residents can report a noise nuisance after office working hours or at weekends or Bank Holidays directly to the appointed Noise Manager

Not to be able to contact the Noise Manager is directly contrary to the stated policy on the MK web site, on how to complain about a noise nuisance which clearly states:

“However, in the first place it may be helpful if you can approach the person responsible for the problem and explain to them the nature of the problem. They may not realise that they are causing you a problem.”

Hopefully you will amend your recommendation to DCC before I will make this point directly to DCC

The second representation accompanied with the following extract of MKC Environmental Health’s noise policy:

How to Complain about Noise Disturbance

The council's Environmental Health Department is responsible for investigating allegations of Statutory Nuisance caused by excessive noise and you can complain directly to them about noise which is causing you a problem.

However, in the first place it may be helpful if you can approach the person responsible for the problem and explain to them the nature of the problem. They may not realise that they are causing you a problem.

You may wish to contact the Citizens Advice Bureau for advice about your rights.

Citizens Advice Bureau

Telephone: 0870 1264050

Milton Keynes CAB

If the above does not help then complaints can be made to the Council's Environmental Health Department by completing our online form. Anonymous complaints will not normally be investigated. Complaints made to the out of hours service will not be seen by an officer until office hours of the next working day.

Complaints about Noise outside office hours

From 1st April 2017 there will be no Out of Hours service operated by Milton Keynes Council to report a noise complaint.

You can report a noise complaint through the online reporting mechanism using the following link [Report a noise complaint](#) Your complaint will be reviewed by an officer during office hours:

Last Updated: 30 December 2019

SOURCE [Noise Nuisance - Milton Keynes Council \(milton-keynes.gov.uk\)](#)