

**From:** [REDACTED]

**Sent:** 05 April 2019 13:30

**To:** Simpson, Paul <[REDACTED]> Michael Bracey

<[REDACTED]>

**Cc:** [REDACTED]

**Subject:** [EXT] Blakelands Warehouse Moving Forward

Dear Paul

Following last night's DCC meeting, I wanted to drop you a quick email about the outcome and moving forward.

I think Cllr Bint summarised the situation well that neither Councillors, nor residents should ever have been put in this situation. Even though it is hard to say it, Councillors last night made the best decision of a very bad situation. This Council now has an obligation to make sure that the same mistakes are never made again.

There are some points which I believe you can now address:

### **Inquiry Scope**

It is my understanding that the scope of the inquiry is almost agreed, however I would like to request that it also includes a review of the original s106 agreement and contributions.

It has recently become apparent that the public art contributions, which should have been 1% of the total gross development excluding land costs (Policy PO4 and the Social Infrastructure SPD), were secretly renegotiated without the approval of DCC members. In an email of 25 September 2017, the applicant's agent wrote the following to Samantha Taylor:

*"You will recall our telephone conversation in May that we agreed the public art contribution for this scheme would be limited to 1% of the cost of the **shell of the building**.*

*We did not record that agreement in writing (perhaps because of your concerns regarding a freedom of information request?) but I wondered if you would please reply confirming our conversation and the agreed position."*

It is important to understand who made this decision, why it was taken and whether it was in accordance with Council policy and the constitution.

### **Review of other planning permissions**

At the March 2018 Audit Committee meeting, the Planning Service stated they would undertake a thorough review of all planning permissions to check for missing conditions. During the July 2018 meeting, you were given assurances that the mistake over the Olney application was an isolated incident. Clearly a Senior Planning Officer and the Chief Planner were aware at this stage of the mistake over Blakelands and for reasons unknown, they chose not to alert the Council's management.

I have randomly checked one major application for Tongwell (the new Scania building - [16/03084/FUL](#)) and discovered that the decision notice contains 14 conditions, however the s106 agreement with the decision notice as an appendix only contains 12 conditions.

I would suggest at this stage that you get someone to do an immediate and thorough check of all planning permissions issued over the last few years.

### **Commitments going forward**

There is an overwhelming feeling that the residents of Blakelands have been let down by Environmental Health. There have been countless complaints to the Council about noise, light and dust during the construction phase, all of which could have been dealt with under statutory powers. It has been a common occurrence that complaints have either been completely ignored, or there have been very vague responses ("construction is noisy") with no formal investigations undertaken. I would be interested to know how many times Environmental Health Officers have been out to take readings following a complaint because I suspect that to date, there has not been a single attendance.

It is also inevitable that the owner of the Blakelands warehouse will at some point submit an application to amend the condition restricting HGV hours. If this is refused by DCC members, it will be appealed and there is nothing we can do to prevent this because it is their legal right.

Based on the above, I would like you/the Council to make two commitments to the residents of Blakelands:

1. You will ensure that Environmental Health and Enforcement Officers deal quickly and professionally with any complaints over noise, light, or breaches of the planning conditions;
2. You will spare no expense to ensure that the Council will make the strongest possible representation should there be an application and appeal over the HGV condition with external experts on noise, light etc.

Kind regards

■■■■ ■■■■