

Application Number: 16/03023/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 [REDACTED]

Target: N/A

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

Report Author/Case Officer: [REDACTED]

Contact Details:

Team Leader: [REDACTED]

1.0 Update

On 7th February 2019 an informal briefing was held with Councillors of the Development Control Committee (DCC) and residents of Blakelands. The purpose of this meeting was to provide an update on the latest position on this matter.

At the January 2019 DCC meeting, Councillors requested an assessment of all of the missing conditions and whether officers were minded to issue a further section 102 order or revocation of the planning permission.

In advance of the informal briefing, residents and Councillors were provided with a briefing note which set out the background to the matter, an assessment of each condition and whether a further section 102 order should be issued and whether revocation of the planning permission was considered an option. The briefing note that was circulated to Councillors included –additional ly included confidential information relating to the risk of costs. This was circulated as a separate note to Councillors due to the confidential cost information.

Members of the public in attendance raised concerns about the impact of the development on neighbouring residential properties; these included concerns regarding the current construction stage of the development and the impact the development will have on residents in the future. Individuals from neighbouring properties explained how the development had impacted them and their properties; these included concerns regarding noise, reduction in sunlight and hours of operation. Residents also raised concerns about the decision making process of the application. Officers responded to the concerns raised.

Councillors requested that a review be undertaken in respect of the decision making process of the planning application. The Deputy Chief Executive stated that this could be undertaken. Officers are looking at starting this review.

Councillors are aware that a S.102 Order has been made as resolved at the December DCC meeting and submitted to the Secretary of State for confirmation, in respect of the lighting condition.

- *“All external lighting within the site shall be turned off outside of the hours of 07:00 to 21:00 Monday – Friday and 10:00 to 16:00 on Saturdays, Sundays and Bank Holidays.*

Reason: to protect the amenity of the adjacent residential properties from adverse light pollution”

The briefing note advised that the applicant has objected to the S.102 Order. A hearing will be set and held by a person appointed by the Secretary of State, to hear the representations of the Council and the applicant/objector. Officers have sought clarification from the Planning Casework Unit who is dealing with the S.102 Order and they have confirmed that whilst the hearing will be a public hearing, residents will be unable to make representations as it is not a public inquiry. To date the Council has not yet received a hearing date.

Since the February briefing, the Council has received a claim for Judicial Review (JR) in respect of this matter. As a JR relates to legal proceedings, this is considered exempt information under the Local Government Act 1972. Exempt information is also covered by the Council’s Constitution; legal proceedings are covered by category 5 and it states, *“Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings”*.

Clarification of this category is provided and states, *“[t]his covers legal advice given by a professional legal advisor, i.e Legal Services or external solicitors and barristers. It applies where no litigation is contemplated or pending (e.g. general advice on non-contentious matters), as well as in connection with legal proceedings by or against the Council”*. Therefore in order to protect the Council’s position and maintain legal professional privilege in legal proceedings, officers are unable to discuss any further information at a public meeting.

Councillors should note that officers are seeking a further Counsel opinion on options available to the Council, a copy of which will be provided to members by way of a confidential report [in advance of at](#) the 7th March DCC meeting (**Annex A**). Counsel opinion would also fall under the above-mentioned exemption rules and for this reason will be provided as confidential papers.