

## FULL PLANNING PERMISSION REFUSED

To: Oxalis Planning  
Unit 7 Wheatcroft Business Park  
Landmere Lane  
Edwalton  
Nottingham  
NG12 4DG

**Application no: 19/02402/FUL**  
Applicant: SEGRO (Newport Pagnell)  
Limited  
C/O Agent

Milton Keynes Council, under their powers provided by the above legislation, **Refuse Permission** for

**Full planning application for the erection of two storage and distribution units (use class B8), with associated access, car parking, servicing, landscaping, earthworks, on and off-site drainage and off-site highway works.**

**At: Land At Caldecote Farm East of The M1 Motorway Adjacent To Willen Road**

in accordance with your application, valid on 12th September 2019 and the following drawings:

Received 11/09/2020:

SK032 rev P06 - Site Location  
SK037 rev P04 - Unit 2 Elevations  
SK039 rev P04 - Unit 2 Unit Plan  
SK040 rev P03 - Unit 1 Unit Plan  
SK041 rev P02 - Unit 1 Elevations  
100/018 rev A - Proposed Site Earthworks Plateaus  
Ecology Report by FPCR rev A, date: 28.02.19  
Arboricultural Assessment by FPCR rev E, date: 13.05.19  
Travel Plan by ADC  
Foul Drainage by PBA TN2002/001 rev A, date: 21st May 2019  
Surface Water Drainage by BWN, NPG-BWB-EWE-XX-RP-YE-0001-S2-P4\_FRA rev P3, dated: 27/03/2019

Received 15/11/2020:

SK015 rev P38 - Proposed Masterplan

ADC1392-DR-008 rev P1 - Revised Internal Access Layout

Received 11/02/2020:

7252 - Biodiversity Net Gain Technical Assessment [and Calculation], date: 10th February 2020

Received 13/02/2020:

TN2028/001 rev A - Technical Note Preliminary Surface Water Drainage Strategy - Supplementary Information, date: 12th February 2020

**The reason(s) for refusing your application are:**

( 1) Principle

The application site forms part of the Milton Keynes East Strategic Urban Extension, which is allocated for the long-term needs of Milton Keynes. Plan:MK Policy SD12 requires that the allocation can only come forwards once the funding for strategic infrastructure required to make the site deliverable has been secured and once this infrastructure is being delivered. The funding for this strategic infrastructure has not yet been secured and there is no planning application or permission in place for the delivery of the strategic infrastructure. The requirements of Policy SD12 have therefore not been met, and the site effectively remains in Open Countryside under Policy DS5, until the allocation is able to be brought forward. The proposal is therefore contrary to policies SD12 and DS5 of Plan:MK (2019) and the Milton Keynes East Development Framework SPD (2020).

( 2) Highways

Highway improvement works have been proposed as part of this application which do not meet the requirements of the Milton Keynes East Development Framework SPD (paragraph 4.3.7) and could prejudice forthcoming highway infrastructure and improvements proposed strategically as part of the wider allocation, as required by Policy SD12 of Plan:MK and the Milton Keynes East Development Framework SPD, such as a bridge or underpass crossing of H3 Monks Way (A422) and the improvements required to Willen Road to upgrade it to a 'grid road'. In addition, it is considered that the applicants have not fully considered the cumulative impact of this development with the rest of the Milton Keynes East Strategic Urban Expansion, on the existing highway network. This means that the highway improvements proposed have not been fully considered in light of the future amount of traffic that will use these junctions, the result of which is likely to be excess stress on the highway network with

impacts on accessibility, movement and highway safety. The proposal is therefore contrary to Policies SD12 and CT2 of Plan:

( 3) Residential Amenity

There are existing dwellings to the east of the application site at risk of a significant detrimental impact on residential amenity as a result of visual impact and overbearing nature of the development. The height and position of the proposed buildings, the lack of landscaping and the lack of set-back between the buildings and Willen Road will contribute to an unacceptable impact on the residential amenity of the existing residents. In the absence of supporting information to show otherwise, it is considered that the proposal is therefore contrary to Policy D5 (A.5.) and Policy D3, in Plan:MK (2019).

( 4) Planning Obligations

In the absence of the necessary planning obligations being secured by a s106 agreement, the applicant has failed to demonstrate that the proposed development would not lead to a burden on or have an adverse impact on existing local infrastructure. The location of the site as part of the Milton Keynes East Strategic Urban Expansion requires the establishment of a Tariff Framework Agreement to ensure equitable contributions by developers across the site, and in the absence of this Framework the necessary contributions cannot be agreed. The proposal is therefore contrary to Policies SD12 and INF1 of Plan:MK (2019), and the aims of the National Planning Policy Framework (NPPF).

( 5) Landscape and Character of the Area

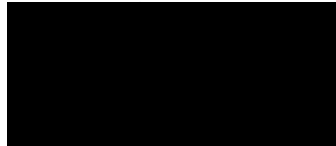
Given the size and scale of the proposed buildings, the layout of the site provides insufficient space and depth for a sufficient landscape buffer to provide effective visual mitigation for the site. The set-back of the buildings from the boundary around the site do not provide sufficient depth to create high enough bunds, nor are the bunds consistent around the boundary. The setbacks are also populated with areas that cannot be planted (drainage ponds), which further reduces the amount and depth of planting, and reduces the effectiveness of the landscape buffers for visual mitigation proposed. Without effective landscaped buffers around the site, it is considered that the visual impact of the proposals has not been successfully mitigated and will have a harmful impact on the character of the area. Concerns are also raised with the accuracy and lack of recommended mitigation proposed via the Landscape Visual Impact Assessment, and therefore there is doubt as to whether this document can be relied upon to fully assess the impact on the character of the area from both close to the site and from a distance. The proposal is therefore contrary to Policies NE6, D1, D2 and D3 of Plan:MK (2019).

## **Working With the Applicant**

In accordance with paragraph 38 of the National Planning Policy Framework Milton Keynes Council takes a positive and proactive approach to development proposals focused on solutions. Milton Keynes Council works with applicants/agents in a positive and proactive manner by: offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application; where possible suggesting solutions to secure a successful outcome; informing applicants/agents of any likely recommendation of refusal prior to a decision; and by adhering to the requirements of the Milton Keynes Council Corporate Plan and the Planning and Transport Service Plan.

In this case the applicants were given time during the application process to address some of the technical concerns, however it was concluded that the application was not in a position to be approved, as set out in the refusal reasons.

## **Your attention is drawn to the attached notes**



30th June 2020

**Jon Palmer MRTPI – Head of Planning**  
For and on behalf of the Council

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal, then you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

You can appeal using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Customer Support Unit, Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).

Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – <https://www.planningportal.co.uk/info/200207/appeals>. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local planning authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the Secretary of State for the Environment

Development Management,  
Civic Offices, 1 Saxon Gate East, Central Milton Keynes MK9 3EJ  
Planning Enquiries Direct Line (01908) 252358  
MK Council Tel: (01908) 691691  
[www.milton-keynes.gov.uk](http://www.milton-keynes.gov.uk)

refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council, or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).