



**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
APPEAL BY HB (South Caldecotte) Ltd**

An Appeal Against the refusal of planning permission by Milton Keynes Council of an Outline Planning Application for:
The development of the site for employment uses, comprising of warehousing and distribution (Class B8) floorspace (Including mezzanine floors) with ancillary B1a office space, general industrial (Class B2) floorspace (Including mezzanine floors) with ancillary B1a office space, a small standalone office (Class B1) and small café (Class A3) to serve the development; car and HGV parking areas, with earthworks, drainage and attenuation features and other associated infrastructure, a new primary access off Brickhill Street, alterations to Brickhill Street and provision of Grid Road reserve to Brickhill Street.

PINS REFERENCE: APP/Y0435/W/20/3251121

SUMMARY PROOF

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EXECUTIVE SUMMARY

1. Hampton Brook worked constructively with Milton Keynes Council from the early stages of the plan making process to support the allocation of land comprising about 57ha at South Caldecotte and comprising the only free standing employment allocation in the development plan known as Plan:MK.
2. The allocation was considered at an EiP in summer 2018 and in his Final Report the Inspector noted that the allocation was "*soundly based and ... effective in meeting forecast economic growth in the early to middle period of Plan:MK*".
3. The plan period is now almost 30% the way through.
4. The intention of the allocation set out in Plan:MK was to provide for "*the development of large footprint B2/B8 units to meet the requirement for this type of commercial floorspace in Milton Keynes in the plan period*".
5. Hampton Brook worked with Officers in the preparation of a draft development brief which the Council indicated they would adopt as a Supplementary Planning Document. This work reflected the accessibility of the location which the development brief identified as one of the key opportunities. It also determined a number of criteria relating to matters such as the point of access and the scale and orientation of buildings. The draft SPD was subject to consultation in February 2018 prior to the EiP and again in March 2019 following the Inspector's final report the month earlier
6. The Inspector's Report and draft SPD informed the preparation of the planning application notwithstanding that following the second public round of public consultation the Council determined not to adopt the SPD.
7. The application was submitted in July 2019. It is wholly in compliance with the criteria of development plan Policy SD14 and reflective of the contents of the second draft Development Framework SPD which require a minimum of 195,000m² of floorspace – a figure which was informed by the overall economic development strategy set out in Plan:MK.

8. The Indicative Masterplan accompanying the application indicated provision for up to 241,548m², comprising a development footprint of 216,567m² (a modest 11% larger than the minimum anticipated in the policy) The remaining 24,684m² thus arises from provision of mezzanine levels within the units, to provide ancillary office accommodation.
9. Although the Council indicated that matters relating to a strategic transport study and the possible need for a bridge over the railway meant that they considered the application to be premature the reasons for refusal refer to grounds relating to the value of parts of the site for its archaeology habitat value. A reason related to highway matters was also included, such matters now been resolved with Highways England.
10. Matters pertaining to the value of the archaeology and ecology were not exercised by the Council in the preparation of the development plan. Whilst the potential need for archaeological investigation was noted, no biodiversity constraints were identified. On the basis of the evidence submitted with the application, neither matters is considered to outweigh the purposes for which the site was allocated and the value and importance it has to the economic and social well-being of Milton Keynes.
11. Even in the event that it were to be determined that the development is contrary to some elements of the development plan identified in the Reasons for Refusal, the decision taker is obliged to weigh the harm that may be judged to arise with the benefits identified to follow from the development.
12. In this instance there are very significant benefits and I invite the conclusion that individually and cumulatively they weigh strongly in favour of granting planning permission.
13. Firstly there is the scale of the development which the LPA are dependent upon to deliver the overall policy objectives of Plan:MK which in turn is based upon the relationship between the need for economic growth and increase in population – which is especially critical in an area of planned growth where the approved strategy is to *“pursue a vigorous economic development strategy so that the business sector and local economy are supported, existing firms can expand, new firms are attracted, the level of working skills among the local population is enhanced and the area's resident population can find employment locally.”*

Monitoring Objective 5 (Plan:MK Appendix F)

14. Demonstrable harm will arise if the minimum quantity of development is not delivered: for the reasons set out in my evidence and that of Mr Nicol, achieving that minimum was predicated on the availability of the whole site which would be in question were parts to be excluded – developed in accordance with the parameters set out in the draft SPD I am of the view that it would not be possible to provide the minimum floorspace requirement even taking into account mezzanine provision.
15. Harm will also arise if the type of development for which the site is allocated cannot be accommodated on it. Demonstrably the reduction in the size of the site will have an adverse impact on its capacity to meet the evident demand for very large warehouses and in the absence of any other available alternative that investment will be lost permanently to Milton Keynes. In a nutshell, even if the needs of one large scale user could be accommodated the residual areas available would be of very limited scale and the scope to accommodate a range of different employment would be very significantly prejudiced.
16. It follows from this that there is an essential economic need for the development. In relation to the type of development that is intended for the site any reduction of the site area will have significant implications for the ability to meet the specific elements of market demand that have been identified, and to accommodate the range and type of development for which there are no other available alternatives in Milton Keynes. To not deliver the site for the purposes intended would have a very significant impact on the local economy, on job creation and on the economic and social well being of the City.
17. Whilst there is another major employment allocation, the delivery of that remains less certain because of the relationship it has with other uses and the need for significant levels of infrastructure. It is not a competitive site in the sense that both MKE and the Appeal site are necessary to meet the planned requirements for new jobs in Milton Keynes.
18. The level of inward investment is also a significant material consideration. The scheme will generate substantial direct and indirect economic benefit to the community.

19. The creation of jobs is the fundamental reason for the allocation for the reasons set out in the Monitoring Objective. That includes the jobs in construction and those that will exist in the operational phases.
20. The site has been specifically allocated to meet a form of development for which it is suited – uses in Class B2 and B8. It is of a scale that can accommodate current demand for storage and warehouse facilities that are required in the market and for manufacturing that is unsuitable to be located in close proximity to housing. The Indicative Masterplan shows how a variety of market interest can be accommodated with a range of building sizes and a significant degree of flexibility to attract investment.
21. The location is suitable. It adjoins one of the trunk road entrances to Milton Keynes and has access to the M1 principally via the new Junction 11A. It has easy access to Milton Keynes itself via a variety of routes and is close to existing and also to new planned and committed residential districts from where prospective employees will be able to commute by foot and cycle.
22. The scale of development is appropriate to the site – demonstrably there are no landscape objections and no factors other than those which are subject to this Inquiry have been raised by the LPA.
23. The scheme will make material contributions to extending the Redway network, public transport and providing a Grid Road reserve over that length of the site frontage where there is no demonstrable need for the scheme to fund the improvement of Brickhill Street itself. It will also address off site highway improvements such as they are needed to enable the development to go ahead.
24. The site does not conflict with future proposals for improving the east -west rail link or for an Expressway. These strategic schemes remain at a relatively early stage with no clear implication for land at present even though they have been in discussion for a lengthy period. In fact, if they are implemented, they are likely to benefit this location (Inspectors Report paragraph 124).

25. Moreover, the scheme allows for the provision of land to construct an overbridge to replace the Woburn Sands level crossing as part of the Grid Road reserve - which is a further material benefit.
26. Weighing against the development are the reasons by which the LPA has refused permission.
27. For the reasons I have set out in relation to habitat, whilst the area of habitat are identified in the unadopted SPG it is not regarded as of high value and that merely reflects the absence of any weight attached to it in allocating the site for development. Even in the event that significant weight is attached to preserving the priority habitat, the value it has must be weighed against the benefits I have described. I do not believe that that weight is over-riding where its preservation would adversely affect a wide range of other economic and social benefits to be derived from the allocation.
28. Turning to heritage, this again was not considered to be an overriding factor in the allocation of the site and therefore likely to affect the soundness of the Local Plan. Dr Dawson sets out why the heritage asset is of only local or possibly regional value and that must also be weighed against the benefits of the scheme and also taking into account the absence of harm to the designated asset west of the A5.

Therefore, in conclusion, I am of the view that the proposed development is in conformity with the development plan in all regards and it should have been granted permission in accord with Framework paragraph 11c as the presumption in favour of sustainable development should take precedence. Even if it is concluded that matters subject to this Appeal do carry significant weight they must be considered in relation to all material considerations, in which case I invite the conclusion that the matters in dispute, which likely to give rise to identifiable harm, are significantly outweighed by the benefits that have been identified and for which the site has been allocated. I ask that the Appeal be upheld on these grounds.

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