

Minutes

DEVELOPMENT CONTROL COMMITTEE

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON
MONDAY 2 JULY 2018 IN MEZZANINE ROOMS 1 & 2, COUNTY HALL, AYLESBURY,
COMMENCING AT 10.00 AM AND CONCLUDING AT 11.20 AM**

MEMBERS PRESENT

Ms J Blake, Mrs A Cranmer, Mr C Ditta, Mrs B Gibbs, Ms N Glover, Mr R Reed and
Mr D Shakespeare OBE

OTHERS IN ATTENDANCE

Mrs O Stapleford, Ms A Herriman, Ms L Briggs, Ms C Kelham, Mr M Pugh, Ms R Bennett,
Richard Hiscock, Winkels and Ms S Davis

Agenda Item

1 ELECTION OF CHAIRMAN

Mrs A Cranmer proposed Mr R Reed to be the Chairman of the Committee.
This was seconded by Mr D Shakespeare.

**RESOLVED: Mr Reed was duly elected as Chairman of the Development
Control Committee for the ensuing year.**

2 APPOINTMENT OF VICE CHAIRMAN

Mr Reed appointed Mr C Clare as Vice Chairman of the Committee.

**RESOLVED: Mr Clare was appointed as Vice Chairman of the
Development Control Committee for the ensuing year.**

3 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP

Apologies were received from Mr Clare

4 DECLARATIONS OF INTEREST

Mrs J Blake stated that she had a prejudicial interest as local member for item 7, Red
Brick Farm.

5 MINUTES

**RESOLVED: The minutes of the meeting held on 14 May 2018 were AGREED as an
accurate record and signed by the Chairman.**

6 HIGH HEAVENS BIOWASTE: CM/0001/18

Ms C Kelham, Planning Graduate, presented the application which sought agreement for the erection of a waste transfer station and ancillary development at High Heavens Waste Management Complex (HHWMC).

Ms Kelham highlighted the following points:

- Since the publication of the report she had received one comment from a member of the public which objected to the planning application on the basis of air quality, effect on health, noise, residential amenity, traffic and highways. Ms Kelham stated that she considered all the points had been addressed in the report.
- Since the publication of the report, she had received further comments from WDC noting that the County Council would need to be satisfied with regard to the acceptability of the development in the Green Belt and commenting on the importance of the landscaping strategy and lighting with regard to the Chilterns AONB.

Ms Kelham gave an overview of the application and the Committee received a presentation showing the proposed site plans and photographs highlighting the following:

- A main element of the proposed development was the waste transfer building, which would manage up to 107,306 tonnes per annum of municipal waste.
- A table in the presentation set out the increase in waste which was anticipated to be gradual and it was not anticipated that the capacity of the building would be met until after 2038/39.
- Ms Kelham referred to the waste streams proposed to be managed inside the waste transfer building; these were already managed at the High Heavens Waste Management Complex under the certificate of lawful development.
- The increase in HGV movements was included in the presentation and Ms Kelham confirmed that after comments from BCC Highways and WDC EHO, HGV movements would be limited to those proposed by the applicant. No condition to limit non HGV movements to and from the site was recommended.
- There was a proposed change to hours of operation on Saturdays and Sundays, though these changes would bring the site more in-line with those already permitted at the Residual Waste transfer station.

Public Speaking

Mr C Lecointe, on behalf of the applicant, attended the meeting and spoke in support of the application. Mr Lecointe advised that the proposal was a resilient one, tested out by officers and would meet the identified need.

The Committee raised and discussed the following points:

- The need for green planting was discussed and perhaps climbing plants could be used. It was confirmed that Condition 11 set out the landscaping conditions
- The change to Saturday hours was discussed and it was confirmed that this only brought it in line with the waste transfer site already operating longer Saturday hours on the site.
- A Member of the Committee asked if there was the means for a plastic waste in the future. Mr Lecointe suggested that there could be in the short to medium term and that the applicant would want to respond to the needs of the County Council.
- A Member of the Committee highlighted that the draft Wycombe District Local Plan (2013-2033) indicated the District's intention to remove limited areas of land from the Green Belt, including the High Heavens Waste Management Complex.

The Chairman reiterated that the Committee were being asked to indicate their support

for the application to be forwarded to the Secretary of State rather than approval, as set out in the recommendation below:

Recommendation:

Subject to no over-riding objections being received from outstanding consultees or new issues raised through representations, the Development Control Committee is invited to:

- a) **INDICATE SUPPORT** for application CM/0001/18 at High Heavens Household Waste Site Clay Lane, Booker, Buckinghamshire SL7 3DJ
- b) **RESOLVE** that the application be forwarded to the Secretary of State for HCLG in accordance with the provision of the Town and Country Planning (Consultation) (England) Direction 2009;
- c) In the event that the Secretary of State for HCLG does not intervene, **DELEGATE** authority to the Head of Planning & Environment to **APPROVE** application CM/0001/18 subject to the conditions set out in Appendix A.

RESOLVED: All Members of the Committee SUPPORTED the application and for it to be forwarded on to the Secretary of State and to the delegate authority to the Head of Planning & Environment to approve application if the event that the SoS did not intervene.

7 RED BRICK FARM WASTE TRANSFER: CM/0005/18

Ms Glover registered a personal interest in the item as she was acquainted with Ms Webb, one of the public speakers objecting to the application. Ms Glover confirmed that her interest was not prejudicial and did not consider her interest to be pre determinative.

Ms A Herriman, Senior Planning Officer presented the application which was a retrospective planning application or continued use of land for a waste transfer and recycling operation comprising the sorting, screening and crushing of inert construction, demolition and excavation waste together with a formation of three metre high acoustic bund, alterations to vehicle access and additional landscaping.

Ms Herriman highlighted the following points:

- Opening times were 7am-5pm Monday to Friday, 8am – 1pm Saturday and no operations on Sundays and Bank Holidays
- A further email had been received from a local resident regarding Great Crested Newts and this would be addressed by Ms Herriman in her presentation.

Ms Herriman gave an overview of the application and the Committee received a presentation showing the proposed site plans and photographs. Ms Herriman highlighted the following key points:

- The County Council's Highways Development Management team had no objection to the development. This was based on safety and suitability of the HGV route to and from the site and the appropriateness and safety of the site access and immediate highway.
- A noise survey had been conducted with no objection from the EHO subject to the inclusion of a condition.
- Great Crested Newts – the ecologist had confirmed that the ecology report from the withdrawn application was still valid and found no issues. However it was requested that informatives were added to protect great crested newts and badgers should any exist. Ms Herriman confirmed that this had been added and could be found in paragraph 7.31 of the report.
- The applicant had performed a search looking at areas of focus in the emerging local plan; however no sites were deemed suitable for the type of development that existed at Red Brick Farm.

- The nearest building to the site was situated approximately 669m south east of the site and 621m from Dunton Road
- The County Council considered the site to be located on a Greenfield site in the open countryside; however this did not mean that it couldn't be considered for development.

Public Speaking

Ms R Webb, a resident, attended the meeting and spoke in objection to the application. Ms Webb's main points had been circulated to Committee Members prior to the meeting and are appended to the minutes.

Mr K Higgins, Vice Chairman of Stewkley Parish Council, attended the meeting and spoke in objection to the application. Mr Higgin's main points had been circulated to Committee Members prior to the meeting and are appended to the minutes.

Members of the Committee raised and discussed the following points:

- The location of the second pond that Ms Webb referred to.
- A member of the Committee asked how the HGV survey had been carried out by residents. Ms Webb stated that they had recorded 120 movements over a day, however this figure did fluctuate and it had been known for there to be higher numbers than this.
- A Member of the Committee questioned the 120 movements in comparison to 60 a day (30 in 30 out) as stated in the application. Ms Webb responded that 120 was an example of a number of days last year and stated that residents did not think 60 per day was an acceptable amount either.
- Ms Herriman clarified that HGV movements went in both directions from the site towards Stewkley and Dunton.

Mr N Bowden attended the meeting on behalf of the applicant and spoke in support of the application. Mr Bowden's main points were tabled at the Committee and are appended to the minutes.

Members of the Committee raised and discussed the following points:

- The amount of waste that would be collected from outside of the County and the furthest point they would travel to. Mr Bowden stated that the waste was locally sourced going as far as Watford, but more typically Milton Keynes, Bedford and Aylesbury.
- Following a question from a Member, Mr Bowden confirmed that the site owned a total of eight lorries and confirmed that the loading and unloading times would most probably inhibit 120 movements in a day.
- Mr Bowden confirmed that the lorries were parked overnight on a site in Leighton Buzzard, a couple of miles from the site.

Mrs J Blake, Local Member for Stewkley, attended the meeting and spoke in objection to the application. Mrs Blake highlighted the following points:

- There had been many comments made online by objectors.
- The site was a Greenfield site adjoining an area of attractive landscape.
- The site had been owned for 10 years plus by the applicant and had a big impact on resident's lives and their homes.
- Resident's previous complaints had been investigated by AVDC and on each occasion the applicant denied the site was being used for waste transfer.
- Highlighted that there were currently no limits to the site as it was not a lawful operation.

Members of the Committee raised and discussed the following points:

- Ms Herriman confirmed that the agent for Red Brick Farm had provided traffic figures from a survey carried out between 8-12 May 2018 inclusive. The figures showed traffic movements were well below the allowed amount with the 8th, 9th and 10th showing a total of 18 (in and out), 11th at 34 movements and no movements on 12th May.
- The suggestion of a 200% increase as stated by the Parish Council was discussed and Ms Stapleford, Planning Team Leader, confirmed that the Highways Management team had obtained data of a traffic survey from BCC's Transport for Bucks (TfB). Ms S Davis, Highways Technician confirmed that the Highways Development Management team had obtained vehicle numbers over a 24hr period which captured 1500 vehicles along the Dunton Road of which the applicants made up 6% of overall traffic, This equated to 29 of the 93 HGVs were from the Red Brick Farm site. Ms Davis confirmed that BCC surveys were carried out anytime between seven days and two weeks.
- Following a question from a Member of the Committee, Ms S Winkels, Highways Development Management Team Leader confirmed reduced speed could reduce vibrations to properties but there was no evidence of speeding along Dunton Road.
- Following questions from a Member of the Committee, Ms Stapleford also confirmed that the total weight of HGVs allowed was 32 tonnes and articulated lorries had been restricted by a condition meaning that they could only access the site with prior notice and that the number of those visiting the site would be included in the 60 total. Ms Stapleford stated that there would be no waste delivered on articulated lorries and the site would be monitored by the enforcement team and any issues would be flagged with the operator. Ms Herriman added that the articulated lorries are not in addition to the 60 movement count set - they are included in the 60 movement count.
- Ms Stapleford confirmed that since the villagers traffic survey the County Council had not gone back to the applicant to check the dockets of the HGVs.

The Chairman reminded the Committee that retrospective planning applications were legal and stated as so in planning legislation. He also stated that the Committee were to base their decision on the facts set out to them in the report.

Mrs Blake left the meeting while Members took a vote on the application.

RESOLVED: All Members of the Committee APPROVED application no. CM/0005/18 subject to conditions as set out in Appendix A.

**8 EXCLUSION OF THE PRESS AND PUBLIC
RESOLVED**

That the press and public be excluded for the following item which is exempt by virtue of Paragraph 1 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information relating to an individual

9 CONFIDENTIAL MINUTES

10 ENFORCEMENT REPORT

11 DATE OF NEXT MEETING

23 July 2018

CHAIRMAN

Keith Higgins Chair

Stewkley Parish Council

Red Brick Farm application CM/0005/18

Parish councils are advised to consider planning applications on planning grounds and to provide evidence to support their comments. The documents we have submitted are on the planning portal and they make sobering reading.

Since May last year, Stewkley PC and the many affected residents of Stewkley and surrounding villages have been providing Bucks CC with evidence to support the very good grounds why this application should be refused.

And it is intensely disappointing that these do not appear to have been taken fairly into account in the officer's report which contains factual errors, huge omissions and one-sided judgements.

The Location is on **farmland** and was still in 2012, when AVDC did their fifth investigation of illegal activity and the applicant denied that it was anything other than for **on-site use**. No **change of use** has since been applied for.

Access is by narrow rural roads of less than 2 trucks' width through 5 historic villages, which is patently **not suitable** for the volume or weight of traffic which the applicant proposes. There are dozens of photos demonstrating this, such as the one you have.

Residential Amenity is by definition a subjective matter, and it **has always been the core issue**, not on-site noise or loss of agricultural land, important though they are. The impact of the size of the trucks, the relentless frequency, the noise, the pollution from diesel and unsheeted loads is difficult to show without living it, and the **testimony** of so many people cannot be ignored.

Noise & Vibration is a major indicator of environmental impact and it **must be measured impartially and independently**. This report accepted data from the applicant's own agent whose so-called professional engineer parked his car

beside the device on Dunton Road forcing all vehicles to slow and thereby **falsify the outcome**. This report was so delayed and of such poor quality that the EHO couldn't evaluate the impact and despairingly conditions any permission with another report within 3 months.

The proposed traffic volumes even at 60 per day represent a **200% increase** in HGVs through our villages. The valid comparison is with the situation where there is no site, not with the current unacceptable situation. The **cumulative impact** of this increase is a planning matter.

Operating hours: last year, we had trucks from 5.15am. August Bank Holiday Sunday & Monday an endless stream of thundering trucks. Will it be any different if permission is granted?

The recently adopted **Bucks Freight Strategy** states in Policy 12 Freight generators are (to be) located on or near to our appropriate HGV routes. That is **Not Dunton Road**.

What Mitigation ?: the planners conveniently recommend exactly the conditions which the applicant initially proposed in terms of movements and operating hours. I quote another Planning Enforcement officer who wrote that: "**he would not in general seek to control the numbers of vehicles accessing the site due to problems in enforcing such a condition**".

This application drives the proverbial coach and horses through Bucks own Freight and Mineral & Waste Local Plan and contradicts every "sustainability principle" in ignoring the national guideline to recycle construction waste as close to the source as possible. **It does nothing for Bucks own waste capacity as all the waste is imported into Bucks from outside the county**. It does **nothing to reduce waste to Bucks landfill**, because it is not Buckinghamshire's waste.

Approval of this application would set a terrible precedent which could come to haunt all of us who believe in respect for the law and for planning rules to be fairly and equitably applied.



Red Brick Farm – planning committee 2 July 2018

The planning application seeks permission to continue the use of the site as a construction, demolition and excavation waste recycling centre.

Our main points:

- Recycles bricks, tiles, rubble, tarmac from construction sites for re-use
- Clean, efficient operation, no hazardous waste
- Aware of local objection based on vehicle movements
- A noise and vibration survey from lorry movements demonstrates no harmful impact
- Vehicles limited to 60 movements per day (30 in, 30 out)
- Additional works on site including access upgrade, water recycling and landscaping
- This is a local business which provides 12 jobs, 5 based on the site
- No objections from consultees
- Pleased to have worked with officers of the Council to achieve this recommendation

For Development Control Committee 2nd July 2018
 Re: CM/0005/18 – Red Brick Farm, Dunton Road, Stewkley

Rachael Webb

1. Thank you for the opportunity to address this committee. I am the nominated speaker for local residents whose views are reflected below.
2. Dunton Road, Stewkley, is neither in or near to a large settlement. Neither is it a 'key settlement' or a general employment or waste management area. Red Brick Farm is legally rural agricultural land, surrounded by productive agricultural land and abuts an Area of Attractive Landscape. In other words, **this retrospective application contravenes every relevant part of the spatial strategies and waste management development principles** of the adopted Waste Core Strategy and draft Waste Local Plan (Policies SO6, CS6, CS10, and 11, 14, & 15 respectively).
3. Even if the site did conform with the strategies, the application should be dismissed because it **unacceptably impacts residents' lives** – frequently, over 120 thundering HGVs a day have been recorded using the site, and evidence submitted to officers. **This illegal operation, and the way it is being handled, actually violates the Human Rights Act 1998 (Article 8)**. Noise and dust and vibration pollution compromises health, quality of life and residents' enjoyment of their homes and gardens. This isn't imagined or forecast or anticipated. **It's real.**
4. Industrial recycling is, of course, supported by local and national policies, as the officer's report identifies but **not in Stewkley**. Cherry-picked national provisions might appear to allow it in Stewkley, but **a systemic and balanced examination** of all the provisions does not. The Local Plan was developed with regard to **all** these provisions, resulting in a sound, sustainable solution for our county's needs. If we have to refer back to individual national provisions for each and every planning application, then why have local plans?
5. One example of said 'cherry picking' is the omission in the officer's report of **cumulative impact**, which **is** included in the NPPF and incorporated in the draft Local Plan (Policy 17). The provisions recognise, for example, that the presence of some HGV traffic around Stewkley does not justify a free-for-all on our unsuitable roads, less than 5.5m wide in many places, village and country roads alike. This committee has the power, backed by the NPPF, Local Plan and the brand new Freight Strategy, to reject planning applications that increase existing impacts.
6. There is also cherry-picking when it comes to **great crested newts** and badgers. For example, the County Ecologist has considered one nearby pond but ignored a second more likely one. Even the first pond met Natural England's criteria for an immediate survey to be done. But officers did not demand one and allowed the recycling to continue throughout the **peak breeding season**. That's illegal.
7. There is a school of thought that it is more prudent to approve such a planning application **with conditions**, because a Planning Inspector might approve it on appeal **without conditions**. Please don't go down that route. Given the history of this site and the way it has been handled, the conditions would be breached and officers would not meaningfully enforce. But a Planning Inspector would refer first and foremost to the **very clear Local Plans**, so the likelihood of the application being granted on appeal would be very slim indeed.
8. We therefore urge you, our elected councillors, to consider this **retrospective application** (it is NOT continued **legal** use) strictly in line with our Local Plans. Please protect Stewkley's rural agricultural heritage and the amenity of residents who sadly no longer enjoy living in their own homes as a direct consequence of Red Brick Farm operations.

