

Agenda

DEVELOPMENT CONTROL COMMITTEE

Date: Monday 23 July 2018
Time: 10.00 am
Venue: Mezzanine Rooms 1 & 2, County Hall,
Aylesbury

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Those wishing to speak at Development Control Committee regarding any of the items below must register by 10.00am at least two working days before the meeting date as stated above. Please see details on how to register at the bottom of the Agenda.

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- | | | |
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| 9 | DATE OF NEXT MEETING
3 September 2018, 10am, Mezzanine 1 & 2, County Hall, Aylesbury | |
| 10 | EXCLUSION OF THE PRESS AND PUBLIC
To resolve to exclude the press and public as the following item 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 | |

11	CONFIDENTIAL MINUTES	145 - 146
	The confidential minutes of the meeting held on 2 July, to be confirmed as a correct record and signed by the Chairman.	
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13	MEMBER TRAINING: POLICY UPDATE	
	Verbal update to be provided.	

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Rachel Bennett on 01296 382343, email: democracy@buckscc.gov.uk

Members

Ms J Blake	Mrs B Gibbs
Mr C Clare	Ms N Glover
Mrs A Cranmer	Mr R Reed (C)
Mr C Ditta	Mr D Shakespeare OBE

Members of the public wishing to speak at Development Control Committee should apply in the following ways:

- Registering on the website at: <https://democracy.buckscc.gov.uk/mgCommitteeDetails.aspx?ID=105>
- Contacting Democratic Services, on 01296 382290 or democracy@buckscc.gov.uk

The Committee will not consider anyone wishing to address the meeting, unless your request to speak has been received by 10.00am at least two working days preceding the Committee meeting at which the item will be presented.

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 in use for 10 years plus and had a big impact on residents 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

Buckinghamshire County Council

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Development Control Committee – 23 July 2018

Application Number:	CM/19/17
Title:	The importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant and associated infrastructure
Site Location:	Thorney Mill Rail Siding, Thorney Mill Road, Iver
Applicant:	Buckinghamshire County Council
Author:	Head of Planning & Environment
Contact Officer:	Gemma Crossley dcplanning@buckscc.gov.uk
Contact Number:	01296 382092
Electoral divisions affected:	Iver
Local Members:	Luisa Sullivan

Summary Recommendation(s):

The Development Control Committee is invited to:

- a) INDICATE SUPPORT for application number CM/19/17 for the proposed importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant and associated infrastructure at Thorney Mill Rail Sidings, Thorney Mill lane, Iver;
- b) RESOLVE that the application be forwarded to the Secretary of State in accordance with the provision of the Town and Country Planning (Consultation) (England) Direction 2009;
- c) That in the event that the Secretary of State does not intervene, the Head of Planning be authorised to APPROVE application CM/19/17 for the proposed importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant and associated infrastructure at Thorney Mill Rail Sidings subject to conditions to be determined by the Head of Planning and Environment, including those set out in Appendix A and the completion of a Planning Obligation to secure the following:



INVESTOR IN PEOPLE



- I. Routing agreement to avoid Iver High Street and minimise traffic through the Sutton Lane/A4 London Road Junction and M4 Junction 5 where possible.
- II. All HGV's within the applicants own fleet that travel to and from the site shall be in full compliance with the Euro VI Standards and the applicant shall encourage contracted HGV's to travel to and from the site in full compliance with the Euro VI Standards.
- III. A financial contribution to Slough Borough Council's Low Emission Strategy, in particular to fund a Clean Air Zone (CAZ) feasibility study and implementation plan for Brands Hill.
- IV. A financial contribution towards Highways Improvements at the Sutton Lane / A4 London Road Junction.

Appendices:

Appendix A: Draft Conditions

SUPPORTING INFORMATION

Introduction

1. Application CM/19/17 was submitted by PDE Consulting Ltd on behalf of Breedon Southern Ltd, being received on 20th March 2017. The application was registered and sent out for consultation on 17th May 2017. It was advertised as a departure by newspaper advert, site notice and neighbour notification. Further information was submitted and further consultation is being undertaken. The thirteen-week determination deadline was the 16th August 2017, although this has been extended to the 31st July 2018 with the agreement of the applicant.
2. The applicant submitted a request to Buckinghamshire County Council (BCC) for the proposed development to be screened in accordance with the Environmental Impact Assessment (EIA) Regulations (The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (since replaced by the EIA regs 2017)). BCC adopted a Screening Opinion on 11th April 2016 (reference CX/15/15) concluding that the development is not EIA development and therefore that an ES would not be required.

Site Description

3. The application site is located to the east of a currently disused north-south orientated railway line which branches off of the West Drayton to Iver railway line. The site lies to the east of Thorney Park Golf Course and to the west of the County boundary with West Drayton (see location plan below). It is accessed from Thorney Mill Road, which borders the site to the south and lies adjacent to another industrial site, previously used by Aggregate Industries as an aggregate depot, with a number of subsequent uses. The site is located within South Buckinghamshire District and lies 1.6km to the southeast of Iver and 2.8km to the east of Slough. The development site is long and narrow, running alongside the railway line and measuring just under 2 hectares. It currently comprises hardstanding, vegetation, railway infrastructure and an open sided building in the southwest corner of the site. The site is bordered to the north by the River Colne and Public Right of Way IVE/21/3, which runs in an east-west direction between residential areas in West Drayton and Thorney Park Golf Course.

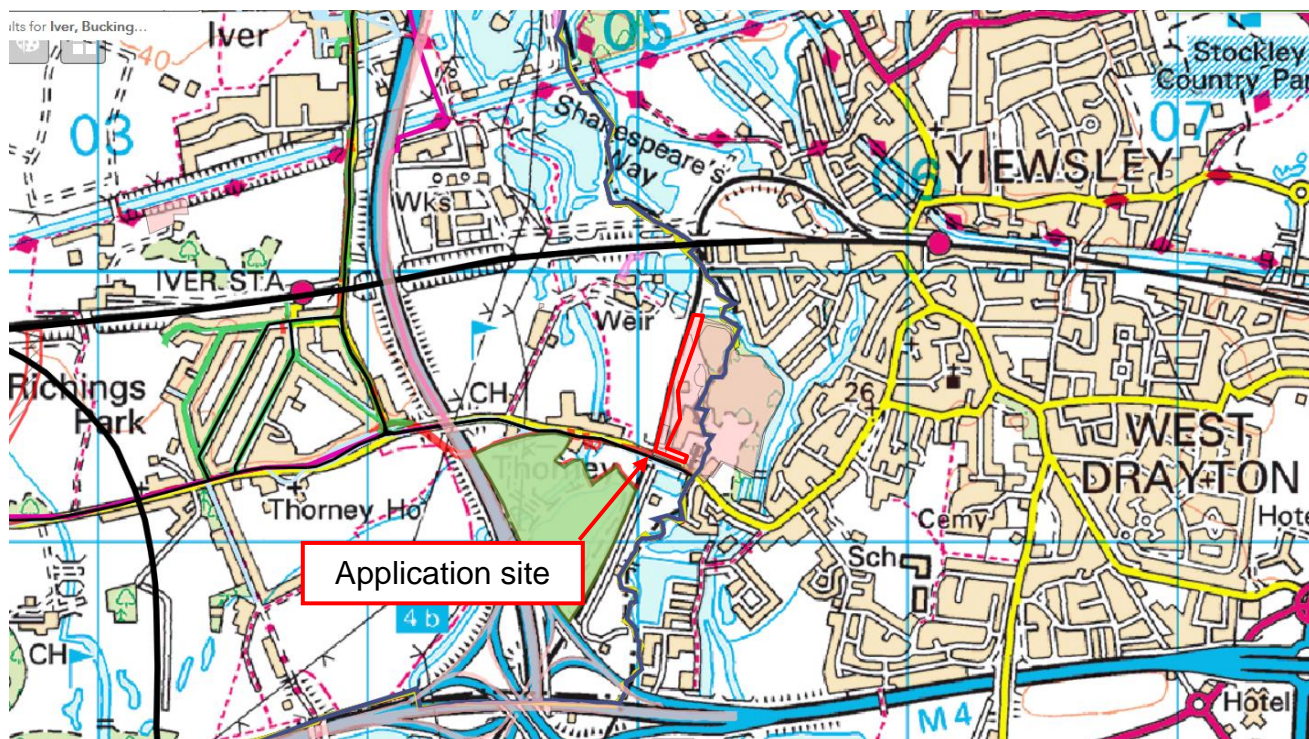


Figure 1: Site Location Plan

4. The nearest residential receptor is located immediately adjacent to the site access, just 30m to the east. Mayfield caravan park is located to the south of Thorney Mill Road, opposite the application site. The closest caravan being just 30m from the site boundary. Further residential receptors are also located on Thorney Mill Road to the west, at least 130m from the site and in West Drayton, at least 100m to the east and northeast.
5. The site is located within the Green Belt and Colne Valley Park. A cluster of Sites of Special Scientific Interest (SSSI's) and Special Protect Areas (SPA's) are located at Wraybury, Hythe End and Staines Moor, which lay circa 4.3km to the southwest of the application site. Mabey's Meadow and Frays Island Nature Reserve is a local nature reserve and park and a Site of Metropolitan Importance located circa 200m to the east of the application site.
6. There are a number of Listed Buildings located in West Drayton. The Frays, a Grade II* Listed Building, is the closest being located 425m to the east of the site and a Grade II Stable range is located at Thorney Farm, 500m to the west of the site. West Drayton Conservation Area lies circa 300m to the east of the application site.
7. The site is located within Flood Zone 1, as designated by the Environment Agency, which is at the lowest risk of flooding from rivers and sea, less than 1 in 1000 annual probability (<0.1%). It is not located within a Source Protection Zone (SPZ).

Proposed Development

8. Application CM/19/17 seeks permission for the importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant and associated infrastructure at Thorney Mill Sidings, Thorney Mill Road, near Iver. The site is currently vacant, although has previously been used as an aggregate depot and unauthorised waste transfer facility.
9. The aggregates would be imported by rail. Once they arrive on-site, a teamster, which is a piece of plant, will be used to unload the rail wagons and convey the aggregates into purpose built aggregate storage bays along the eastern side of the site. The

imported aggregates would be stored on site until such time as they are required within the concrete batching plant or for transport offsite. It is proposed that 210,000 tonnes of aggregates would be imported to the site via rail per annum, with circa 100,000 tonnes per annum (tpa) being transported off-site in HGV's, with the remaining 110,000 tpa being used within the concrete batching plant. The applicant states that on occasion, where certain aggregates cannot be sourced from rail served locations or it would be more expedient for them to be imported by road, this would be done by 'back-hauling', i.e. aggregates being imported in HGV's that would otherwise be arriving empty.

10. The concrete batching plant is proposed to make use of circa 110,000tpa of aggregates imported to the site per annum. It would also require the importation of cement and additives. Cement would be imported by tanker, which would be transferred into one of three silos, via a pneumatic hose. This process is designed to be airtight to prevent the escape of cement into the air. The additives required are either fibres imported in sacks or chemicals imported in IBC type containers. Both of these would be imported by road. Water is also required in the process, which wherever possible will be recycled surface water collected on site.
11. It is anticipated that the proposed development would result in 82 HGV movements per day (41 in, 41 out). This is based on the following:

Imports per annum	Exports per annum		Payload	Days per annum	Number of HGV loads	Number of HGV movements
210,000t aggregates imported by rail	100kt exported aggregates by road		30t HGV's	275 days per annum	13	26
	110kt aggregates to concrete plant	50km ³ concrete products per annum	8m ³ concrete mixers	275 days per annum	23	46
Imported supplies, i.e. cement and additives					5	10
Total					41	82

12. The applicant states that the aggregate and concrete would serve a target market within a 20 mile radius of the site, although it may also travel further. The applicant states that there is great demand within the target area due to the forecast growth in housing in this area. The proposed concrete batching plant will replace one of the applicant's former operations, based at All Souls Farm near George Green.
13. The construction phase of the development would involve minor re-profiling of the existing ground contours. This may require the export of a nominal amount of surplus materials, which would be taken to a suitable facility for recycling where possible. A small area of the woodland and scrub area in the north of the site will be cleared and part of the bund removed to provide a turning area of vehicles. Hardstanding areas would be laid and foundations for the built aspects. The concrete plant, storage bays and buildings can then be constructed/installed. The site may require some minor reconfiguration of the rail sidings to improve operational efficiency.

14. It is proposed that the concrete batching plant and ancillary operations would operate between the following hours:
- 07:00 – 23:00 Monday to Friday
07:00 – 16:00 Saturdays
No operations on Sundays and Bank Holidays
15. It is proposed that the operation of importation and storage of aggregates by rail would operate over the following hours, due to the delivery times available on the rail network:
- 24 hours per day Monday to Friday
7:00 – 16:00 on Saturdays
16. It is proposed that the development would employ 7 full time, permanent employees, 4 concrete mixer units, 2 to run and maintain the operation of the yard and concrete batching plant and 1 sales representative.
17. All vehicular access to the site would be via the existing access onto Thorney Mill Road, which would require some minor modification. HGV's would travel west along Thorney Mill Road, onto Ritchings Way and onwards to the M4/M25 junction. HGV's would not travel north towards the village of Iver.
18. The application is supported by the following environmental assessments:
- Transport Statement
Air Quality and Dust Assessment
Landscape and Visual Impact Assessment
Ecological Appraisal
Heritage Statement
Noise Assessment
Contaminated Land Assessment
19. An Arboricultural Impact Assessment was carried out following a request from the Landscape Adviser for a Tree Survey of the tree and scrub vegetation to the north of the site, including what vegetation is proposed for removal and for retention. The AIA identified no significant trees on the mound at the northern end of the site. The only trees are Poplars on the adjacent property. The mound contains shrubs up to 3.5m in height and one poor quality stunted Ash tree of circa 4m high. The AIA concludes that the vegetation on the mound could be removed as they are not worthy of retention. It recommends that mitigation planting along the public footpath could take place if required to enhance the visual amenity and that the retained Poplars are protected using fencing along the eastern boundary of the site (see the guidelines within the British Standard 5837).

Relevant Planning History

20. This site has a long planning history, which includes use as a railway siding. The site is currently vacant. The most relevant and recent planning history is summarised below:

02/08/2010 - Certificate of Proposed Lawful Use or Development (CPLUD) - Ref: 10/00739/CM

21. For 'The importation and deposit of material (including inert waste material) required in connection with the movement of traffic by rail' issued to D B Schenker Rail (UK) Limited as a statutory 'railway undertaker' pursuant to the permitted development rights under the Town and Country Planning General Permitted Development Order 1995, Schedule 2, Part 17, Class A. The corresponding class under the current general permitted development order would be that set out in Town and Country Planning General Permitted Development (England) Order 2015, Schedule 2, Part 8, Class A.
22. It should be noted that the site is owned by Network Rail, who are a Statutory Railway Undertaker.
23. **06/01/2012** - An **Enforcement Notice** and a **Stop Notice** were served on the landowner and operator for the unauthorised change of use of land to mixed use of railway sidings and the use of land for processing and export of waste by road. This required the cessation of the processing and export of waste by road.
24. **12/07/2012** - **Planning Permission (Ref. 12/00634/CM)** was **refused** for the 'Proposed change of use of land to mixed use of railway sidings and the use of land for processing inert waste, including the crushing of hardcore, the screening of hardcore and soils, and movement of waste by road in association with the lawful use for the importation and deposit of material required in connection with the movement of traffic by rail'. The application followed from the previously served Enforcement and Stop Notices.
25. The reasons for refusal of consent were that:
 - (1) The applicant has failed to demonstrate that the development would not have an adverse impact on the local highway network or on the local amenity through the impact of HGVs accessing and egressing the site, therefore it would be contrary to policies 28 and 30 of the Buckinghamshire Minerals and Waste Local Plan (MWLP), policies TR5 and TR10 of the South Bucks District Local Plan (SBDLP) and policy CP7 of the South Bucks District Core Strategy (SBCS);
 - (2) The applicant has failed to demonstrate that very special circumstances exist to justify the use of the land for waste processing and to justify the erection of plant and machinery in the Green Belt, therefore the development would be contrary to policy GB1 of the SBDLP and policy 27 of the MWLP.
26. **26/06/2013** - A further **Enforcement Notice** was subsequently served on the landowner and operator for the further unauthorised processing of waste and deposition of waste not made in connection with the movement of traffic by rail and thus not authorised by the Certificate of Proposed Lawful Use or Development Ref. 1000739/CM.
27. **19/07/2013** - A **Enforcement Notice** was served against the unauthorised change of use of the land from use as a railway siding to a mixed use of railway sidings and use for the disposal and processing of waste. The notice required the cessation of the importation of waste by road for the purposes of disposal or storage.
28. **04/08/2013** - An **Enforcement Notice Relaxation** was served to amend the steps to be taken set out in the Enforcement Notice issued on 26th July 2013, so as to require the removal, by rail, of the waste from the site at the rate of at least 1000 tonnes per week.

29. Prior to the issue of the lawful development certificate it is understood that the site had been used for an unauthorised waste transfer operation in 2008; this matter was pursued by BCC and the site was subsequently cleared of waste in 2009.

Planning Policy

30. Planning applications must be determined in accordance with the Development Plan, which should be considered as a whole, unless material considerations indicate otherwise (the Town and Country Planning (General Development Order) 1990). The Development Plan in this case consists of the following, with the most relevant policies to the proposed development listed below:

Buckinghamshire County Council Minerals and Waste Local Plan 2004-2016 (adopted June 2006)

Policy 7: The Transport of Aggregates

Policy 28: Amenity

Policy 29: Buffer zones

Buckinghamshire County Council Minerals and Waste Core Strategy (adopted November 2012)

Policy CS7: Rail Aggregates and Wharf Facilities

Policy CS18: Protection of Environmental Assets of National Importance

Policy CS19: Protection of Environmental Assets of Local Importance

Policy CS20: Green Belt

Policy CS22: Design and Climate Change

Policy CS23: Enhancement of the Environment

South Buckinghamshire District Local Plan (SBDLP) (adopted 1999)

31. The SBDLP was adopted in March 1999 as a statutory plan for the District. In 2007, 75 policies in the SBDLP were saved for continued use, while the remaining expired. The South Bucks Core Strategy (SBCS) replaced a further 22 policies and therefore only 53 policies of the saved SBDLP policies are in place. The relevant saved policies to this application are:

Policy GB1: Green Belt boundaries and the Control over Development in the Green Belt

Policy EP3: The Use, Design and Layout of Development

Policy EP4: Landscaping

Policy TR5: Accesses, Highway Works and Traffic Generation

Policy TR10: Heavy Goods Vehicles

South Bucks Core Strategy (SBCS) (2011)

32. The Core Strategy is the key document in the South Bucks Local Development Framework, setting the long-term vision, objectives and broad strategy for accommodating future development in the District. The Core Strategy was adopted in February 2011. The relevant policies to the determination of this application include:

Core Policy 6: Local Infrastructure Needs

Core Policy 7: Accessibility and Transport

Core Policy 8: Built and Historic Environment

Core Policy 9: Natural Environment

Core Policy 13: Environmental and Resource Management

Other Policy and Guidance

33. Also to be taken into consideration are the National Planning Policy Framework, March 2012 (NPPF) and Planning Policy Guidance (NPPG).

Emerging Buckinghamshire County Council Minerals and Waste Local Plan 2016-2026 (EMWLP)

34. The BCC MWLP 2016-2036 Proposed Submission Plan Consultation was carried out between March and May 2018. It was submitted to the Secretary of State for examination, along with representations received, on 1st June 2018.
35. The Emerging MWLP will replace both the MWLP 2006 and the MWCS 2012, to provide an up-to-date Local Plan, including site allocations. Although this document is now at an advanced stage, the policies within it should be given little weight as it has not yet been adopted.
36. Strategic Objective 6 relates to the sustainable transport of minerals and waste, setting out that the County Council will encourage sustainable transport movement and alternative transport methods, to enable the more efficient movements of minerals and waste.
37. The key policies within the EMWLP are:

Policy 8: Rail Aggregate Depots and Wharf Facilities

Policy 17: Managing Impacts on Amenity and Natural Resources

Policy 18: Sustainable Transport

Policy 19: Natural Environment

Policy 20: Historic Environment

Policy 21: Landscape Character

Policy 22: Green Belt

Policy 27: Safeguarding of Minerals Development and Waste Management Infrastructure

Emerging Chiltern and South Bucks Local Plan (2014-2036)

38. Chiltern District Council and South Bucks District Council are preparing a new emerging joint Local Plan for Chiltern and South Bucks Districts. A consultation on the Issues and Option took place between January and March 2016, followed by consultation on the Preferred Green Belt Options between October and December 2016. Following local transport modelling and duty to co-operate engagement with Highways England, further work is now being carried out on specific strategic highway (motorway) junction modelling.

CONSULTATIONS

Local Member

39. The Local Member objects to the application for the following reasons:
- Congestion and pollution of HGV traffic associated with the application to the local Ivers road network.
 - No alternative route available as there is a width restriction to the east into the London Borough of Hillingdon.

- An area of AQMA is expected to be declared as pollutant levels are regularly exceeded.
- The operating schedule of 24 hours of day Monday to Friday and 0700-1600 on Saturdays is unacceptable as it would be detrimental to the quality of living for residents.
- It is proposed to import aggregate by rail, but there are a lack of rail slots available, so this material would come in by road.
- Cemex have recently been granted permission for mineral extraction and concrete batching at Ritchings Park, to the west of this site. Consideration has not been given to the need for two such sites in close proximity.

40. The Local member has requested a number of conditions / mitigation measures are placed on the development, if granted.

South Bucks District Council

41. South Bucks District Council object to the application on the grounds that the HGV movements would not be reduced and would adversely affect the character and amenities of properties through noise, vibration, disturbance and visual intrusion and adversely affect the rural character of the area.

Iver Parish Council

42. Iver Parish Council object to the proposal on the grounds of increased HGV traffic; hours of operation; noise; dust; ecology; and lighting. The Parish Council recommend mitigation by way of planning condition, should consent be granted, including control and logging of vehicle movements and times, restricted hours of operation, routing agreement, speed limit reduction, air quality monitoring, contribution towards rights of way, contribution towards environmental enhancement of the River Colne, liaison group meetings welcomed.

43. **The Environment Agency** have commented that the site and surrounding area have a significant history of potentially contaminative uses and contamination has previously been identified onsite. They go on to say that the submitted desktop study gives some confidence that it will be possible to manage the risk posed to controlled waters. They consider that planning permission could be granted, subject to conditions requiring a scheme to dispose of foul drainage; a remediation strategy; a verification report; a monitoring and maintenance plan for contamination; and no infiltration of surface water.

44. The **South Bucks Strategic Environment Team (Environmental Health Officer)** has reviewed the application in terms of air quality and noise. They recommend that if permission is granted, a suitable condition is imposed in relation to the proposed 3m high noise barrier to the east of the site. The originally submitted Dust Assessment was lacking, but following submission of an Air Quality Assessment, the EHO found this to be acceptable and as such raises no objections.

45. The **Ecology Officer** has responded to say that due to the nature of the proposed works, there is not likely to be an impact on ecological features provided that all the mitigation described within the ecology report and the dust report is fully incorporated. Therefore, subject to the following mitigation/conditions, the Ecology Officer has no objection to the proposed development:

River habitats and riparian fauna

- No works to take place within 5m of the river bank.

- A new fence to be erected along the northern boundary to protect the adjacent riparian habitats.
- Implementation of best practice pollution prevention measures.

Birds

- No vegetation should be removed during the bird nesting season. This is weather dependant but generally extends from 1st March to 31st August (inclusive). If this is not possible, a qualified ecologist should check the areas concerned immediately prior to vegetation removal to ensure that no nesting or nest-building birds are present. If any nesting or nest-building birds are present, no vegetation should be removed until the fledglings have left the nest.

Biodiversity Net Gain

- Biodiversity net gain shall be secured via an appropriately worded condition that requires submission of a landscaping scheme that incorporates biodiversity features. The scheme shall include, but is not limited to: Creation of habitats and incorporation of ecology enhancement features such as bat or bird boxes.

46. The **SuDS Officer** as the **Lead Flood Authority** initially objected to the proposed development, because the FRA contained insufficient information with regards to the surface water management strategy. Following the submission of a Surface Water Drainage Strategy (SWDS) from the applicant, the SuDS Officer was able to withdraw their objection, subject to conditions requiring the submission of a detailed Surface Water Drainage System, with inter alia confirmation of the outfall; a “whole-life” maintenance plan for the site; and a verification report to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme (see Appendix A for full details of the conditions).
47. The **Strategic Access Officer** has no objection from a rights of way perspective.
48. The **Landscape Adviser** initially responded to say that there was a lack of information within the LVIA and they requested the following:
- The LVIA should consider effects of the lighting proposals, which include 18m high lighting columns, the highest element of the scheme.
 - Consideration to night time effects, including lighting, should be made with respect to local receptors and ecological receptors.
 - Details of on-site vegetation should be provided, including a tree survey of the tree and scrub vegetation to the north of the site. It should be made clear what vegetation is proposed for removal and for retention as this may affect potential views from the riverside and footpath.
 - Extended or additional cross sections to include screening vegetation and the industrial building on the adjoining land would be helpful.
 - The locations of the viewpoints identified should be shown on a drawing.
 - Additional viewpoints may be necessary due to the proposed lighting columns.
 - Linkage of the photographs provided to the viewpoints identified and assessed should be made and additional photographs provided if necessary.
 - Annotation of the photographs to show the visible parts of the proposals.
 - Consider the cumulative effects of the proposed development alongside the adjacent industrial building.
49. The applicant provided an Arboricultural Impact Assessment Report dated 15th August 2017, Supplementary Information in relation to Landscape and Visual Aspects dated September 2017 and lighting details. The Landscape Adviser concluded that there was no basis for objection.

50. The **Lighting Adviser** initially responded to say that insufficient information was provided to enable an assessment of the suitability and effects of the proposals. The following further information was requested:
- Justify the use of 18m high columns. A greater number of lower columns would enable better light spill control and reduced visual effect, both during the day and night time;
 - Lighting strategy, including lighting levels and ecological considerations;
 - Lighting strategy objectives, including how to limit effects when the site is not operational;
 - Lighting design, including lux levels ever 1.5m;
 - Spill light isolux drawing, showing spill levels and contours.
51. The applicant provided a Lighting Strategy which made amendments to the original scheme, removing the lighting columns and mounting the lights on the concrete batching plant and site office. The applicant also responded to queries about the angle of tilt of floodlights and lighting controls. The Lighting Adviser recommends that cowls are fitted to floodlights to minimise upward light and that no further lighting shall be installed without prior written permission.
52. The **Highways Development Management** Officer provided an initial response which requested the submission of swept path analysis for the access, egress and turning of HGV's within the site. Following submission of this by the applicant, the Highways Officer was able to provide final comments, which states that the gates at the entrance to the site will need to be widened or relocated. The Officer stresses that they would not be satisfied with any increase in HGV movements through the village of Iver and as such recommends a Section 106 agreement to control the proposed routing of vehicles associated with the development to use Thorney Mill Road, Ritchings Way and North Park Road towards the A4/M4 Junction 5. The Officer confirms that subject to conditions, including HGV movements and routing as set out within Appendix A, they have no objection in highways terms.
53. The **Archaeology Officer** responded to say that due to the nature of the proposal, it is not likely to significantly harm the archaeological significance of any assets and therefore he has no objection to the development.
54. **Slough Borough Council** (SBC) have raised objection to this application on highways and air quality grounds. In particular they are concerned with an intensification of HGV's at the junction of Sutton Lane and the A4 London Road and the A4 westbound to the M4 Junction 5. The M4 between Junction 5 and Sutton Lane is designated as the Brands Hill Air Quality Management Area (AQMA). SBC have concerns with the number and routing of HGV's and the cumulative impact with other permitted developments. They request the following to be secured by planning obligation:
- Originally requested financial contribution of £150,000, subsequently increased to £300,000, towards mitigation to improve traffic flow, to reduce speed of traffic and to improve conditions for vulnerable road users on the section of the A4 between Sutton Lane gyratory junction and M4 Junction 5 including works at those junctions.
 - Vehicle routing restriction – so that all HGVs exiting the site towards the M4/M25 would be required to use A4 Colnbrook Bypass, (avoiding the most critical one lane westbound section of A4 London Road); vehicles entering the site would be allowed to use the A4 London Road eastbound section – as per CEMEX development;

- Implementation of one rapid electric charger in the Langley area (eg Trelawney Ave or Harrow Market); and
 - Contribution to car club.
 - A cap on 82 HGV movements a day through the Brands Hill AQMA
 - Financial contribution of £100,000 toward 'implementation of the low emission strategy'
 - All rigid HGVs to be EURO VI standard.
55. Following discussions with Slough BC and the applicant, Slough BC have agreed to remove the request for a rapid electric charger and contribution to a car club, as these are not directly related to the development and site. The applicant has agreed that its owned vehicles will meet the EURO VI standard and that contracting and visiting vehicles will also be encouraged to do so. However, Slough BC retain their request for contributions towards road improvements at the Sutton Lane/A4 junction and the implementation of the low emission strategy.
56. Upon request to justify and explain the level of contribution requested, Slough BC have responded to say that the transport improvement contribution is based upon a proportion of the cost of the works to the junction, based on a pro-rata assessment of a contribution secured with another developer.
57. The air quality contribution is based upon a Damage Cost Calculation.
58. The **London Borough of Hillingdon**, a neighbouring authority, have objected to the proposal on the basis that the proposals are inappropriate development within the Green Belt and potential noise disturbance to residents in the London Borough of Hillingdon. They also recommend planning informatives are set out to control other impacts and to ensure there are no adverse highways impacts.
59. **Full consultee responses are available at:**
<https://publicaccess.buckscc.gov.uk/online-applications/applicationDetails.do?activeTab=neighbourComments&keyVal=ON5RY8DS03F00>

Representations

60. 43 representations have been received raising objection to the proposed development for the reasons summarised below:
- Noise – especially in evening when other activity is reduced
 - Dust
 - Light Pollution
 - HGV traffic – number of HGV's, additional traffic on already congested Ritchings Way and North Park, greater disturbance after 5pm, damage to the road, road safety
 - Hours of operation – 11pm is antisocial
 - Impact to wildlife, including fishing lakes
 - Impact to human population
 - Visual impact - unsightly concrete batching plant
 - Hazardous materials, pollution
 - Night time works
 - Green Belt impact – inappropriate development
 - Landscape impact
 - Need for a Site Waste Management Plan (SWMP) and Construction Environment Management Plan (CEMP)

- Health risk – asthma
- Odour
- Loss of light/over shadowing
- Water contamination, surface and ground water pollution
- Impact on character of the area
- Cumulative impact

61. West Drayton Ward Councillor, Cllr Jan Sweeting, has made a representation following contact from West Drayton residents. She states that the lives of Hillingdon residents will be affected by noise, dust, light and other pollutants and raises objection on the following grounds: 24 hour operation, noise and dust of HGV's, light pollution, no tee or bund as mitigation to Hillingdon residents, HGV numbers and associated air pollution. She also requests that if permission is granted, that conditions control night time working, noise, dust and additional tree planting.

DISCUSSION

62. The main issues for consideration in relation to application CM/19/17 for the importation, storage and onward distribution of rail bourn aggregates together with the erection and use of a concrete batching plant and associated infrastructure at Thorney Mill Rail Sidings are the existing permitted use, sustainable development, safeguarded rail infrastructure and highways/traffic, Green Belt, environmental impacts, landscape, lighting, ecology, flood risk, cultural heritage, potential amenity impacts and Public Rights of Way (PROW).

Sustainable Development

63. The NPPF sets out a presumption in favour of sustainable development, which is also adopted within the MWCS. Policy CS/LP1 of the MWCS states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It states that the Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. The policy also states that proposals that accord with the Core Strategy and Local Plan will be approved without delay, unless material considerations indicate otherwise.

64. The proposal is for an aggregate depot and concrete batching plant, which would allow for the sustainable transport of aggregate to the local area, meeting local construction needs and providing employment. Whilst the proposed development has the potential for environmental impacts, which is discussed further below, the site is allocated for a rail aggregate or waste depot and is therefore considered, in principle, suitable for such an operation. Furthermore, the site has an existing permitted use (by way of a certificate for proposed lawful use or development (discussed further below), ref: 10/00739/CM) for the use of the site, by a rail undertaker, for "*the importation and deposit of material (including inert waste material) required in connection with the movement of traffic by rail*". The permitted development is unrestricted in terms of vehicle movements, hours of operation, etc, whereas this proposal would provide restrictions, as well as the implementation of mitigation measures against potential amenity effects, therefore providing better control through the planning system.

65. The proposal would allow the site to be brought back into operational use, rather than being vacant, as it is currently. It would provide employment for 7 full-time employees and provide products to the construction industry, required to meet the local housing demand. The site is located within an industrial setting and has an existing rail

infrastructure, which is safeguarded within the Local Plan and the Core Strategy. The proposals would therefore go towards meeting the social and economic strands of sustainable development.

66. In environmental terms, such a development has the potential to result in environmental and amenity impacts. The application is supported by a number of assessments which address such potential impacts, including landscape, lighting, noise, air quality, ecology and transport. As set out below, the potential impacts are minimal or can be sufficiently mitigated. The baseline for this application is the currently permitted use and it is considered that the proposed development would not greatly increase impacts to the environment from this baseline.
67. A major environmental benefit of the proposal is the use of the railway in the transportation of aggregates, which will reduce the number of HGVs on the highway and thereby reduce emissions. This sustainable method of transport is supported by the NPPF, as well as via Policy CS22: Design and Climate Change, with the MWCS.
68. As the proposal meets the social, economic and environmental strands of sustainable development and accords with the NPPF, permission should be granted without delay, unless material considerations indicate otherwise.

Safeguarded Rail Infrastructure

69. Policy CS7 of the MWCS sets out that “*the Council will safeguard the existing rail aggregates depot site at Thorney Mill, Iver*”. This is shown on the Proposals Map as incorporating both the eastern site (previously occupied by Aggregate Industries) and the western site (previously occupied by Bardon Aggregates and now the subject of this application). Therefore, this part of the wider Thorney Mill Rail Sidings is considered to be safeguarded as a rail depot.
70. The supporting text to this policy states that the Council supports the use of more sustainable modes of transport to road haulage where possible, which is also supported by the NPPF. The application site is currently vacant and the proposed development would allow this safeguarded rail depot to be brought back into operational use.
71. The SBCS Core Policy 6: Local Infrastructure Needs states:

“Existing physical, social and Green Infrastructure will be protected (unless it is clear that it is no longer needed, or alternative appropriate provision is made elsewhere). The Council will work in partnership with service and infrastructure providers to ensure new or improved infrastructure is delivered where and when it is needed, including that set out in the Infrastructure Schedule (see **Appendix 6**).”
72. This site provides a form of physical infrastructure in that it contains a rail siding and thereby provides the means to transport freight by rail, which is promoted by National and Local policy. Whilst not specifically listed within Appendix 6, it should however be protected (as it is within the Minerals and Waste Local Plan and Core Strategy) and where possible utilised, rather than remaining vacant, as it is currently.
73. The BMWLP Policy 7: The Transport of Aggregates, states that “*the County Council will encourage the fullest use of rail and water for the transport of bulk materials, including importation into the county of raw materials and fuel used in the construction industry*”. It goes on to say that “*the County Council will seek to safeguard the existing rail aggregates depot site at Thorney Mill Road*”. The County Council should therefore

support the application as it will make use of a safeguarded rail depot and therefore complies with Policy 7.

74. The NPPF at Section 4 (Promoting Sustainable Transport) recognises that transport policies have an important role to play in facilitating sustainable development as well as contributing to wider sustainable and health objectives. It sets out that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. The proposed development makes use of the rail network for the transportation of aggregates, which reduces the number of HGV miles on the road network. This provides use of a sustainable mode of transport, reducing greenhouse gas emissions and is therefore supported by the NPPF.
75. On the basis of the above, it is considered that the proposed development accords with MWCS policy CS7, BMWLP policy 7, and SBCS policy 6 in that the development would bring existing and safeguarded rail infrastructure back into operational use.

Existing Permitted Use

76. It is important to note that this site currently has a Certificate of Proposed Lawful Use or Development (CPLUD), reference 10/00739/CM, issued 2nd August 2010, which sets out that *“the importation and deposit of material (including inert waste **material**) **required in connection with the movement of traffic by rail** would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990”*.
77. The reason attached to the CPLUD was that the use constitutes development under Schedule 2, Part 17, Class A of the Town and Country Planning (General Permitted Development) Order 1995. Part 17 covers *“Development by Statutory Undertakers”* and Class A: Railway or light railway undertakings, reads as follows:
- “A. Permitted Development
Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.”*
78. This has since been replaced by the Town and Country Planning (General Permitted Development) Order 2015, Part 8: Transport related development, Class A, which is essentially the same.
79. Legal advice has been sought with regard to the CPLUD, which confirms that this provides a ‘fall-back’ in planning terms. In the case of *Gambone v Secretary of State* [2014] EWHC 952, the High Court set forth a two staged approach when decision makers are considering ‘fall-back’:

Stage 1: Material Consideration

80. The first stage is to decide whether or not the way in which the land may be developed is a matter which amounts to a material consideration. It will amount to a material consideration where there is a greater than theoretical possibility that the fall-back development might take place. A valid CLPUD exists and there is more than a theoretical chance of the owner implementing it. What is relevant, is that a valid CLPUD **exists**, it is a valid certificate of lawfulness for the site and is capable of being implemented. It is therefore a material planning consideration.
81. According to a letter written by Lisa Bullock, Town Planner, Network Rail dated 22nd April 2016, Network Rail have received interest from other parties, including Freight Operating Companies, in the use of the site for the transportation of waste and/or

aggregates by rail. This demonstrates that the use of the CLPUD is not just “theoretical”, it is apparent that a railway undertaker could reasonably implement the CLPUD.

Stage 2: Weight

82. Once it is established that the fall-back is a material consideration, the question then arises as to what weight should be attached to it. This second prong is fact sensitive and it is here that the decision maker must engage in a balancing exercise between: (1) likelihood or prospect of the fall-back being implemented and (2) the degree of harm that would arise.

(1) Likelihood of fall-back being implemented

83. At this point, in determining weight, it becomes relevant for the decision maker to review the likelihood that the CLPUD would be implemented (in the event the current application was denied). Thus, the fact that the current applicant may not be able to benefit from the CLPUD due to fact they are not a “railway undertaker” is relevant at this stage of the analysis of fall-back, however, the landowner is Network Rail, who are a “railway undertaker”. Further, given that this is a “valid” CPLUD considerations should be given to the fact that another developer (one who is a railway undertaker) could develop the site in accordance with the CPLUD. This is considered to have a degree of likelihood based on the evidence provided by Network Rail and the Applicant.

(2) Degree of harm

84. As to the degree of harm, the decision makers should consider any adverse consequences that would result if the site were developed pursuant to the CPLUD. There is broad planning discretion here in determining what factors to consider. In terms of “reasonableness” of the weight attached to the “fall-back” position, the only guidance provided by Gambone is that it is a balancing exercise between the degree of likelihood of the fall-back use and the harm that would result. “These factors will all then form part of the overall judgement as to whether or not permission should be granted.” (paragraph 26)
85. The main factor to consider here is that the CPLUD is unrestricted in terms of the scale of the development, throughput of the site, number of vehicle movements, vehicle routing and hours of operation, inter alia.
86. As there are no restrictions within the CPLUD regarding the tonnage or vehicle movements associated with the use, it is reasonable to consider that the site could operate at the same level of intensity as is proposed under the application, being 210,000 tonnes per annum and 82 HGV movements (41 loads in, 41 loads out) per day.
87. Further, the interest in the site and operations under the CPLUD as shown in the Network Rail letter dated 22nd April 2016, indicates that the proposed tonnages could be between 200,000 and 420,000 tonnes per annum, which is likely to result in up to 77 HGV loads or 154 movements per day.
88. It is therefore considered that the degree of harm associated with the use of the site under the CPLUD could be equal to, if not greater than, that which could result from the proposed development subject to this application.

89. Based on a reasonable likelihood of the fall-back being implemented and a degree of harm, which could be equal to that of the proposed development, it is considered that reasonable to substantial weight should be afforded to the fall-back position.

Highways/Traffic

90. Policy CS7 of the MWCS further states that it “*will seek to ensure that applications for development or redevelopment will result in a reduction (from a baseline at 2012) in HGV movements entering and existing the site*”. Unfortunately, there are no records of a 2012 baseline with which to compare the proposed HGV movements, however, the currently permitted use of the site has no current restriction on HGV movements to and from the site. The application sets out that the proposal would result in 82 HGV movements per day, the TA concludes that the site access is acceptable, with an excellent safety record and that the proposed route of Thorney Mill Road and Ritchings Way, have sufficient capacity to accommodate these predicted movements.
91. The Highways Development Management Officer recognises the existing permitted use of the site and that it has no restrictions in terms of HGV movements. The Highways Officer considers that the Transport Statement (TS) provides a reasonable and representative forecast of trip generation, recognising the proposed 82 HGV movements per day as on average 8 movements (two-way) per hour, which the officer would like to see restricted by condition. The Officer would not want to see additional HGV movements through the village of Iver and as such also request a S106 routing agreement to secure the routing of HGVs to travel west to Ritchings Way towards the A4/M4 Junction 5. The Highways Officer confirms that the level of proposed increase could not be justified as having a material or severe impact on the highway network and therefore refusal on these grounds could not be justified. The Highways Officer requested the submission of a swept path analysis to demonstrate that HGVs can adequately access, egress and turn within the site.
92. The applicant provided a swept path analysis as requested and as such the Highways Officer is satisfied that the proposed HGVs can access and egress the site, subject to the gates being widened or relocated, which can be secured by condition. The Officer is also satisfied that there is adequate space within the site for vehicles to manoeuvre. Subject to a routing agreement and conditions including the restriction of HGV movements to 82 per day, the Highways Officer does not object to the application.
93. The NPPF, at paragraph 32, states that “*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. A planning application (CM/51/16) for mineral extraction and associated development including a concrete batching plant on land north of North Park Road, Ritchings Park was approved on 2nd August 2017. This development is proposed to generate 242 HGV movements (121 in, 121 out) per day at its peak, all accessing the site from North Park Road. The Transport Assessment submitted in support of application CM/51/16 assessed the proposed HGV movements as representing a 2.8% increase in weekday traffic flows on North Park Road, which were assessed as a negligible magnitude of change. The addition of the proposed HGV movements from the application site at Thorney Mill Road, would increase this to a 3.7% increase, which is still below 5% and therefore considered negligible.
94. SBDC comment that there would be a significant number of HGV movements associated with the proposal and that it would not bring about a reduction in HGV movements and is therefore contrary to Policies CP7 and CP16. However, taking into account the ‘fall-back’ position of the CLPUD, the baseline is the existing permitted use, which has unrestricted movements. Therefore, this development would provide better planning control than the current situation.

95. Slough Borough Council maintain their objection to this application based on highway and air quality grounds. They consider that the number of HGV movements and the cumulative impact with the Cemex developments at Ritchings Park and Riding Court Farm will result in a significant impact on congestion at the junction of Sutton lane and the A4 London Road and major delays for traffic travelling to the M4. They do not share our view with regards to the CLPUD being a 'fall-back' position and therefore consider that the proposed HGV movements are additional to the network and therefore have an impact.
96. For arguments sake, taking Slough BC's view that the proposed daily HGV movements are additional, they are 82 movements per day (41 in, 41 out), which is less than 6 per hour. This is not considered to be a significant increase.
97. Following their objection, Slough BC has requested a number of mitigation measures. The first measure to mitigate the perceived impact upon the Sutton Lane/A4 junction and the AQMA is avoidance. As such, Slough BC have requested that a vehicle routing restriction be implemented, suggesting HGV's exiting the site use the Colnbrook bypass, rather than the westbound section of the A4 London Road, although vehicles travelling to the site could use the eastbound section of the A4. This would provide three options for travelling to the M4/M25 junction via the Colnbrook bypass, rather than using the westbound A4:
- (1) Stanwell Moor Road
 - (2) Hatch Lane/ Holloway Lane and the M4 – 20mph speed limit and traffic calming
 - (3) East on the A4 and then north and west on M4 link and M4
98. These alternative routes are more constrained and would increase the distance travelled by HGV's, which would increase mileage, fuel consumption, time travelled, vehicle emissions and result in greater impact to the highway network as a whole. The applicant does not accept that this is the best option, although if permission is granted they will look to avoid the westbound A4 wherever possible.
99. The second measure is to mitigate any impact, as such Slough BC have requested the following:
- Implementation of one rapid electric charger in the Langley area (eg Trelawney Ave or Harrow Market); and
 - Contribution to car club.
 - A cap on 82 HGV movements a day through the Brands Hill AQMA.
 - All rigid HGVs to be EURO VI standard.
100. At a meeting on the 6th March 2018, attended by the Case Officer, the applicant, their highways and air quality consultants and representatives from Slough Borough Council, it was agreed by all parties that the requested "implementation of one rapid electric charge" and "contribution to car club" would not meet the necessary tests for planning obligations. With regard to the EURO standard for HGV's, all parties agreed that the applicant owned HGV's would be compliant with the EURO VI Standards and that the applicant will encourage contracted HGVs to also comply. Therefore, should the application be approved, such an obligations would be required, as well as a condition restricting the number of HGV movements to 82 per day.
101. The final request put forward by Slough BC is a contribution of £300,000 towards highway improvements along the A4 between Sutton Lane and the M4 Junction 5. Works to this junction are already proposed and Slough BC have secured financial

contributions from other developers, including Cemex due to their development at Ritchings Park and Riding Court.

102. Slough BC have not as yet provided a breakdown of these costs, other than to say that the costs of the junction improvement works is in the region of £3 million and calculations have been secured from Cemex of circa £1 million, from the development of a site at Ritchings Park, which proposed to generate 242 HGV movements. As this application proposes 82 HGV movements, which is circa one third of the movements from the Cemex scheme, Slough BC have calculated the £300,000 contribution as a pro-rata amount.
103. It is not considered that Slough BC's request satisfies the Community Infrastructure Levy (CIL) Regulations test under Section 122 (author's underlining):
- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
104. The applicant proposes to route all HGV movements along Thorney Mill Road, Ritchings Way, North Park and Sutton Lane, thereby avoiding Iver High Street. This is supported by Iver Parish Council and BCC Highways Development Management Team. With this in mind, it could be argued that this concentrates HGV movements at the Sutton Lane/A4 Junction, whilst under the CPLUD HGV's could use any route (it is unrestricted). Further, the use of a concrete batching plant results in smaller vehicles being used (concrete mixer trucks carry less weight than an aggregate lorry) and therefore this has the effect of increasing the number of HGV's on the road network.
105. As such, whilst the Transport Assessment concludes that the impact from the development would be negligible, even a minor increase at a junction which is already over capacity, will have a cumulative effect. It is therefore considered that a contribution towards road improvements is necessary to overcome the objection raised. However, such a contribution must be "fairly and reasonable related in scale and kind to the development", as required to meet the CIL test 122 (2) (C), set out above.
106. The applicant states that the importation of aggregates by rail is authorised under the CPLUD and therefore that HGV movements associated with this use could already be on the network. The proposed concrete batching plant, however, is not already permitted and therefore not only adds new HGV movements to the network, but these have smaller payloads and therefore results in greater movements per tonne. The applicant calculates that the concrete batching plant contributes 28 HGV movements out of the total proposed 82 movements. If the Cemex precedent is used, of £1M charged for 242 movements, the proposed 28 concrete batching plant movements equate to £115,700. It is suggested that this provides a more reasonable and fair scale to the appropriate level of obligation. It is also considered that this meets the requirements of paragraph 206 of the NPPF:

"Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects."

107. If Members are minded to approve application CM/19/17, it is recommended that a planning obligation to secure a financial contribution towards highways improvements at the Sutton Lane / A4 London Road junction is required, with the details to be delegated to the Head of Planning to secure.
108. SBDLP policy TR5 (Access, Highways Works and Traffic Generation) relates to development which involves a new or altered access, works on the highway, the creation of a new highway or the generation of additional traffic. The proposed development does not involve a new or altered access and will not generate new or additional traffic beyond that already permitted. The policy states that development will only be permitted where a) the proposal complies with the standards of the relevant Highway Authority; b) the operational capacity of the highway would not be exceeded or exacerbate the situation where capacity had already been exceeded; and c) traffic movements or the provision of transport infrastructure would not have an adverse effect on the amenities of nearby properties on the use, quality or character of the locality in general. The proposal meets the standards of the BCC Highway Authority, although has received objection from Slough Highway Development Management, as set out above (part a). Whilst not additional movements, the movements are being concentrated along one route and therefore using a junction which is already over capacity, however it is considered that such impacts can be mitigated (part b). Traffic movements will travel through an AQMA, within which EU air quality levels are already exceeded. This is discussed further below.
109. Policy CP16 of the SBDCS refers to the South of Iver Opportunity Area and places emphasis on the desire to reduce the number and effect of HGV movements. Whilst it is acknowledged that the proposed development of Thorney Mill Sidings has an effect upon the local road network in terms of HGV movements, the proposed number of HGV movements is relatively low and similar numbers of HGV's could access the site under the current permitted use. Therefore, this application is seen as an improvement in highways terms, because it would allow the County Council to place a restriction on the number of HGV movements accessing this site by planning condition (which is not provided under the CPLUD), which can then be monitored and enforced in the event of a breach.
110. Policy TR10 of the SBDLP refers to development which is likely to generate HGV trips and that HGV movements should not adversely affect the character or amenities of nearby properties or the locality in general. This aspect has been addressed under consideration of Policy TR5 above. It is therefore considered that the proposed development accords with this policy.
111. On the basis of the above, it is considered that the proposed development accords with MWCS policy CS7, SBDLP policies TR5 and TR10, and SBDCS policy CP16 in that the development would not result in additional movements on the local highway network above the fall-back position and where there is opportunity for those concentrated movements to cause additional impact, this can be mitigated.

Potential Amenity Impacts

112. Paragraph 109 of the NPPF states that *“the planning system should contribute to and enhance the natural and local environment by ...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability...”*
113. Core Policy 13: Environmental and Resource Management of the SBCS sets out that the Council will seek to ensure the prudent and sustainable management of

environmental resources by protecting and enhancing water quality, and seeking improvements to air quality. It goes on to say that new development will be directed away from existing sources of noise and air pollution to avoid adverse impacts on local communities.

114. Policy 28 of the BMWLP states that the County Council will protect the amenity of those who may be affected by mineral and waste development proposals and will not grant permission for development which is likely to generate significant adverse levels of disturbance from, inter alia, noise, dust and illumination. Policy 29 sets out that adequate buffer zones should exist between proposed development and neighbouring existing or proposed sensitive uses.

Air Quality

115. Paragraph 124 of the NPPF states:
“Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.”
116. Junction 5 of the M4 is designated as the Brands Hill Air Quality Management Area (AQMA) (Order no. 1B and 1C). The proposed routing of HGV’s to and from the application site will pass through this AQMA. It was designated in relation to a likely breach of the nitrogen dioxide (annual mean) objective as specified in the Air Quality Regulations (England and Wales) 2000. It came into effect on 23rd June 2005.
117. A Dust Assessment has been submitted with the application, which makes an assessment of the potential for nuisance dust as a result of the proposal. Taking into account built in mitigation, distance to receptors, topography and existing vegetation, the assessment concludes that there is a low risk of nuisance dust to local receptors.
118. An Air Quality Assessment, carried out by WYG dated August 2017, makes an assessment of the air quality impacts associated with both the construction and operational phases of the development. It finds that fugitive dust emissions from construction activities, such as demolition, earthworks, construction and trackout will be low risk for the nearest receptors prior to mitigation. With proposed mitigation, the impact is assessed as not significant.
119. During the operational phase, air quality impacts would comprise Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) associated with vehicle emissions. The assessment models predicted increases in NO₂ at a number of nearby receptor locations, some of which are located within AQMA’s. The largest increase is 0.12ug/m₃, although all are predicted to have a 0% change in the concentration relative to the Air Quality Assessment Level (AQAL), which is considered negligible according to the EPUK IAQM guidance (January 2017). However, it is noted that the Annual Mean Air Quality Objectives (AQO) are predicted to be exceeded at five receptors located within AQMA’s for both the ‘do minimum’ (i.e. future traffic increases without the development) and ‘do something’ (with the development).
120. In terms of Particulate Matter, PM₁₀ concentrations are predicted to increase by 0.02ug/m₃ or less, which again is considered a 0% change in concentration relative to AQAL and therefore has negligible significance.

121. It must be noted that this assessment is based on the worst-case scenario of an increase of 82 HGV movements per day, which as set out above, is not strictly the case due to the 'fall-back' of the CPLUD.
122. Whilst the impacts of this development are assessed as negligible, HGV's would be routed through an existing AQMA, where levels have already been exceeded. Taking account of the NPPF requirements at paragraphs 109 and 124, it is considered appropriate to provide some mitigation or offset towards air quality measures within the AQMA. This is addressed further below.
123. The Environmental Health Officer (EHO) found the Air Quality Assessment to be acceptable and therefore raises no objections.
124. As addressed above, Slough BC object to this application on highways and air quality grounds. The air quality objection relates to the proposed routing of HGV's through the Brands Hill AQMA. They request a financial contribution to implement the following:
 - A cap on 82 HGV movements a day through the Brands Hill AQMA
 - Vehicle routing restriction – so that all HGVs exiting the site towards the M4/25 would be required to use A4 Colnbrook Bypass, (avoiding the most critical one lane westbound section of A4 London Road Brands Hill AQMA); vehicles entering the site would be allowed to use the A4 London Road eastbound section – as per CEMEX development;
 - Contribution toward 'implementation of the low emission strategy'
125. The proposed cap on HGV movements has also been requested by BCC Highways Officer and is recommended as a condition, should consent be granted. The vehicle routing requested is not deemed appropriate, reasonable or practicable for all journeys, although the applicant has agreed to consider alternative routes wherever practicable. It is recommended that the applicant submit details of measures to reduce the number of movements through the AQMA where possible, this should be addressed by way of a planning condition/obligation. Despite the AQA concluding that air quality impacts as a result of the development are considered to be negligible, as the development will involve HGV movements through an AQMA where the NO₂ concentrations are already exceeded, it is considered appropriate to require measures to reduce and mitigate such impacts where possible. The applicant has agreed that their own HGV's would be compliant with the EURO VI Standards and that contracted HGVs will also be encouraged to comply. This can be controlled by way of a planning obligation.
126. The use of vehicles which meet Euro VI Standards will reduce emissions, however they will not fully mitigate emissions from HGV's. As such, it is also considered appropriate for a contribution to be made to the Slough Borough Council Low Emission Strategy (LES) 2018-2025. The LES includes the introduction of a Clean Air Zone (CAZ), requiring lorries and buses to meet Euro VI Standards, in Brands Hill. This may include retrofitting older buses with abatement technology, subject to bus operators agreement and co-operation.
127. Slough Borough Council have requested that a contribution of £100,000 is made to the Low Emission Strategy, which they state has been calculated using a Damage Cost Calculation Formula. It should be noted that the Cemex development at Richings Park, made a contribution of £50,000 to air quality mitigation measures. Slough BC do not seem to be applying the same pro-rata calculation here. If they did, this would provide a contribution of £17,000 for 82 HGV movements, or £6,000 for the 28 concrete batching plant movements. The applicant have carried out their own

Damage Cost Calculation using the 28 concrete batching plant movements, which provides a total cost of £21,336. It is considered that this level of contribution better meets the requirements of the CIL Regulations (Section 122) and the NPPF (paragraph 206).

128. As the HGV movements associated with the development propose to travel through the Brands Hill AQMA, which has an exceedance of its EU limits, it is recommended that measures are required to mitigate any potential impact. Should Members be minded to approve this application, it is recommended that the detail of this mitigation is delegated to the Head of Planning, although it should include a financial contribution towards Slough Borough Council's Low Emissions Strategy, in particular to fund a Clean Air Zone (CAZ) feasibility study and implementation plan for Brands Hill, which will be used to implement the following elements:
- traffic monitoring and modelling
 - air quality modelling
 - source apportionment
 - scenario testing CAZ plans against other possible solutions
 - stakeholder engagement and consultation
 - preparation of report to Secretary of State

Noise

129. The application is supported by a Noise Assessment, which sets out the baseline noise levels at the nearest receptors to the site and makes of an assessment of the predicted noise levels associated with the proposed development. It concludes that a 3m high noise barrier is to be constructed along the south-eastern boundary of the site.
130. The District Environmental Health Officer (EHO), who advises on air quality and noise aspects, recommends that a condition be placed on any consent in relation to the noise barrier.
131. Noise levels to the north of the site (at noise survey location 7, Fairway Avenue) are also slightly elevated above the guidance level of 10dB above baseline for night-time (23:00 to 07:00) and therefore it is recommended that a noise barrier is also constructed along the northern boundary, sufficient to reduce the noise levels at location 7 to an acceptable limit. As such, a condition should be placed upon any forthcoming consent which requires the applicant to submit details of the proposed barrier.

Green Belt

132. The NPPF sets out that the Government attaches great importance to the Green Belt, stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The purposes of the Green Belt, as set out within the NPPF, are:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

133. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 87). The proposed development for the importation, storage and onward distribution of rail borne aggregates and the erection and use of a concrete batching plant is proposed on brownfield land. Paragraph 89 of the NPPF states that the construction of new buildings is inappropriate in the Green Belt, although lists a number of exceptions to this, which includes “*the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*”.
134. Whilst the use of this site for the receipt and storage of rail borne aggregate would require some built development, i.e. storage bays and equipment, this is considered to have no greater impact upon the Green Belt than the existing permitted use and therefore is not considered inappropriate in the Green Belt location. However, the addition of a concrete batching plant reaching 13.4m high and two-storey site office is considered to have a greater impact on the openness of the Green Belt. Albeit, the site is not very ‘open’ at present, being bound to the north, west and part of the south by vegetation and bordered to the east by further industrial land. Further, the harm to the Green Belt is considered to be low due to the existing permitted use, adjoining industrial site, local context and existing screening.
135. Paragraph 90 of the NPPF sets out other forms of development that are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within the Green Belt. These include “*local transport infrastructure which can demonstrate a requirement for a Green Belt location*”. The transportation of aggregates by rail is a key element of the proposed development. This can only take place in locations with the necessary infrastructure. The application site provides this, albeit within the Green Belt. Whilst the site is not considered ‘open’ at present, the proposed concrete batching plant with associated buildings will further affect the openness of the site and is considered inappropriate development in the Green Belt.
136. The development must also not conflict with the purposes of including land in the Green Belt, which is set out above in paragraph 105. The site does not currently meet any of these purposes, it is a brownfield site, industrial land, which adds nothing to the Green Belt.
137. Policy GB1 of the SBDLP states that planning permission will not be granted for development in the Green Belt other than for the change of use of existing buildings or land or the construction of new buildings or extensions to existing buildings as set out in (a) to (h), which includes (g) “*other uses of land and essential facilities for them which would not compromise the purposes of including land in the Green belt and which would permanently retain its open and undeveloped character*”. The site does not currently have an open and undeveloped character.
138. It is also necessary to consider the visual impact upon the Green Belt. As set out within the Landscape Assessment there are a number of receptors local to the application site which are assessed as having a slight to notable adverse impact in terms of visual amenity. These include properties 153 and 155 Thorney Mill Road, Mayfield Caravan Park and Thorney Park Golf Course. Views from Thorney Mill Road, as well as the properties and Caravan Park located along it, are set against the industrial nature of the site and adjoining site, the road and railway line. The golf course however, has a more open feel and therefore views of the site would have a

greater effect, albeit they are partially screen by intervening vegetation. There are visual impacts associated with the development which must be considered in terms of impacts upon the Green Belt.

139. As set out above, the development site is located within the Green Belt and although is considered redevelopment of a brownfield site and transport infrastructure which can justify a Green Belt location, it could be argued to have a minor impact on the openness of the Green Belt and therefore it is considered inappropriate development within the Green Belt. As such, permission must be refused unless there are very special circumstances which exist. In this case, it is considered that the following are very special circumstances:
- The site has an existing permitted use for importation and deposit of material (including inert waste material) required in connection with the movement of traffic by rail.
 - The site is an existing rail depot and is safeguarded as such within Policy CS7 of the MWCS and Policy 27 of the emerging MWLP.
 - Any impact on the openness is minor and to be considered in the context of the site, which is brownfield, with adjoining industrial uses and well enclosed, therefore not considered 'open' in its current form.
 - If this development were to be located else where it will either require new rail infrastructure or will result in greater impact in terms of HGV movements.
 - The concrete batching plant will be co-located with a railway siding and aggregate depot, which enables the facilities to share infrastructure, minimise HGV movements on the road network and therefore reduce associated impacts.
140. It is considered that any harm to the Green Belt by way of inappropriateness and visual impact, is minimal and outweighed by the benefits that the development will bring in terms of utilising a safeguarded rail depot and meeting aggregate supply needs.
141. However, as the development is considered to be contrary to Green Belt Policy, it is necessary for the application to be forward to the Secretary of State for Communities and Local Government for his consideration under the Town and Country Planning (Consultation)(England) Direction 2009.

Environmental Impacts

142. Policy CS18 of the MWCS seeks to protect environmental assets of National Importance, stating that permission will not be granted for development that would lead to a significant adverse effect on the character, appearance, intrinsic environmental value or setting of Sites of Special Scientific Interest (SSSI's); Scheduled Monuments (SMs); Registered Historic Parks and Gardens; Listed Buildings; or Conservation Areas.
143. A cluster of SSSI's and SPA's at Wraybury, Hythe End and Staines Moor are located 4.3km to the southwest of the application site. At this distance, it is not anticipated that there would be any detrimental impact upon these sites as a result of the proposed development.
144. Consideration of the potential for impact on heritage assets, including Listed Buildings, is addressed under the Cultural Heritage section below.
145. Policy CS19 of the MWCS seeks to protect environmental assets of Local Importance, including Local Nature Reserves, landscapes, heritage assets, water

resources and the Colne Valley Regional Park. Mabey's Meadow and Frays Island Nature Reserve is a local nature reserve and park of a Site of Metropolitan Importance located circa 200m to the east of the application site. It is an alder and willow woodland set between the Rivers Colne and Fray and is rich in aquatic life. The County Ecologist raised concern regarding potential impact upon this site, but is satisfied that *"the distance of the site, combined with measures described within the Dust Impact assessment means that this site will not be adversely affected by the development"*.

Landscape

146. No landscape designations apply to the site itself, although it does lie within the Colne Valley Regional Park and the Green Belt. The site is covered by the Landscape Character Area (LCA) 26.3 Colne Valley, Identified by the South Bucks District Landscape Character Assessment and the Chiltern District Landscape Character Assessment.
147. Policy EP3 of the SBDLP requires that the scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general. The application site has been previously developed, it is currently vacant and comprises railway infrastructure, hard standing areas, an open sided barn/shelter in the southwestern corner and tree and scrub vegetation. The proposed use of the site is industrial, which is compatible with the adjoining landuses and with the previously use of this site. The scale is appropriate to the size of the site and the layout and design is dictated by operational requirements, the constraints of the site and the existing railway infrastructure.
148. Policy EP4 of the SBDLP requires that proposals incorporate hard and soft landscaping as an integral part of the development; take account of and retain existing planting and landscape features, which may be important elements in the character and appearance of the wider area; provide additional planting where appropriate; and make proper provision for subsequent maintenance. The site benefits from boundary planting to the north, west and south, albeit poor quality in parts. Some vegetation, mainly scrub, will need to be removed from the northern part of the site to make provision for the turning of vehicles. However, a strip of vegetation will be retained or replanted to provide a screen and noise and dust mitigation to receptors to the north and northeast.
149. Policy 9 of the SBCS seeks to conserve and enhance the landscape characteristics and biodiversity resources within South Bucks. The policy goes on to say that new development that would harm landscape character or nature conservation interests will not be permitted. IT is not considered that the proposed development would harm either landscape character or nature conservation interests. The site has been previously developed and therefore, against the current status and permitted use, the proposed development does not represent a significant change in terms of landscape character. It is also well screened by existing vegetation on and off site and therefore there are limited views from nearby receptors.
150. The application is supported by a Landscape and Visual Impact Assessment (LVIA) which makes an assessment of the potential impacts of the development upon landscape character and visual impact. The assessment identified 17 receptor locations, 3 of which were assessed as having moderate to notable adverse visual effects.

151. These receptors currently have views which include the existing site and adjoining site, both of which are industrial in nature. Views from the golf course are currently broken and limited by intervening vegetation.
152. The landscape consultation requested an Arboricultural Assessment, which was provided. This demonstrated that the existing vegetation on site is of limited value and that proposed to be removed from the north of the site is primarily invasive scrub (buddleia, elderberry and ash) and not worthy of retention.
153. It is proposed that the re-constructed bund in the north of the site would be planted with native trees and scrub, as shown on Planting Plan M16.161.D.002.
154. There would be permanent loss of poor quality scrub, to be replaced by newly planted native trees. There is little scope for further additional planting within the site. The proposed development is not considered to result in significant further detriment to the landscape character or visual impact of the site or local area, due to its current use and existing boundary planting. It is therefore considered that the proposed development accords with Policies EP3 and EP4 of the SBDLP and Policy 9 of the SBCS.

Lighting

155. The application includes a lighting scheme, which originally included 4 no. AL6666 lanterns with 6m high lighting columns located along the site entrance road and 6 no. AL180 floodlights with 18m high lighting columns located within the remainder of the site along the western boundary. The scheme was designed to ensure adequate illumination of the access road, plant area and car park, whilst minimising light spill onto the railway, lighting impacts on the surrounding area, energy costs and the number of columns.
156. Initial comments from our Lighting Consultant advised that a Lighting Strategy should be submitted with confirmation of lighting levels, as the original submission did not provide sufficient information to enable an assessment of the suitability and effects.
157. In response to this request, the applicant submitted a Lighting Strategy dated September 2017, which removed the lighting towers and instead included 8 no. bracket mounted lighting units to be secured directly to the concrete batching plant and the site office. This strategy would focus lighting on around the concrete batching plant, site office and car park at the southern end of the site and reduce lighting impacts on the railway line, woodland and River Colne corridor. This further reduces any landscape impact as it removes the lighting columns.
158. The Lighting Consultant has further requested information on the angle of tilt / uplift for each of the floodlights and details of lighting control, i.e. measures to dim lights, use of motion sensors or switching off lights at certain times. The applicant states that the lighting will be turned on/off as and when required within the permitted hours of operation of the site. If lights are not required during normal operational hours, sensors will enable them to automatically turned off.
159. As a result of the amended lighting design, it is not considered that the proposed lighting will result in detrimental impacts to the wider landscape or to local receptors. Subject to the lighting being installed in accordance with the Lighting Scheme provided, to the fitting of cowls to floodlights as requested by the Lighting Consultant and a condition requiring the submission of a detailed lighting design for the scheme, including timings, methods of control and tilt/uplift angles, it is considered that the scheme is acceptable in lighting terms.

Ecology

160. The NPPF seeks to contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

161. The NPPF also sets out the Local Planning Authorities should aim to conserve and enhance biodiversity by applying principles including:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged.

162. Core Policy 9: Natural Environment of the SBCS, requires the highest priority is given to the conservation and enhancement of the natural beauty of the Chilterns Area of Outstanding Natural Beauty, and its setting. It further goes on to say:

“More generally, the landscape characteristics and biodiversity resources within South Bucks will be conserved and enhanced by:

- Not permitting new development that would harm landscape character or nature conservation interests, unless the importance of the development outweighs the harm caused, the Council is satisfied that the development cannot reasonably be located on an alternative site that would result in less or no harm and appropriate mitigation or compensation is provided, resulting in a net gain in Biodiversity.
- Seeking the conservation, enhancement and net gain in local biodiversity resources within the Biodiversity Opportunity Areas, on other non-designated land, on rivers and their associated habitats, and as part of development proposals.
- Maintaining existing ecological corridors and avoiding habitat fragmentation.
- Conserving and enhancing landscapes, informed by Green Infrastructure Plans and the District Council's Landscape Character Assessment.
- Improving the rural/urban fringe by supporting and implementing initiatives in the Colne Valley Park Action Plan.
- Seeking biodiversity, recreational, leisure and amenity improvements for the River Thames setting where opportunities arise, for example at Mill Lane (see Core Policy 15).”

163. Policy CS23 of the MWCS seeks to enhance the environment by seeking opportunities to increase biodiversity, ensuring the positive integration of the site with the wider landscape and retaining public rights of way where possible.
164. The application is supported by an Ecological Appraisal, which identifies no habitats, flora or species of ecological importance within the site. It confirms that the proposed loss of limited areas of habitat will not give rise to any significant ecological effects. The tree/scrub belt along the southern boundary is proposed to be retained, this may form part of a wider commuting / foraging corridor for bats. Measures are proposed to ensure nesting birds are not disturbed during scrub clearance and that the riparian corridor and wildlife species along the River Colne are protected during construction and operation, including by erecting a new fence along the northern boundary and providing a 5m standoff. The Ecological Appraisal states that no statutory designated sites or local designated sites will be affected.
165. The Ecology Officer has responded to say that due to the nature of the proposed works, there is not likely to be an impact on ecological features provided that all the mitigation described within the ecology report and the dust report is fully incorporated. Therefore, subject to the following mitigation/conditions, the Ecology Officer has no objection to the proposed development, subject to conditions as set out in paragraph 27 above and included within Appendix A.
166. It is considered that the development proposal accords with the NPPF, Core Policy 9 and CS23, in terms of protection and conservation of landscape characteristics and biodiversity resources, although there is a lack of biodiversity enhancement provided within the scheme. As recommended by the Ecological Officer, a condition should be placed upon any forthcoming consent requiring the submission of a scheme to secure biodiversity enhancements.

Flood Risk

167. The NPPF states that *“new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.”* It goes on to say that *“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.”*
168. Core Policy 13 of the SBCS seeks to ensure the prudent and sustainable management of the District’s resources by, inter alia, incorporating sustainable drainage systems, protecting and enhancing water quality and seeking improvements to air quality.
169. The development site lies within Flood Zone 1 which is at the lowest risk of flooding from rivers and sea, less than 1 in 1000 annual probability (<0.1%). A Flood Risk Assessment (FRA) is submitted with the application, which sets out that the proposal would result in an increase in impermeable area, from 4,852m² to 12,437m², which will increase the surface water runoff from the site.
170. The SuDS Officer initially objected to the application as the FRA did not contain sufficient information regarding the surface water management strategy. In response, the applicant submitted a Surface Water Drainage Strategy (SWDS) dated October 2017, which has enabled the SuDS Officer to withdraw her objection, subject to conditions as set out above and in Appendix A. The Ground Conditions Report raise some concerns with contamination and groundwater levels and therefore, in order to avoid the mobilisation of contaminants in the River Colne or the water table, infiltration is not proposed. The SWDS sets out that the peak discharge rate should not exceed

the rate of discharge from the site prior to redevelopment and proposes a rate of 28.8l/s for all storm events for up to 1 in 100 year plus 40% allowance for climate change. This is seen as betterment in discharge rate as the existing discharge rate for the site is 36.3l/s for the 1 in 1 year event, rising to 115.3l/s for the 1 in 100 year event. The SWDS proposes the use of a range of sustainable drainage measures in order to convey surface water, this includes geocellular storage, filter drains, rainwater harvesting and detention basins. Two potential outfalls for the drainage system are outlined within the report: outfall to the River Colne, which will require a pumping system; or connect to the existing drainage infrastructure on Thorney Mill Road. If discharge to the River Colne is adopted and the pumping system cannot be removed from the scheme, then a failure assessment will be required and sufficient storage provided in the event of a failure, as well as a maintenance plan for the pumping station.

171. Subject to the conditions as recommended by the SuDS Officer, it is considered that the development accords with the NPPF and Core Policy 13 and as such, it is considered acceptable in terms of flood risk matters.

Cultural Heritage

172. The NPPF seeks to conserve the historic environment, stating that great weight should be given to the conservation of heritage assets. It goes on to say (paragraph 133) that *“where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm of loss...”*

173. The NPPF also states that *“where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be outweighed against the public benefits of the proposal...”*

174. With regard to non-designated heritage assets, paragraph 135 of the NPPF states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

175. Paragraph 137 of the NPPF states:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”

176. Core Policy 8 of the SBCS seeks to protect and where possible enhance the District’s historic environment, in particular nationally designated historic assets and their settings.

177. Policy CS18 of the MWCS seeks to protect environmental assets of National Importance, including Scheduled Monuments (SMs); Registered Historic Parks and Gardens; Listed Buildings; and Conservation Areas.

178. There are a number of Listed Buildings located in West Drayton, the closest, The Frays, being a Grade II* Listed Building is located 425m to the east of the site and a Stable range at Thorney Farm is Grade II Listed and located 500m to the west of the site. The proposed development would not directly affect these Listed Buildings, the proposed changes to the site and its use from the existing permitted use are not considered to materially affect the setting within which these Listed Buildings are located.
179. West Drayton Conservation Area lies circa 300m to the east of the application site, however there are not considered to be any impacts upon the Conservation Area or any views of the site from within it, due to the distance and intervening topography, vegetation and built development.
180. Policy CS19 of the MWCS seeks to protect environmental assets of Local Importance, including heritage assets. As the site has previously been developed, there is no concern with regard to potential archaeological interest on the site. A Heritage Statement was submitted with the application which concluded that “*There will be no known adverse effects upon archaeology or the setting of designated heritage assets*”. The County Archaeological Officer concurs with this conclusion and states that “*the nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of any assets. We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.*”
181. It is considered that the development complies with the NPPF, Core Policy 8 and CS18.

Public Rights of Way (PROW)

182. Public Right of Way IVE/21/3 borders the application site to the north, where it runs in an east-west direction along the southern bank of the River Colne. It runs northwest from the site to Thorney Weir House and Thorney Park Gold Course where it connects with PROW IVE/16/1, IVE/16/2 and IVE/21/2. In an easterly direction it terminates circa 190m from the site boundary.
183. The proposal would not affect the use of the PROW, other than some vegetation would be cleared from the northern end of the site, although a strip would be retained for screening purposes and therefore, whilst users of the footpath would be aware of activity on site, views into the site itself would be limited. The Strategic Access Officer has no objections to the application.

Further Legislative Considerations

184. Equality Act 2010, Section 149 states:

A public authority must, in the exercise of its functions, have due regard to the need to-

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

185. The proposal would not have any disproportionate affect upon people with protected characteristics.

CONCLUSION

186. Application CM/19/17 seeks planning permission for importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant and associated infrastructure at Thorney Mill Rail Sidings. The site has an existing permitted use for the importation and deposit of material (including inert waste material) required in connection with the movement of traffic by rail and is safeguarded within the Minerals and Waste Core Strategy as a rail aggregate depot.
187. The application is supported by a number of environmental assessments, which conclude that the development would not result in significant adverse impacts to the environment or amenities of the local area.
188. It is considered that the development complies with the Development Plan as a whole and therefore, in accordance with the NPPF, which supports sustainable development, it is considered that application CM/19/17 for the importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant and associated infrastructure at Thorney Mill Rail Sidings, should be approved, subject to the conditions set out within Appendix A and the following planning obligation with delegated authority to determine the details:
 - I. Prior to Commencement of the Development to submit a routing agreement to avoid Iver High Street and minimise traffic through the Sutton Lane/A4 London Road Junction and M4 Junction 5 where possible and thereafter to comply with such agreement.
 - II. All HGV's within the applicants own fleet that travel to and from the site shall be in full compliance with the Euro VI Standards and the applicant shall encourage contracted HGV's to travel to and from the site in full compliance with the Euro VI Standards.
 - III. A financial contribution to Slough Borough Council's Low Emission Strategy, in particular to fund a Clean Air Zone (CAZ) feasibility study and implementation plan for Brands Hill.
 - IV. A financial contribution towards Highways Improvements at the Sutton Lane / A4 London Road Junction.

BACKGROUND PAPERS

Application CM/19/17

Consultee responses and representations received between June and November 2017

Buckinghamshire Minerals and Waste Local Plan (MWLP), June 2006

Buckinghamshire Minerals and Waste Core Strategy (MWCS), November 2012

South Buckinghamshire District Local Plan (SBDLP), adopted 1999

South Bucks Core Strategy (SBCS), 2011

Emerging Chiltern and South Bucks Local Plan 2014-2036

National Planning Policy Framework (NPPF), March 2012

National Planning Policy Guidance (NPPG)

APPENDIX A: Recommended Conditions

General

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.
2. Unless agreed otherwise in writing by the County Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete accordance with the details submitted with the application, accompanying Environmental Statement and plans.
3. No more than 210,000 tonnes of aggregate shall be imported to the site per annum.
4. No aggregates are to be imported to site by road.

Construction

Construction Environment Management Plan

5. Prior to the commencement of any works on the site a Construction Management Plan (CMP) detailing the management of construction traffic, including deliveries and parking of site operatives vehicles to include a plan showing the construction layout of the site shall be submitted to and approved in writing by the County Planning Authority. The CMP shall include, but not be limited to, the following:
 - I. Hours of construction;
 - II. Layout of construction compound, designed to minimise impacts;
 - III. Proposed mitigation for dust, including:
 - i. Dust Management Plan (DMP)
 - IV. Proposed mitigation for noise;
 - V. Recording of complaints and measures to identify cause and to take appropriate measures to reduce emissions;
 - VI. measures to be taken to manage any contaminated material that may be encountered during the construction process and shall comply with any relevant Construction Code of Practice; and
 - VII. How compliance will be monitored, including site inspections and the recording compliance matters.

The CMP shall then be implemented and adhered to as approved.

Hours of Operation

6. No works, including the ingress and egress of vehicles, shall be carried out on site other than within the following hours:
 - 07:00 to 23:00 Monday to Friday;
 - 07:00 to 16:00 Saturdays;
 - No working on Sundays and Bank Holidays.
7. No material shall be imported to the site by rail, other than within the following hours:
 - 07:00 on Monday to 16:00 on Saturdays;
 - No working on Sundays and Bank Holidays

Submission of Details

8. Prior to the installation of the noise barrier, details of the noise barrier shall be submitted to and approved in writing by the County Planning Authority. The noise barrier shall then be constructed and maintained thereafter in accordance with the approved details and installed prior to the operational use of the development.
9. Prior to the commencement of the development hereby permitted, a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the County Planning Authority. The TMP shall include, but not be limited to:
 - I. Proposed routing of HGV's entering and leaving the site, to avoid Iver High Street and where possible minimise the movements using the Sutton Lane/A4 junction and the AQMA at Junction 5 of the M4;
 - II. Measures to ensure drivers are aware of and adhere to the approved routing agreement; and
 - III. Details of the materials to be imported by road (these are to be ancillary materials required for the permitted use) and not aggregates, which are to be imported by rail, including tonnages, types of vehicles and number of movements.

Highways

10. The development shall not exceed 82 HGV movements (41 in, 41 out) per day.
11. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
12. Adequate precautions shall be taken for the duration of the development to prevent the deposit of mud and similar debris on the adjacent public highways in accordance with details to be submitted and agreed in writing by the County Planning Authority prior to the commencement of the development.
13. Prior to commencement of the development a scheme for gates at the site access shall be submitted and agreed in writing by the County Planning Authority. Thereafter the gates shall be implemented as approved.

Environmental Controls

Noise

14. Prior to first use of the development hereby permitted, a Noise Monitoring, Mitigation and Management Plan shall be submitted to and approved in writing by the County Planning Authority.

The development shall not thereafter be carried out other than in accordance with the approved details for the duration of the development.

15. Prior to the use of the site, details of the Noise Barrier to be constructed along the south-eastern boundary of the site, as shown on approved drawing, shall be submitted to and approved in writing by the County Planning Authority. The barrier shall then be constructed prior to the first use of the site in accordance with the approved details and shall be maintained in accordance with the approved details.

Dust

16. Prior to the commencement of the development hereby approved, a Dust Mitigation and Management Plan, in respect of both the construction and operational phases of the development hereby permitted shall be submitted to and approved in writing by the County Planning Authority. The plan shall include mitigation measures set out within the Air Quality Assessment, and including the dampening down of surfaces to minimise dust generation; avoiding dust generating activities in windy conditions; storage of materials away from sensitive receptors; and use of a road sweeper where necessary. The development shall be carried out in accordance with the approved dust action plan for the duration of the development.

Flood Risk and Drainage

17. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- The site will be limited to a discharge rate of 28.8l/s
 - Confirmation of outfall, the applicant shall demonstrate that a means of surface water disposal is practicable subject to the drainage hierarchy listed in the National Planning Policy Guidance.
 - Where a pumping station is proposed, confirmation that sufficient storage has been provided in the event of pump failure and the proposed exceedance routes if the storage volume is exceeded must be provided. A warning system in the event of a pump failure should also be provided along with a maintenance plan for the pumping station.
 - Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
 - Full construction details of all SuDS and drainage components
 - A water quality assessment in accordance with the SuDS manual for each treatment process in the drainage scheme to confirm sufficient treatment has been provided
 - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
 - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 103 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

18. Development shall not begin until a “whole-life” maintenance plan for the site has been submitted to and approved in writing by the County Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) **during and following construction,**

with details of who is to be responsible for carrying out the maintenance. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this being a pre-start condition is to ensure that maintenance arrangements have been arranged and agreed before any works commence on site that might otherwise be left unaccounted for.

19. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the County Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System is designed to the technical standards

Contaminated Land

20. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. The Water Framework Directive (WFD) also requires that all water bodies are protected and prevented from deterioration and pollution.

Refer to planning practice guidance on gov.uk for information.

<https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality>

21. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the County Planning Authority. This strategy will include the following components:

- I. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
- II. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- III. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- IV. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the County Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework. Generic remedial options are available to manage the risk of pollution to controlled waters but further details are required to characterise the site and update the conceptual site model.

22. Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

23. The development hereby permitted may not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the County Planning Authority, has been submitted to, and approved in writing by, the County Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the County Planning Authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 109 of the National Planning Policy Framework.

24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

25. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

The previous uses of the proposed development site present a high risk of contamination that could be mobilised by surface water infiltration and as such the use of infiltration SuDS is not appropriate in this location.

Ecology

26. River habitats and riparian fauna

- No works to take place within 5m of the river bank.
- A new fence to be erected along the northern boundary to protect the adjacent riparian habitats.
- Implementation of best practice pollution prevention measures.

27. Birds

- All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), including their nests (whilst in use or being built) as well as any eggs the nest may contain. Therefore, no vegetation should be removed during the bird nesting season. This is weather dependant but generally extends from 1st March to 31st August (inclusive). If this is not possible, a qualified ecologist should check the areas concerned immediately prior to vegetation removal to ensure that no nesting or nest-building birds are present. If any nesting or nest-building birds are present, no vegetation should be removed until the fledglings have left the nest.

Landscape

28. Prior to / Within three months of the commencement of the development, a detailed Landscape Management Plan, shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include, but not be limited to:

- i. Accord with the arboriculture scheme;
- ii. Details of the locations, species (native) and size of any further vegetation to be removed;
- iii. Details of the protection measures to be provided for all new and retained vegetation, including the Poplars to the east of the site which should be physically protected in accordance with British Standard 5837;
- iv. Details of proposed new planting, including that along the northern site boundary (for the protection of visual amenity), including locations, species (native), size and density;
- v. A monitoring and maintenance programme for retained and new planting to include the replanting of any new or retained trees or shrubs which die or become diseased.

The approved scheme shall be implemented in the first planting season following the completion of the development and maintained in accordance with the requirements of this condition and the approved details for the duration of the development.

Lighting

29. Prior to the commencement of the development hereby permitted, a Lighting Scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include, but not be limited to, the details set out within the Lighting xxx, as well as the following:

- I. Specification,
- II. Location;
- III. Mechanism for control of the lights, including timings;
- IV. Details of the light spill:
- V. Measures to prevent light spillage from the site, including control and tilt/uplift angles and details of the cowls to be fitted to the floodlights, as recommended in "Guidance Notes for the Reduction of Obtrusive Light GN01:2011.

The approved scheme shall be implemented in accordance with the approved details and thereafter maintained for the duration of the development.

30. No lighting shall be used on site other than in accordance with the hours of operation set out in condition 6 above.

Buckinghamshire County Council

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Development Control Committee – 23 July 2018

Application Number:	CC/0017/18
Title:	Development of a new two storey 2FTE (420 place) primary school and 52 place pre-school, to be constructed in two phases, with associated external works, including a car park for 55 cars and 3 motorcycles, external play areas, a multi-use-games-area (MUGA) and a single storey eco classroom building located with the soft play area, to the south east of the site.
Site Location:	Abbey View Primary Academy Kennedy Avenue High Wycombe Buckinghamshire
Applicant:	Buckinghamshire County Council County Hall Walton Street Aylesbury HP20 1UA
Case Officer:	Anna Herriman
Electoral divisions affected & Local Member:	Abbey, Lesley Clarke
Valid Date:	4 April 2018
Statutory Determination Date:	4 July 2018
Extension of Time Agreement:	25 July 2018
Summary Recommendation(s):	

The Planning Development Control Committee is invited to APPROVE application no.



INVESTOR IN PEOPLE



1.0 Introduction

The application is submitted by GSS Architects as the agents on behalf of Bucks County Council Commissioning team. It was received on 23rd March 2018 but it was not valid until 4th April 2018. It was sent out for consultation on 5th April 2018. Further details were submitted on landscaping, aboricultural details as well as bat reports details and further consultations took place with the relevant consultees. The application was advertised through a site notice, neighbour notification and newspaper advert due to it being a major development. An Environmental Impact Assessment Screening Opinion was carried out on 17th August 2017 and it concluded that the development did not constitute EIA development. The 13 week target date for the determination of the application expires on 4th July but an extension of time has been agreed and the target determination date is now 25th July 2018.

2.0 Site Description

- 2.1 The site is located on the north-eastern side of the Daws Hill Major Development Area (MDA) which is approximately 0.9 miles south east from High Wycombe centre. The site is not in the Green Belt and it is not in the AONB. The site was previously a military base which has now been demolished. To the south east of the Daws Hill MDA, an outline planning application is currently being processed for the Abbey Barn South Reserve under reference 18/05363/FUL for up to 550 dwellings including a medical facility, retention and enhancement of 'The Ride', provision of public open space / pedestrian links. Currently this appears to be focusing on phase 1 of the development. Phase 2 of the Abbey Barn Reserve would be adjacent to the eastern boundary of the proposed Abbey View school. The AONB sits to the south of the M40.
- 2.2 The outline planning permission for the MDA development (Wycombe District application reference number (13/05799/FULEA) is for the demolition of the existing buildings at the RAF Daws Hill site for mixed use development to provide 441 dwellings (362 houses and 79 apartments) 448.13sqm retail unit (class A1), 536.05sqm community centre (class D1), 211.55sqm Air Training Corps building (class D2), 9 industrial units (2819.29sqm, class B1c/B8), bus hub, school drop-off, open space, play areas, landscaping, car parking, the creation of a new access from Daws Hill Lane. The outline planning permission also includes the provision of a primary school and pre-school (up to 1320 sqm class D1). The permission provides for a one form entry (210 place) primary and pre-school on the site.
- 2.3 The land is a brownfield site and currently vacant. The site of the school is indicated on the Daws Hill Masterplan and is the site proposed for the primary school in this application. The only access to the Daws Hill MDA is off Daws Hill Lane to the south of the MDA development. There is proposed housing to the west and North of the school site (on the other side of the bridleway) and to the north east of the school site. There is an Ancient Woodland which is also a Biological Notification Site called Deangarden Wood just beyond the houses north of the school site. A bridle way bisects the Daws Hill MDA area across the road to the west of the school site. The area to the south of the school site is an area called "The Ride" which is a historic landscaping feature. The nearest properties to the school building would be screened by trees on the bridleway.
- 2.4 There are properties approximately 7 metres away from the north eastern boundary and these would be close to the part of the school site allocated for a possible U12

sports pitch / integration into 2FE school site. These are the nearest properties on which the school could have an impact but they are approximately 90 metres away from the permanent school building and area for soft play as part of the 1FE development.

2.5 Planning permission (as required by the S106 agreement for the approved MDA Development for the transfer of the school site to BCC) is being sought from the County Council under Regulation 3 of the Town and Country Planning (General Regulations) 1992 rather than as reserved matters pursuant to the outline permission. The applicant (now BCC) is seeking permission for more pupils and as such, forms a new application as opposed to relying on the outline permission for the MDA Development granted by Wycombe District Council.

2.6 The site has no landscape designations of historical, cultural or known archaeological significance nor contains any wetlands, coastal zones, mountains or forest areas, nature reserves or parks and no areas in which environmental quality standards have been exceeded. The site does not fall within any identified non-statutory or statutory nature conservation site.

3.0 Site History

3.1 The only planning history for this site is the outline planning permission for the Daws Hill MDA site as mentioned above.

4.0 Description of the Proposed Development

4.1 The application is for the development of a new two storey 2FTE (420 place) primary school and 52 place pre-school, to be constructed in two phases, with associated external works, including a car park for 55 cars and 3 motorcycles, external play areas, a multi-use-games-area (MUGA) and a single storey eco classroom building located with the soft play area, to the south east of the site. The proposal is planned on the existing land established as part of an outline application approved for a 1 form entry school and pre-school. The development has been determined as necessary to support the growing populations in Daws Hill and Abbey Barn South. Figure 1 below shows the proposed site layout:



Figure 1: Site Layout of the proposed school

Provision:

- 4.2 The new building would provide accommodation for a 420 place primary school and 52 place pre-school in accordance with the educational vision developed with the Academy Trust and Buckinghamshire County Council. The accommodation would be developed in two separate phases. The initial phase of works would comprise development of a one form entry primary and pre-school (1FE) with the supporting facilities (of Hall, Studio, Kitchen, Offices and Ancillary areas) built to accommodate two forms of entry (2FE). Phase 2 of the development would provide expansion of the teaching accommodation to create a two form entry primary and pre-school should the demand for the additional school places becomes evident.

Layout

- 4.3 The proposed building would be a two storey building, and the shape and layout of the building would allow only certain internal areas to be accessed for out-of-hours use.
- 4.4 The proposed school building is positioned on the corner of the site with a link to the School Plaza and allowing the school a presence and visibility on the ‘street scape’ creating a visible presence from the road. To the south (rear) is the vehicle access (already defined by Taylor Wimpey) the car parking, bin stores, delivery area and emergency vehicle access route. The pedestrian and vehicle areas would be separated by the school buildings. With the building located centrally between the parking and the School Plaza, any conflict due to vehicle and pedestrian ‘cross over’ is prevented. There is a proposed Eco classroom to the east of the MUGA.

Building organisation

- 4.5 The main entrance to the school would be within the ‘hall block’ from which there is

easy access to the facilities used by the school community. This includes a multi-use hall for performances/ meetings and sport, which could be supported by the adjacent catering facilities and secured from the main school for out-of-hours use if required.

- 4.6 It has been proposed that the pre-school, with its own defined entrance, should be located adjacent to the main school entrance. The key advantages of this solution are:
- Pre-School entrance access directly off School Plaza.
 - Pre-School and Reception areas are adjacent (1FE and 2FE).
 - Early years play provision for Pre-School and Reception can be combined and enhanced in one part of the site.
- 4.7 A Library and Practical Room would be located at first floor level, above the Studio and Staff Offices. If required, these could accommodate independent use out of school hours whilst maintaining a secure line to the other teaching areas. To define the main entrance and tie the upper and lower floors together, a small double height space is provided over the lobby; this would animate the upper floor and library, enabling passive supervision and creating a visual link between the 'public' and 'private' zones within the building.
- 4.8 A combined Pre-School and Reception play space would be located to the front of the building with canopied cover for use in all weathers. Play space for KS1 would be provided at the rear of the building with direct access provided from the classrooms. Further play areas for KS2 and general external social use would be provided at the eastern end of the building.

Sports Provision

- 4.9 Provision of a school playing field (soft outdoor PE area) is subject to a separate planning application and is related to the Section 106 of the MDA. Currently the S106 for the approved MDA Development is being redrafted in order to allow the adjacent area of public space to be passed to Buckinghamshire County Council and to be incorporated into the new school proposals for education purposes. This would be proposed to the north east of the school site and buildings.
- 4.10 The alterations and development of the Section 106 Agreements have provisionally been agreed by BCC, Wycombe District Council and Taylor Wimpey and are currently being dealt with by the BCC Legal Team. The provision of a playing field for the school would therefore be the subject of a separate Planning Application, comprising 0.71 hectares (7137sq.m), immediately to the north east of the current school site. This application has not yet been made.
- 4.11 To the east of the building, an area of tarmac (1450sq.m), sized to accommodate one netball court, together with a multi-use-games-area (MUGA) 36.6m x 22.5m (including run-offs) is proposed.

External Materials

- 4.12 The main car park, vehicle circulation areas and pedestrian circulation to the front entrance areas will be constructed in block paving, of a vehicle grade where appropriate. Within the hard play areas, teaching zones and circulation areas, surfacing will be black tarmacadam.
- 4.13 Main Entrances: The design uses two architectural 'fin' features to highlight the main School and Pre-School entrances. The first full height 'fin' creates a feature wall dividing the 'public' and 'private' internal building spaces. It projects externally,

locating the main school entrance and providing a backdrop for school signage. The wall cuts through the building as a feature within the double height circulation spaces and alongside the first floor library. The secondary 'fin' replicates the first but at a smaller scale, externally locating the Pre-School entrance and continuing internally through the Nursery office.

- 4.14 School Hall: The hall is located at the front of the site to enable public use but creates a large block volume in a very visible location. In order to reduce the impact of its scale and to add to the visual design there would be cladding at higher level, in varying tonal shades, set out to 'creep down' the external walls and expose the more traditional masonry finish below.
- 4.15 Classrooms: Each KS1/KS2 classroom is provided with a large feature window. At first floor these also include external feature surrounds. This allows good visibility out to surrounding external spaces and a 'framed' view of teaching activities from the outside. The proposed materials include 1800mm high polyester powder coated welded mesh fence and associated gates in green to the perimeter generally. The MUGA is proposed to be 2500mm high polyester powder coated rebound fencing and associated gates (green). The brickwork of the retaining walls will be buff to match elevations of KS1 soft play area and boundary to school plaza area. The play areas, habitat area and pedestrian ramps would be surrounded by 1200mm high (black) railings.
- 4.16 Doors are proposed to be clear double glazed aluminium doors with polyester powder in grey.
- 4.17 The roof is proposed to be polyester powder coated profiled roof covering (grey) to pitched roofs. Membrane is proposed for the flat roof.
- 4.18 Walls of the school building are proposed to be clay facing brickwork (buff) stretcher bond with localised areas of through coloured render (burgundy) and polyester powder coated aluminium rain screen cladding (shades of blue / teal / green). Laminate cladding panels to bay windows (grey to front face) with individual colours to the side and soffit. The curtain walling to be polyester powdered in grey with double glazing and opaque ceramic backed spandrel panels. The windows to be clear double glazed aluminium windows and curtain walling with polyester powder coated frame (grey).
- 4.19 The eaves and gutters are to be polyester powder coated aluminium coated with the gutters in grey.

Landscaping

Hard

- 4.20 Hard landscaping around the school site includes the early years play area with hard play areas to be surfaced with permeable tarmac and the car park surfaced with permeable block paving.

Soft

- 4.21 The soft landscaping includes planting, hedgerows and trees around the school site. Some trees are to be removed i.e. those in the way of school building and MUGA areas, although where possible, trees of significant value are to be retained. Most of the trees to the south east corner of the school site are to be retained. New trees are proposed in the school plaza area and the parking area close to the front of the

school (north west of the school buildings). New trees and hedgerow are proposed on the southern border of the school site and to the south and east at the bottom of the school site on the boundary. There are a few trees which have Tree Protection Orders (TPO) in the habitat area proposed between the hard play area and the soft play area to the south east of the school buildings. These trees are proposed to be retained.

- 4.22 Proposed grassed areas are to be south east of the early years play area to the north east of the school buildings, in the KS1 soft play area between the south of the school buildings and the staff car park as well to the east of the school buildings in the soft play area.

Access

Pedestrian:

External:

- 4.23 It was felt that the school would benefit from a dedicated pedestrian entrance at the front of the building gaining direct access to both the School and the Pre-School from the drop off area and School Plaza.

- 4.24 The design allows for separate access to the school and pre-school to avoid safeguarding issues due to the differing times for drop off/pick up of the school pupils and pre-school children. By locating the pre-school entrance separately, yet adjacent to the main school entrance, parents of pre-school children are able to access the pre-school without entering the school building or the school's external areas.

- 4.25 The existing levels of the School Plaza (already constructed by Taylor Wimpey) have necessitated external steps at the eastern end of the pedestrian link to the school entrance area. However at the western end of this interface a wide pedestrian route with level gradient of a maximum 1:21 forms a generous route, accessible by all, to the front entrances of the building.

Internal:

- 4.26 There would be a lift located near the main entrance with access to W.C. facilities for disabled occupants provided on both levels of accommodation. The central corridor is approximately 2m wide, providing sufficient space for two wheelchair users to pass. All stairs will comply with ADM and doors to all occupied rooms will provide the minimum required clearances. The design makes provision to deliver the curriculum to all learners and staff and to accommodate members of the community during out of hours use.

Cycling:

- 4.27 A total of 54 cycle spaces are provided around the school site using double sided 'Sheffield-type' hoops. All cycle spaces will be lit and covered utilising proprietary stand-alone, gated bicycle stores to meet Secured by Design standards to provide secure cycle parking for students, staff and visitors.

- 4.28 The main cyclist access will be from the School Plaza. Cyclists will be encouraged to dismount before entering the shared school pedestrian area at the front of the building to secure their bicycle.

- 4.29 There are cycle spaces for approximately 34 bicycles split between separate storage areas at the front of the building. 16 cycle spaces are provided within the fenced area of the school grounds for use by pupils and staff with a further 18 spaces provided by the main entrance for use by visitors.

4.30 A further 20 cycle spaces are proposed at the rear of the school adjacent to the MUGA for use by staff and students.

Vehicular:

4.31 Vehicle access to the school is from the adjacent highway to the west of the site. This route was pre-determined as part of the Outline Planning Permission obtained by Taylor Wimpey and provides access to the school car park and bin store and a route for maintenance and emergency vehicles to the school playgrounds and MUGA.

Drop-off parking is provided off-site and adjacent to the 'School Plaza'. This has already been constructed by Taylor Wimpey. Due to the existing gradients of paving in this area, in relation to wheelchair access, there is currently no provision for accessible vehicle parking at the front of the school. In order to mitigate this issue, and following discussion with The Transport Consultant, it is proposed that an additional disabled bay be included in the new on-site car park. It is proposed that the School will manage access to the car park (generally for staff use only) for any disabled parents or visitors who require fully compliant wheelchair access to the building.

4.32 Parking is provided within the car park for 55 cars, including 3 accessible spaces and 3 motorcycle spaces. Level access is not possible from this area to the rear of the school, due to the site level changes, however an accessible ramp and stairs, fully compliant with ADM, provides a safe route for deliveries, staff and disabled persons to gain direct access to the rear of the school.

4.33 Occasional bus/coach pick-up is to be at the front of the school from the School Plaza.

Crime Prevention

4.34 The School will comply with Secured By Design Schools 2014 and consultation is currently underway to ensure the new school premises will receive SBD accreditation. CCTV will be provided to monitor the school's security and design has been carefully considered to ensure coverage does not extend onto adjacent properties.

Ecology

4.35 Site investigations show that there are a number of different species present on site. As a requirement of the planning process, the Taylor Wimpey development proposals carries an obligation to retain and enhance the existing south east and south west boundaries of the site to create an enhanced 'eco corridor'; this is to run off the existing wildlife corridor located to the west of the site (refer to Aspect Ecology Baseline Ecological Assessment and Ecological Mitigation & Enhancements Figure 5.1 undertaken on behalf of Taylor Wimpey).

4.36 A further Preliminary Ecological Assessment relating to the school development site, undertaken in February 2018, confirms that the site has potential to support bats, reptiles and breeding birds. As a result of this assessment a further Bat Scoping Survey has also been carried out.

4.37 Although no direct evidence of bats was found on the survey of the trees, specifically those that are to be removed, there is a medium/high possibility of the presence of bats due to the abundance of roosting opportunities within other trees on the site. A number of further, additional mitigation and compensation recommendations were

made in the report together with further survey recommendations. A watching brief by an ecologist for the removal of trees with dense ivy on them (G26) was also recommended.

- 4.38 In view of the planting to the south east and south west boundaries of the site to create an enhanced 'eco corridor', external lighting levels for the new school have been carefully considered and designed with particular regard to any potential impact on bats. Soft landscaping proposals have also been developed to incorporate the anticipated Taylor Wimpey planting enhancements and to encourage wildlife. A reptile survey of the areas of semi-improved grassland has been recommended during the appropriate species survey period of April to October inclusive.

Arboriculture

- 4.39 The existing trees had a large influence on the design. The new proposals endeavour to retain as many of the existing trees as possible and their location played a large part in the overall design.
- 4.40 An existing collection of trees located at the centre of the site, including a mature oak (with TPO) is retained by creating a semi-mature habitat area and a further large mature oak tree (with TPO) located on the south eastern boundary, is accommodated within the grassed soft play area.
- 4.41 An Arboricultural Survey and an Arboricultural Method Statement have been undertaken to inform the proposals and were submitted with the application. Overall eleven individual trees and two groups of trees require removal to achieve the proposed development. However, three of the individual trees identified for removal are considered unsuitable for long-term retention due to their poor condition, and their removal would therefore have been required irrespective of the proposed development.
- 4.42 The Arboricultural Method Statement recommended a number of protective measures to be undertaken for the retention of the existing trees and hedgerows within the site and the locations for tree protection barriers have been identified on the Tree Protection Plan.

Public Rights of Way and Green Infrastructure

- 4.43 The school development will sit within a framework formed by existing landscape and ecological features, including the formal avenue of trees, The Ride, forming a linear green space to the south west of the site, the existing bridleway (HWU/156/1) running approximately north-south to the west, and the primary pedestrian access point proposed to the north east, connecting the new development of Abbey Barn South to the Daws Hill development area. To the north, and beyond a further area of Taylor Wimpey housing, is Deangarden Wood, Keep Hill an areas of Ancient Woodland.
- 4.44 The proposals currently being developed for Abbey Barn South include the 12 hectares of currently private land forming The Ride, being made available for public access, connecting the school and the new residential developments with a historic landscape feature in the form of public open space. There would be enhanced planting provided to the south east and south west site boundaries to support and promote opportunities for wildlife.
- 4.45 A proposed walking and cycling route through the woodland to the north, suggested by Wycombe District Council and utilising Section 106 monies made available via the Daws Hill Development, would further enrich connections to the adjoining landscape.

Although it is anticipated that the proposed development will impact on the adjacent public footpaths and the public highway at peak arrival and drop off times, the newly constructed routes have been designed with due regard to the new school. The existing public rights of way are considered of sufficient width and capacity to accommodate the effects of the development and the principle of a primary school and pre school at this location, with associated highway and access measures to accommodate journeys associated with this use, has already received Planning Consent.

Highways

- 4.46 The catchment area for the proposed school is to be the Daws Hill development and the Abbey Barn South development. This results in the school being within reasonable walking distance of its pupils.
- 4.47 At full capacity, the extant planning permission has permitted a 1FE primary school which would have generated in the region of 112 vehicle trips in the AM peak (0800-0900) and 72 trips in the school PM peak (1500-1600). It is now proposed that the trip generation of the site will increase to 224 vehicle trips in the AM peak and 138 trips in the school PM peak.
- 4.48 To ensure a robust assessment, the applicant has considered a similar school development; Berryfields Primary School, Aylesbury. The catchment intake from Berryfields Primary School has been obtained and is shown in the table below.

	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Intake	100%	100%	90%	74%	75%	63%	63%

Table 1: Catchment Intake from Berryfields Primary School (School Census September 2016)

- 4.49 The above figures are expected as the Berryfields development is not fully occupied. However, it is anticipated that the Daws hill residential development will be largely complete and occupied by the time the school is forecast to open in 2019 which would result in a consistently high proportion of the schools intake to be traveling to the school from within the catchment area, noting that Phase 2 is not intended for implementation unless demand for school places increase as a result of the Abbey Barn South site coming forward.
- 4.50 The applicant states that ‘a number of those vehicle trips will be ‘diverted’ or ‘pass by’ trips, therefore not creating any new trips on the road network, and accordingly having little impact on its operation.’. Due to the proposed trip generation effectively doubling the vehicle trip generation accepted for the consented school site, the proportion of anticipated link, diverted or pass by trips should be clarified so that this may be quantified with respect to the comparison between consented and proposed trip rates.
- 4.51 In terms of parking, the school is providing a car park comprising of 55 spaces including provision for disabled parking. Access to the car park will be controlled by electronic gate which is to be monitored by reception. As such, access to the car park will be restricted to staff, service vehicles and disabled drop off only. In addition, 54 cycle spaces are provided for staff, visitors and pupils and are therefore compliant with the Buckinghamshire County Parking Guidance. With respect to parent parking, a drop off and parking area for 24 vehicles is proposed and was agreed as part of the

original planning application.

Flooding

- 4.52 The proposed school site is within Flood Zone 1. Prior to design of the surface water drainage system, the proposed development increases the permeable area of the site by 0.07 Ha.
- 4.53 The proposed conceptual surface water drainage strategy is summarised below:
- Due to the underlying chalk geology, deep groundwater levels and former use of soakaways at the site, infiltration is the preferred option for discharge of surface water. However, results of ongoing groundwater monitoring at the site should be used to inform the final detailed drainage design;
 - Soakage testing in the west of the site, using BRE 365 methodology, indicates that the required storage volume for the school roof and paved areas can be drained by infiltration alone during the 1 in 100-year, 6-hour storm event (plus 20% climate change allowance);
 - The proposed drainage strategy utilises infiltration to manage runoff rates and volumes, through the use of a central geocellular soakaway. Access roads and the staff parking area will drain by permeable paving, play areas will use porous tarmac, and French drains underdrain the sports pitch. Channel drains are proposed at access areas to the site, to intercept runoff and prevent off-site impacts from the development;
 - In the unlikely event that later site investigations determine that discharge by infiltration is not feasible, an alternative option will be to line features to retain attenuation storage and either utilise rainwater harvesting or, following permission from Taylor Wimpey and consent from Thames Water (if the systems are adopted), discharge into the proposed surface water sewer system for the wider RAF Daws Hill development site at greenfield rates and volumes;
 - Runoff generated by exceedance rainfall or blockage of a structure is proposed to remain on site and away from the school building, with grassed embankments providing a retaining feature.

External Lighting

- 4.54 The proposed lighting scheme utilises ultra-low energy light sources coupled with high efficiency luminaires for minimum energy input consistent with achieving the required illuminance levels. LED lamp technology has been chosen where possible to eliminate UV emissions.
- 4.55 The luminaires will provide various forms of functional, security and amenity lighting. The areas proposed to be lit will be the open air car park, bin shed, cycle stores and building perimeter security lighting.
- 4.56 The external lighting will be controlled via photocell and time clock, complete with manual override.
- 4.57 The lighting design has generally been carried out to BSEN 12464-2 and BS 5489-1. The lux plot plan that was submitted clearly shows the beam orientation of the fittings proposed.

Measurements

- 4.58 The length of the proposed school building is approximately 63 metres. The width of the proposed school building is approximately 23.25 metres at the widest point (main hall). The maximum height of the development at its highest point would be

9.5metres. The development proposes approximately 2699 sqm new floor space. The nearest properties to the building (when built) would be approximately 82.25 metres away. The total area of the school site is approximately 1.19 hectares.

Additional Information

4.59 The proposed opening hours of the school are Mondays to Fridays 7am – 10pm, Saturdays 7am – 10pm and Sundays / Bank Holidays 8am – 6pm.

4.60 There will be 54 members of FTE staff.

5.0 Planning Policy & Other Documents

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning is determined in accordance with development plan unless material considerations indicate otherwise. The development plan for this area comprises the saved policies of the Wycombe District Local Plan and the Wycombe District Core Strategy.

5.2 The following saved policies from the Wycombe District Local Plan are relevant:

G3 (General Design Policy);
G7 (Development relation to local topography);
G8 (Detailed Design Guidance and Local Amenity);
G10 (Landscaping);
G11 (Trees and Hedgerows);
G15 (Noise Pollution);
G16 (Light Pollution);
G26 (Designing for Safer Communities);
T2 (On-site Parking and Servicing);
T6 (Cycling);
L1 (AONB);
L6 (Woodlands)

5.3 The following saved policies from the Wycombe District Core Strategy are also relevant:

CS15 (Community Facilities and Built Sports Facilities);
CS16 (Transport);
CS 17 (Environmental Assets);
CS19 (Raising the quality of place-shaping and design);
CS20 (Transport and Infrastructure)

5.4 The National Planning Policy Framework (2012) Government's Ministerial Statement for Schools and the Buckinghamshire Parking Strategy is relevant material considerations.

6.0 Consultation Responses

6.1 **Local Member** – No comments have been received from the Local Member.

6.2 **Wycombe District Council** – has comments regarding the transfer of the land north of the school from the District Council to BCC for use by the school as a playing pitch, and they strongly recommend retention of the trees on the school boundary on land behind the school, a tree protection plan to be in place to protect the vegetation

around the perimeter of the school and an arboricultural method statement to be in place to protect the root of the existing trees of the site. They would like to see mitigating planting at the front of the school and that tree planting should be provided within the car park. They would like to see the same colour of bricks and tiles as the new houses in the area. The legal agreement would need to be varied to allow for the expansion of the school by incorporating public open space into the school playing field. The school should be designed for dual use ie. Use of the school sports pitch outside school hours (when provided) and also the use of the main school hall. The County Council should ensure that measures to be put in place to improve biodiversity are secured by planning conditions.

- 6.3 **Highways Development Management** – have no objection subject to conditions regarding school travel plans, a construction management plan. and that development of phase 2 should not commence until planning permission have been approved for the Abbey Barn South Residential Development (18/05363/FUL).
- 6.4 **Flood Management Team** – has no objection subject to a condition regarding SuDS component and submission of details demonstrating sufficient water treatment, existing and proposed discharge rates and volumes, infiltration details, construction details of SuDS and drainage components, pipes details, calculations regarding storm water input and details of proposed overland flow.
- 6.5 **Jacobs Landscape** – has no objection subject to conditions regarding legal negotiations with regards to the management and maintenance schedule and also a condition that replacement tree planting further from the building takes place as compensation for the removal of 4 cherry trees.
- 6.6 **Jacobs Forestry** – would like to see a revised AMS to reflect extra information for RPA, reconsideration of proposed construction methods / location for hard standing car park and MUGA need extra construction information, a full schedule of proposed trees to be removed and improved TPP for some areas. AMS to include further details on tree pruning, and arboricultural supervision.
- 6.7 **Ecology** – The officer is satisfied with the reports that were submitted as part of the application and that all recommendations and method statements for the protection of badgers and reptiles in the reports should be followed. This will form a condition on the consent, if granted.
- 6.8 **Archaeology** – has no objection to the proposed development and does not wish to add any conditions.
- 6.9 **Buckinghamshire Fire and Rescue Service** – no comments have been received.
- 6.10 **Chilterns AONB Board** – has a few concerns regarding the impact of lighting of the development on the nearby AONB. Their comments refer mainly to the proposed Abbey Barn South development but have asked us to take into account the Chilterns AONB Management Plan especially at paragraph 11 which takes into account the impact of the development on the AONB. Also they would like to see best practice in design and management of lighting. They would like to see conditions for management of lighting on the development such as; no external lighting shall be used, any lighting proposed should be designed in a way that there is no emittance of light upwards or sideways, no development shall take place until the details of external lighting have been submitted to and approved in writing by the planning authority, no lighting shall be installed or illuminated without permission from the planning authority, details of floodlights, control in the use of lighting (not after 1900hrs at night or before 1530hrs in the afternoon. They also would like to see an

informative requesting that guidance on lighting is consulted.

- 6.11 **Natural England** – has no comments to make. However, they commented that standing advice is available on ancient woodland. In any event, we have carried out a consultation with a forestry advisor on this planning application.
- 6.12 **Crime Prevention** – no comments have been received.
- 6.13 **Rights of Way** – The officer has no objection however, he would like to suggest a condition requesting that prior to the occupation of the school, works to be carried out on the 120m length of the bridleway HWU/156/1 at 2.5m width should be laid out with a granite to dust surface in accordance with details to be approved in writing by the Planning Authority in conjunction with the Highways Authority.
- 6.14 **Sports England** – has no comments to make as the proposed development falls outside their remit. However, they have included advice that the applicants should follow if the proposed development involves the loss of any sports facility, provides a new sports facility or the development involves the provision of additional housing. The NPPF should also be considered.
- 6.15 **Safer Route to Schools** – commented that they would like a condition added to ensure that the school develops and maintains an active School Travel Plan and is approved by the BCC Transport, Economy and Environment Unit to increase active travel, improve safety and encourage sustainable travel modes for the school journey.
- 6.16 **Energy Team** – no comments have been received.
- 6.17 **Thames Water** – has no objection to the proposed development. However, they would like to see informative attached stating that no building or construction may take place within 3 metres of a water mains or if works are to be carried out within 3 metres, Thames Water need to check that it would not reduce capacity, limit repair or maintenance activities during and after construction. As the development proposed is within 15m of underground water assets, the guide “working near our assets” needs to be read to ensure construction and workings are in line with the necessary processes if considering working above or near pipes or other structures.

7.0 Representations

- 7.1 Representations were received by a third party and a member of the public who are in support of the planning application due to the shortage of school places and the school would provide education facilities to help children achieve their highest potentials and increase children’s independence and promote thinking skills.

8.0 Discussion

- 8.1 I consider that the main issue in regards to this proposal is whether the proposed school building and associated facilities meet the requirements of the relevant local plan policies in terms of design and amenity, and also the highway and landscaping impacts on the local area.
- 8.2 The use of the site for the provision of a primary school has been allocated and agreed in principle as part of the outline planning permission for the Daws Hill MDA. Planning application CC/0017/18 is made as a full planning application in its own right. It is acknowledged that the suitability of the site for the purpose proposed and its relationship with the surrounding intended development has been considered and agreed in principle by Wycombe District Council.

Principle of the Development (NPPF)

8.3 The CLG letter to the Chief Planning Officers dated 15th August 2011 set out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. The policy statement reads:

“The creation and development of state funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations.”

8.4 State-funded schools include Academies and free schools as well as local authority maintained schools.

8.5 It further states that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools;
- Local Authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;
- Local Authorities should make full use of their planning powers to support state-funded schools applications;
- Local Authorities should only impose conditions that clearly and demonstrably meet the tests as set out in the Planning Practice Guidance;
- Local Authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible;
- A refusal of any application for a state-funded school or the imposition of conditions will have to be clearly justified by the Local Planning Authority.

8.6 The National Planning Policy Framework (NPPF) emphasises that development should be sustainable. This includes the provision of infrastructure that would assist the local economy and community as well as protecting and enhancing the environment. Paragraph 70 of the NPPF states that planning permissions should plan positively for the provision and use of space and local services to enhance the sustainability of communities. Paragraph 72 of the NPPF attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. The planning application is submitted in accordance with the County Council's statutory duty to provide a school place for every child of school age in Buckinghamshire who requests one. Abbey View Primary Academy is proposed to accommodate the identified demand for school places as a result of the residential developments of RAF Daws Hill and Abbey Barn South. Therefore there is a need to provide this facility and is therefore in compliance with the NPPF.

Design and Amenity (Policies G3, G8, G15 and G16 of the WDLP and Policies CS15 and CS19 of the WDCS)

8.7 Policy G8 seeks to safeguard the amenity of local residents and refers to design and its impact on daylight and sunlight, privacy, visual intrusion and overshadowing. Policy CS19 of the WDCS and Policy G3 of the WDLP advocate the quality of design, regard to the amenity of the neighbouring uses and existing site characteristics. Policy G3 seeks to ensure that the development achieves a high standard of design and layout that respects and reflects the local urban and rural context and maintains and reinforces its distinctiveness and character. Policy G15 of the WDLP states that

development that would have a detrimental impact on the surrounding area as a result of noise would not be permitted. Policy G16 states that development would not be permitted if light would have a detrimental impact on the surrounding area. Policy CS15 of the WDCS seeks to support the provision of new community facilities in sites allocated for such purposes or part of a mixed use allocation.

- 8.8 The school, like the rest of the housing development forms part of Daws Hill MDA which is largely built on the brownfield site of the former Daws Hill RAF base. According to policy DM12 of the DSA, the development can only be permitted on Green Space in exceptional circumstance. As the school is part of the Daws Hill MDA, where there would be housing built to the north, west and south of the school site, it would not cause a fragmentation of the Green Space, and the proposed landscaping proposals would ensure the eastern boundary of the school site blends into the landscaping. Also the trees alongside the public footpath to the west of the school plaza would also be retained.
- 8.9 The proposed materials would be considerate to the surrounding area. The play area would be located beyond the school building and a playing field space south of the housing north of the site. Therefore I would considered that noise would not be an issue. Strict conditions would be applied for the control of lighting including operation times and that it would not have a detrimental impact on the surrounding area especially the nearby AONB. The opportunity for the MUGA and the school hall for community use would assist in the provision of new community facilities in the residential area. Therefore, I consider the proposed development to be in accordance with the above policies.

Lighting

- 8.10 We note the concerns by the Chilterns Conservation Board with regarding to the impact of lighting from the development onto the nearby AONB. The majority of their comments are related to the Abbey Barn South proposed housing development which would be closer to the AONB area than the this application site within the Daws Hill MDA. The AONB area is to the south of the M40 motorway. The applicant has submitted details on the proposed lighting to be used in the car parking, and some pedestrianised areas of the school site. However, no details were submitted regarding the hours of use. This has been requested by condition. No lighting is proposed in the MUGA area. Due to the location of the school site and the fact that there is housing (with respective street lighting) between the school site and the M40 motorway, and there would be more housing proposed to the north of the school site. It is not considered that there would be any detrimental impact on the setting of the AONB area. Consideration would be taken to protect the character of the 'The Ride' where extra landscaping is proposed for the school's south eastern corner and the boundaries near there. An informative is to be added to any decision notice if granted to ensure the lighting proposed meet the requirements of lighting requirements for AONBS and also the dark skies approach. Therefore subject to the proposed condition and the informative, I would consider that there would be no detrimental impact as a result of lighting and would therefore be in compliance with policy G16 of the WDLP.

Highway Matters (Policies T2 and T6 of the WDLP policy CS16 and CS20 of the WDCS

- 8.11 Policies CS16 and CS20 of the WDCS require that the proposals should be assessed in relation to the possible impact on the transport network and ensure that all vehicular traffic generated by the development does not materially increase traffic problems. The NPPF (paragraphs 29-36) supports sustainable developments and sustainable transport modes should be used where possible. Policies CS20 of the

WDCS and T2 of the WDLP expect development proposals to provide appropriate and effective parking provisions. The Buckinghamshire Parking Guidance states that there should be 1 space for every FTE staff.

- 8.12 Policies T6 states that developers should provide adequate cycling provision.
- 8.13 It is anticipated that the school buildings would cater for 420 children. The proposed staffing is 54 FTE. A 55 space car park (including 3 for disabled) and 3 for motorbikes is also proposed together with a 54 cycle provision and 24 spaces for parents at the front of the school off Kennedy Avenue.
- 8.14 It appears that the provision of parking facilities as well as those for cycling should be sufficient. It is not expected that every member of staff would be driving to the school. Some would cycle or use other modes of transport. The Highways Officer is satisfied with the proposals subject to conditions. This is a new school, so the school needs to establish itself but there is enough capacity to deal with the possible transport modes to and from the school. Safer Routes to school was also consulted and they would like to see an active travel plan in place and maintained. Drop off and pick up times is not considered to have a detrimental impact on the public highway and would likely be confined to the local area.
- 8.15 Subject to the requested conditions by the Highways Officer and the Safer Routes to School officer, I therefore consider the proposed development to be compliance with the above policies, Buckinghamshire County Council parking guidance and the principles in the NPPF.

Landscaping, biodiversity and ecology (Policies G10, G11, L1 and L6 of the WDLP and Policies CS17 of the WDCS)

- 8.16 Policy G10 of the WDLP requires that the landscaping forms a part of the development project. The application includes proposals for landscaping proposals which respects the existing landscape character. Detailed landscaping proposals have been submitted and landscaping proposals are expected to be maintained.
- 8.17 Policy G11 of the WDLP states that the development proposals will be required to retain existing trees and hedgerows of good quality and/or visual significance, or trees and hedgerows of good quality and/or visual significance, or trees and hedgerows which are likely to become visually significant when the site is developed.
- 8.18 Policy L1 of the WDLP states that development would not be permitted where even though located outside the AONB, would have a detrimental impact on the special character or appearance of the AONB.
- 8.19 Policy L6 of the WDLP states that development would not be given for proposals that would cause the loss, fragmentation or reduction in size of woodlands.
- 8.20 Policy CS17 of the WDCS states that applications should improve the conservation and enhancement of the Chilterns AONB, biodiversity, protection of open spaces, retention and enhancement of green spaces.
- 8.21 The proposed extension would involve the removal of trees where they would be in the way of construction but however, new trees are proposed. There are a couple of trees with TPO status but these have been retained and would be part of the habitat area in the centre between the hard and soft play areas to the east of the school buildings. New planting and hedges are proposed along the eastern and the southern borders.

- 8.22 However, there are still a few issues regarding aboriginal and the protection of trees still outstanding. Another revision of the AMS has just gone out for consultation which has resolved some of the outstanding issues. However, the agent has requested that a site visit is made to the site prior to works commencing to do a final check that all issues are resolved. Any more information regarding this would be mentioned verbally at the committee meeting and a possible condition to secure the resolution of final details.
- 8.23 In terms of impact on views. A Landscape Impact View Assessment was submitted with the application. The school is proposed to be located within the Daws Hill MDA on the north eastern area of the development. Housing is still being built as part of the development. Housing are proposed to the north of the school site. Housing is being built in the MDA in a northerly direction. However, parkland and habitat areas are on the eastern and southern boundary of the school site in which the school could be visible. The area to the south of the school site in an area called "The Ride" which is a historic landscaping feature and therefore as part of the planning application process, it is important to consider sufficient screening on the southern and eastern boundaries of the school site to minimise views of the school from these nature areas. Due to the close proximity of the school site to the houses to the north of the site, consideration would need to be given for the screening of the northern boundary to protect the amenity of these houses. There is a proposed playing field space between the school main site and the houses on the northern side of the school site. However, there are proposals to erect native hedging on the northern border of the school site also to protect views from the houses. The applicant has also received confirmation from Wycombe District Council that maintenance of trees and hedging on the boundary of the school site would eventually come under the control of the school rather than under Taylor Wimpey.
- 8.24 Also the proposed plans of the school would not cause any fragmentation or segmentation of woodland. The proposed screening around the school site especially those on the eastern and southern borders would protect views on the landscape character of the area including the AONB. Therefore it is considered that the proposed development is in compliance with the above policies.
- 8.25 Paragraph 109 of the NPPF states that developments should minimise the impact on biodiversity and ecology and where possible provide net gains in biodiversity. A bat scoping survey and a reptile survey was submitted as part of the application. A dawn / dusk survey of bats was also carried out. The County's Ecologist has raised no objection to the planning application providing that conditions / informatives are included for the protection of bats, badgers and reptiles to be according to the protection methods, and recommended mitigation measures as stated in the submitted reports. These include the stripping of grassland / ground clearance under a robust method statement for reptiles and mitigation measures would be in place for bats with regard to lighting and the protection of any bat roosts that are found and the provision of bats / bird boxes for the habitat area with log piles for insects and reptiles. As such, subject to the inclusion of relevant conditions and informatives, the proposal is considered to be in compliance with the biodiversity aims of the NPPF.

Flood Risk (NPPF)

- 8.26 Paragraph 103 of the NPPF states that development should not be permitted if it is likely to generate additional flood risk elsewhere. The planning application is accompanied by a Flood Risk Assessment (FRA) and some information on drainage strategy. The County's Flood Management has no objection subject to a suitably worded condition to require further information calculations and drainage / SuDS

information. Subject to this condition and the submission and approval of this extra information required, I consider that there would be no detrimental impact on flooding, drainage and surface run off in the local area and on the school site.

Equality and Diversity

8.27 Equality Act 2010, Section 149 states:

(1) A public authority must, in the exercise of its functions, have due regard to the need to-

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The proposal would not conflict with the requirements of the Equality Act 2010 or the Council's policy on equality.

9.0 Conclusion

9.1 The planning application is for the development of a new two storey 2FTE (420 place) primary school and 52 place pre-school, to be constructed in two phases, with associated external works, including a car park for 55 cars and 3 motorcycles, external play areas, a multi-use-games-area (MUGA) and a single storey eco classroom building located with the soft play area, to the south east of the site.

9.2 The use of the land has been agreed as a school site as part of the MDA Development. The proposed development would provide the pre-school and primary school facilities and places required as a result of the new housing development. The school would not have a detrimental impact on the local environment and would respect the landscape / ecological characteristics of the area. The proposed school and pre-school would not have a detrimental impact on the highway network. This application is therefore recommended for approval subject to the conditions in Appendix A.

Appendix A: Schedule of Conditions

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.

Reason:

To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

2. The development and materials to be used in the construction of the external surfaces of the extension/building(s) hereby permitted shall not be other than those specified on the approved plans as below:
 - Drawing no: 53V006-GSS-00-XX-DR-A-0001 P01 Location Plan;
 - Drawing no: 53V006-GSS-00-XX-DR-A-0005 P03 Proposed Site Layout;
 - Drawing no: 53V006-GSS-00-XX-DR-A-0006 P03 Proposed Site Plan Sheet 1 of 2;
 - Drawing no: 53V006-GSS-00-XX-DR-A-0007 P03 Proposed Site Plan Sheet 2 of 2;
 - Drawing no: 53V006-GSS-00-GF-DR-A-0010 P02 Proposed Ground Floor Plan;
 - Drawing no: 53V006-GSS-00-FF-DR-A-0011 P02 Proposed First Floor Plan;
 - Drawing no: 53V006-GSS-00-RL-DR-A-0012 P02 Proposed Roof Plan;
 - Drawing no: 53V006-GSS-00-EL-DR-A-0020 P02 Proposed Elevations Sheet 1 of 2;
 - Drawing no: 53V006-GSS-00-EL-DR-A-0021 P01 Proposed Elevations Sheet 2 of 2;
 - Drawing no: 53V006-GSS-00-SX-DR-A-0022 P02 Proposed Sections Sheet 1 of 2;
 - Drawing no: 53V006-GSS-00-SX-DR-A-0023 P02 Proposed Sections Sheet 2 of 2;
 - Drawing no: 53V006-GSS-00-XX-DR-A-0024 P01 External Visuals;
 - Drawing no: 53V006-GSS-00-SX-DR-A-0025 P02 Existing & Proposed Site Section 1;
 - Drawing no: 53V006-GSS-00-SX-DR-A-0026 P02 Existing & Proposed Site Section 2;
 - Drawing no: 53V006-GSS-00-SX-DR-A-0029 P02 Proposed Site Section 1;
 - Drawing no: 53V006-GSS-00-SX-DR-A-0030 P02 Proposed Site Section 2;
 - Drawing no: 53V006-GSS-00-XX-DR-A-0091 P02 External Works Ramps & Steps 01;
 - Drawing no: 53V006-GSS-00-XX-DR-A-0092 P02 External Works Steps 02 & 03;
 - Drawing no: 53V006-GSS-00-XX-DR-A-0093 P01 Refuse / Recycling Store Details Sheet 1 of 2;
 - Drawing no: 53V006-GSS-00-XX-DR-A-0094 P01 Refuse / Recycling Store Details Sheet 2 of 2
 - Drawing no: 53V006-GSS-00-XX-DR-A-0095 P01 External Works Fixtures

- Enplan Ltd Overall Landscape Proposals dated 06 March 2018 Enplan Ltd Soft Landscape Proposals dated 12 March 2018 (Drawing no. 53V006-EN-XX-XX-DR-L-775101 Rev.A)
- Enplan Ltd Soft Landscape Proposals dated 12 March 2018 (Drawing no. 53V006-EN-XX-XX-DR-L-775102 Rev.A)
- Enplan Ltd Soft Landscape Proposals dated 12 March 2018 (Drawing no. 53V006-EN-XX-XX-DR-L-775103 Rev.A)
- Enplan Ltd Abbey View Primary Academy Management & Maintenance Schedule Rev A dated 24 April 2018
- Peter Brett Associates Primary School Sports Pitch Proposed Levels and Contours dated 10 August 2017 (Drawing no. 25263/035/800)
- Peter Brett Associates Planting Plan Sheet 5 dated 09 April 2013 (Drawing no. Daws-D05-P)
- Peter Brett Associates Planting Plan Overview Sheet dated 23 May 2013 (Drawing no. Daws-D00-POV-A)

Reason:

In the interests of local amenity and to comply with policies G3, G8 of the WDLP and policy CS19 of the WDCS.

3. As soon as the boundary to the southern and eastern side of the school has been transferred from Taylor Wimpey to Buckinghamshire County Council, aftercare provision for the structural tree and hedge boundary planting shown on the Peter Brett Associates drawings (listed in Condition 2) is required. These should be maintained in accordance with the Management and Maintenance Schedule Rev A prepared by Enplan that was submitted on 26th April 2018.

The following should also be submitted to and approved in writing by the County Planning Authority:

- Replacement of failures in the first five years from planting
- The design height of hedgerow which should be sufficient to maintain visual separation between the proposed development and 'The Ride'

Reason:

In the interests of impact of views on 'The Ride' and surrounding landscape areas and in accordance with policies G3, G8, G10, G11, L1 and L6 of the WDLP and policy CS17 of the WDCS.

Pre commencement

4. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
 - Demonstrate that there is sufficient water treatment prior to discharging of runoff to any infiltration component, as per the guidance in CIRIA C753.
 - Existing and proposed discharge rates and volumes

- Infiltration in accordance with BRE365 in the locations of the proposed infiltration components
- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy
- SuDS components as shown on drawing no. 53V006-BCL-00-00-DR-C P01 – Proposed Drainage
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
 - Flow depth
 - Flow volume
 - Flow velocity
 - Flow direction

Reason:

The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 103 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

5. Prior to the commencement of any works on the site, a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the County Council. The CTMP shall provide for the following:
- the routing of construction vehicles
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - operating hours
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities

The approved CTMP shall be adhered to throughout the construction period.

Reason:

In the interests of highway safety and prevention of congestion and in accordance with policies G3 and T2 of the WDLP and policies CS16 and CS20 of the WDCS.

6. Prior to any development above slab level, sample of brick work and tiling to be used at the school shall be submitted to and approved in writing by the County Planning Authority.

Reason:

In the interests of design, character and the amenity of the local area and in accordance with policies G3 and G8 of the WDLP and policy CS19 of the WDCS.

7. Prior to the commencement of the development, the following shall be submitted to and approved in writing by the County Planning Authority:
- details of Root Protection Areas
 - proposed construction methods / location for hard standing car park and MUGA
 - a full schedule of proposed trees to be removed and improved tree protection in the following areas: the footpaths running through the habitat area, MUGA and the hard standing car park
 - details on tree pruning and arboricultural supervision.

Reason:

In order to protect trees on the site and the amenity of the school site and the local area and in accordance with policies G10 and G11 of the WDLP.

8. In order to protect badgers and reptiles on the school site, all recommendations as stated in the document "Aspect Ecology Limited Ecological Mitigation & Enhancements" dated March 2013 shall be carried out in full.

Reason:

For the protection of badgers and reptiles on the school site and in accordance with policy CS17 of the WDCS and the NPPF.

9. No vegetation shall be removed and no buildings shall be demolished during the bird nesting season. This is weather dependant but generally extends from 1 March to 31 August (inclusive). If this is not possible, a qualified ecologist shall check the areas concerned immediately prior to vegetation removal/building demolition works to ensure that no nesting or nest-building birds are present. If any nesting or nest-building birds are present, no vegetation shall be removed and no buildings shall be demolished until the fledglings have left the nest.

Reason:

To protect ecological interests at the site and to comply with policy CS17 of the WDCS and the NPPF.

10. Prior to construction and during construction, any bats that are found as well as nesting birds and reptiles shall be protected as detailed in methods and recommendations within in the Bat Scoping Report v.4 by HRS services dated 7th June 2018.

Reason:

To ensure the protection of protected species that may be found on the site and in accordance with policy CS17 of the WDCS and the NPPF.

Prior to Occupation

11. Lighting shall be constructed in accordance to details outlined in the report “External Lighting Report” by David Bedwell Partners dated 5th April 2018 (ref: 53V006-BED-XX-XX-RP-E-4000) submitted with the planning application as part of this development. Prior to the use of lighting, details of light operational times and a summary of how the lighting would respect the dark skies approach and avoid a jarring relationship with ‘The Ride’ when viewed from the wider AONB vantage points to the south should be submitted to and approved in writing by the County Planning Authority.

Reason:

To ensure that the light source itself is invisible other than at very close quarters, to protect the living conditions of nearby residents and in the interests of the landscape character of the AONB, including dark night skies objectives and in accordance with policies G8, G16, L1 and L6 of the WDLP and CS17 of the WDCS.

12. Prior to the occupation of the school, details of trees to compensate for the loss of 4 cherry trees shall be submitted to and approved in writing by the County Planning Authority.

Reason:

In order to protect the visual amenity of the school site and surrounding area and in accordance with policies G10 and G11 of the Wycombe District Local Plan.

13. Prior to occupation of the school, works along the 120 metre length of Bridleway HWU/156/1, at 2.5 metres width, should be laid out and constructed with a granite to dust surface in accordance with details to be first approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:

To ensure the bridleway connecting the development with High Wycombe is in a suitable condition to safely and conveniently accommodate pupils walking and cycling to school and to comply with guidance in WDC Policy CS20 and NPPF.

14. Prior to the occupation of the development a School Travel Plan shall be submitted to and agreed by the County Council to be in general accordance with the ‘Buckinghamshire County Council Travel Plan Good Practice Guidance’. The approved Travel Plan shall be implemented upon occupation of the development and subject to annual review thereafter. For avoidance of doubt, the Framework Travel Plan shall include:

- The appointment of a Travel Plan Co-ordinator;
- A programme for facilitating the monitoring of the Travel Plan;
- Funding of the Travel Plan and its annual auditing by the Council; and
- The provision of a Travel Plan contingency fund.

Reason:

In order to influence modal choice and to reduce single occupancy private car journeys and comply with National and Local Transport Policy and in accordance with policies G3 and T2 of the WDLP and policies CS16 and CS20 of the WDCS.

Post Occupation

15. Following occupation of the development hereby permitted, the travel plan shall be reviewed and submitted for approval, on an annual basis, at the end of each academic year.

The plan shall include a full analysis of the existing modal split for staff and pupils at the school and detailed proposals for future transport provision, with the aim of securing no increase in the number of car movements generated on the school journey. In the event of an increase in the number of car movements, the school shall undertake measures, which will have previously been identified in the travel plan, as are necessary to promote a reduction in the number of car borne trips.

Reason:

In order to minimise danger, obstruction and inconvenience to users of the highway (National Planning Policy Framework). Also in order to promote sustainable methods of travel, to minimise danger, obstruction and inconvenience to users of the highway and in accordance with policies G3 and T2 of the WDLP and policies CS16 and CS20 of the WDCS.

Ongoing

16. The development hereby permitted shall not be used other than Mondays to Fridays 7am – 10pm, Saturdays 7am – 10pm and Sundays / Bank Holidays 8am – 6pm.

Reason:

In the interests of the amenities of the area and to comply with policies G8 and T2 of the WDLP and policies CS15, CS16 and CS20 of the WDCS.

INFORMATIVES

1. Thames Water

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The

proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

2. Ecology

Bats

All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010. The applicant and contractors should be aware that all bats and any structures used by them are protected by law, and that works likely to disturb bats or their resting places (even if undertaken at a time of year when the bats are absent) require a licence from Natural England. Should a bat be encountered during development, work should cease immediately and advice should be sought from Natural England (tel. Batline 0345 1300228). Bats should preferably not be handled (and not without gloves) but should be left in place, gently covered, until advice is obtained. Particular care and vigilance should be taken when roof tiles or slates are removed (remove by hand and check underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Fascias, barge boards and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March to May, or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

Badgers

Badgers (*Meles meles*) - Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal to kill, injure or take badgers or to interfere with a badger sett. During the construction phase, measures should be installed in order to protect badgers from being trapped overnight in open excavations and/or pipe and culverts. Appropriate measures may comprise either timber planks or earth ramps in order to allow badgers to egress from excavations greater than 0.5m depth. Alternatively all excavations should be backfilled before nightfall.

Reptiles

All UK native reptile species including adder, common lizard, grass snake and slow worm are fully protected are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). All native reptile species are also listed as Species of Principle Importance and are therefore protected by Section 40 of the Natural Environment and Rural Communities Act (NERC Act) 2006. Care must be taken in regard of any works which will involve the removal or disturbance of vegetation piles, especially near to water bodies during the hibernation and incubation periods for reptiles. Any clearance of vegetation should be undertaken, by hand, under the supervision of a suitably qualified ecologist. To avoid impacts to reptiles this should be carried out between September and February and preferably during periods of warmer weather when reptiles are likely to be active.

Nesting birds

Just vegetation

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), including their nests (whilst in use or being built) as well as any eggs the nest may contain. Therefore, no vegetation should be removed during the bird nesting season.

This is weather dependant but generally extends from 1st March to 31st August (inclusive). If this is not possible, a qualified ecologist should check the areas concerned immediately prior to vegetation removal to ensure that no nesting or nest-building birds are present. If any nesting or nest-building birds are present, no vegetation should be removed until the fledglings have left the nest.

Vegetation and buildings

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), including their nests (whilst in use or being built) as well as any eggs the nest may contain. Therefore, vegetation should not be removed nor buildings demolished during the bird nesting season. This is weather dependant but generally extends from 1st March to 31st August (inclusive). If this is not possible, a qualified ecologist should check the areas concerned immediately prior to vegetation removal/building demolition to ensure that no nesting or nest-building birds are present. If any nesting or nest-building birds are present, no vegetation/building demolition shall be removed until the fledglings have left the nest.

Just buildings

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), including their nests (whilst in use or being built) as well as any eggs the nest may contain. Therefore, buildings should not be demolished during the bird nesting season. This is weather dependant but generally extends from 1st March to 31st August (inclusive). If this is not possible and breeding birds are encountered, no building demolition should take place until after the fledglings have left the nest.

3. Lighting

In terms of lighting, regard should be paid to:

- i) the guidance as set by the Institute of Lighting Engineers for Environmental Zone E1 (Area of Outstanding Natural Beauty) and
- ii) Dark Night Skies, Cranborne Chase AONB Partnership, Paper by Bob Mizon Commission for Dark Skies (CfDS) - March 2016
- iii) Relevant position statements by Cranborne Chase AONB Partnership
- iv) Guidance provided by the Bat Conservation Trust with regard lighting and bats.

4. Compliance with Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015.

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in relation to dealing with the proposed development by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and pro-actively in accordance with the requirements of the National Planning Policy Framework as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

5. Please remove any site notice that was displayed on the site pursuant to the application.

6. That the reasons for the approval of the application are that the application is in compliance with the saved policies:

Wycombe District Local Plan:

G3 (General Design Policy);
G7 (Development relation to local topography);
G8 (Detailed Design Guidance and Local Amenity);
G10 (Landscaping);
G11 (Trees and Hedgerows);
G15 (Noise Pollution);
G16 (Light Pollution)
G26 (Designing for Safer Communities);
T2 (On-site Parking and Servicing);
T6 (Cycling);
L1 (AONB);
L6 (Woodlands).

Wycombe District Core Strategy:

CS15 (Community Facilities and Built Sports Facilities);
CS16 (Transport);
CS 17 (Environmental Assets);
CS19 (Raising the quality of place-shaping and design);
CS20 (Transport and Infrastructure).

The National Planning Policy Framework (2012)

Development Control Committee – 23 July 2018

Application Number: CM/0112/17
Title: Variation of Condition Nos. 2 and 61 of Planning Permission Ref. 11/00223/CC dated 13/01/12 to remove Condition No. 2 relating to phasing and change Condition No. 61 to extend the time limit on the site to 31st December 2021.

Application Number: CM/0113/17
Title: Variation of Condition No. 2 of Planning Permission Ref. 11/01900/CM dated 16/02/12 to vary Condition No. 2 to extend the time limit for the removal of existing site offices on the site to 31st December 2021.

Application Number: CM/0114/17
Title: Variation of Condition No. 1 of Planning Permission Ref. 11/01901/CM dated 16/02/12 to vary Condition No. 1 to extend the time limit for the removal of the existing recycling of construction and demolition waste on the site to 31st December 2021.

Application Number: CM/0115/17
Title: Variation of Condition No. 1 of Planning Permission Ref. 11/01902/CM dated 16/02/12 to vary Condition No. 1 to extend the time limit for the removal of the existing office and weighbridge office on the site to 31st December 2021.

&

Application Number: CM/0116/17
Title: Variation of Condition No. 1 of Planning Permission Ref. 11/01903/CM dated 16/02/12 to vary Condition No. 1 to extend the time limit for the removal of the sales office on the site to 31st December 2021.



INVESTOR IN PEOPLE



Site Location: Wapseys Wood, Oxford Road, Gerrards Cross, Buckinghamshire, SL9 8TE

Applicant: Veolia ES Landfill Ltd

Author: Head of Planning & Environment

Contact Officer: Andrew Sierakowski dcplanning@buckscc.gov.uk

Contact Number: 01296 380000

Electoral divisions affected: Gerrards Cross

Local Member: Barbara Gibbs

Summary Recommendation(s):

That the Development Management Committee is invited to **APPROVE** application numbers CM/0112/17, CM/0113/17, CM/0114/17, CM/0114/17, CM/0115/17 and CM/0116/17 subject to an updated Deed of Variation to the Section 106 Agreement completed on 31st August 2000 pursuant to planning permission reference SBD/8201/99 (“the Principal Agreement”) to bind the planning obligations in the Principal Agreement to the new permissions to be granted and subject to the conditions set out in Appendix A to this report

Appendices: Appendix A: Draft Conditions

SUPPORTING INFORMATION

Introduction

1. This report deals with five associated applications which are have been simultaneously submitted by Veolia ES Landfill Limited (“Veolia”) for an extension of the end date on the key planning permissions for the Wapseys Wood Landfill Site, near Gerrards Cross. The applications were validated on 12th December 2017. Their submission follows the refusal of Application Ref. CM/17/16 in December 2017 for the construction of waste recovery and anaerobic digestion facility, as part of which it had been proposed to amend the previously approved restoration scheme, by omitting the final phase of landfilling to enable the development. As this was not approved the operator, Veolia, now wishes to extend the end date of landfilling to complete the previously approved restoration scheme.
2. Application Ref.CM/0112/17 is for the variation of Condition Nos. 2 and 61 of Planning Permission Ref. 11/00223/CC dated 13th January 2012. The primary variation sought is to amend Condition No. 61 to extend the time limit for the end of operations at the site from 31st December 2017 to 31st December 2021. It also seeks amend Condition No. 2 on the basis that a number of previously approved plans for the restoration of the Site have now been implemented and therefore no longer need to be referred to in the new permission if granted. The amendment of the end date of operations is the primary amendment being sought by all of the current applications. The other variations being sought would follow on from this, in the event that Condition No. 61 is varied as requested.

3. Application Ref. CM/0113/17 to vary Condition No. 2 of Planning Permission Ref. 11/01900/CM dated 16/02/12 seeks permission to extend the time limit for the removal of existing site offices on the site from the 31st December 2017 to 31st December 2021, in line with the variation being sought under Application Ref. CM/0112/17, as set out above. If the end date of the planning permission for the landfill is extended, then the end date of the permission for site offices similarly needs to be extended.
4. Application Ref. CM/0114/17 seeks to vary Condition No. 1 of Planning Permission Ref. 11/01901/CM dated 16/02/12 extend the time limit for the removal of the existing recycling of construction and demolition waste on the site to 31st December 2021.
5. Application Ref. CM/115/17 seeks to vary Condition No.1 of Planning Permission Ref. 11/01902/CM dated 16/02/12 to extend the time limit for the removal of the existing office and weighbridge office on the site to 31st December 2021.
6. And finally, Application Ref. CM/0116/17 seeks to vary Condition No. 1 of Planning Permission Ref. 11/01903/CM dated 16/02/12 to extend the time limit for the removal of the sales office on the site to 31st December 2021.
7. Consultation, notification and advertisement of the applications was undertaken on 14th December 2017 with a number of consultation responses and a limited number of third party representations received from local residents.
8. The target for determination for of the applications was originally the 13th March 2017 but an extension of time has been agreed until the 31st July 2018.
9. In determining these planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking resolutions to issues arising in relation to dealing with the planning application by liaising with the applicant, agent and statutory consultees and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken in accordance with the requirements of the National Planning Policy Framework (NPPF) and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Site Description

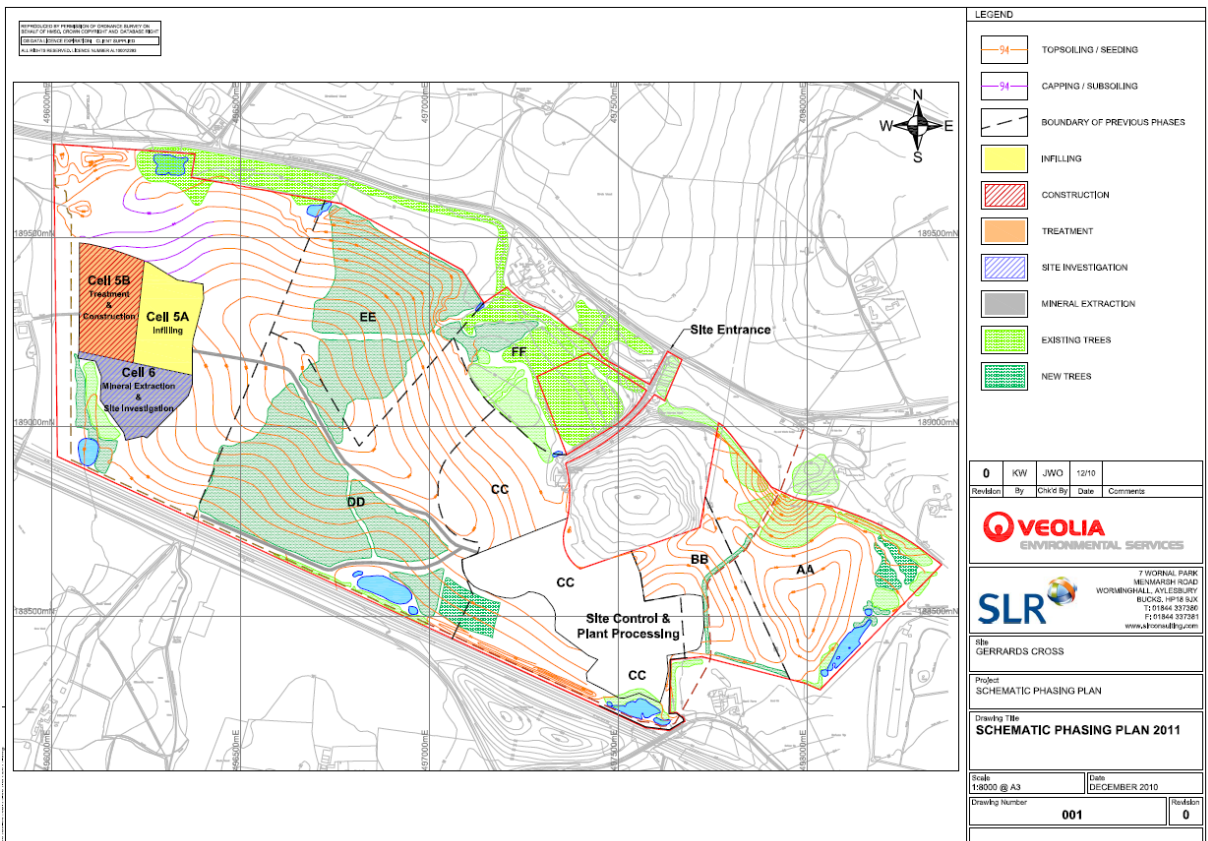
10. The Site comprises approximately 22 hectares of arable agricultural land 2km south east of Beaconsfield, 700m north of Hedgerley and 500m west of Hedgerley Green.
11. Wapseys Wood landfill site is located between Gerrards Cross to the east and Beaconsfield to the west and lies within both these parishes. It is bounded to the north by the A40, from which access to the site is gained, and to the south by the M40. The nearest residential properties are Moat Farm House and Barns which are located approximately 80m south east of the site. Properties at Jarretts Hill and Mander Lara Farm are located approximately 95m and 90m respectively to the north east of the site.
12. The Bell House Hotel lies approximately 30m to the north of the site and there is a caravan site located immediately adjacent to the site access onto the A40. Hyde Farm farmhouse is located approximately 70m to the west of the site and properties on Pyebush Lane are located approximately 500m beyond this.

13. Moat Farm House and Barns, and Hyde Farm are Grade II listed buildings. The Templars Site which is a Scheduled Ancient Monument is located between the site and Moat Farm Barns. Bulstrode Park which is a Grade II* Listed Registered Park and Garden also lies to the east of the site.
14. Under the main previous permission for the site (Planning Permission Ref. 11/00223/CC), both mineral extraction and landfilling had continued to take place at the western end of the site in Cells 5A, 5B and 6 (known as Hyde Farm). The filling of this area was completed at the end of 2017, with some capping work still remaining to be completed. In order to finally complete the approved landfill scheme, including the approved restoration contours, filling still needs to take place in the Site Control and Plant Processing area currently where the site offices, weighbridge, sales office and screening and crushing operation are located. This is located towards the eastern end of the site. Figure 1 below shows the layout of the site.

EIA

15. The applications have been subject to Screening under the Town and Country Planning (Environmental Impact Assessment Regulations) 2017, and have been determined, by a Screening Opinion issued on the 21st December 2017, not to require the submission of an Environmental Statement.

Figure 1: The Site



Site History

16. Mineral extraction and waste disposal at the site dates back to the 1940s and there have been a number of permissions in the intervening period. Planning permission SBD/1397/88 granted in 1990 required restoration of the site no later than September 2001 however, subsequent consents enabled final restoration to be delayed on parts of the site enabling the continued use of the access road, site facilities and processing plant. Planning Permission Ref. SBD/8201/94 granted in

1994 and Planning Permission Ref. SBD/8205/96 granted in 1996 required restoration of Hyde Farm by 2012. Planning Permission Ref. SBD/8201/99 was granted in 2000 for a revised restoration scheme enabling both Hyde Farm and Wapseys Wood to be restored as one landform. The permission required restoration to agriculture and woodland by 30th April 2012. It was accompanied by a legal agreement covering the routing of vehicles, a limitation of 1.1 million tonnes per annum of minerals and waste into and out of the site, a £1.1 million restoration bond, the creation of additional permissive paths and equestrian/cycleways on completion of the development, a 60 year long term woodland aftercare programme and the restoration of the adjoining Moat Farm former quarry.

17. In September 2010 Planning Application Ref. 10/01302/CC was submitted to vary Conditions Nos. 3 and 63 of Planning Permission Ref. SBD/8201/99. The proposed variation would have extended the lifetime of the landfill to 31 December 2020. The eight year and eight-month extension was proposed based on the applicants' projected infill rate of 400,000 tonnes per annum. The County Council's own projections at that time suggested that this would be the minimum amount of waste arising in the southern districts of Buckinghamshire alone and therefore the amount of waste available to fill the site from the surrounding area was likely to be greater than that projected by Veolia. It was therefore concluded that it was unlikely that the proposed eight year and eight-month extension constituted the minimum amount of time required to complete final restoration of the site. The application was therefore refused on the basis that applicant had not demonstrated that the proposed extension of time was necessary for the restoration of the site and that the workings and restoration could not be completed within a shorter timescale and because it would have resulted in a significant delay to the final restoration of the site and would have prolonged the amount of time before the site was completed.
18. A subsequent resubmission Application Ref. 11/000223/CC accordingly sought instead to vary Condition no. 63 of Planning Permission Ref. SBD/8201/99 to extend the operational lifetime of the site from 30th April 2012 by 5 years and 8 months to 31 December 2017, predicated on a higher rate of infill than the original 400,000 tonnes per annum. There were also accompanying applications for the other elements of the offices and plant that were simultaneously varied with that consent to keep the end dates of the various permission for the site in line with one another.
19. Application Ref. 11/00223/CC was approved on this basis in January 2012, although the supporting statement from the applicant stated that due to the uncertainty of future waste inputs, that if by 2014 it was clear that it will not be possible to infill the former processing area by 2016, because the volume of waste inputs did not increase sufficiently or are not available in the market place, then a revised restoration scheme would be submitted showing the processing area being restored at the lower level and therefore not being infilled with waste.
20. In the current applications, the applicant states that it subsequently became clear that the whole site would not be completed by the end of 2017, so a revised restoration scheme was submitted in 2016 as part of the Application Ref. CM/17/16 showing the Site Control and Plant Processing area being restored at the lower level.
21. This application was refused permission in December 2017 but is currently subject to appeal (Appeal Ref. APP/P0430/W/18/3204545).
22. The site has not been included as an allocated site or one of the Areas of Focus for new waste management facilities identified in the Buckinghamshire Minerals and Waste Local Plan 2016-2036 Proposed Submission Plan which was approved by the County Council's Cabinet in January 2018. The first consultation of the RMWLP was

undertaken in early 2015, which included a 'call for sites. The application site was not submitted by the applicant for consideration at that time. Public consultation of the Proposed Submission Plan was undertaken between 5th March and 3rd May 2018 and was submitted to the Secretary of State for Examination in Public on 1st June 2018.

23. The applicant has submitted a representation in response to the Proposed Submission Plan, arguing that Wapseys Wood should now be included in the Plan as a Main Area of Focus for the location of new waste management facilities.
24. The date for the Examination in Public of the Submission has yet to be confirmed, but it is anticipated that this will be in the second half of 2018.

Proposal – Overview

25. The Applicant has submitted a single Planning Statement which is concerned with all of the current applications. This states that the refusal of application CM/17/16 was unexpected and has given rise to some challenging consequences particularly with regard to the completion of landfilling and restoration of Wapseys Wood.
26. It states that the intention with most landfill restoration schemes is to provide a domed final profile so that any surface water drains naturally away from the landfill. The domed profile also ensures that if there is any differential settlement then the positive drainage characteristics are maintained.
27. The Statement indicates that the current applications are therefore seeking to complete the site as originally envisaged and thereby provide a landform that is in keeping with the surrounding landscape and which facilitates the longer-term management of the site.
28. It states that the remaining void is in the order of 1,000,000 cubic metres so it is anticipated that based on recent waste input levels a further period of three years is required in order to complete infilling operations with an additional period of 12 months to complete the restoration i.e. soiling and tree planting. Veolia have advised that fill may comprise either non-hazardous and/or inert waste, which would be regulated through the Environmental Permit for the site. Veolia have also confirmed that construction of the final cell(s) in the Site Control and Plant Processing area will require the removal of the remaining mineral (sand), but that given the relatively small amount of this and the absence of any mineral processing capacity at that stage, it is anticipated that this material would be retained and used for capping/covering works.
29. In response to the individual applications the Statement states the following:

Application Ref. CM/112/17

30. This seeks to vary the conditions previously attached to Planning Permission Ref. 11/00223/CC which was approved in January 2012 and which extended the timescale for completion of the landfill site as originally approved by the previous Planning Permission Ref. SBD/8201/99 dated 4th September 2000.
31. Condition No. 2 of Planning Permission Ref. 11/00223/CC is concerned with the working programme and phasing of operations and refers to a series of annual schematic phasing plans. These plans it states are no longer relevant as much of the site has been completed and restored, with the remaining land being the former

mineral processing area. As this remaining area is fairly discrete the need for phasing plans is not necessary therefore the application states that the requirements of Condition No. 2 should be deleted.

32. The Statement identifies that the final restoration contours are shown on Plan No. 11624Z.98/004 and the landscape restoration proposals are shown on Plan No. 11624Z.98/005A, which were both originally approved as part of Planning Permission Ref. SBD/8201/99.
33. Condition No. 61 states that the final restoration shall be completed and all litter fencing, plant, machinery and equipment, other than that required for ongoing management and maintenance shall be removed from the land no later than 31st December 2017.
34. Given the need to complete the landfill operations and to restore the site to a beneficial after use the application seeks to vary Condition No. 61 to state that:
35. *“Final restoration shall be completed and all plant and machinery other than that required for long term management and maintenance shall be removed from the land no later than 31st December 2021”.*

Application Ref. CM/113/17

36. This seeks to vary the conditions previously attached to Planning Permission Ref. 11/01900/CM. This permission relates to the portacabin type offices used in conjunction with the operation of the site.
37. Condition No. 2 Planning Permission Ref. 11/01900/CM states that the buildings shall be removed no later than 31st December 2017 and the site restored in accordance with the requirements of Planning Permission Ref. 11/00223/CC.
38. The application states that if the timescale for the operation of the landfill is extended (i.e. that Application Ref. CM/112/17 is approved) then use of the offices should also be extended and Condition No. 2 should be amended to state that:

“The buildings shall be removed no later than 31st December 2021 and the site restored in accordance with Plan Nos. 11624Z.98/004 and 11624Z.98/005A”.

Application Ref. CM/114/17

39. This seeks to vary the conditions previously attached to Planning Permission Ref. 11/01901/CM for “the continued operation of a construction waste recycling centre”. Condition 1 requires that the use should cease, and the site be restored by 31st December 2017.
40. The operation involves the importation of waste concrete and other building materials for storage and then crushing and screening through a mobile concrete crushing machine or screening plant into secondary aggregates, hardcore, crusher fines or soils. It is stated in the application that some of the material would be suitable for use on the site as part of the landfill operations. The operation is run by a third-party operator and not by Veolia.
41. The current application proposes that Condition No. 1 be varied to state that:

“The use of all buildings, machinery and plant the subject of this consent shall cease and the site be restored by 31st December 2021”

in line with the variation sought in relation to Condition No. 61 of Planning Permission Ref. 11/00223/CC, which is the subject of Application Ref. CM/112/17, as detailed above.

Application Ref. CM/115/17

42. This application seeks to vary the previous approved Planning Permission No. 11/01902/CM for the use of the office and weighbridge associated with the landfill operations and in particular, Condition No. 1 which requires cessation by 31 December 2017.
43. The application, in line with Application Ref. CM/112/17, seeks to vary Condition 1 so that it states that:

“All buildings shall be removed and the site shall be restored in accordance with the details shown on Plan Nos. 11624Z.98/004 and 11624Z.98/005A by 31st December 2021.”

Application Ref. CM/116/17

44. This application seeks vary the previous approved Planning Permission No. 11/01903/CM relating to the use of a landfill sales office until 31st December 2017. The previous permission required the removal of the sales office and restoration of the land in accordance with the requirements of Planning Permission No. 11/00223/CC.
45. This application proposes, in line with the other applications that Condition No. 1 be varied to state that:

“The sales office shall be removed, and the land shall be restored in accordance with the details shown on Plan Nos. 11624Z.98/004 and 11624Z.98/005A by 31st December 2021”.

PLANNING POLICY

46. Adopted relevant development plan policies in relation to mineral extraction at Slade Farm include the following:
47. From the Buckinghamshire Minerals and Waste Local Plan (MWLP) (2006):
- Policy 28 - Amenity;
 - Policy 29 - Buffer Zones;
 - Policy 31 - Restoration and Aftercare;
 - Policy 32 - Restoration of Old Sites;
 - Policy 36 - Planning Application issues;
 - Policy 37 - EIA;
 - Policy 38 - Planning Obligations; and
 - Policy 39 - Site Monitoring and Enforcement.
48. From the Buckinghamshire Minerals and Waste Core Strategy (MWCS) (2012):
- Vision for the Minerals and Waste Local Development Framework;

- Strategic Objective SO1 - Improving the Sustainability of Minerals Development;
- Strategic Objective SO2 - Improving the Sustainability of Waste Development;
- Strategic Objective SO6 - Spatial Distribution of Waste Development;
- Strategic Objective SO7 - Safeguarding Existing Waste Sites;
- Strategic Objective SO9 - Protection of the Green Belt and AONB;
- Strategic Objective SO10 - Protecting and Enhancing the Environment;
- Policy CS/LP1 - The Overarching Presumption in favour of Sustainable Development;
- Policy CS6 - Sites for Recycled and Secondary Aggregates;
- The Waste Planning Strategy;
- Policy CS9 - Additional Waste Management Capacity and New Self-Sufficiency;
- Policy CS14 - Safeguarding Existing and Potential Waste Sites;
- Policy CS15 - Landfill;
- Policy CS18 - Protection of Environmental Assets of National Importance;
- Policy CS19 - Protection of Environmental Assets of Local Importance;
- Policy CS20 - Green Belt;
- Policy CS22 - Design and Climate Change; and
- Policy CS23 - Enhancement of the Environment.

49. From the South Bucks District Local Plan (SBDLP) (1999):

- Policy GB1 - Green Belt;
- Policy EP4 - Landscaping;
- Policy TR5 - Accesses, Highway Works and Traffic Generation; and
- Policy TR10 - Heavy Goods Vehicles.

50. From the South Bucks Core Strategy (SBCD) (2011):

- Policy CS8 - Built and Historic Environment;
- Policy CS9 - Natural Environment; and
- Policy CS13 - Environmental and Resource Management.

51. In addition, the following policies are included in the Buckinghamshire Minerals and Waste Local Plan 2016-2036 Proposed Submission Plan (2018) (which was submitted to the Secretary of State for Examination on the 1st June 2018, are relevant, although as emerging policies at the pre-submission stage, these can only be given limited weight:

- Vision for the Minerals and Waste Local Plan;
- Strategic Objective SO1 - Contributing Towards Sustainable Communities and Economic Growth;
- Strategic Objective SO3 - Facilitating the Delivery of Sustainable Minerals Development;
- Strategic Objective SO4 - Facilitating the Delivery of Sustainable Waste Development;
- Strategic Objective SO5 - Buckinghamshire's Environment;
- Strategic Objective SO7 - Design and Amenity;
- Strategic Objective SO8 - Tackling Climate Change;

- Strategic Objective SO - High Quality Restoration and Aftercare;
- Policy 7 - Provision of Secondary and Recycled Aggregates;
- Policy 11 - Spatial Strategy for Waste Management;
- Policy 12 - Waste Management Capacity Needs
- Policy 13 - Disposal to Landfill;
- Policy 14 - Developing a Sustainable Waste Management Network
- Policy 15 - Development Principles for Waste Management Facilities;
- Policy 17 - Managing Impacts on Amenity and Natural Resources;
- Policy 18 - Sustainable Transport;
- Policy 19 - Natural Environment;
- Policy 20 - Historic Environment;
- Policy 21 - Landscape Character;
- Policy 22 - Green Belt;
- Policy 24 - Design and Climate Change;
- Policy 25 - Environmental Enhancement;
- Policy 26 - Delivering High Quality Restoration and Aftercare;
- Policy 29 - Implementation

52. Relevant national planning policy includes the National Planning Policy Framework (NPPF) (March 2012), National Planning Policy for Waste (2014) and the Planning Practice Guidance (PPG) on:

- Air Quality;
- Conserving and Enhancing the Historic Environment;
- Environmental Impact Assessment;
- Flood Risk and Coastal Change;
- Minerals;
- Natural Environment.
- Noise;
- Open space, sports and recreation facilities, public rights of way and local green space;
- Travel plans, transport assessments and statements in decision-taking;
- Waste; and
- Water supply, wastewater and water quality.

CONSULTATIONS

53. **Local Member:** The Local Member for Gerrards Cross is a member of the Development Control Committee and has not commented on the applications.
54. **South Bucks District Council (SBDC) Planning:** Has not responded to the consultation.
55. **Gerrards Cross Parish Council:** Gerrards Cross Parish Council and Beaconsfield Town Council have been consulted on the applications. Gerrards Cross Parish Council has responded with the following comments:
56. They state that although the landfill was on schedule for being completed by the end of 2016, leaving 1 year for the restoration by the end of 2017, the current applications now include the requirement for an additional one million cubic metres of landfill to complete the restoration over an additional 4 years.

57. The Parish Council observes that the restoration that should have been started at the beginning of 2017 but contends that this was delayed by the applicant pending approval of the emerging Minerals and Waste local Plan to allow it to seek approval for the development of the new waste facility detailed in Application Ref. CM/17/16.
58. They also say that at the Wapseys Wood Liaison Committee meeting on 14 January 2016, Veolia stated that the last remaining cells at Hyde Farm were on target to be filled by summer 2017. They state that it now their understanding that there is an additional one million cubic metres of waste capacity remaining to be filled, and that the proposed extensions of time should be refused.
59. **Beaconsfield Town Council:** Have not commented on the applications

Statutory Consultees (Summary Responses)

60. **BCC Ecology Advisor:** In relation to application Ref. CM/0112/17 has confirmed that Habitats Risk Assessment (HRA) is not required and that no additional protected species surveys are required as the restoration of the landfill is on-going. They have no major issues with the extension of the time to finish the restoration.
61. They do comment that in response to application Ref. CM/17/16 (that was refused consent in December 2017) they requested a review of the restoration plan and although the application was refused, the applicant offered to undertake such a to provide increased opportunities for improving the opportunities for wildlife. The Ecologist has accordingly requested that a condition be attached to the consent for the extension of time for landfill (Application Ref. CM/0112/17) in the event that planning permission is granted.
62. **BCC Highways Development Management:** Have commented that as the applications do not propose any increase in vehicular movements or to alter the current routing agreement, they have no objection to the proposed variations from a Highways perspective.
63. **BCC Public Rights of Way:** Has responded to the consultation (on application Ref. CM/0112/17) and offered “No Comment” from a Public Rights of Way viewpoint.
64. **BCC Flood Risk/Internal SUDs Officer:** Has responded (on application Ref. CM/0112/17) and advised that there is no objection to proposed extension to the end dates for the Planning Permission to the end of 2021.
65. **Environment Agency:** No responses have been received from the Environment Agency.
66. **Natural England:** Has responded with a “no comment” to any of the applications.
67. **South Bucks District Council Historic Buildings Officer:** No response to the consultation.
68. **South Bucks District Council Environmental Health Officer:** Has responded stating that there is no objection in relation to contaminated land.
69. **Cadent Gas Pipelines:** Have not responded to the consultations.

REPRESENTATIONS

70. There have been two, third party representation from local residents.

71. The first representation offers “very strong objection” to the applications by Veolia ES Landfill Limited for extensions of various consents previously granted in 2012.
72. The comments draw attention to the fact that the previous consents were themselves extensions of the previous permissions and that the site should have been completed by the end of 2017. Accordingly, the comments argue that the applications should be considered against that background and also in the light of what steps have been taken, if any, by Veolia to comply with the extensions already granted.
73. The comments argue that if the present applications are granted it will result in four more years of significant adverse effects on the local environment as well as the lives of those living in the vicinity of the landfill site. The objector states that they have had to put up with noise, smell and pollution for the twenty years they have lived in the vicinity and had anticipated that the landfill would have been completed and closed by now.
74. The Council are requested, if planning permission is granted to limit the extension of additional time to half that requested by Veolia, i.e. to two years rather than four, to make it clear to Veolia that there needs to be some urgency in completing the restoration works at the site.
75. The second representation more simply states that it does not support the extension of the end dates on any of the applications requested.

DISCUSSION

Introduction

76. As set out above, all five of the current applications relate to the extension of the end date of operations at Wapseys Wood landfill site, although Application Ref. CM/114/17 for the extension of the end date of the screening and crushing operation, relates to what is essentially an unrelated collocated operation, that is not directly linked to the landfill. The key issue in the determination of these applications is concerned with the principle of extending the end date for a longer period of time than originally envisaged when the last round of permissions was approved in January 2012.
77. There are no significant environmental issues raised by the application, other than the potential implications of the landfill not being completed as originally envisaged, in the event that a further extension of time was not to be approved. The applications have been subject to screening under the Environmental Impact Assessment Regulations 2017 and determined not to be EIA development, and none of the statutory consultees have objected or raised any significant issues to any of the applications, other than the review of the restoration plan, requested by the County Ecological Advisor, as detailed above.
78. The only other substantive issue that members should consider is that Wapseys Wood landfill site is located in the Metropolitan Green Belt, and as such whether the extension of the end date of operations is inconsistent with the purpose and openness of the Green Belt.
79. One other incidental point that members should note is that Application Ref. CM/0112/17 which is the main landfill planning permission requests the deletion of Condition No. 2 that was previously included in Planning Permission Ref.

11/00223/CC. For reasons I shall set out below I recommend that the condition be retained.

80. Members should additionally note that there have only been very limited objections to the extensions of time proposed, comprising (as detailed above) an objection from Gerrards Cross Parish Council and representations from two local residents.

Principle of the Development

81. In the terms of the principle of the development the applications can be divided into those relating to the landfill operation and the landfill related ancillary developments, i.e. the offices, weighbridge, and sales office, that is application Refs. CM/0112/17, CM/0013/17, CM/0115/17 and CM/0116/17 on the one hand, and the application for the waste crushing and screening operation, i.e. application Ref. CM/0114/17 on the other. The two need to be distinguished because the latter is not directly or operational linked to the landfill or its completion or restoration, so that issue in principle is different.
82. Taking the landfill, offices and weighbridge first, the extension to the end dates of landfill planning permissions, has become a relatively common issue for Local Planning Authorities in recent years, and when such applications come up, they present a dilemma for Local Planning Authorities in terms whether such extension are justified and how long if at all, they should be extended for. The concern may be that operators wish to keep sites open for longer than originally envisaged without reasoned justification. The question that inevitably arises is one of for how much longer and how many times a further extension of time is approved, before a line has to be drawn and no further extensions consented.
83. The issue is not unique to Buckinghamshire but has been widespread throughout the UK. That the issue has arisen so widely, is because of the change in emphasis of waste management law and policy which has sought to move the management of waste away from disposal to recycling and recovery, in line with the principle of the waste hierarchy. As a result, there has a decline in the amount of waste being sent to landfill for disposal, as the amount of waste that is recycled and recovered has increased. The knock-on effect of this has been that inputs to landfill have not been as high as originally envisaged, with the result that landfill voidspace has not been used up at the rate originally envisaged when much of the currently consented landfill voidspace was originally approved. Furthermore, with the continuing reduction of the amount of waste going to landfill, it is inevitable that length of time required to complete a site may be longer than envisaged given that it common practice to base the length of consents on the level of inputs in the preceding few years, which does not take into account any further reductions in inputs over the period of the renewed consent. The consent for Wapseys Wood was approved in January 2012 based annual inputs at that time of approximately 600,000 tonnes per annum but based on the voidspace details provided by the applicant it now appears that this figure since the last extension of time was approved in 2012 has fallen on average to approximately 400,000 - 450,000 tonnes per annum. In addition, the impacts of the global recession since 2008 are known to have had an impact on the level of waste arisings, which has additionally had an impact on the rates of fill at landfill sites.
84. To aid the Committee's understanding of the current position at Wapseys Wood, I have included a plan (Figure 1 above) of the site, from the previous Planning Permission (Ref. 11/00223/CC) which shows the situation as it was in 2012. At that time remaining void space was stated to be 3,450,000m², with filling remaining to be undertaken in Cells 5A, 5B and 6 (as marked on Figure 1) at the western, Hyde

Farm, end of the site, and also in the Site Control and Plant Processing Area (marked near the bottom the drawing).

85. Since 2012 Cells 5A, 5B and have been filled, with only some capping work remaining to be completed. The Site Control and Plant Processing area has not been filled at all, which is not surprising as this is where the site office and infrastructure is located, which would not be removed until all the other works on the site are completed. It was this area, which under Application Ref. CM/17/16 was to be restored to a lower level than the existing previously consented restoration profile, in order to facilitate the development of the waste recovery and anaerobic digestion facility. As this application was not approved, so the proposed alterations to the restoration scheme were similarly not approved and the previously consented restoration profile accordingly remains to be completed.
86. The current application indicates that there is approximately, 1,000,000m² of void space remaining in the site and that it is estimated that three years is required to complete this with one final year required for the completion of restoration including soiling and planting. This suggests a further decline in the rate of input to approximately 330,000m² per annum which I do not consider to be unrealistic or unacceptable. It is arguable that if the rate of fill were still to be 400,000 to 450,000m² per annum that the filling could be completed in two to two and half years, plus one year for final restoration, but there cannot be certainty that the rate of fill can be sustained at the previous rate. Accordingly, I do not consider three years to be excessive, allowing for some additional reduction in the amounts of waste available.
87. Members should note that the comments from Gerrards Cross Parish Council that the current applications include an additional 1,000,000m² are not correct. The scheme of landfilling, including the volume of landfill and restoration contours are all unchanged.
88. In terms of relevant development plan policy, the key operative policy is Policy CS15 on Landfill in the Buckinghamshire Minerals and Waste Core Strategy. This makes clear that no additional landfill capacity for non-hazardous landfill and inert waste will be provided within the plan period to 2026. This approach is carried through into the Buckinghamshire Minerals and Waste Local Plan 2016-2036 Proposed Submission Plan. This maintains the Strategic Objective (SO1) of continuing to move away from Buckinghamshire's current reliance on disposal to landfill and Policy 11: Spatial Strategy for Waste Management and Policy 13: Disposal to Landfill acknowledge that sufficient non-hazardous landfill capacity exists within the county and so that no new capacity is will be provided for.
89. The Plan identifies that in 2015 a total of 1.81Mt (1.97 Mt in 2016) of waste was managed and disposed of within the county, of which 0.63Mt originated from Buckinghamshire and 1.18Mt was imported with half disposed of to landfill (at the Calvert and Wapseys Wood). As such Wapseys Wood has remained one of two main landfill sites in the County (although the focus of Veolia's landfill operations is now switching to Springfield Farm).
90. Nevertheless, the Plan also identifies that non-hazardous landfill void space as of 1 January 2016 is estimated at 7.95Mt, and that this is sufficient to accommodate Buckinghamshire's disposal needs during the plan period to 2036, with a surplus of between 0.70Mt and 2.53Mt (dependent on residue output rates from treatment processes). These figures are based on the remaining void space being available at Wapseys Wood, which forms part of the previously consented void space reserve.

91. In this context the primary objective in terms of policy as Wapseys Wood comes to the end of its operational life is to ensure complete and high-quality restoration and aftercare at the site, in line with Policy 31 of the Buckinghamshire Minerals and Waste Local Plan (MWLP) (2006) and Strategic Objective 10 and Policy CS23 - of the Buckinghamshire Minerals and Waste Core Strategy.
92. Again, this commitment is carried through into the Buckinghamshire Minerals and Waste Local Plan 2016-2036 Proposed Submission Plan in Strategic SO9: High Quality Restoration and Aftercare and Policy 26 which aim to secure high quality restoration and aftercare. As such allowing a further extension of time to secure the final restoration of Wapseys Wood is entirely consistent with this Policy Objective. For the reasons set out above I consider that in terms of the principle of the development and in line with adopted and emerging development plan policy approval of Applications Ref. CM/112/17 is acceptable, and to the extent that Application Refs. CM/113/17, CM/115/17 and CM/116/17 are wholly ancillary to the main permission for the landfill, that they are too.
93. Turning the crushing and screening operation, the principle in relation to Application Ref. CM/0114/17 is somewhat different, because whilst the application states that some of the material produced by the operation would be suitable for use in the restoration of the landfill, discussions with the applicant have confirmed that there is currently no operational link between the crushing and screening operation. It is undertaken by a third-party operator, and no material produced by the operation is used in the restoration of the landfill, and that no material from the landfill is processed through the crushing and screening operation.
94. This raises the question of what if any justification there is for continuing to allow the operation to be sited at the landfill. In fact, the issue is relatively simple in that current development plan policy does allow for such co-location of inert waste processing facilities on landfill sites.
95. Policy CS6 of the Buckinghamshire Minerals and Waste Core Strategy makes express provision for local of recycled aggregate operations with a presumption in favour co-location on existing landfill sites, subject there being no other overriding environmental concerns, for a period not exceeding the permitted life of the site. As such, provided the life of the existing crushing and screening operation ends with the end of the landfill permission, there would be no reason in principle to not also approve application CM/0014/17, if the Committee is minded, to approve Application Ref. CM/0112/17. In practice the screening and crushing operation would have to vacate the site in advance of 31st December 2021, to enable the completion of landfill operations and the final restoration of the site. As such, in principle I consider this application to be acceptable.

Environmental Impacts

96. There have been no significant issues raised by consultees in terms of the environmental impact of the landfill operation continuing to the end of 2021. As detailed above the application has been subject to EIA Screening, and determined not to be EIA development.
97. The Screening Opinion, noted that the impacts of the development, although localised, could have a detrimental impact on the local amenity through vehicle movements, noise and odour. However, it also identified that what is proposed it is not new capacity, but rather an extension of time on the previously existing consents and that the recycling facility is also an already existing temporary facility seeking an

extension of time for a further 4 years. As a result, it concluded that its impacts are limited to those which already existed albeit over a longer period.

98. The Screening Opinion also notes that the amount of material required to complete the landfill would be less than during the main part of its operations which have been completed and that it is considered that remaining vehicle movements from the site would not be significant in terms of any additional impact. Therefore, as the applications are developments for extensions of time for already existing developments, it concludes that taking in account the benefit of the outcome of the restoration, any potentially significant adverse impacts that could arise would be as already experienced and controlled through both planning control and the waste permitting regime and would be temporary and minimal.
99. I would in addition draw the Members attention to the comments of the Gerrards Cross Parish Council and the to the comments from the two objectors, which express concern about the continuation of operations at the site, beyond the previously consented end date, and a concern that the site should have been completed by now. I consider these to be completely understandable concerns, but that in terms of the environmental impacts these are likely to be less than previously, as the remaining operations, other than the final capping in the area of Cells 5A, 5B and 6, at the Hyde Farm end of the site, will otherwise be wholly concentrated in the Site Control and Plant Processing area. This is effectively screened from the surrounding area, and the volumes of material being delivered to the site as part of the landfill operation, as I have detailed above are likely to be at a lower level than previously.
100. As I have detailed above I do not consider the requested period time to be excessive, and none of the statutory consultees have raised any substantive issues or objections. Members in addition need to be mindful that if permission for the continuation of the landfill were not to be approved, this would leave an only partially restored site, and may have implications for ability of the Applicant to comply with the requirements of the Environmental Permit for the landfill. It would be difficult to see how this would be environmentally preferable to allowing the completion of the landfill albeit by an extended end date of 2021.
101. The only comment from any consultees, is that from the County Ecology Advisor requesting an inclusion of a condition in relation to application Ref. CM/0112/17 requiring a review of the restoration plan and the potential for improving the opportunities for wildlife. The applicant has confirmed that they would be agreeable to this. Accordingly, the conditions set out in Appendix 1 in relation to Application Ref CM/0112/18 include a condition set out a requirement for a review of the restoration plan.
102. There are otherwise no other significant environmental issues, other than the impact on the Green Belt which I will address below. In considering the environmental impacts Committee's needs to be mindful of a number of statutory obligations in determining the applications. These include the obligations relating to the potential impacts on the environment and human health arising from the EU Waste Framework Directive (2008/98/EC), particularly Article 13 on the protection of human health and the environment and the former Landfill Directive (1999/31/EC) (Annexe 1, Paragraph 5) relating to nuisances and hazards (now incorporated into the Waste Framework Directive) and transposed into domestic legislation under the Waste (England and Wales) Regulations 2011.
103. In addition, bearing in mind the nearby heritage assets, the Committee must also be mindful of it's the obligation set out in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that when making a

decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

104. It should also be mindful of the biodiversity duty under s.40 of the Natural Environment and Rural Communities Act 2006 which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
105. For the reasons sets out above I do not consider that the any of the applications raise any significant issues in terms of development plan policy or national planning policy in relation to the environmental impacts of the development.

Green Belt

106. Turning to the Green Belt issue it should be noted that the landfill originally started life as a mineral extraction operation, which as set out in the NPPF, Paragraph 90, is excluded from the definition of Inappropriate Development in the Green Belt. Furthermore, the most recent previous renewals planning permission have been approved on the basis that landfilling operation and associated waste operations at Wapseys Wood are not permanent and would on cessation return the land to a mixture of agriculture and woodland in keeping with the surrounding landscape, consistent with the objectives Green Belt policy.
107. Current Green Belt policy is set out in Buckinghamshire Minerals and Waste Core Strategy, Policy CS20 and South Bucks District Local Plan, Policy GB1 which are concerned with ensuring that new waste development does not conflict with the purposes of the Green Belt. The development of Wapseys Wood landfill site and its ultimate restoration with landform and agricultural and woodland end use, has not been viewed in consistent with the objectives of Green Belt policy or its purpose, and there is no reason or justification, in my view to take a different view of the site in relation to the current applications. Indeed, to refuse would potentially be more damaging to the Green Belt, if this were to prevent the completion of the restoration and aftercare of the site.
108. Planning Policy on the Green Belt set out in the Paragraph 79 of NPPF places particular emphasis on maintain the openness of the Green Belt (Paragraph 79) and defines the purposes of the Green Belt as being:
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
109. Paragraph 90 makes clear that mineral extraction and engineering operations (including landfill) are not considered to be inappropriate provided they preserve the openness of the Green Belt and do not conflict with its purposes. The continuation of the screening and crushing operation could potentially be considered to in conflict

with maintaining the openness of the Green Belt, but as it would only continue as a temporary operation for relatively short period of time, and given that the Site Control and Planting Processing is effectively screened from the surrounding area, I don't consider that it can be considered to be in conflict with the either purposes or the maintenance of the openness of the Green Belt, and hence does not justify treating as a departure from Buckinghamshire Minerals and Waste Core Strategy, Policy CS20 and South Bucks District Local Plan, Policy GB1, or as being in conflict with the NPPF.

Deletion of Condition No. 2 of Planning Permission Ref. 11/00223/CC.

110. As I have set out above, the applicant has requested the deletion of Condition No. 2 of Planning Permission 11/00223/CC. The condition is set out in Appendix A at the end of this report, as it was included in Planning Permission Ref. 11/00223/CC. It details the various phasing plans for the works that it was envisaged would be undertaken during the final phase of landfilling restoration works on the site, prior to 3ast December 2017. The applicant has requested that the condition be deleted, because the works detailed in these plans has been substantially completed, and therefore it is argued that the condition is not required. I do not agree with the reasoning for the request because the full extent of the works details in the drawings has not be fully completed, comprising the final capping and restoration in the area of Cells 5A, 5B and 6, as well the completion and filling in the Site Control and Plant Processing area, as I have detailed above.
111. Retention of the Condition does not fundamentally prejudice the applicants position in any way, and provides a safeguard for the County Council, in the event that for any reason there is failure to complete the works in Cells 5A, 5B and 6, and the Site Control and Plant Processing area and if enforcement action became necessary. For this reason, I recommend that the condition be retained.
112. On a related matter, Members should note that Condition No. 30 of Planning Permission Ref. 11/00223/CC has not to date been discharged. The condition requires the submission of a detailed scheme for the creation of permissive paths on the landfill site and should have been discharged by 30th June 2017. I would therefore recommend that the condition be included in the new permission with revised date for submission of the scheme of no later than 31st December 2018.
113. Finally, Members should also note that the original consent (Ref. SBD/8201/99) was granted subject to a s.106 agreement, which was subject to Deed of Variation concluded in conjunction with the last renewal of consent (Planning Permission Ref. 11/00223/CC) in 2011. This included provision for a lorry routing agreement requiring HGVs to only exit to the west along the A40 to the Pyebush Roundabout to the north of Junction 2 of the M40, and agreement to the dedication of a public footpath and public bridleway and a number of permissive footpaths over the site. The Deed of Variation would need to be renewed and updated to take account of the further extension of time, if the Committee is minded to approve the current applications.

EQUALITY AND DIVERSITY

114. The Equality Act 2010, Section 149 states:
 - A public authority must, in the exercise of its functions, have due regard to the need to-
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

115. The proposal would not conflict with the requirements of the Equality Act 2010 or the Council's policy on equality.

CONCLUSION (including recommendation)

116. As I have set out above the main issues in the determination of this application relate to the principle of extending the end date for a longer period of time than originally envisaged, that no significant environmental issues raised by the application, other than the potential implications of the landfill not being completed as originally envisaged, in the event that a further extension of time were not to be approved and the impact on the openness and purposes of the Green Belt, and consistency with Green Belt policy.

117. As have set out the issues in this case are relatively straightforward, and whilst it understandable that the Parish Council and objectors are understandably concerned that site was not completed at the end 2017 as intended under the previous round of permission, the requested extension of the end date for the various permissions, is not excessive or unreasonable, and I consider that there is no basis for not granting the further extension of time requested on all five applications. For the reasons I have set out above I nevertheless recommend that Condition No. 2 of Planning Permission Ref. 11/00223/CC be retained.

118. I consider that the information submitted is appropriate and sufficient to demonstrate that the proposal is in accordance with the development plan and with national planning policy. Accordingly, it can be considered to be sustainable development and consequently also to be in accordance with the Buckinghamshire Minerals and Waste Core Strategy Policy CS/LP1 and the National Planning Policy Framework Paragraph 14. I therefore recommended that all five applications are approved subject to a Deed of Variation to the Section 106 Agreement completed on Pursuant to planning permission reference ("the Principal Agreement") to bind the planning obligations in the Principal Agreement to the new permissions to be granted and the conditions set out in Appendix A below

BACKGROUND PAPERS

Application Ref. CM/0112/17 including the supporting documents;
 Application Ref. CM/0113/17 including the supporting documents;
 Application Ref. CM/0114/17 including the supporting documents;
 Application Ref. CM/0115/17 including the supporting documents;
 Application Ref. CM/0116/17 including the supporting documents;
 Buckinghamshire Minerals and Waste Local Plan (MWLP) (2006);
 Buckinghamshire Minerals and Waste Core Strategy (MWCS) (2012);
 Buckinghamshire Minerals and Waste Local Plan 2016-2036 Proposed Submission Plan (2018);
 South Bucks District Local Plan (SBDLP) (1999);
 South Bucks Core Strategy (SBCD) (2011);
 National Planning Policy Framework (NPPF) (March 2012);
 National Planning Policy for Waste (2014);
 Planning Practice Guidance (PPG) on:

- Air Quality;
- Conserving and Enhancing the Historic Environment;
- Environmental Impact Assessment;
- Flood Risk and Coastal Change;
- Minerals:
- Natural Environment.
- Noise;
- Open space, sports and recreation facilities, public rights of way and local green space;
- Travel plans, transport assessments and statements in decision-taking;
- Waste; and
- Water supply, wastewater and water quality.

Consultation responses dated from 14th December 2017 to 12th January 2018;
Representations dated between 14th December 2017 and 25th January 2018.

APPENDIX A

Draft Conditions

CM/0112/17

General

1. Unless agreed otherwise in writing by the County Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete accordance with the details submitted with the Planning Application SBD/8201/99 and letters of amendment dated 7 April 1999, 2 August 1999, and 8 November 1999 and the following drawings permitted pursuant to Planning Permission Ref. SBD/8201/99

- Figure 1.1 - Site Location Plan
- 11624Z.98/001 - Site Location Plan
- 11624Z.98/002 - Site Layout Plan
- 11624Z.98/004 - Proposed Contours for Restoration Profile
- 11624Z.98/005A - Landscape Restoration Proposals
- 11624Z.98/006 - Surface Water Control Scheme
- 11624Z.98/007A - Schematic Gas Control Layout
- 11624Z.98/009 - Landscape Cross Sections
- 11624Z.98/010 - Landscape Cross Sections
- 12060Z/004 - Gas Extraction Systems Details
- 314/AF/0158 Rev:A - Minerals processing and stockpiling Areas
- 314/AF/0221 Rev:A - Noise Monitoring Locations
- 314/AF/0224 Rev:A - Gas Field Layout
- 314/AF/0206 - Gas Well Details

and the details contained in Planning Permission Ref. 11/00223/CC and Planning Application Ref. CM/0112/17 but subject to the retention of Condition No. 2 below.

Reason: To define the development which has been permitted and so to control the operations (Buckinghamshire Minerals and Waste Local Plan Policies 28 and 36)

Working Programme and Phasing

2. Phasing of working and restoration on site shall be carried out in accordance with the sequence of working as detailed in the supporting statement of planning application 11/00223/CC dated February 2011 as hereby approved, and the following plans:

- Schematic Phasing Plan 2011 (Drawing Number 001)
- Schematic Phasing Plan 2012 (Drawing Number 002)
- Schematic Phasing Plan 2013 (Drawing Number 003)
- Schematic Phasing Plan 2014 (Drawing Number 004)
- Schematic Phasing Plan 2015 (Drawing Number 005)
- Schematic Phasing Plan 2016 (Drawing Number 006)
- Schematic Phasing Plan 2017 (Drawing Number 007)

Reason: Because the final capping restoration works in Cells 5A, 5B and 6 have yet to be completed and to ensure that the site is worked and restored in an orderly manner (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

3. The site shall not be extracted, tipped or restored other than in accordance with the approved working scheme submitted and approved pursuant to Condition No. 3 of Planning Permission No. SBD/8201/99 entitled Working/Restoration Scheme dated May 2004, as amended by the sequence of working as detailed in the supporting statement of Planning Application Ref. 11/00223/CC dated February 2011.

Reason: To ensure that the site is worked and restored in an orderly manner, that necessary screening and landscaping measures are provided, that a period of interim restoration is provided to cater for the likelihood of works being carried out to the gas and leachate control and collection infrastructure and that if required agricultural drainage and sub-surface drainage is provided to ensure the adequate drainage of the land (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

4. The maximum pre-settlement contours to be tipped to shall be as contained in the Working/Restoration Scheme dated May 2004 submitted pursuant to Condition No. 5 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004. The site shall not be tipped to a height in excess of these approved pre-settlement contours.

Reason: To provide control over the maximum pre-settlement contours such as to ensure that the final settled restored contours are achieved (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

5. Woodland and hedgerow planting shall be carried out in accordance with the details contained in the approved Working/Restoration Scheme submitted pursuant to Condition No. 6 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004.

Reason: To ensure that a satisfactory programme of planting and aftercare for the areas to be restored to woodland is provided and implemented (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

6. The approved woodland planting scheme detailed in the Working/Restoration Scheme dated May 2004 submitted pursuant to Condition No. 6 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004 shall be implemented in the first planting season following the placement of restoration materials (subsoil or subsoil substitute material) and, if required, interim restoration, on each phase.

Reason: To ensure that a satisfactory programme of planting and aftercare for the areas to be restored to woodland is provided and implemented. (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

7. Records of the tonnage of mineral leaving the site, the tonnage of waste being imported to the site and the number of daily vehicle movements, shall be kept in accordance with the methodology detailed in the Working/Restoration Scheme dated May 2004 submitted pursuant to Condition No. 8 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004. These records shall be made available to the County Planning Authority no later than one week after any request to view them has been made.

Reason: In the interests of highway safety and to protect the amenity of local residents. (Buckinghamshire Minerals and Waste Local Plan Policies 28 and 30).

8. No extraction shall take place within 20 metres of existing woodland other than Green Broom Wood.

Reason: To ensure that the operations are screened and that the part of Green Broom Wood retained for screening purposes is protected (Buckinghamshire Minerals and Waste Local Plan Policy 28).

9. There shall be no tipping of any kind in "the Dell".

Reason: In the interests of the amenity of the Bellhouse Hotel (Minerals and Waste Local Plan Policy 28).

10. No additional illumination shall be erected or otherwise provided on the site.

Reason: To ensure that there is no problem of light spill beyond the boundaries of the site. (Buckinghamshire Minerals and Waste Local Plan Policy 28).

11. No later than between 1st and 31st January in each calendar year during the period of the operations hereby authorised, a plan of not less than 1:2500 scale shall be submitted to the County Planning Authority showing the progress of soil stripping and soil storage, extent and depth of excavation, extent and levels of infill, progress with soil replacement and areas that have been restored at a date within 14 days prior to the submission of the plan. A scheme shall also be submitted with the yearly plan detailing how much waste was imported to the site in the preceding year and how much is anticipated to be imported in the following year to be approved in writing by the County Planning Authority. The scheme shall identify any shortfall which could delay restoration of the site and propose means by which any identified shortfall will be addressed. The scheme shall be implemented as approved.

Reason: To facilitate the County Planning Authority in monitoring the progress of the development and identify at an early stage any problem with meeting the date required by Condition No. 61 for the completion of restoration. (Buckinghamshire Minerals and Waste Local Plan Policy 31).

12. No mineral processing plant or stockpiles of processed mineral or mineral for processing shall be stored other than in the areas shown on approved drawing no. 314/AF/0158 Rev: A permitted pursuant to Planning Permission Ref. SBD/8201/99 and Condition No. 2 of this Planning Permission.

Reason: To ensure that mineral processing and stockpiling is not carried out other than in the designated area and in the interest of local amenity. (Buckinghamshire Minerals and Waste Local Plan Policies 28 and 36).

13. The storage of imported clay shall only be carried out in accordance with details to first be submitted to and approved in writing by the County Planning Authority.

Reason: To ensure that clay storage does not conflict with the approved programme of working and restoration and in the interests of local amenity. (Buckinghamshire Minerals and Waste Local Plan Policies 28 and 36).

Restriction of Permitted Development Rights

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 or any subsequent revisions, modifications, revocation or re-enactment, no buildings, plant or machinery required

for the winning and working of minerals under this consent shall be erected on the site.

Reason: There is an exceptional need here to secure control over additional plant and machinery, in the interests of local amenity and bearing in mind the degree of discretion allowed by the GDPO. (Buckinghamshire Minerals and Waste Local Plan Policy 28).

Hours of Operation

15. No vehicle shall enter or leave the site and no operations authorised by this consent shall be carried out other than between the following hours:

- 7:00 am to 6:00 pm Mondays to Sundays (excluding Public Holidays)

Reason: In the interests of local amenity. (Buckinghamshire Minerals and Waste Local Plan Policy 28).

16. All plant and machinery used at the site shall operate only during the hours permitted pursuant to the requirements of Condition No. 15, except in the case of emergency and be properly silenced and maintained in accordance with the manufacturer's specification.

Reason: In the interests of local amenity. (Buckinghamshire Minerals and Waste Local Plan Policy 28).

Nature Conservation

17. Badger exclusion fencing shall be maintained along the edge of the extraction/waste disposal area and a buffer of at least 30 metres shall be maintained to all badger setts as set out in the approved Ecological Impact Statement dated December 1998 permitted pursuant to Planning Permission Ref. SBD/8201/99.

Reason: To protect the habitats of badgers which are in any instance Protected Species pursuant to the provisions of the Wildlife and Countryside Act 1981. (Buckinghamshire Minerals and Waste Local Plan Policies 25 and 36).

Note: This condition does not remove or diminish the obligations of the operator, landowner and contractors to comply with the provisions of the Badger Act 1992.

Access and Vehicles

18. Sole access to the site shall be via the existing access on to the A40.

Reason: In the interests of highway safety and the amenities of the local area. (Buckinghamshire Minerals and Waste Local Plan Policies 28 and 30).

19. No heavy goods vehicles involved in the transport, handling or deposit of waste or mineral shall exit the site to the public highway without using the wheel cleaning facilities approved pursuant to Condition No. 21 of Planning Permission Ref. SBD/8201/99.

Reason: In the interests of highway safety and the amenities of the local area. (Buckinghamshire Minerals and Waste Local Plan Policies 28 and 30).

20. The site access road between the wheel cleaning facilities and the public highway shall at all times be maintained clean and free of potholes and swept with a mechanical sweeper to the satisfaction of the County Planning Authority.

Reason: In the interests of highway safety and the amenities of the local area. (Buckinghamshire Minerals and Waste Local Plan Policies 28 and 30).

21. No loaded heavy goods vehicle shall exit the site without being securely sheeted.

Reason: In the interests of highway safety and the amenities of the local area. (Buckinghamshire Minerals and Waste Local Plan Policies 28 and 30).

Pollution Control

22. Any oil storage tanks shall either be sited on impervious bases and surrounded by oil tight bund walls which shall be capable of containing 110% of the tanks' volume and shall enclose all fill & drain pipes or shall be prevented from causing pollution in accordance with other details to be submitted to and approved in writing by the County Planning Authority.

Reason: To ensure that groundwater and surface water bodies are not polluted. (Buckinghamshire Minerals and Waste Local Plan Policies 33 and 36).

23. There shall be no direct connection between the operational site and any watercourse.

Reason: To prevent pollution of the water environment (Buckinghamshire Minerals and Waste Local Plan Policies 33 and 36).

24. Noise from the operations shall not exceed 55 dB LAeq, 1h (free field) as measured at the facades of the nearest residential properties at points identified on Drawing No. 314/AF/0221 Rev: A submitted pursuant to Condition 26 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004 and permitted pursuant to Condition No. 2 of this planning permission.

Reason: To protect the occupants of nearby residential premises from loss of amenity from noise disturbance (Buckinghamshire Minerals and Waste Local Plan Policy 28).

25. Noise from soil stripping operations, the construction or re-location and re-grading of soil bunds, soil spreading, grading and replacement shall not exceed 70 dB LAeq, 1h (free field) as measured at the facades of the nearest residential properties at points identified on Drawing No. 314/AF/0221 Rev: A submitted pursuant to Condition No. 27 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004 and permitted pursuant to Condition No. 2 of this planning permission.

Reason: To protect occupants of nearby residential premises from loss of amenity from noise disturbance (Buckinghamshire Minerals and Waste Local Plan Policy 28).

26. Any pumps used on the site shall be so positioned and acoustically screened that the noise level does not exceed the parameters set out in Condition No. 24.

Reason: To protect occupants of nearby residential premises from loss of amenity from noise disturbance (Buckinghamshire Minerals and Waste Local Plan Policy 28).

27. The development shall not be carried out other than in complete accordance with the dust monitoring and mitigation scheme detailed in the Working/Restoration Scheme dated May 2004 submitted pursuant to Condition No. 29 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004. The approved scheme shall be implemented throughout the period of the permitted operations.

Reason: To protect occupants of nearby residential premises from loss of amenity from dust (Buckinghamshire Minerals and Waste Local Plan Policy 28).

Surface Water Drainage

28. The development shall not be carried out other than in complete accordance with the drainage scheme as detailed in the Working/Restoration Scheme dated May 2004 submitted pursuant to Condition No. 30 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004.

Reason: To ensure that there is no increased risk of flooding to surrounding land and the consequent loss of amenity to local residents. (Buckinghamshire Minerals and Waste Local Plan Policies 28 and 33).

29. The surface water drainage scheme submitted and approved pursuant to Condition No. 30 of Planning Permission Ref. SBD/8201/99 shall be implemented no later than one month after the completion of replacement of topsoil in each phase.

Reason: To ensure that there is no increased risk of flooding to surrounding land and the consequent loss of amenity to local residents (Buckinghamshire Minerals and Waste Local Plan Policies 28 and 33).

Protection of Public Rights of Way and Creation of Permissive Paths

30. No later than 30th December 2018, a detailed scheme for the creation of permissive paths shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include the following details:

- (i) A plan at a scale of 1:2500 to show the detailed route of the permissive paths set out in principle on Plan 2 of the Deed of Variation dated 9th December 2011;
- (ii) A programme for the setting out of the permissive paths;
- (iii) Details of the signposting of the permissive paths; and
- (iv) Provision as necessary of stiles, gates, fencing and planting to facilitate safe passage along the permissive paths.

Reason: In the interests and safety of users of public rights of way and permissive paths (Buckinghamshire Minerals and Waste Local Plan Policy 28).

31. Where public footpaths or permissive paths are crossed by site roads, warning signs shall be erected to advise both pedestrians and on-site vehicle drivers. Speed ramps on the site roads shall be provided either side of the points at which footpaths are crossed. The surface of the crossing points shall be maintained using lime stabilised or other suitable materials.

Reason: In the interests and safety of users of public rights of way and permissive paths (Buckinghamshire Minerals and Waste Local Plan Policy 28).

Soil Stripping and Storage

32. Soil stripping, handling, storage and replacement and the machinery to be used and internal haul routes shall be as detailed in the Working/Restoration Scheme dated May 2004 submitted pursuant to Condition No. 34 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004. The approved scheme shall be implemented throughout the period of the permitted operations.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

33. No topsoil or subsoil shall be removed from the site.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

34. Topsoil and subsoil from the Hyde Farm area shall not be stored other than in the locations shown on Drawing No. 314/AF/0074 Rev: A permitted pursuant to Planning Permission Ref. SBD/8201/99.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

35. Both when being moved to storage locations and when being moved to final surface position, topsoil and subsoil arising from the Hyde Farm area shall be transported and not bladed.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

36. Plant and vehicle movements shall not occur other than on the internal haul routes detailed in the Working/Restoration Scheme dated May 2004 submitted pursuant to Condition No. 34 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004, or on the overburden/infill surface, and shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

37. No stripping or movement of soil shall occur other than between 1st May to 30th September (inclusive). During this period, soil shall not be moved other than when the soil is in a dry and friable condition. The criteria for determining when soil is dry and friable shall be through a field assessment as detailed in the Working/Restoration Scheme dated May 2004 submitted pursuant to Condition No. 3 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

38. At least three working days' notice shall be given to the County Planning Authority of the planned commencement of soil movement operations including soil stripping, regrading or spreading of topsoil or subsoils (or subsoil substitute material). Soil movement operations shall not be carried out if the County Planning Authority advises the operator that soil conditions are not suitable.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses. (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

39. All topsoil shall be stored separately from subsoil and overburden or underburden (soil substitute material). All subsoil shall be stored separately from any overburden or underburden. Topsoil shall be stripped from areas where mounds of subsoil and over or underburden (soil substitute material) and subsoil are to be stored. Subsoil shall be stripped from areas where mounds of overburden or underburden (soil substitute material) are to be stored.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses. (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

40. All stored topsoil, subsoil overburden or underburden (soil substitute material) mounds shall be constructed with the minimum of compaction necessary to ensure stability. The storage mounds shall be shaped to avoid the collection of water in surface undulations.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

41. No storage mounds shall be traversed by heavy vehicles or machinery except where essential for purposes of mound construction or maintenance.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

42. Topsoil storage mounds shall not exceed three metres in height. Subsoil mounds shall not exceed five metres in height. Subsoil substitute mounds shall not exceed five metres in height.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

43. Subsoil substitute material to be stored for restoration purposes shall not be other than set out in the letter from Aggregate Industries dated 8th June 1999 and the accompanying documentation.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

44. The topsoil, subsoil and subsoil substitute material storage mounds once constructed shall not be subsequently disturbed until required for restoration purposes.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

45. All storage mounds that remain in situ for more than six months, or over the winter period, shall be grass-seeded. Weed control and other necessary maintenance measures shall be carried out to the satisfaction of the County Planning Authority. The seed mixture and application rates shall be as detailed in the Working/Restoration Scheme dated May 2004 submitted pursuant to Condition No. 47 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004.

Reason: To ensure by the careful handling and storage of soil resources the satisfactory restoration of the site to agriculture and woodland uses (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

Restoration

46. Gas extraction and leachate well heads shall be installed in accordance with the details contained in the Working/Restoration Scheme and approved drawing nos. 314/AF0224 Rev: A (Gas Field Layout) and 314/AF/0206 (Gas Well Details) submitted pursuant to Condition No. 48 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004 and permitted pursuant to Condition No. 2 of this planning permission, such as to leave the restored subsoil and topsoil layers free of any obstructions to agricultural operations including the installation of agricultural drainage.

Reason: To ensure that the gas and leachate collection and control infrastructure does not prejudice the efficient cultivation of the land to be restored to agriculture (Buckinghamshire Minerals and Waste Local Plan Policy 31).

47. Within the areas to be restored to agriculture, a system of vehicular and foot access for the monitoring and maintenance of gas extraction and leachate well heads shall be as detailed in the Working/Restoration Scheme dated May 2004 and approved Drawing No. 314/AF0224 Rev: A (Gas Field Layout) submitted pursuant to Condition No. 49 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004 and permitted pursuant to Condition No. 2 of this planning permission. This access shall also be used for the monitoring and maintenance of gas migration control wells.

Reason: To ensure that the gas and leachate collection and control infrastructure does not prejudice the efficient cultivation of the land to be restored to agriculture (Buckinghamshire Minerals and Waste Local Plan Policy 31).

48. Any new subsurface gas and leachate collection and control pipework shall be installed at a depth of at least one metre below the final surface level above the crown of the pipework.

Reason: To ensure that the gas and leachate collection and control infrastructure does not prejudice the efficient cultivation of the land to be restored to agriculture (Buckinghamshire Minerals and Waste Local Plan Policy 31).

49. Condensate removal within the phases to be restored to agriculture shall be via an automatic system from the subsurface knock out pots into the body of the waste as shown on Drawing No. 12060Z/004 permitted pursuant to Planning Permission No. SBD/8201/99.

Reason: To ensure that the gas and leachate collection and control infrastructure does not prejudice the efficient cultivation of the land to be restored to agriculture (Buckinghamshire Minerals and Waste Local Plan Policy 31).

50. The base of the excavated area shall be levelled when the extraction of that phase has been completed prior to the commencement of landfilling.

Reason: To ensure the timely and satisfactory restoration of the site (Buckinghamshire Minerals and Waste Local Plan Policy 31)

51. The final restored post-settlement contours drawing shall be as shown on Drawing No. 11624Z.98/005A permitted pursuant to Planning Permission No. SBD/8201/99.

Reason: To ensure the satisfactory restoration of the site (Buckinghamshire Minerals and Waste Local Plan Policy 31).

52. Each phase to be restored to agriculture shall be capped and covered with a minimum depth of one metre of suitable cover material which shall include a minimum depth of 700 mm of subsoil or other approved substitute material and then 300 mm of topsoil.

Reason: To ensure the satisfactory restoration of the site (Buckinghamshire Minerals and Waste Local Plan Policy 31).

53. Each phase to be restored solely to woodland shall be capped and covered with a minimum depth of 2.0 metres of loosely tipped subsoil or other subsoil substitute material.

Reason: To ensure the satisfactory restoration of the site (Buckinghamshire Minerals and Waste Local Plan Policy 31).

54. Before the fill material in any phase is within two metres of the final pre-settlement levels, profile markers shall be erected in that phase to show the final levels of fill material, capping material, subsoil and topsoil respectively.

Reason: To ensure the satisfactory restoration of the site (Buckinghamshire Minerals and Waste Local Plan Policy 31).

55. The following operations shall be carried out over the filled areas to be restored to agriculture prior to the placement of topsoil:

- All depressions and hollows shall be filled with subsoils or approved subsoil substitute material to achieve even gradients;
- Subsoil or approved subsoil substitute material shall be ripped or deeply cultivated in dry conditions to break up any compaction, using equipment and to depths and centres to be approved in writing by the County Planning Authority prior to the commencement of ripping;

- The top 1000 mm shall be free of large solid objects (of a size greater than 150mm in any direction) and voids left by the removal of obstructions shall be backfilled with subsoil and topsoil.

Reason: To ensure the satisfactory restoration of the site (Buckinghamshire Minerals and Waste Local Plan Policy 31).

56. Restored topsoil and subsoil and subsoil substitute material shall be maintained free of any obstructions to agricultural operations.

Reason: To ensure the satisfactory restoration of the site (Buckinghamshire Minerals and Waste Local Plan Policy 31).

57. Following initial placement of restoration materials (subsoil or subsoil substitute material) on any phase, the interim restoration scheme detailed in the Working/Restoration Scheme dated May 2004 submitted pursuant to the requirements of Condition No. 3 of Planning Permission No. SBD/8201/99 as approved by the County Planning Authority on the 9th June 2004 shall be implemented in full accordance with the approved scheme.

Reason: To ensure the satisfactory restoration of the site (Buckinghamshire Minerals and Waste Local Plan Policy 31).

Aftercare

58. Within three months of the date of the final replacement of topsoil on any phase to be restored in whole or in part to agriculture (and subsequent to the period of interim restoration), an aftercare scheme for a period of five years for that area shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include the annual aftercare programme which shall be carried out in the first year of the aftercare period. Each year within four weeks of the annual site meeting required by Condition No. 59 (ix), a revised annual aftercare programme shall be submitted to the County Planning Authority showing the aftercare measures which shall be carried out in the following year. Following approval in writing of the annual aftercare programme by the County Planning Authority the annual aftercare programme shall be implemented for the following 12 months.

Reason: To ensure the satisfactory restoration of the site (Buckinghamshire Minerals and Waste Local Plan Policy 31).

59. The first annual aftercare scheme, and subsequent annual revised schemes, for areas to be restored to agricultural use, shall provide for:

- (i) The removal of any large stones from the surface;
- (ii) The making up of any low spots with topsoil;
- (iii) The provision of a drainage scheme if required to be constructed following the annual aftercare meeting. Further details of the type, depth and spacing of drains, ditches and outfalls shall be approved in writing by the County Planning Authority. In subsequent years of the aftercare period measures to maintain and repair the drainage system shall be taken;
- (iv) An analysis of the soil acidity and nutrient deficiency;
- (v) The cropping, fertilisation and drainage measures to correct acidity and nutrient deficiency and to improve soil structure to achieve a good state of cultivation and fertility;

- (vi) The provision of hedges, trees and fences approved by the County Planning Authority to provide for the efficient farming of the land and appearance of the landscape. In subsequent years of the aftercare period, measures to maintain the hedgerows, trees and fences, and replace any dead or diseased trees or shrubs, shall be taken;
- (vii) The maintenance and/or provision of such means of access to, and within, the site as approved by the County Planning Authority to be necessary for the efficient farming of the land;
- (viii) The provision of such field water supplies as approved by the County Planning Authority to be necessary for the efficient farming of the land;
- (ix) An annual site meeting which will be attended by representatives of the developer, central Government's agriculture agency, the Forestry Commission and the County Planning Authority.

Reason: To ensure the satisfactory restoration of the site (Buckinghamshire Minerals and Waste Local Plan Policy 31).

60. Aftercare for the areas to be restored to woodland shall be carried out in accordance with the details contained in the Working/Restoration Scheme dated May 2004 submitted pursuant to Condition No. 6 of Planning Permission Ref. SBD/8201/99 as approved by the County Planning Authority on 9th June 2004.

Reason: To ensure the satisfactory restoration of the site (Buckinghamshire Minerals and Waste Local Plan Policy 31).

61. That no later than 30th June 2019, a reviewed restoration plan detailing revised proposals for increasing biodiversity to be implemented on the site shall be submitted for approval in writing by the County Planning Authority.

Reason: To ensure that update biodiversity enhancement opportunities including in the restoration plan for the site and to comply with the Buckinghamshire Minerals and Waste Core Strategy Policy CS23.

Time Limit

62. Final restoration shall be completed and all litter fencing, plant, machinery and equipment, other than that required for ongoing management and maintenance, shall be removed from the land no later than 31st December 2021.

Reason: To control the period of operations within the timescale which has been judged by the County Council to be acceptable (Buckinghamshire Minerals and Waste Local Plan Policy 36).

Informatives

Reason for the Grant of Planning Permission

The proposed development is in compliance with Buckinghamshire Minerals and Waste Core Strategy Policies CS20, the Buckinghamshire Minerals and Waste Local Plan Policy 28 and South Bucks District Local Plan, Policy GB1. Although the proposed extension of time would prolong the negative impacts of the site on the local amenity, contrary to Policy 28 of the Buckinghamshire Minerals and Waste Local Plan, it is necessary in order to ensure the satisfactory completion and restoration of the site, in accordance with the requirements of the Buckinghamshire Minerals and Waste Core Strategy Policy CS23.

General

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in relation to dealing with the proposed development by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and pro-actively in accordance with the requirements of the National Planning Policy Framework as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Submission of Annual Progress Scheme

The scheme submitted annually pursuant to Condition No. 11 of this planning permission shall be passed to the Wapsey's Wood Liaison Committee by the County Planning Authority.

Woodland Planting Scheme

Parts of the Woodland Planting Scheme have been agreed and are enforceable pursuant to the terms of the principal legal agreement dated 31st August 2000.

CM/0113/17

General

1. The development shall not be carried out otherwise than in complete accordance with the details submitted with the previous Planning Permissions Refs. SBD/8219/03 and 11/01900/CM and approved drawings 94/3566A (Wapseys Wood/Hyde Farm) and 314/AF/0209 (Site Offices Additional accommodation).

Reason: To define the development which has been permitted and so to control the operations (Buckinghamshire Minerals and Waste Local Plan Policies 28, 31 and 36).

2. The buildings shall be removed no later than 31st December 2021 and the site restored in accordance with the requirements of Planning Permission Ref. CM/0112/17.

Reason: To control the period of operations within the timescale which has been judged by the County Council to be acceptable for the associated landfilling and mineral extraction operations and to ensure that the site is restored in accordance with the provision of Planning Permission Ref. CM/0112/17 (Buckinghamshire Minerals and Waste Local Plan Policies 28, 31 and 36).

Informatives

Reason for the Grant of Planning Permission

The proposed development is in compliance with Buckinghamshire Minerals and Waste Core Strategy Policies CS20, the Buckinghamshire Minerals and Waste Local Plan Policy 28 and South Bucks District Local Plan, Policy GB1.

General

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in relation to dealing with the proposed development by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and pro-actively in accordance with the requirements of the National Planning Policy Framework as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

CM/0114/17

1. The use of all buildings, machinery, stockpiles and plant the subject of this consent shall cease and the site be restored by 31st December 2021.

Reason: To control the period of operations within the timescale which has been judged by the County Council to be acceptable for the associated landfilling and mineral extraction operations, and to ensure that the site is restored in accordance with the provision of Planning Permission Ref. CM/0112/17 (Buckinghamshire Minerals and Waste Local Plan Policies 28, 31 and 36).

2. The recycling centre shall not be operated other than in the are shown on Drawing No. 94/2928 approved pursuant to the previous Planning Permission Ref. SBD/8209/97.

Reason: In the interests of local amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28).

3. The development shall not be carried out other than in accordance with the approved surface water drainage scheme submitted pursuant to Condition No. 4 of Planning Permission Ref. SBD/8209/97.

Reason: To prevent pollution of the water environment (Buckinghamshire Minerals and Waste Local Plan Policy 33).

4. The development shall not be carried out other than in accordance with the landscaping scheme submitted and approved pursuant to Condition No. 5 of Planning Permission Ref. SBD/8209/97.

Reason: In the interests of local amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28).

5. Hours of operations shall not be other than 7:00 am to 6:00 pm Mondays to Saturdays with no operations to be carried out on Sundays or Public Holidays.

Reason: In the interests of local amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28).

6. The stockpiles shall not exceed a maximum height of 6 metres.

Reason: In the interests of local amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28).

7. Noise from the development shall not exceed 41dB LAeq, 1h (free field) as measured at the facade of the Bell House Hotel or 44 dB LAeq, 1h (free field) as measured at the facade of Bulstrode Lodge or 45 dB LAeq, 1h (free field) as measured at the properties at Moat Farm.

Reason: In the interests of local amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28).

8. No solid matter shall be deposited so that it passes or is likely to pass in to any watercourse.

Reason: To control pollution of the water environment ((Buckinghamshire Minerals and Waste Local Plan Policy 33).

9. No more than 180 skips of any type shall be stored at any one time in the Bin Park shown on approved drawing No. 94/2918 which shall be the only area used for skip storage within consented area SBD/1397/88. Should the number of skips exceed this number then the recycling centre shall cease operation until such time as the number of stored skips is reduce to 180 or less.

Reason: In the interests of local amenity (Buckinghamshire Minerals and Waste Plan Policy 28)

Informatives

Reason for the Grant of Planning Permission

The proposed development is in compliance with Buckinghamshire Minerals and Waste Core Strategy Policies CS6 and CS20, the Buckinghamshire Minerals and Waste Local Plan Policy 28 and South Bucks District Local Plan, Policy GB1.

General

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in relation to dealing with the proposed development by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and pro-actively in accordance with the requirements of the National Planning Policy Framework as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

CM/0115/17

1. All buildings shall be removed, and the site restored in accordance with the requirements of Planning Permission Ref. CM/00112/17 no later than 31st December 2021.

Reason:

To ensure that the site is restored in accordance with the time scale permitted pursuant to Planning Permission ref. CM/0112/17 (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

Informatives

Reason for the Grant of Planning Permission

The proposed development is in compliance with Buckinghamshire Minerals and Waste Core Strategy Policies CS20, the Buckinghamshire Minerals and Waste Local Plan Policy 28 and South Bucks District Local Plan, Policy GB1.

General

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in relation to dealing with the proposed development by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and pro-actively in accordance with the requirements of the National Planning Policy Framework as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

CM/0116/17

2. The Sales Office shall be removed, and the land shall be restored in accordance with the requirements of Planning Permission Ref. CM/00112/17 no later than 31st December 2021.

Reason:

To control the life of the development within the timescale which has been judged by the County Council to be acceptable for the associated landfilling and mineral extraction operations (Buckinghamshire Minerals and Waste Local Plan Policies 31 and 36).

Informatives

Reason for the Grant of Planning Permission

The proposed development is in compliance with Buckinghamshire Minerals and Waste Core Strategy Policies CS20, the Buckinghamshire Minerals and Waste Local Plan Policy 28 and South Bucks District Local Plan, Policy GB1.

General

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in relation to dealing with the proposed development by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and pro-actively in accordance with the requirements of the National Planning Policy Framework as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Buckinghamshire County Council

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Development Control Committee – 23 July 2018

Application Number:	CM/0002/18
Title:	Use of land for storage of empty skips, empty containers and skip lorries
Site Location:	Chiltern View Nurseries Wendover Road Stoke Mandeville HP22 5GX
Applicant:	Mr J Bone Enterprise Skip Hire Chiltern View Nurseries Wendover Road Stoke Mandeville HP22 5GX
Case Officer:	Catherine Kelham
Electoral divisions affected & Local Member:	Wendover, Halton and Stoke Mandeville Steve Bowles
Valid Date:	16 th January 2018
Statutory Determination Date:	13 th March 2018
Extension of Time Agreement:	30 th July 2018
Summary Recommendation(s):	

The Development Control Committee is invited to REFUSE application no. CM/0002/18 for the reasons set out below.

Reasons for Refusal

1. The application has not adequately demonstrated that the proposed development would not cause significant and detrimental harm to wildlife. A full and appropriate survey has not been evidenced for Great Crested Newts, Reptiles, and other species. It has not been demonstrated how the loss of the brownfield site and ruderal/open mosaic habitat through clearance and replacement with hardstanding would be mitigated. It has also not been demonstrated that the proposed layout can conserve or enhance the biodiversity of the area, (and if necessary provide mitigation for Reptiles and Great Crested Newts) to ensure no net loss of biodiversity. (Contrary to Policies CS22 and CS23 of the Buckinghamshire Minerals and Waste Core Strategy and Paragraphs 14 and 118 of the National Planning Policy Framework 2012).



INVESTOR IN PEOPLE



Site Description

1. The proposed development site is part of the Chiltern View Nurseries complex and shares the same access from the A413 (Wendover Road).
2. It is located to the west of the A413 (Wendover Road), alongside the Amersham branch of the Aylesbury – London railway line. It is approximately 1.1km to the southeast of Stoke Mandeville, approximately 1km to the southwest of Weston Turville and approximately 4.9km to the south west of the centre of Aylesbury.
3. To the north of the site, and part of the Chiltern View Nurseries complex is a Waste Transfer Station. To the southeast of the site is a carpark, also part of the Chiltern View Nurseries complex. Approximately 70m to the southeast of the site across the carpark is the Triangle Business Park. Unit 1, Triangle Business Park, the closest building to the site, was recently granted planning permission for the change of use from B1(a) office use to C3 residential use (AVDC Planning Reference: 18/00510/COUOR). To the east of the site is Chiltern View Nurseries glasshouses and retail area. The nearest existing residential property is located approximately 245m to the northwest of the site on Wendover Road. To the west of the site is the railway line, and then fields. The nearest property in this direction is Stoke House, a Grade II listed building, approximately 700m away.
4. The proposed development site falls within the Southern Vale landscape character area. This area is characterised as a large area of low-lying vale landscape with limited topographic variation. It contains transport corridors and large villages that due to the open nature of the area and the urban edge of Aylesbury break-down the rural character of the area. It is not located in close proximity to any nationally recognised environmental assets. The edge of Chilterns AONB is approximately 1.1km to the south-east of the site and the nearest asset of recognised environmental value is Weston Turville Reservoir SSSI, approximately 1.2km to the east of the site. This site is located within flood zone 1.
5. The location of the site (with the approximate application area outlined in red) is below:



Site History

6. The most relevant planning history for the site and Chiltern View Nursery Complex is outlined below:

11/20002/AWD	Proposed change of use of former railway land and agricultural yard to waste and recycling transfer centre	Application permitted 16. September 2011
11/20006/AWD	Proposed waste recycling shed and revised layout	Application permitted 06. January 2012
12/20003/AWD	Proposed waste recycling shed	Application permitted 14 February 2013
	N.B. Development not implemented within three years of date of permission	
13/20002/AWD	Change of use of land from Agriculture to extension to waste transfer site	Application withdrawn 20. August 2013
13/20003/AWD	Extension to waste and recycling transfer station	Application permitted 03. February 2014
CM/69/14	Erection of Operational and Storage Sheds to serve Waste Transfer Station and Temporary siting of shipping containers.	Application permitted 02. December 2014
CM/63/15	Removal of Condition 10 of Planning Permission CM/69/14 (The Waste Recycling Process and Storage operation shall be undertaken solely under cover within the Operational & Storage Sheds and not elsewhere within open areas of the site.)	Application refused 07. April 2016
APP/P0430/W/16/3148503	Appeal against refusal of application CM/63/15	Appeal partially upheld 29. November 2016
CM/54/16	Retention of buildings as constructed with an extension to building B, erection of storage bays and the storage of skips.	Application withdrawn 11. January 2017
16/04039/APP	Erection of two storey office building and associated car park	Application approved 01. December 2017
16/04073/APP	Revisions to approved security gates (retrospective); extension to nursery car park; covered display area (retrospective) and proposed covered display area; storage area for pots, paving and fencing, proposed glass building; trees and shrubs growing and sales area and garden exhibition area	In the process of determination (AVDC)
17/03933/APP	Erection of team room building ancillary to the nursery	Application approved 12. January 2018
CM/0006/18	Operational development in respect of the introduction of concrete perimeter containment walls and changes to buildings A and B, External lighting. Change of use to include outdoor waste processing. Increase in height of stockpiles. Removal of staff car parking. Increase in HGV vehicular movements to 50 in and 50 out per working day. Change of hours of operation from: 08.00-18.00 Mon-Fri and 08.00-13.00 Sat to 06.30-18.30 Mon-Sat	In the process of determination (BCC)

Description of the Proposed Development

7. Chiltern View Nursery are seeking permission for the change of use of the land to allow for the storage of empty skips, empty containers and skip lorries. As the land would be used in conjunction with the adjacent waste transfer station, I consider the application is a County Matter.

The land would be used for a purpose ancillary to the storing, processing, sorting and transferring of waste.

8. Contrary to the view expressed in the application form of the land being vacant and the last use of the site being for agriculture, I am of the view that the land formed part of the waste transfer station under application 13/20003/AWD and is marked as "Landscaped Area" on the site plan for extant planning permission for the land (see planning reference: APP/P0430/W/16/ 314 8503). Condition two of this planning permission required the development to be carried out in accordance with the approved plans and these show the landscape area and planting to the southeast of the waste transfer building.
9. The site, excluding the access road, has an area of 2117 square metres and is approximately 29 metres in width and approximately 73 metres in length.
10. In addition to the change of use, the applicant proposes to lay a concrete surface, place a new vehicle connection across the stream, erect six 8.5 metre high floodlights, construct a 2.4 metre high olive coloured palisade fence to enclose the site and erect a 3 meter high and 50mm thick acoustic barrier inside the fence on the southeast boundary and part of the northeast boundary of the site.
11. No vehicle movements in addition to those already permitted in association with the adjacent waste transfer station are proposed.
12. It is proposed that the skip lorries would only be parked during the waste transfer station non-operational periods. No hours of access to the site, or hours of operation when the skips and containers would be moved have been provided with the application.

Planning Policy and Other Documents

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
14. The development plan for this area comprises of:
 - i. Adopted Buckinghamshire Minerals and Waste Core Strategy (BMWCS) 2012
 - ii. Adopted Buckinghamshire Minerals and Waste Local Plan (BMWLP) 2004-2016
 - iii. Adopted Aylesbury Vale District Local Plan (AVDLP) 2004
15. Other documents that need to be considered in determining this development include:
 - i. National Planning Policy Framework (NPPF)
 - ii. National Planning Policy for Waste (NPPW)
16. I consider the policies most relevant to this development are:

Adopted Buckinghamshire Minerals and Waste Core Strategy (BMWCS) 2012

- CS/LP1 Sustainable Development
- CS14 Safeguarding Existing and Potential Waste Sites
- CS19 Protection of Environmental Assets of Local Importance
- CS22 Design and Climate Change
- CS23 Enhancement of the Environment

Saved Policies of the Buckinghamshire Minerals and Waste Local Plan (BMWLP)

- Policy 28 (Amenity)

Adopted Aylesbury Vale District Local Plan (AVDLP) 2004

- GP.8 Protection of the Amenity of Residents
- GP.38 Landscaping of new development proposals
- GP.39 Existing trees and Hedgerows
- GP.40 Retention of Existing trees and hedgerows
- GP.95 Unneighbourly uses

17. The draft **Vale of Aylesbury Local Plan (2013-2033)** underwent “Publication Version” (Regulation 19) consultation between November and December 2017. The plan has been submitted to the Secretary of State for Communities and Local Government and examination commenced on 10th July. Whilst the draft plan is a material consideration, as it has not been though examination or been adopted by the council, it is still considered to carry little weight
18. The draft **Buckinghamshire Minerals and Waste Local Plan (2016-2036)** underwent “Publication Version” (Regulation 19) consultation between 5th March and 19th April 2018. The plan was submitted to the Secretary of State for Communities and Local Government at the beginning of June 2018 and it is anticipated that public examination will take place in September 2018. Whilst the draft plan is a material consideration, as it has not been though examination or been adopted by the council, it is still considered to carry little weight.

Consultation Responses

19. The Local Member, **Steve Bowles**, has not commented on the application
20. **Aylesbury Vale District Council** has no objection to the proposed development.
21. **Stoke Mandeville Parish Council** objects to the proposed development. They consider there is no adherence to planning conditions for the use of this process which states that it should be undertaken in the covered area, the traffic movements are greater than those stated in a previous application, the traffic plans out of date and that containers on the site are concealing unauthorised operations from view.
22. **Weston Turville Parish Council** objects to the proposed development. They consider the conditions of the previous applications have not been adhered to, the current operations are generating noise and pollution which is disturbing local residents and increasing the scale and hours of operation would impact adversely on local residents.
23. The **BCC Highways Development Management Officer** has no objection to the proposed development subject to conditions.
24. BCC as **Lead Local Flood Authority** notes the proposed development would increase the impermeable area by 100% and that this would increase surface water runoff which could result in an increase in surface water flooding downstream. They are satisfied there is a workable drainage solution for the site and therefore have no objection to the development subject to conditions.
25. The Aylesbury **Environmental Health Officer** has not commented on this application. They did however comment on the application on the adjacent waste transfer station (CM/0006/18) advising of the change of use of Unit 1 Triangle Business Park and requesting further information. Comments on this application are expected and a verbal update will be provided to the Committee.
26. The **BCC Ecology Officer** advises that an inadequate up to date survey has been provided to allow Buckinghamshire County Council to confidently disperse our duty of due diligence with respect to the application. In particular, she considers there are a number of points, including the

impact to the young trees and ruderal/open mosaic habitat and surrounding hedges and protected species such as reptiles, birds and other protected species, and comments that mitigation and enhancement measures have not been identified.

27. **HS2 Safeguarding** has commented that the land is located outside the limits subject to the Phase One Safeguarding Directions.
28. **Network Rail** are concerned about the impact of noise from the site on the nearby level crossing workers accessing the railway, and the potential for ground works or surface water drainage and attenuation from the site impacting the railway line.
29. No comments have been received from **Chiltern Railways**.

Representations

30. Six public representations have been received. Five of these representations object to the proposed development and one supports it.

The planning considerations within these are:

- Ability to process more waste
- Visual impact of shipping containers
- Impact of lighting for residential properties along Wendover Road
- Increased vehicle movements leading to additional traffic along Wendover Road
- Mud on the road
- Change in hours of operation leading to unacceptable noise impact
- Noise impact (bangs and clangs) from machinery moving about
- Effect on health associated with dust and air pollution
- Visual impact of litter dropped from lorries leaving the nursery site
- Loss of greenspace
- Disposal of surface water drainage discharging into an existing stream or ditch causing contamination
- Concerns over the safety and suitability of the site

31. It should be noted that several of these representations were submitted for both applications at the Chiltern View Nursery Complex and some of the comments within the representations appear to more directly link to the application for the proposed development at the adjacent waste transfer station (CM/0006/18).

Discussion

32. I consider the main points to consider are:
 - Principle of the Proposed Development
 - Biodiversity
 - Noise
 - Lighting
 - Drainage and Contamination

Principle of the Proposed Development

33. The proposed development seeks to alter the former 'landscaped area' of the Waste Transfer Station at the Chiltern View Nursery Complex to provide space to store the skips that are required for the Waste Transfer Station. I consider that the use of the land for the storage of skips would aid the waste transfer station in moving waste up the waste hierarchy. This movement of waste up the waste hierarchy is supported by the NPPW, BMWCS and BMWLP.
34. As the proposed development forms part of an existing waste management site and would re-develop part of the existing site, I consider it in compliance with policy CS14 of the BMWCS which seeks to safeguard existing waste sites within Buckinghamshire for waste management

purposes and policy CS10 of the BMWCS which supports extensions to and the re-development of existing waste management sites. In addition, the emerging Buckinghamshire Minerals and Waste Local Plan includes Aylesbury as an area of focus for sustainable waste management.

35. In summary, as there is policy support for the movement of waste up the waste hierarchy and use of this site for this waste management purpose, I consider the principle of the development is in accordance with local policies. There are however a number of site specific factors which must also be considered.

Biodiversity

36. Policy CS22 of the BMWCS requires that waste development proposals demonstrate how a high standard of design would be achieved and how any adverse effects on and from climate change have been minimised though certain criteria. This encompasses, but is not limited to, maximising available opportunities, where appropriate, to increase the potential for biodiversity in accordance with Policy CS23 of the BMWCS. Policy CS23 of the BMWCS requires that waste development to incorporate measures to demonstrate enhancement of the environment. This includes how any existing biodiversity habitats would be enhanced and how opportunities would be taken to increase biodiversity. Taken together, these development plan policies support the NPPF in minimising impacts on biodiversity, and providing net gains in biodiversity where possible.
37. In addition, policy GP.40 of the AVDLP opposes the loss of trees, and policy GP.39 requires development affecting trees or hedges to be surveyed and conditions imposed to ensure the replacement of trees and hedgerows of amenity, landscape or wildlife importance.
38. A number of small trees (a mixture of oak, beech, lime, alder and silver birch) are currently growing on the application site as part of the extant planning permission on the land. Although small, and below the size that would be included within a tree survey, these were in leaf at the time of the site visit in June. In addition, a variety of other vegetation including grasses, teasels and members of the daisy family have grown between the trees. Although the landscaping was provided in the interests of the visual amenities in the local area, due to their size and location, I do not consider the trees currently have great amenity or landscape value. I do however consider that in association with the other vegetation on the site, they have some ecological benefit. This would be lost as a result of the proposed development.
39. The BCC Ecologist considers the impacts to protected species such as reptiles and birds and the wider impact on biodiversity though removing the young trees and ruderal/open mosaic habitat has not been taken into consideration, and that mitigation and enhancement measures have not been identified.
40. Under paragraph 118 of the NPPF, if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The applicant has been made aware of this issue, and that a Preliminary Ecological Appraisal is required. This would establish baseline conditions, determine the importance of ecological features present (or those that could be present) within the specified area, establish any requirements for detailed/further surveys and identify mitigation measures. I consider this is a proportionate approach and, if necessary, it can be expanded to include additional surveys on specific species and habitats. These additional surveys may however be time limited – all methods for surveying Great Crested Newts for example are time limited to between March and September.
41. With the current lack of information on the impact of the proposed development with regard to protected and other species, I am unable to ascertain whether the development would result in significant harm. Although effective use of land and the reuse of previously development land is supported, Buckinghamshire County Council still has a statutory duty to discharge in regard to the purpose of conserving biodiversity and preventing harm to protected species. Overall, I

consider the proposed development is contrary to policies CS22 and CS23 of the BMWCS. In addition, the loss of trees is opposed though policy GP.40 of the AVDLP and the loss of natural features is contrary to policy GP.38 of the AVDLP.

42. Furthermore, I am mindful of paragraph 119 of the NPPF which removes the presumption in favour of sustainable development where development requiring assessment under the Birds or Habitats Directives is being determined. The BCC Ecologist has highlighted the potential for protected species (birds and reptiles) on this site and also for Great Crested Newts in the vicinity of the site. She advised that inadequate up-to-date survey information has been provided to allow Buckinghamshire County Council to confidently discharge our duty of due diligence with respect to the application. I therefore cannot recommend the application is approved.

Noise

43. Policy 28 of the BMWLP seeks to protect the amenity of those who may be affected by waste developments. The policy states that planning permission will not be granted for proposals that are likely to generate significant adverse levels of disturbance from noise as well as other nuisances. Similarly, policy CS22 of the BMWCS seeks to minimise noise and other pollution from development while policy GP.8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. Furthermore, GP.95 of the AVDLP states that development which exacerbates any adverse effects of existing uses will not be permitted.
44. Concern has been raised over noise and comments are expected from the District EHO. A verbal update will be provided to the Committee.
45. The proposed development would be much closer to the Triangle Business Park than the existing operations taking place on the waste transfer station. Due to the nature of the proposed operations, I consider it likely that banging and clanging noises (impact type noise) are likely to be generated from the movement and stacking/unstacking of skips. Concern has also been raised by members of the public with regard to noise impact of the development.
46. Since the site started operating as a waste transfer station (September 2011), a change of use from offices to residential use was granted for Unit 1 Triangle Business Park (April 2018, application reference number 18/00510/COUOR). This is approximately 50 metres to the south east of the application site across a carpark. As set out in the policies above, planning decision should aim to avoid noise from giving rise to significant adverse impacts and mitigate and reduce adverse noise to a minimum. In addition to this, in accordance with paragraph 123 of the NPPF, decisions should also recognise that development will often create some noise and existing businesses wanting to develop in continuance of the business should not have unreasonable restrictions put in them because of changes in nearby land uses since they were established.
47. Following a Noise Impact Assessment, the submitted report recommends that a 3 metre high acoustic barrier with a minimum surface density of 15 kgm⁻² is erected to the southeast boundary and part of the northwest boundary of the proposed skip storage area to prevent a significant adverse impact at Unit 1 Triangle Business Park. The exact details of the acoustic barrier have not been submitted but these could be obtained via condition. With the acoustic barrier in place, the technical assessment indicates there would be a low impact above the background level noise at Unit 1 Triangle Business Park.
48. Part of the noise associated with the movement of skips is the from loose chains hitting the skips and/or vehicle frame, it is therefore also recommended that the chains are isolated using a resilient layer (for example flexible rubber tube or thick fabric layer) to mitigate the metallic impact sound as the metal chains come into contact with other metal surfaces. I consider this could be controlled via condition.

49. Although no hours of operation have been provided, as the storage area is for use in association with the existing waste transfer station, I consider the hours of operation should be limited to the same as those at the waste transfer station (currently 08.00-18.00 Monday to Friday and 08.00-13.00 Saturday). I consider this can be controlled by condition.
50. Network Rail has expressed concern about the impact of noise on the nearby level crossing. This appears to be approximately 450 metres to the south-east of the site, to the far side of the Triangle Business Park. It is shielded by the buildings of the business park. Although no noise assessment has been made at this location, I am satisfied that due to its location, distance from the site and proposed acoustic barrier, the level crossing is unlikely to be effected by operations on the site.
51. No comments have yet been received from the District EHO on the noise impact assessment or the suitability of the proposed mitigation measures. A verbal update will be provided to the committee on this matter. I do not however consider the information would alter the existing recommendation for refusal.

Lighting

52. As above, Policy 28 of the BMWLP seeks to protect the amenity of those who may be affected by waste developments. The policy states that planning permission will not be granted for proposals that are likely to generate significant adverse levels of the disturbance from lighting as well as other nuisances. Similarly, GP.8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal.
53. No comments have been received from the District EHO or Network Rail on this matter, though the impact of lighting on the amenity of local residents has been raised in public representation.
54. No lighting is currently erected in this section of the site. The six proposed lighting columns would be 8.5 metres high, 300 watt swivel floodlights with 25 metres maximum range. No information on brightness (i.e. lumens) has been provided, though I believe a light requiring 300 watts of power is likely to produce a considerable output. It is unclear what the light spill of such a scheme would be and what this impact may or not be. I therefore cannot conclude that from a lighting perspective, the proposed development is in accordance with policy, or that it would not have a significant adverse impact of local residents or wildlife.
55. As currently the impact of the lighting on the amenity of nearby residential dwellings and the wider area cannot be assessed, I recommend that should the application be permitted, a condition preventing any lighting on the site is imposed. If in the future the applicant wished to erect lighting on the site, they would be able to submit an application (accompanied by a lighting assessment and information on the brightness and spill of the lights) to vary the condition.

Drainage and Contamination

56. Policy CS22 of the BMWCS requires development to demonstrate how a high standard of design would be achieved and how any adverse effects on and from climate change would be minimised. This includes how the development seeks to reduce flood risk from all known sources, including surface water and avoiding or minimising adverse impacts on the water environment and the possibility of pollution. In addition, policy CS19 of the BMWCS seeks to prevent development that would have a significant adverse effect on the character, appearance or intrinsic environmental value of locally important sites and spaces including water resources.
57. The applicant has proposed a concrete surface for the skip storage area. In subsequent emails, it has been suggested by the agent that recycled road scalplings and crushed concrete could be used as an alternative surface. No formal amendment to the application has been received. As the crushed concrete and road scalplings are likely to compact, and no evidence has been

provided to the contrary, both surfaces are considered to be impermeable. As such, it is considered there would be a 100% change from permeable to impermeable surface on the proposed location of the skip storage area.

58. The applicant has proposed to discharge into the existing ordinary watercourse to the north of the development site at an unrestricted rate. It is however understood that the ordinary water course forms an attenuation pond before it flows under the railway to the west of the site. In addition, the porous subbase beneath the concrete may provide a small amount of attenuated water storage. Drainage from the site would not be towards the railway line and is understood that it would not be discarded on Network Rail's property, culverts or drains. I do not consider that this method of surface water drainage would cause significant adverse effects on the character, appearance or intrinsic value of the stream.
59. Concern has however been raised over the potential contamination of the existing stream by surface water drainage and I am mindful that it may impact the stream. It is however proposed that only empty skips, empty containers and skip lorries would be stored on the site. I consider this significantly reduces the potential source of pollution. In addition, it is proposed to install yard gullies to trap any silt from the lorries and skips. In order to further reduce the risk of polluted runoff into the stream, I believe it would be appropriate to prevent the washing out of skips and containers, or cleaning of lorries in the storage area. I am satisfied this could be secured by condition.
60. To ensure the proposed development would not increase the flow rate in the ordinary water course as this may increase flooding elsewhere, the LLFA officer considers the applicant should provide details of the existing attenuation pond including the discharge rate to the culvert. Network Rail also requires details of any changes associated with the surface water attenuation pond. In addition, the LLFA officer considered details of the maintenance and management, including clearing the yard gullies which are design to trap silt from the lorries and skips, should be submitted as a condition of development to ensure the long term success of the surface water drainage system.
61. I am mindful of the view of the LLFA that a workable drainage solution which would reduce flood risk exists. I am also mindful of the presumption in favour of sustainable development set out in the BMWCS and NPPF. I therefore consider that, subject to the conditions recommended by the LLFA, the proposed development would be in accordance with Policies CS19 and CS22 of the BMWCS.

Other Matters

62. As outlined above, several policies, including policy 28 of the BMWLP and policies GP.8 and GP.95 of the AVDLP, seek to protect the amenity of existing occupiers, not exacerbate any existing adverse effects and avoid significant disturbance as a result of development.
63. Some concerns have been raised over the visual impact of the development and the shipping containers which are visible from Wendover Road. I believe this point pertains more to the application on the adjacent waste transfer station (CM/0006/18). I do not consider this proposed development would be easily visible from Wendover Road as it would be behind the bulk of the nursery buildings. From Triangle Business Park, the current view is through a hedge onto a car park area and the rear of the waste transfer station building. Should the proposed development be permitted, a 3 meter high acoustic barrier would be erected along the boundary of the site. This is likely to exceed the current height of the hedge and so would be visible from the business park. Policy GP.38 of the AVDLP states that applications for new development schemes should include landscaping proposals to help buildings fit in with, and complement their surroundings, and conserve existing natural and other features of value far as possible. Although the proposed development on this site would not constitute a building, I consider the same principle applies. With a scheme to soften the visual impact of the 3 metre height acoustic barrier in place, I consider

that in terms of visual amenity, the proposed development is in accordance with policy 28 of the BMWLP and policies GP.8 and GP.95 of the AVDLP.

64. Concern has also been raised over the impact of dust on the amenity of residential dwellings along Wendover Road, increased traffic along Wendover Road, deterioration in air quality in the area and litter dropped from skips on routes to the proposed development site. It is understood from the application that all skips, containers and vehicles would move in and out of the site as part of the waste transfer operation already permitted in the Chiltern View Nursery Complex. The proposed use of the area of land for skip storage would therefore not generate any more vehicle movements. In addition, no processing is proposed as part of this application. The proposed development is therefore considered unlikely to have much impact from a highway safety perspective, or exacerbate dust, noise, litter, air pollution or traffic on routes to and from the site. I am also satisfied that the assertion in the application that no vehicle movements would be generated can be controlled by condition. I therefore consider the proposed development is in accordance with policy CS22 of the BMWCS, policy 28 of the BMWLP and policies GP.8 and GP.95 of the AVDLP.

65. Both Stoke Mandeville Parish Council and Weston Turville Parish Council have commented that there is no adherence to existing planning conditions on the site. This is considered to be an enforcement matter and as such, is not a material planning consideration when determining this application.

66. Section 149 of the Equality Act 2010 states:

- 1) *A public authority must, in the exercise of its functions, have due regard to the need to-*
 - a. *Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - b. *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - c. *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

It is considered this proposal would not conflict with the requirements of the Equality Act 2010 or the Council's policy on equality.

Conclusion

67. This application seeks to use the landscape area of the existing waste transfer station for the storage of empty skips, empty containers and skip lorries.

68. Local planning authorities are required to approach decision-taking in a positive way to foster the delivery of sustainable development. In this instance, the County Planning Authority has:

- Agreed several extensions of time to enable the applicant to provide additional information in order to overcome objections regarding drainage and concern over noise.
- Arranged a meeting between the applicant and the BCC Sustainable Drainage Officer to discuss drainage at the site.
- Communicated the reason for refusal to the applicant, outlined the information required to overcome this issue and provided information on when a withdrawn or refused application is eligible to be re-submitted as a 'free-go'.

69. I consider the principle of the development in aiding the movement of waste up the waste hierarchy and extending the operations on an existing waste management site, is supported through policy. Although there are some site specific issues including lighting and drainage, I am satisfied these can be controlled via condition to make the development acceptable. A verbal update will be provided to the committee with regard to noise.

70. The proposed development would however require clearance of a former landscape area which has been planted with trees and allowed to regenerate as a brownfield site with ruderal/open mosaic habitat. A lack of survey information means that it is not possible to establish the significance of this loss. I am also mindful of the comments from the BCC ecologist regarding the potential for protected species such as reptiles in the ruderal/open mosaic habitat and wild birds in and around the site. I consider the impact on biodiversity has not been minimised and no net gains in biodiversity have been proposed or identified by the applicant. This is contrary to policy CS22 and CS23 of the BMWCS and paragraph 109 of the NPPF. In accordance with paragraph 119 of the NPPF which states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined, I recommend the development is refused.

Buckinghamshire County Council

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Development Control Committee – 23 July 2018

Application Number:	CM/0006/18
Title:	Operational development in respect of the introduction of concrete perimeter containment walls and changes to buildings 'A' and 'B', External lighting, Change of use to include outdoor waste processing, Increase in height of stockpiles, Removal of staff car parking, Increase in HGV vehicular movements to 50 in and 50 out per working day, Change of hours of operation From: 08.00–18.00 Mon-Fri and 08.00-13.00 Sat To: 06.30-18.30 Mon-Sat
Site Location:	Chiltern View Nurseries Wendover Road Stoke Mandeville HP22 5GX
Applicant:	Mr J Bone Enterprise Skip Hire Chiltern View Nurseries Wendover Road Stoke Mandeville HP22 5GX
Case Officer:	Catherine Kelham
Electoral divisions affected & Local Member:	Wendover, Halton and Stoke Mandeville Steve Bowles
Valid Date:	11 th January 2018
Statutory Determination Date:	12 th April 2018
Extension of Time Agreement:	30 th July 2018

Summary Recommendation(s):

The Development Control Committee is invited to REFUSE application no. CM/0002/18 for the reasons set out below.

Reasons for Refusal

1. The proposal has not adequately demonstrated that the proposed development would not cause significant and detrimental harm to wildlife. A full and appropriate survey has not been evidenced for Great Crested Newts and other species. It has also not been demonstrated that the proposed layout can conserve or enhance the biodiversity of the area (and if necessary provide mitigation for Great Crested Newts) to ensure no net loss of biodiversity. (Contrary to Policies CS22 and CS23 of the Buckinghamshire Minerals and Waste Core Strategy and Paragraphs 14 and 118 of the National Planning Policy Framework 2012).



INVESTOR IN PEOPLE



Site Description

1. The proposed development site is part of the Chiltern View Nurseries complex and shares the same access from the A413 (Wendover Road).
2. It is located to the west of the A413 (Wendover Road), alongside the Amersham branch of the Aylesbury – London railway line. It is approximately 1.0km to the southeast of Stoke Mandeville, approximately 1.1km to the southwest of Weston Turville and approximately 4.8km to the south west of the centre of Aylesbury.
3. The Waste Transfer Station forms the north east part of the Chiltern View Nurseries Complex. To the southeast of the Waste Transfer Station is an area of land proposed to be used for the storage of empty skips, empty containers and skip lorries (CM/0002/18) and carpark. Approximately 100m to the southeast of the Waste Transfer Station across the carpark is the Triangle Business Park. Unit 1, Triangle Business Park, which is the closest building to the site, was recently granted planning permission for a change of use from B1(a) office use to C3 residential use (AVDC Planning Reference: 18/00510/COUOR). To the east is Chiltern View Nurseries glasshouses and retail area. The nearest residential property to the northeast of the site on Wendover Road is approximately 245 metres away from the site. To the west of the site is the railway line, and then fields. The nearest property in this direction is Stoke House, a Grade II listed building, approximately 700m away.
4. The proposed development site falls within the Southern Vale landscape character area. This area is characterised as a large area of low-lying vale landscape with limited topographic variation. It contains transport corridors and large villages that due to the open nature of the area and the urban edge of Aylesbury break-down the rural character of the area. It is not located in close proximity to any nationally recognised environmental assets. The edge of Chilterns AONB is approximately 1.4km to the south-east of the site and the nearest asset of recognised environmental value is Weston Turville Reservoir SSSI, approximately 1.5km to the east of the site. This site is located within flood zone 1.
5. The location of the site (with the approximate application area outlined in red) is below:



Site History

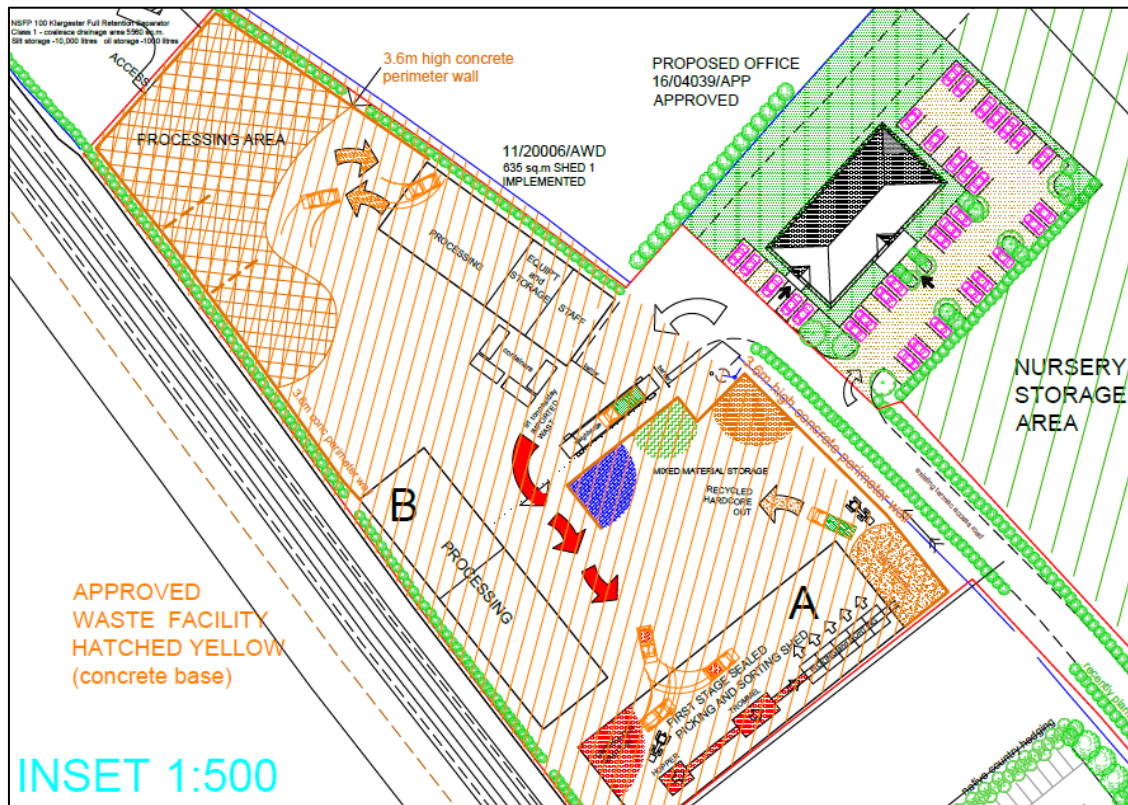
6. The most relevant planning history for the site and Chiltern View Nursery Complex is outlined below:

11/20002/AWD	Proposed change of use of former railway land and agricultural yard to waste and recycling transfer centre	Application permitted 16. September 2011
11/20006/AWD	Proposed waste recycling shed and revised layout	Application permitted 06. January 2012
12/20003/AWD	Proposed waste recycling shed	Application permitted 14 February 2013
	N.B. Development not implemented within three years of date of permission	
13/20002/AWD	Change of use of land from Agriculture to extension to waste transfer site	Application withdrawn 20. August 2013
13/20003/AWD	Extension to waste and recycling transfer station	Application permitted 03. February 2014
CM/69/14	Erection of Operational and Storage Sheds to serve Waste Transfer Station and Temporary siting of shipping containers.	Application permitted 02. December 2014
CM/63/15	Removal of Condition 10 of Planning Permission CM/69/14 (The Waste Recycling Process and Storage operation shall be undertaken solely under cover within the Operational & Storage Sheds and not elsewhere within open areas of the site.)	Application refused 07. April 2016
APP/P0430/W/16/3148503	Appeal against refusal of application CM/63/15	Appeal partially upheld 29. November 2016
CM/54/16	Retention of buildings as constructed with an extension to building B, erection of storage bays and the storage of skips.	Application withdrawn 11. January 2017
16/04039/APP	Erection of two storey office building and associated car park	Application approved 01. December 2017
16/04073/APP	Revisions to approved security gates (retrospective); extension to nursery car park; covered display area (retrospective) and proposed covered display area; storage area for pots, paving and fencing, proposed glass building; trees and shrubs growing and sales area and garden exhibition area	In the process of determination (AVDC)
17/03933/APP	Erection of team room building ancillary to the nursery	Application approved 12. January 2018
CM/0002/18	Use of land for storage of empty skips, empty containers and skip lorries	In the process of determination (BCC)

Description of the Proposed Development

7. This application seeks permission for a new waste transfer station on the site of the existing waste transfer station at Chiltern View Nursery. In essence, it seeks to regularise those parts of the existing waste which are not in accordance with the existing permission, permit new development on the site and change how the site operates.
8. Compared to the waste transfer station already permitted (APP/P0430/W/16/3148503) there would be a decrease in the site area. The wildlife area to the north of the site containing an attenuation pond, an area to the northeast of the site planted with trees and a landscaped area of land to the south east of the site (now adjacent to the south-east side of building 'A') have been excluded from the red line area.

9. The site plan is included below. The “Approved Waste Facility” label is believed to refer to the development permitted under application APP/P0430/W/16/3148503, though it excludes the three areas outlined above. The proposed office (16/04039/APP) has yet to be built.



10. The proposed development consists of:
- The erection of concrete permitted walls around the yard of the waste transfer station. This is partially already in place at the site.
 - The retention of the three buildings on the site (Shed 1, building ‘A’ and building ‘B’). Building A and B were built under permission CM/69/14 though not in accordance with the approved plans. Shed 1 was built under permission 11/20006/AWD.
 - The creation of new storage bays/changes to existing storage bays
 - Outdoor waste processing including concrete crushing in the northeast corner of the site
 - The retention/regularisation of external lighting on Shed 1, building ‘A’ and building ‘B’
 - The retention of the weighbridge
 - Alteration to the yard layout including the removal of the staff car parking area
 - An increase in stockpile heights from 2 metres to 3 metres, or the height of the perimeter walls
 - An increase in daily permitted HGV movements from 20 in and 20 out per day to 50 in and 50 out per day.
 - A change in the site’s operating hours from 08.00–18.00 Monday to Friday and 08.00–13.00 Saturday to 06.30–18.30 Monday to Saturday.
11. The building permitted under CM/69/14 was for an ‘L’ shaped building. The southern part of the building (equivalent to building ‘A’) was shown to be 69 metres long, 20.00 metres wide and 11.28 metres high at the apex. It was shown to be dark green with the side facing the yard only partially open. The western section of the ‘L’ shaped building, (parallel to the railway line and equivalent to building ‘B’) was shown as 60 metres long, 15 metres wide and 8.36 metres high at the apex. It was shown to be dark green with roller shutter doors.

12. The as-built building 'A' is a 60.21 metres long, 20.00 metres wide and 11.68 metres high at the apex. The lower part of the building is reinforced concrete walls while the upper portion of the building and roof are dark green. The side of the building facing into the yard is open. The as-built building 'B' is 54.21 metres wide, 15 metres wide and 11.01 metres high at the apex. The lower part of the building is reinforced concrete walls while the upper portion of the building and roof are dark green. The side of the buildings facing into the yard is open. The buildings are not connected and as such, do not form an 'L' shape as permitted under CM/69/14.
13. The concrete perimeter walls are indicated to be 3.6 metres on the site plan and in the design and access statement. The additional information submitted to provide specific details on the wall however suggests they are 3.75 metres in height.
14. No changes to the site drainage or the access on to the public highway are proposed.

Planning Policy and Other Documents

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
16. The development plan for this area comprises of:
 - Saved policies of the Buckinghamshire Minerals and Waste Local Plan (BMWLP)
 - Buckinghamshire Minerals and Waste Core Strategy (BMWCS)
 - Adopted Aylesbury Vale District Local Plan (AVDLP) 2004
17. Other documents that need to be considered in determining this development include:
 - National Planning Policy Framework (NPPF)
 - National Planning Policy for Waste (NPPW)
18. The draft **Vale of Aylesbury Local Plan (2013-2033)** underwent "Publication Version" (Regulation 19) consultation between November and December 2017. The plan has been submitted to the Secretary of State for Communities and Local Government and examination commenced on 10th July. Whilst the draft plan is a material consideration, as it has not been though examination or been adopted by the council, it is still considered to carry little weight
19. The draft **Buckinghamshire Minerals and Waste Local Plan (2016-2036)** underwent "Publication Version" (Regulation 19) consultation between 5th March and 19th April 2018. The plan was submitted to the Secretary of State for Communities and Local Government at the beginning of June 2018 and it is anticipated that public examination will take place in September 2018. Whilst the draft plan is a material consideration, as it has not been though examination or been adopted by the council, it is still considered to carry little weight. I do however consider the strategic policies 11 (Spatial Strategy for Waste Management) and 14 (Developing a Sustainable Waste Management Network) are of relevant to this development.
20. I consider the following policies are relevant to the proposed development:

Adopted Buckinghamshire Minerals and Waste Core Strategy (BMWCS) 2012

- CS14 (Safeguarding Existing and Potential Sites)
- CS21 (The Chilterns Area of Outstanding Natural Beauty)
- CS22 (Design and Climate Change)
- CS23 (Enhancement of the Environment)

Saved Policies of the Buckinghamshire Minerals and Waste Local Plan (BMWLP)

- Policy 28 (Amenity)

Adopted Aylesbury Vale District Local Plan (AVDLP) 2004

- GP.8 Protection of Amenity of Residents
- GP.24 Car Parking Guidelines
- GP.38 Landscaping of new development proposals
- GP.45 “Secured by design” Considerations
- GP.95 Unneighbourly uses

Consultation Responses

21. The **Local Member**, Steve Bowles, has not commented on the application.
22. **Aylesbury Vale District Council** has no objection to the proposed development.
23. **Stoke Mandeville Parish Council** opposes the proposed development. They consider there is no adherence to existing planning conditions for indoor processing and that traffic movements are greater than stated in application 13/20003/AWD. They also consider the containers are concealing unauthorised operations from view and the traffic plan is out of date leading to car parking problems.
24. **Weston Turville Parish Council** objects to the proposed development. They consider the current operations are generating noise and pollution which is disturbing local residents and increasing the scale and hours of operation would adversely impact local residents.
25. **BCC Highways Development Management** have no objection to the proposed development subject to the parking and manoeuvring area being laid out in accordance with the approved plans.
26. BCC as **Lead Local Flood Authority** has objected to the proposed development due to a lack of information. They are concerned that surface water from the site is un-attenuated and is discharging into a watercourse un-restricted. This could contribute to downstream flooding. They are also concerned that the surface water would be contaminated.
27. The **Aylesbury Vale District Environmental Health Officer** has commented that she is aware there is likely to be a change of use to residential dwellings at Unit 1 Triangle Business Park which could be adversely impacted by this proposal and has requested further information with regard to noise from the site. This additional information has been submitted and sent for consultation. No additional comments have yet been received. A verbal update will be provided to the committee on this matter.
28. The **BCC Ecology Officer** advises that an inadequate up to date survey has been provided to allow Buckinghamshire County Council to confidently discharge our duty of due diligence with respect to the application. In particular, she considers there are a number of points, including Great Crested Newts, other protected species, the impact to habitats of importance (e.g. hedges) which have not been addressed and comments that mitigation and enhancement measures have not been identified.
29. The **Environment Agency** has provided standard advice relating to potential polluting activities and foul drainage.
30. **Natural England** is concerned about the potential impact of the proposed development on the purpose of designation of the Chilterns AONB. They consider that existing screening

vegetation on the site should be retained and new vegetation should be provided to screen the new concrete walls.

31. **Network Rail** are concerned about the impact of noise from the site on the nearby level crossing workers accessing the railway, and the potential for ground works or surface water drainage and attenuation from the site impacting the railway line.
32. The **Chilterns Conservation Board** consider that weight should be given to the AONB Management Plan 2014-210 as regards the setting of the Chilterns AONB and point to the guidance given in the NPPF regarding conserving the landscape and scenic beauty of AONB. Although the proposed development site is outside the AONB, they consider it sits within the wider landscape view and has potential to impact on the view from Coombe Hill. They are concerned about the impact the floodlighting may have, and believe ground mounted or column mounted lighting may provide the same safety and security aspects but with reduced light spill. They also consider the proposed walls are substantial and if they are to proceed would require mitigation through landscaping.
33. No comments have been received from **HS2 Safeguarding** or **Chiltern Railways**.

Representations

34. Seven public representations, all objecting to the proposed development have been received. The planning matters raised are:
 - Visual impact of shipping containers
 - Impact of lighting for residential properties along Wendover Road
 - Increased vehicle movements leading to additional traffic along Wendover Road
 - Mud on the road
 - Change in hours of operation leading to unacceptable noise impact
 - Noise impact (bangs and clangs) from machinery moving about
 - Effect on health associated with dust and air pollution
 - Visual impact of litter dropped from lorries leaving the nursery site
 - Loss of greenspace
 - Disposal of surface water drainage discharging into an existing stream or ditch causing contamination
 - Concerns over the safety and suitability of the site

Discussion

35. Permission for the principle of the use of this area of land for waste transfer purposes has already been granted and implemented. The committee should therefore be aware that should this application not be granted, the use of the land for waste transfer would continue. Under the most recently granted planning permission (APP/P0430/W/16/3148503), the waste transfer station operates between 8.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm on Saturdays. It has an annual maximum throughput of 25,000 tonnes and a maximum permitted HGV movements of 40 per day (20 in, 20 out). Waste processing must take place inside the buildings and concrete crushing is limited to no more than 5 days in any month. The outdoor siting of shipping containers and outdoor storage of waste is also permitted. In addition, although the principle of lighting was accepted as part of most recent planning permission (APP/P0430/W/16/3148503), the pre commencement condition was not discharged and therefore we consider there is no authorised lighting at the site.

36. The overarching principle of this development, collecting and sorting waste for re-use or recycling (i.e. moving waste up the waste hierarchy) is supported through the BMWLP, BMWCS and NPPW.
37. I consider the key policy matters are:
- Principle of the proposed development
 - Traffic and Highway Safety
 - Noise
 - Landscape and Visual Impact
 - Drainage and Contamination

Principle of the proposed development

38. The proposed development is on the site of an existing waste transfer station and there would be no change of use as a result of the proposed development. This is in accordance with policy CS14 of the BMWCS *safeguarding existing waste management sites for waste management purposes*. In addition, the emerging Buckinghamshire Minerals and Waste Local Plan also lists Aylesbury as an area of focus for sustainable waste management. I therefore consider there is in-principle policy support for the development. There are however a number of site specific factors which must also be considered.
39. There is some discrepancy over the terminology used to describe the types of waste processed at the site. Condition 8 of the most recent permission for the site (APP/P0430/W/16/3148503) prevents any waste other than construction, demolition, excavation, commercial and industrial wastes being imported to and deposited at the site. In comparison, the application form for the proposed development states that solely municipal waste would be managed at the site.
40. In actuality, waste arrives at the site in skips which have been hired out to households. According to the business website, these can be used for any general waste with the exception of hazardous items (for example fridges, freezers asbestos or florescent lights). This is in accordance with how the Environment Agency classifies the site (A16 - Physical treatment of non-hazardous waste facility).
41. Control of the nature and type of waste managed and processed by a site falls within the remit of the Environment Agency rather than planning control, and is determined through their Environmental Permitting regime. It is not usually the case that the Local Planning Authority would place duplicate controls on the management of waste. Paragraph 122 of the NPPF states that planning authorities should focus on whether the development is an acceptable use of the land and not the control of processes or emissions where these are subject to pollution control regimes. This is echoed by paragraph 7 of the NPPW which states that LPAs should:
- “...concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”.*
42. As no change to the site’s throughput is proposed, I do not consider that the discrepancy over the terminology used to describe the waste currently treated at the site has a substantial impact on the overall application. That said, all waste currently coming in to the site is non-hazardous. It is understood this would not change should the proposed development be permitted. No assessment has however been undertaken as part of this recommendation as to whether the development would be an acceptable use of the land if hazardous waste were to

be imported or processed. I therefore suggest that should the proposed development be permitted, the importation and processing of hazardous waste is prevented by condition.

Traffic and Transportation

43. I consider there are two main aspects to the impact of the proposed development in regard to traffic and transportation. The first is the impact on highway safety and road capacity. The second is the impact of the traffic associated with the proposed development on the amenity of the local area, for example its impact on litter, noise, dust, air pollution and vibrations.
44. Policy CS22 of the BMWCS seeks to minimise greenhouse gas emission and pollution. Policy 28 of the BWMLP seeks to protect the amenity of all those who may be affected by minerals and waste development proposals both near the site and on routes to and from it, from various factors including noise, vibration, dust, fumes and gases. Similarly, policy GP.8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of amenity when considered against the benefits arising from the proposal and policy GP.95 seeks to protect the amenity of existing occupiers and not exacerbate any adverse effect of existing uses.
45. Policy GP.24 of the AVDLP requires that new development provides vehicular parking in accordance with the Council's operative guidelines. In Aylesbury Vale, the parking guidelines suggest that for industry (none Class B1); one space per 55m² of gross floor area is required. Based on the gross floor space of the three buildings on the site, this would suggest that approximately 48 spaces are required.
46. The proposed development seeks to increase the daily HGV movements from 40 trips per day (20 in, 20 out) to 100 trips per day (50 in, 50 out). Concern has been raised by local residents over the increase in traffic, and the associated increase in pollution and deterioration in air quality along Wendover Road.
47. These concerns over the impact of the additional HGV movements are not supported by the BCC Highways Development Management officer. As part of another application on the site, the site was assessed with 40 in and 40 out HGV movements, and while this application proposed an additional 10 in and 10 out, he does not consider this addition would have a material impact on the operation of the adjoining highway.
48. No parking is proposed as part of this development, so in isolation from the Chiltern View Nursery Complex Site, the proposed development cannot be considered to be in accordance with policy GP.24 of the AVDLP. There are however several parking areas throughout the Chilterns View Nursery complex and it is proposed that the staff working at the waste transfer station will park in these areas. The BCC Highways Development Management officer has acknowledged the removal of the car parking area but has not raised concern over its removal from a highway perspective.
49. Concern has also been raised over litter being dropped from vehicles. To minimise litter on routes to and from the site, I recommend that all loaded HGV entering and leaving the site are sheeted or otherwise contained and covered. To minimise litter being dislodged from vehicles and blowing away once the vehicle is off the public highway, I also suggest measures are imposed to ensure the access road is maintained free of potholes, mud and debris. I consider these measures could be controlled by condition.
50. Overall, subject to the conditions recommended above and a limit on the daily HGV movements to those proposed (50 in and 50 out per day), I consider the proposed development would be in accordance with policy 28 of the BWMLP, policies GP.95 and GP.8 of the AVDLP and policy CS22 of the BMWCS.

Landscape and Visual Impact

51. Policy CS22 of the BMWCS requires that waste development proposals demonstrate how a high standard of design would be achieved and how any adverse effects on and from climate change have been minimised though certain criteria. It places particular importance on ensuring the scale of the development is sensitive to the surrounding environment when it is located within or adjoining a settlement or designed area including the Chilterns AONB. It also seeks to integrate development into the landscape, and where appropriate maximise opportunities to increase the potential for biodiversity and improve or provide new landscape or tree planting areas to enhance the environment in accordance with policy CS23. Similarly, policy GP.35 of the AVDLP seeks to ensure development proposals respect and complement their settings and surroundings while policy GP.38 of the AVDLP requires applications for new development schemes to include landscaping proposals to help the buildings fit in with and complement their surrounding and conserve existing natural and other features of value as far as possible.
52. As well as regularising buildings 'A' and 'B', the proposed development would involve the erection a 3.6 metre high concrete wall around the majority of the boundary of the site and an increase in stockpile heights from 2 metres to either three meters, or the height of the boundary wall. The supporting documents however indicate the wall would be 3.75 metres in height and attached to the underlying surface using mortar or bolts rather than being free-standing. It is also indicated on the site plan that the vegetation which currently forms the site boundary would be retained on the outside of the perimeter walls. The area of the site would not increase as a result of this development.
53. Concern has been raised from Natural England over the potential impact of the development on the setting of the AONB. Representations have also been received from the Chilterns Conservation Board on this matter.
54. Building 'A' (the southern section of the 'L') is 9 metres shorter in length and 40 cm taller in height than permitted. Building 'B' (the western section of the 'L') is 6 metres shorter in length and 2.65 metres taller in height than permitted. Both buildings are both dark green. I am most concerned about the increase in height of building 'B' as it is noticeably taller– the increase in height is comparable to an additional storey. In addition, the location of this building is parallel to the railway line meaning it is easily visible when looking east from Wendover Road. I do not consider the impact of the other changes regarding size of buildings 'A' and 'B', or the change from one 'L' shaped building to two separate buildings significantly differs from the development already permitted at the site.
55. With regard to the increase in building height, I am mindful that planning permission has been granted for an office building between the waste transfer station site and Wendover Road. If built, this would reduce the views of the waste transfer station from Wendover Road.
56. Although there is planning permission for the siting of shipping containers within the site under planning permission APP/P0430/W/16/3148503, none were present at the time of the site visit. There are however several shipping containers stored outside the waste transfer station and application site which are clearly visible from Wendover Road. The current siting of these shipping containers is considered to be a district enforcement matter. If the committee is minded to approve the proposed development, the siting and stacking of shipping containers within the site could be controlled via conditions.
57. The proposed concrete perimeter wall would also exceed the height of a standard shipping container measured from the ground level (approximately 2.59 metres). I consider the perimeter wall would break the view of the waste transfer station from Wendover Road,

particularly if the existing perimeter vegetation was retained, enhanced and maintained for the duration of the development. This accords with the view of Natural England who considers it would be possible to mitigate the visual impact of the concrete wall by planting.

58. I do not consider the 15 cm difference in height of the perimeter wall as shown on the submitted plans would have significant impact on the nature of the overall development. Due to the difference between the submitted plans, I do however recommend a condition preventing the wall from exceeding 3.75 metres in height.
59. Provided the stockpiles do not exceed the height of the concrete perimeter wall, I do not believe they would be visible from outside the boundary of the waste transfer station. Should the development be permitted, I propose a condition similar to the one suggested by the applicant to prevent stockpiles exceeding 3 metres in height if they are free standing, or the top of the perimeter walls if they are located adjacent to the walls is applied. Preventing stockpiles from exceeding the height of the walls would also reduce the spill of material outside over the walls, and make it clear for both the operator and the County Planning Authority that if the top of the boundary wall is hidden by the stockpile, it should be reduced in size.
60. Overall, I do not believe the proposed development would greatly impact the wider landscape, or views from the AONB and in particular from Coombe Hill which is over 3km from the site. Subject to the conditions recommended above, and a condition requiring the retention and maintenance of a planting around the perimeter walls, I am satisfied the proposed development would be in accordance with the design, landscape and integration aspects of policy CS22 and CS23 of the BMWCS, and policies GP.35 and GP.38 of the AVDLP.

Biodiversity

61. For this application, there is particular concern with Great Crested Newts. The BCC ecologist has highlighted the potential for Great Crested Newts in the vicinity of the site, though not within the current application area. She is concerned that creating an impenetrable barrier around the site (the concrete wall) may cut off the pond from the newts' terrestrial habitat. She considers the surveys submitted (dated 2011 and 2013) are out-of-date and the further response submitted does not satisfactorily address her concerns.
62. The application site contains refuges (rubble) for Great Crested Newts and there is grassland and scrub between the identified pond and the site. The previous study in 2011 indicated there was a small population of Great Crested Newts in the pond to the northwest of the site, the other side of the railway line. This is linked to the site by way of a culvert under the railway line and ditch. A second study in 2013 looked at the attenuation pond, approximately 85 metres to the northwest of the current application site. This was formally included within the red line area of the waste transfer station. At the time of the survey in 2013, the attenuation pond was reported to have been recently constructed and dry. The survey concluded that the attenuation pond may offer future opportunities to support aquatic foraging or potentially oviposition, if and when the pond retains enough water to allow aquatic vegetation to develop and survive. A site visit in June 2018 confirmed aquatic vegetation was present in the attenuation pond. There is also no permitted activity on the site or between the site and the ponds which creates a physical barrier that newts cannot cross.
63. Great Crested Newts are a European Protected Species which benefit from protection under both The Conservation of Habitats and Species Regulations 2010 (EU Habitats Directive 92/43/EEC) and the Wildlife and Countryside Act 1980 (as amended) in which it is illegal to capture, injure, disturb habitats or kill European protected species. Paragraph 119 of the

NPPF removes any presumption in favour of development where the development would require an appropriate assessment under the Habitats or Birds Directives.

64. Furthermore, Section 99 of the ODPM Circular 06/2005 states:

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision....”

This is caveated with an acknowledgement of the delay and cost that may be involved when carrying out ecological surveys. The circular states that developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.

65. The BCC Ecologist undertook a site visit following receipt of further information and has made her comments on this basis. In her professional judgement, further information is needed to allow Buckinghamshire County Council to confidently discharge our duty of due diligence. I therefore cannot recommend the application is approved without this information.

66. There is some confusion about how the concrete perimeter walls would be attached to the ground, whether they would be ‘dug in’ or free standing and how this might impact Great Crested Newts. The applicant has re-assured the Planning Authority that the walls would not be dug-in. Nevertheless, we still do not know what that impact of the development on protected species might be and we consider this information about the walls does not substantially change the situation.

67. Aside from these matters regarding protected species, there is also policy support for minimising the impact on biodiversity and increasing the potential for biodiversity. Taken together, policies CS22 and CS23 of the BMWCS support the NPPF in this regard.

68. The BCC ecologist has commented that impact to habitats of principal importance and associated wildlife, including the impact of the development on hedges in close proximity to the perimeter walls, has not been taken into account.

69. I am also mindful that the extension to the concrete yard area of the waste transfer station (permission reference 13/20003/AWD) was judged to be acceptable with an area of land to the north of the site as wildlife area containing the attenuation pond, an area to the northeast of the site planted with trees and an area of land to the south east of the site (now adjacent to the south-east side of building ‘A’) as a landscaped area. These three areas were retained when the ‘L’ shape building received planning permission (permission reference CM/69/14), and the same site plan (CVN.SHED 3 SP500/2 – Site Plan Scale 1:1250) forms part of the approved documents for the extant permission on the site (planning reference: APP/P0430/W/16/ 314 8503).

70. All three areas have been excluded from the current application area, though are still in control of the applicant. At this current time, the wildlife area to the north west of the site containing the attenuation pond has become a dense area of grasses, thistles, nettles and teasels wild rushes and several other aquatic plants have grown in and around the pond. It is this pond referred to in the 2013 study on Great Crested Newts. The area to the northeast of the site expected to be planted by trees appears likely to be lost should the permission for the office building (permission reference: 16/04039/APP) be implemented. The landscaped area to the south east of the site was planted with a mixture of oak, beech, lime, alder and silver birch. Although small, these were in leaf at the time of the site visit in June. In addition, a variety of other vegetation including grasses, teasels and members of the daisy family have grown

between the trees. The landscaping was provided in the interests of the visual amenities in the local area, though I consider it also has an ecological value. This area is currently also the subject of a separate application to Buckinghamshire County Council. I question whether the development remains acceptable with the loss of these areas.

71. The applicant has been made aware of these issues, and that a Preliminary Ecological Appraisal is required. This document would establish baseline conditions, determine the importance of ecological features present (or those that could be present) within the specified area, establish any requirements for detailed/further surveys and identify mitigation measures. I consider this is a proportionate approach and, if necessary, it can be expanded to include additional surveys on specific species and habitats. These additional surveys may however be time limited – all methods for surveying Great Crested Newts for example are time limited to between March and September.
72. Under paragraph 118 of the NPPF, if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The ecological base line for the site has not been established and it not been demonstrated that the proposed layout can conserve or enhance the biodiversity of the area and if necessary provide mitigation to ensure no net loss of biodiversity. This is also contrary to policies CS22 and CS23 of the BMWCS.

Noise

73. Policy 28 of the BMWLP seeks to protect the amenity of all those who may be affected by mineral and waste development proposals, both near the site and on routes to and from it, from noise, vibration, dust, fumes, gases, odour, illumination, litter, birds or pests. Similarly, policy CS22 of the BMWCS seeks to minimise pollution from development, including noise, air and odour pollution. This is further supported by policies GP.8 and GP.95 of the AVDLP which seek to prevent development which would unreasonably harm any aspect of the amenity of nearby residents and prevent development that exacerbates any adverse effects of existing uses.
74. Concern has been raised over noise from the current development and how this may increase with external processing and longer operational hours. Further comments are expected from the District EHO and a verbal update will be provided to the Committee.
75. At the time the 'L' shaped building was permitted it was considered that placing the various recycling processes within buildings would result in a substantial reduction in levels of noise, dust emissions and other pollution generated from the recycling process escaping into the surrounding area from the site. It was therefore considered that the sheds would have a practical and material benefit in improving the amenities enjoyed by local businesses and residents compared the open-air operations taking place on the site at that time.
76. The change from indoor to outdoor processing was sought as part of the appeal on condition 10 of planning permission CM/69/14 (Appeal decision: APP/P0430/W/16/3148503). While this appeal was partially upheld, and the outdoor storage of material was permitted, the element of the condition which prevented external processing was retained. At this point in time, there was *"no dispute between parties that the sorting and processing of waste under cover is of benefit, in that it reduces noise and other sources of nuisance from sensitive receptors, including nearby residential properties"*.
77. It is difficult to comment on the change to outdoor processing with regard to noise. The noise assessment took place when much of the concrete perimeter wall was already in place at the site. As such, it would appear that the potential noise reduction from the concrete walls has

already been taken into account. I am also aware that the section of the permitted building equivalent to building A, where processing was expected to take place, should not have a completely open side facing into the yard. Although this matter needs to be addressed in full, and a verbal update will be provided to the committee, I do not consider this matter changes the recommendation.

78. Contrary to the statement in the noise assessment, the site is currently permitted to operate after 8.00am and not 6:30am. The noise assessment indicates that there is a significant adverse impact on Wendover Road between the background noise level (when the site is not operational) and the noise level when the site and the concrete crusher are operational. Although I agree that Wendover Road does become busier later morning, no consideration of the impact of the additional hours of operation have been made in the noise assessment. I therefore cannot conclude that there would not be a significant adverse impact with the extended hours of operation. Furthermore, due to the associated noise and proximity to residential properties, I do not consider 6.30am a reasonable time for the site to start processing, moving machinery or skips, or have HGVs leave the site. I am unable to recommend support for the extended hours. I therefore suggest should planning permission be granted, a condition is included to maintain the current hours of operation of 8:00am to 6:30pm Monday to Friday and 8:00am to 1:00pm Saturday with no working on Sundays or Bank and Public Holidays.
79. Since the site started operating as a waste transfer station, a change of use from offices to residential was granted for Unit 1 Triangle Business Park. This is approximately 100 metres to the south east of the waste transfer site, and separated from the waste transfer yard by building 'A'. As set out in the policies above, planning decisions should aim to avoid noise from giving rise to significant adverse impacts and mitigate and reduce adverse noise to a minimum. In accordance with paragraph 123 of the NPPF, decisions should also recognise that development will often create some noise, and existing businesses wanting to develop in continuance of the business should not have unreasonable restrictions put in them because of changes in nearby land uses since they were established. The use of the land for waste transfer was operational prior to the change of use at Unit 1 Triangle Business Park being granted and operations would not be moving closer to the business park as a result of the proposed development. I therefore do not consider that the change of use should prevent the development on the waste transfer station.
80. Network Rail is concerned about noise adjacent to or in close proximity to the number 4 Wendover level crossing. They consider that increase noise can impact upon the level crossing users' ability to hear approaching trains or hear any warning signals. The level crossing is located approximately 450 meters to the south-west of the site, at the far end of the Triangle Business Park. It is shielded by the buildings of the waste transfer station and the business park. Although no noise assessment has been made at this location, I am satisfied that due to its location and distance from the site, it is unlikely to be effected by proposed changes.
81. No comments have yet been received from the District EHO on the noise impact assessment. A verbal update will be provided to the committee on this matter. I also cannot conclude the proposed extension to the hours of operation would not result a significant adverse impact with regard to noise at nearby residential dwellings. I do not however consider the information would alter the existing recommendation for refusal.
82. Through the NPPW, Planning Authorities are required to give consideration the extent to which adverse air emissions, including dust, can be controlled through the use of appropriate

and well-maintained and managed equipment and vehicles. With the proposed return to outdoor processing, the benefit reducing the levels of dust by operating inside a building would be lost. The proposed concrete perimeter walls should help reduce dust being blown off site. In addition, dust from crushing operations is generally controlled through an environmental permit under the Pollution Prevention and Control Scheme. Such a permit provides controls on dust emission from plant as well as generally from the site (e.g. from loading and unloading vehicles). With these walls in place, I consider the proposed development is in accordance with the dust mitigation and amenity aspect of policy 28 of the BMWCS.

Lighting

83. It appears the principle of lighting was accepted as part of the existing development at the site (APP/P0430/W/16/3148503). This was however subject to a pre-commencement condition requiring details of the lighting scheme to be submitted to and approved in writing by the Local Planning Authority, then put in place and in operation prior to the first use of the shed buildings. As no details of the lighting have been received, we consider that the lighting currently at the site is unauthorised. This in itself is considered an enforcement matter rather than a material planning consideration. The planning matter to consider is whether the proposed lighting, despite it being a retrospective element of this application, would have an unacceptable impact on the amenity of local residents and wider area. As the lighting currently on site appears to not to benefit from planning permission, I consider the base line for assessing its impact is that there is no lighting on the site.
84. Policy 28 of the BWMLP seeks to protect the amenity of all those who may be affected by minerals and waste development proposals both near the site and on routes to and from it, from various factors including illumination. Similarly, GP.8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal.
85. A lighting plan has been submitted as part of this application. This indicates there would be eighteen 300 Watt swivel floodlights placed at a height of 8.5 meters above the ground level along the perimeter of all the buildings. No information on the hours of lighting operation or the lighting brightness (i.e. lumens) has been provided, though I believe a light requiring 300 watts of power is likely to produce a considerable output. The scheme submitted also indicates the light would stop at the site boundary. No information has been provided to explain how this would work. As such, I am uncertain what the light spill of such the scheme would be and what impact it would have.
86. No comments have been received from the District EHO Officer or Network Rail on this matter, though the impact of lighting on the amenity of local residents has been raised by the public and the Chilterns Conservation Board.
87. I cannot currently conclude that from a lighting perspective, the proposed development is in accordance with policy, or that it would not have a significant adverse impact on local residents. I therefore recommend that if the development proposed was to be permitted, a condition is imposed on the proposed development that no lighting shall be erected at the site until an acceptable lighting scheme has been submitted to and approved in writing by the County Planning Authority.

Drainage and Contamination

88. Policy CS22 of the BMWCS requires proposals to demonstrate a high standard of design and minimise any adverse effects on and from climate change. This includes seeks to reduce flood risk from all known sources and avoiding, or minimising adverse impacts on the water environment and the possibility of pollution.
89. The LLFA has objected to the proposed development due to a lack of information and concern over downstream flooding and contamination. Network Rail has also commented that surface water should be directed away from the railway and highlighted concern over the impact of surface water draining towards, or being attenuated in ponds close to the railway line. The Environment Agency has commented that proliferation of individual treatment plants can cause deterioration in local water quality. Concern has also been raised in representations regarding potential contamination from drainage into a stream. The applicant has declined to provide detailed drainage information for the site, citing that no changes to the surface water drainage strategy or to the impermeable area of the site are proposed.
90. The site drainage was assessed as part of application 13/20003/AWD for the extension to the waste transfer station. From documents supporting that application, it is understood that surface water from the site was proposed to drain into a Klargestor Full Retention Separator NS80 located in the south of the site. Any sludge and oil deposits would then be separated and the water drained into the existing water course. The drainage plan submitted as part of this application indicates the separator has moved to the north of the site and there are now two septic tanks. It is understood that some surface water does still drain into the watercourse. The LLFA advise that they have no record of a Land Drainage Consent being granted for the site, meaning that any drainage into the watercourse is done without permission. It should however be noted that the responsibility for enforcing this matter is outside the remit of Planning Control.
91. As part of this application, it is proposed that waste processing would take place outside. It is understood however that there is no difference between how the yard and open sided buildings drain. It would therefore seem that the risk of contamination to the watercourse would not change as a result of the outdoor processing. In addition, there would no change to the impermeable area of the site, and as such the flood risk would not substantially change should the proposed development be permitted. Furthermore, planning conditions cannot be imposed to remedy pre-existing problems. I therefore consider the proposed development is in accordance with CS22 of the BMWCS.

Other Matters

92. Both Stoke Mandeville Parish Council and Weston Turville Parish Council have commented that there is no adherence to existing planning conditions on the site. The committee is advised that this is considered to be an enforcement matter and not a material planning consideration.
93. Section 149 of the Equality Act 2010 states:
- 1) *A public authority must, in the exercise of its functions, have due regard to the need to-*
 - a. *Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - b. *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - c. *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

It is consider this proposal would not conflict with the requirements of the Equality Act 2010 or the Council's policy on equality.

Conclusion

94. This application seeks partially retrospective planning permission in respect to the introduction of concrete perimeter containment walls, changes to buildings 'A' and 'B', the erection of external lighting, an increase in stockpile height, the removal of staff car parking, a change to outdoor waste processing, an increase in daily HGV movements and a change in the hours of operation.
95. Local planning authorities are required to approach decision-taking in a positive way to foster the delivery of sustainable development. In this instance, the County Planning Authority has:
- Met the applicant prior to validation to clarify discrepancies between the description of the development and the submitted plan and supporting statement
 - Agreed several extensions of time to allow the applicant to provide additional information to overcome objections regarding ecology and concern regarding noise.
 - Communicated the reason for refusal to the applicant, outlined the information required to overcome this issue and provided information on when a withdrawn or refused application is eligible to be re-submitted as a 'free-go'.
96. I have little concern over the retrospective aspects of the proposed development with regard to the regularisation of the height and length of buildings 'A' and 'B'. Subject to conditions to limit the height of the perimeter walls, the height of the stockpiles and requiring the retention and maintenance of planting around the perimeter walls, I consider the proposed development would not have a significant landscape or visual impact. I also do not consider the change to outdoor processing would have a significant adverse impact with regard dust compared to the existing operation at the site with the concrete perimeter walls in place. I consider that further details are required with regard to the lighting proposed but I am satisfied this can be dealt with via condition. In all these aspects, I consider the proposed development is broadly in accordance with the Development Plan. A verbal update will be provided to the committee with regard to noise.
97. Due to the lack of information on protected species, particularly Great Crested Newts, and lack up-to-date survey information, I am unable to recommend support for the proposed development.
98. In accordance with paragraph 119 of the NPPF which states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined, I recommend the development is refused.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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of the Local Government Act 1972.

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