

Minutes

DEVELOPMENT CONTROL COMMITTEE

MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON MONDAY 23 JULY 2018 IN MEZZANINE ROOMS 1 & 2 - COUNTY HALL, AYLESBURY, COMMENCING AT 10.00 AM AND CONCLUDING AT 12.45 PM

MEMBERS PRESENT

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

OTHERS IN ATTENDANCE

Ms G Crossley, Ms A Herriman, Mrs E Catchside, Ms C Kelham, Mr M Pugh, Ms R Bennett, Mr A Sierakowski and Ms M Rajaratnam

Agenda Item

1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP

Apologies were received from Mr C Ditta and both Mr Shakespeare and Mrs Gibb advised they would need to leave the meeting at 12pm.

The Chairman advised the Committee that the running order of the meeting would be changed with application CM/19/17 Thorney Mill Sidings, Iver being moved to last on the agenda as additional legal advice was being sought.

2 DECLARATIONS OF INTEREST

There were none.

3 MINUTES

Mrs Blake asked for an amendment to be made to item 7, Red Brick Farm, where there was reference made to the site being in use for 10 years, Mrs Blake requested that this be changed to the site had been owned for 10 years by the applicant.

RESOLVED: The minutes of the meeting held on 2 July were **AGREED**, subject to the minor amendment above as an accurate record and signed by the Chairman.

4 THORNEY MILL SIDINGS, IVER: CM/19/17 - THE IMPORTATION, STORAGE AND ONWARD DISTRIBUTION OF RAIL BOURNE AGGREGATES TOGETHER WITH THE ERECTION AND USE OF A CONCRETE BATCHING PLANT

The Chairman took additional legal advice following a letter received from lawyers for Slough Borough Council. Mr Reed reiterated that Slough Borough Council were statutory consultees and had been in contact with Buckinghamshire County Council (BCC) planning officers since June 2017. With this in mind, Mr Reed agreed on balance to continue to hear the application as set out in front of them.

Mrs G Crossley, Development Management Officer, presented the application which sought agreement for the importation, storage and onward distribution of rail borne aggregates together with the erection and use of a concrete batching plant.

Mrs Crossley highlighted the following points:

- The site currently had a Certificate of Proposed Lawful Use or Development awarded in 2010 for the importation and deposit of material (including inert waste material) required in connection with the movement of traffic by rail. This was issued to D B Schenker Rail (UK) as Statutory Railway Undertaker, Pursuant to PD Rights and there was no control in terms of hours of operation and HGV movements.
- The site was an existing rail siding, although currently unused. It was safeguarded in the Minerals and Waste Core Strategy and supported in the emerging Local Plan.
- The site lay within the Green Belt but is previously developed land and transport infrastructure.
- The concrete batching plant posed an impact on openness therefore would need to be refused unless Very Special Circumstances (VSC) could be proven. Mrs Crossley confirmed that these did exist and were set out in the report in paragraph 139. The nature of the development was such that the application would be forwarded to the Secretary of State for consideration.
- 82 HGV movements (41 in, 41 out) were set out in the application. Mrs Crossley confirmed that the Highways Development Control Officer had been consulted and had no objection and BCC officers felt that the application, if approved, would provide betterment in terms of control of the numbers and routing of HGVs. There was a recommendation in the report for an obligation for a contribution towards highways improvements in Slough.
- Air Quality covered in paragraph 115-128 was raised and Mrs Crossley confirmed that the Environmental Health Officer had been consulted and had no objections regarding noise and dust and that there were a number of conditions and planning obligations to cover such matters.

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

- The nearest residential property located to the southeast was owned by the neighbouring site and used to house their security operative.
- The southern area of the site would house the concrete batching plant and offices.
- Aggregate storage bays running along the eastern boundary.
- Vehicles would use the northern area of the site to turn.
- The site was well screened by mature vegetation.
- Railway use runs outside of the site alongside the western boundary but there was also the railway infrastructure that ran into the site and would be used and possible modifications made as part of the application.
- Part of the northern bund and scrub area would be removed to allow vehicles to turn in that area but there would still be a buffer retained alongside the river to the north of the site.

Mrs Crossley highlighted corrections within the report as follows:

- Reference in report to conditions at Appendix A should read Appendix B. Referenced in the recommendation, conclusions and paragraphs 46 and 188.
- Iver Parish Council objected to the application and had provided some additional comments since the report was published. Paragraph 104 in the report stated that they supported the proposed routing through Richings Park, however they did not. They had also put forward a number of mitigating proposals. Slough Borough Council Environmental Quality Manager had emailed and had stated the following; they were disappointed in the proposed contribution put forward in the report and that “the cumulative impact of schemes (Thorney and CEMEX and future schemes WRLtH, Smart M4 and Heathrow) may require the expansion of the Brands Hill AQMA to include Sutton Lane and Langley as well as impact Iver and South Bucks – and that the development of an Air Quality Action Plan (AQAP) and CAZ will require joined up approach with South Bucks as both authorities are experiencing significant impacts on air quality from increased HGV movements across a number of schemes in the area.”
- Additional comments from a member of public had been received which related to the proposed HGV movements and the proposed hours. Mrs Crossley confirmed that both issues were addressed in the report.
- There had been a request from Bevan Brittan, legal representatives of Slough Borough Council, requesting that BCC defer the item stating that the report was circulated too late for their clients to comment meaningfully on the content. A copy of the letter had been circulated to Members of the Committee for their review. Mrs Crossley stated that their request had been considered and legal advice taken. She confirmed that the report did address the issues raised by Slough Borough Council; that the report was published on 13 July 2018, 5 clear working days ahead of the Committee, meeting the requirement within the Local Government Act; and that BCC had engaged with Slough Borough Council since June 2017 when they were consulted on the application and regularly since that time.

The following recommendation was set out in the report:

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 subject to the conditions to be determined by the head of Planning and Environment, including those set out in the appendix and the planning obligations set out in the report.**

A Member of the Committee raised that the letter from Bevan Brittan had stated that the structure of the officer report was predicated that there was a fall-back position and that the alternative suggested by Slough Borough Council had not been put forward to Members of the Committee for consideration. Mrs Crossley drew the members' attention to paragraph 95 of the report where Slough Borough Council's alternative view that there was no fall-back is discussed.

Public Speaking

Mr J Skinner, a resident, attended the meeting and spoke in objection to the application. Mr Skinner's main points had been circulated to Committee Members prior to the meeting and are appended to the minutes. Mr Skinner raised the following key points:

- The proposal would increase HGV vehicle movements by 72% allowing an extra 82 movements per day.
- The road was already in a poor condition.
- The state of the grass verges, hedges and lighting were also a concern and the road was used regularly by residents for pedestrian access to local amenities.
- When consideration had been given to Thorney Country Park landfill scheme it was stated by a Councillor that there should be no increase in HGV movements as a result and that this scheme should be no different.
- That no request for funding had been included for works to Thorney Mill road.

Mr C Jordan, Iver Parish Council and Chairman of the Highways Committee, attended the meeting and spoke in objection to the application. Mr Jordan raised the following key points:

- Roads in the Ivers had the highest proportion of HGV traffic in Buckinghamshire.
- South Bucks Core Strategy was to reduce the number of HGVs on their roads with the Buckinghamshire Freight Strategy and the Iver Liaison group having the same intent.
- The applicant's traffic assessment did not include the additional 242 HGVs in relation to the CEMEX operation on North Park. More than 1000 HGVs used North Park and Richings Way each day and the proportion of HGV traffic is up to 15.4 %, not less 6.5% as claimed by the applicant.
- The applicant provided no evidence that there would be rail slots available to import the material and this could have an impact on the number of HGVs.
- The Buckinghamshire transport assessment concluded that there was an estimated 3.7% increase on previous HGV movements was not significant.
- Mr Jordan also made reference to the Department for Transport (DfT) guidance document of 2014 relating to developments within areas that already have background traffic.
- The issue with air quality within the local area.
- The times of operation were unacceptable for local residents.

A Member of the Committee asked Mr Jordan where the figures of HGVs relating to the CEMEX site had been obtained and Mr Jordan confirmed that this was from the CEMEX application.

Mr D Marsh, PDE Consulting on behalf of the applicant, attended the meeting and spoke in support of the application. Mr Marsh's main points had been circulated to Committee Members prior to the meeting and are appended to the minutes. Mr Marsh raised the following key points:

- The site had a long history of rail related use.
- The site is allocated as a Safeguarded rail aggregates depot in the current version of the Minerals Plan.
- It is also in Green Belt but related activities on the site have previously been considered favourably in this regard.
- The 'fall back' position was unclear. He was asked by one of the members to clarify this comment and he explained that the extent of previous use was unclear. He considered it was more than what the Council attributed to the previous use.
- Financial contributions had been put forward by the applicant and a routing agreement would be adopted.
- Appropriate mitigation measures were proposed and the proposal was consistent

with planning policy.

A Member of the Committee asked if a survey had been carried out in relation to HGV movements. Mr Marsh confirmed that with CEMEX currently having 242 HGV movements a day, the application sought 82 which was an increase of 2.8%. This was less than the 5% threshold for a severe impact assessment.

Ms L Sullivan, Local Member attended the Committee and spoke in objection to the application. Ms Sullivan had submitted comments prior to the meeting that had been circulated to Committee Members. Ms Sullivan highlighted the following points:

- Original objections had been made back in June 2017.
- Ongoing pressure on the Ivers due to various proposed infrastructure and development for the area including Heathrow expansion, rail developments and motorway expansions.
- South Bucks District Council (SBDC) and Buckinghamshire County Council had jointly commissioned a Green Belt study, which recognised the area as a vital and fragile piece of Green Belt.
- SBDC were in the process of declaring the area an Air Quality Management Area (AQMA).
- Concerns from residents regarding the 24hr operating hours as requested in the application.
- Mitigating costs to be funded by the site operator.
- Slough Borough Council had requested S106 for mitigation against the application.

Members of the Committee raised and discussed the following points:

- The Certificate of Lawfulness that already existed on the site.
- Mrs Crossley confirmed the operating hours; it was also clarified that the 24hr operating hours related to the railway line Mon-Fri, then 7am – 4pm on Saturdays and the batching plant would be 7am – 11pm Mon-Fri and 7am - 4pm on Saturdays. This was reflected in the conditions.
- The application would mean that a restriction on HGV movements would be imposed where currently there isn't one. Ms Sullivan reiterated the need for control and enforcement.
- There had been no objection from the Environmental Officer relating to pollution, the only condition requested by the EHO related to the noise barrier, although additional noise and dust conditions were recommended within the report.
- Mrs Crossley confirmed that applicant owned vehicles would be tracked.
- Mrs Crossley also confirmed that there was a condition relating to noise monitoring, a suggested noise barrier at the north of the site, as well as that proposed to the southeast and the requirement to submit a dust mitigation and management plan.
- The possibility of requesting S106 monies for Buckinghamshire roads was discussed. Such a request would need to meet the tests within the NPPF and CIL regulations, as set out within the report. It was also stated that the applicant could not be required to improve the roads current state as it would be unrelated to the development, but could be asked to address or make good any anticipated impact or damage made by the site's HGV movements if the application were to be approved.

Mrs Crossley suggested that if Committee Members were minded to approve the recommendation, powers could then be delegated to Officers to ask the developer to contribute towards improvements relating to a certain stretch of Thorney Mill Road that would be used by the HGVs related to the development.

Mr Clare proposed the agreement of the recommendations as set out in the report and the further recommendation to give delegated powers to Officers to ask the developer to contribute towards improvements relating to a certain stretch of Thorney Mill Road.

Mr Reed seconded this proposal and the following vote was recorded.

For	4
Against	0
Abstention	1

RESOLVED: The Committee AGREED the recommendations as set out in the report.

5 ABBEY VIEW SCHOOL, DAWES HILL, HIGH WYCOMBE: CC/0017/18 - DEVELOPMENT OF A NEW TWO STOREY 2FTE (420 PLACE) PRIMARY SCHOOL AND 52 PLACE PRE-SCHOOL

Ms A Herriman, Senior Planning Officer, presented the application which sought agreement for development of a new two storey 2FTE (420 place) primary school and 52 place pre-school.

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

- Comments had been received from the Local Member since the publication of the report with no objections and also stated that they had a personal, but non-pecuniary interest in the Abbey View sSchool as Governor at Chepping View School, which was the lead provider for this new school.
- The applicant had queried condition 13 regarding Rights of Way and this being outside the boundary of the school development. Following advice from the Rights of Way officer, an informative would therefore accompany condition 13. Ms Herriman read out the informative.
- Origin Transport who had submitted the transport assessment had further comments stating that the school should not fund the footpath as it was merely for the use of those in the residential area and costs would be part of that.
- There were amendments to Condition 7 following the Aboriculturalist survey.
- Two drawings showing the proposed contours outside the school site would be removed from the list of drawings under condition 2.
- The word 'document' to be replaced with the word 'drawing' under condition 8.

Mr Clare proposed the agreement of the recommendations as set out in the report subject to the three conditions amended as shown in Appendix A which was seconded by Mrs Glover.

RESOLVED: All Members of the Committee AGREED the recommendations.

6 WAPSEYS WOOD, GERRARDS CROSS: CM/0112/17, CM/0113/17, CM/0114/17, CM/0115/17, CM/0116/17 - VARIATION OF CONDITIONS 2 AND 61 OF CONSENT 11/00223/CC & VARIATION OF CONDITION 2 OF 11/01900/CM & VARIATION OF CONDITION 1 OF 11/01901/CM & VARIATION OF CONDITION 1 OF 11/01902/CM & VARIATION OF CONDITION 1 OF 11/01903/CM

Mrs Gibbs declared that she was the Local Member for Gerrards Cross but was not predetermined regarding the application.

Mr A Sierakowski, Planning Consultant, presented the application which sought agreement for variation of conditions relating to Wapseys Wood, Gerrards Cross.

Mr Sierakowski gave an overview of the application and the Committee received a presentation showing the plans and photographs and highlighted the following:

- The site was the oldest landfill site still operating in the County.
- It was currently operating on a series of temporary planning permissions which were last reviewed in 2012 with an end date of December 2017.
- The application was to extend the date of those planning permissions, all of which were considered in the one report presented to the Committee.
- The main application related to the permissions for the main landfill, with an extension of time of a further four years and the other four applications related to the inert process, office removals and removal of the existing recycling of construction and demolition waste on the site, all to be extended for four years.
- There was still an area of the site to be filled even though the intention was to complete the site by 2017.

The Committee raised and discussed the following points:

- The option of building in a contingency so that no further extensions would be applied for. Mr Sierakowski stated that you could not pre-judge an application that may come to the Committee in the future and therefore that was not an option.
- A Member of the Committee suggested that they could suggest stage filling and therefore could then enforce it. Mr Sierakowski confirmed that a condition could be added to the main application that set out the level of importing and the restoration so officers could monitor to ensure it would be completed on time.

Mrs Gibb proposed the agreement of the recommendations as set out in the report and an additional one relating to the schedule of works to ensure restoration is completed within the extended period as discussed above, this was seconded by Mr Clare.

RESOLVED: All Members of the Committee AGREED the recommendations.

**7 CHILTERN VIEW NURSERY, WENDOVER ROAD, STOKE MANDEVILLE:
CM/0002/18 - USE OF LAND FOR STORAGE OF EMPTY SKIPS, EMPTY
CONTAINERS AND SKIP LORRIES**

Ms C Kelham, Planning Graduate, presented the application which sought agreement for the use of land for storage of empty skips, empty containers and skip lorries.

Ms Kelham gave an overview of the application and the Committee received a presentation showing the plans and photographs. Ms Kelham highlighted the following:

- Since the publication of the report comments had been received from the AVDC Environmental Health Officer. There was no objection with regard to noise subject to the mitigation measures detailed in the acoustic report being implemented and maintained.
- The proposed development would require clearance of a former landscape area which had been planted with trees and allowed to regenerate as a brownfield site. A lack of survey information meant that it was not possible to establish the significance of that loss.
- The Buckinghamshire County Council ecologist had also advised that there was reasonable likelihood of European protected species being present and further survey information was required.
- The applicant considered the request for survey information as unreasonable.

Public Speaking

Mr Hoy, agent for the applicant attended the Committee and spoke in support of the application. Mr Hoy's main points had been circulated to Committee Members prior to the meeting and are appended to the minutes. Mr Hoy raised the following key points:

- The site was too small to meet the criteria for 'open mosaic habitats'.
- The Birds and Habitats Directive' did not apply to the site.
- The trees lost were too small to accommodate nesting birds.
- The distance and inhospitable terrain impeded any GCN's realistic access to the site.
- The applicant strongly contended that the reason to refuse permission was flawed.
- Other applications made to other local authorities regarding the site had not asked for the additional survey information requested by the County Council.

A Member of the Committee raised the point about previous applications not requiring survey data. Ms Kelham confirmed that applications determined by the County Planning Authority in 2011, 2013 and 2014/5 had required surveys. Mr Reed also stated that the application was to be determined on the information as set out in the report and not based on any previous applications made.

The Committee also discussed the reasons why the applicant had carried out the surveys if this was a requirement by the County Council. Mr Hoy responded by saying that they did not believe the survey was necessary. Their ecologist had carried out a walk over survey and believed that the likelihood of Great Crested Newts being present was improbable. Members of the Committee discussed that this was a judgement call based on the two ecologist opinions. The Committee discussed options on how best to resolve.

Summary Recommendation:

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

There was no support from Members to refuse the application.

The following amended proposal was put forward Mr C Clare.

Delegate authority to Officers to approve or refuse the application once further information required was forthcoming.

The amended proposal was seconded by Mr Reed and the following vote was recorded:

For	5
Against	0
Abstention	1

RESOLVED: The Committee AGREED the amended proposal as set out above.

- 8 CHILTERN VIEW NURSERY, WENDOVER ROAD, STOKE MANDEVILLE: 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 PROCESSING. INCREASE IN HEIGHT OF STOCKPILES. REMOVAL OF STAFF CAR PARKING. INCREASE IN HGV MOVEMENTS TO 50 IN AND 50 OUT PER DAY AND CHANGE IN OPERATIONAL HOURS TO 06:30 - 18:30**

MONDAY TO SATURDAY

Ms C Kelham, Planning Graduate, presented the application which sought agreement for various operational developments.

Ms Kelham highlighted the following points:

- An amendment to the published report had been made. In the summary recommendation, the application reference was incorrect. It should have read CM/0006/18. The correction would be made on the report which would be uploaded to the document portal for future clarity.
- Since the publication of the report, comments from the AVDC Environmental Health Officer had been received. Ms Kelham provided a written summary of these to Committee Members. Ms Kelham stated that although additional noise information was required she did not consider the noise impact of the development on amenity as a reason for refusal.

Public Speaking

Mr Hoy, agent for the applicant attended the Committee and spoke in support of the application. Mr Hoy's main points had been circulated to Committee Members prior to the meeting and are appended to the minutes. Mr Hoy raised the following key points:

- The waste transfer site was only operating at half its current capacity. Achieving full capacity would be in line with the County Council targets.
- The main reason for officers recommending refusal was due to the suggested parameter walls.
- Mr Hoy confirmed that it had been demonstrated that the proposed development did not cause significant and detrimental harm to wildlife and that an appropriate assessment was not necessary or material to the ongoing operation of the site or the determination of the application.

Members of the Committee raised and discussed the following points:

- The issue of the perimeter walls were discussed and Ms Kelham advised Members that if made into a solid wall this would block a commuting route between the pond and the railway.
- A Member of the Committee raised the lighting plan submitted and how the applicant would ensure there would be no light spill from the site. Mr Hoy responded by saying that the applicant had provided drawings and Ms Kelham stated that the principle of lighting had been accepted in previous applications for the site but no details had been submitted. For this application Officers recommended further details on lighting could be sought through a condition.
- The Committee discussed the probability of Great Crested Newts existing on the site and the impact this should have on their decision.

Summary Recommendation:

The Development Control Committee is invited to REFUSE application no. CM/0006/18 for the reasons set out in the report.

Summary Recommendation:

The Development Control Committee is invited to REFUSE application no. CM/0006/18 for the reasons set out in the report.

For	0
Against	6
Abstention	0

RESOLVED: The Officer recommendation was rejected.

Mr Reed proposed that consent was granted as Members did not feel the environmental concerns expressed in the report were valid and the site was in full operation and would continue to be in operation. Mrs Gibbs seconded the proposal and the following vote was recorded.

For	6
Against	0
Abstention	0

RESOLVED: All Members of the Committee AGREED planning consent and delegated the approval of conditions to officers.

9 DATE OF NEXT MEETING

3 September 2018, 10am, Mezzanine 1 & 2, County Hall, Aylesbury

**10 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

11 CONFIDENTIAL MINUTES

12 ENFORCEMENT REPORT

13 MEMBER TRAINING: POLICY UPDATE

CHAIRMAN