

Minutes

DEVELOPMENT CONTROL COMMITTEE

MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON MONDAY 14 JANUARY 2019 IN MEZZANINE ROOMS 1 & 2, COUNTY HALL, AYLESBURY, COMMENCING AT 10.00 AM AND CONCLUDING AT 10.57 AM

MEMBERS PRESENT

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

OTHERS IN ATTENDANCE

Ms A Herriman, Mrs E Catchside, Mr M Pugh, Ms R Landsdowne and Mrs S Taylor

Agenda Item

1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP

Apologies were received from Ms J Blake. The Chairman announced the sad loss of one of the Development Control Committee members, Mr Chaudhary Ditta, who passed away in November 2018 and stated that a by-election would be held on 7 February 2019 to confirm the new appointment.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES

RESOLVED: The minutes of the meeting held on 8 October 2018 were **AGREED** as an accurate record and were signed by the Chairman.

4 APP/P01430/W/18/320545 (APPLICATION CM/16/17) A REVISED RESTORATION LANDFORM TO ALLOW THE DEVELOPMENT OF A WASTE RECOVERY AND ANAEROBIC DIGESTION FACILITY WITH ASSOCIATED VEHICLE PARKING, FUELLING AND WASHING, BIN STORAGE AND STAFF WELFARE FACILITIES TOGETHER WITH THE RETENTION OF THE EXISTING CONSTRUCTION WASTE RECYCLING FACILITY AND EXISTING OFFICES, PARKING, WEIGHBRIDGE AND SITE ACCESS

Ms E Catcheside, Planning Lead Officer, Buckinghamshire County Council reminded the Committee that the application had been refused in December 2017. In June 2018, the applicant exercised its right to appeal the decision of the County Council to refuse planning permission; the reasons for the refusal were set out in paragraph 2 of the report. The draft Minerals and Waste Local Plan 2016-2036 was now at an advanced stage and Buckinghamshire County Council wanted to put forward “prematurity” as an additional reason for refusal.

Ms Catcheside presented the location of the site, along with photographs, as a reminder of the location of the appeal site, which had been extracted of mineral but had not been filled with waste and was therefore an unrestored void.

The Chairman summarised that the Committee had already taken a decision on this site and that it was currently out to appeal and officers were asking for prematurity to be an additional reason for refusal. The appeal scheme was considered to amount to a strategic development that would undermine the plan-making process by pre-determining decisions about scale, location or phasing that were central to the emerging Minerals and Waste Local plan and that this would prejudice the outcome of the plan-making process.

A member of the Committee asked if adding prematurity as an additional reason for refusal would strengthen the case. Ms Catcheside advised that the Council’s case was to defend the existing reasons for refusal and that the additional reason for refusal was due to developments with the emerging Minerals and Waste Local Plan since the original decision was made, and therefore was important. Ms Catcheside explained that the application was in the hands of the Inspector and it was a matter of the County Council putting forward reasons why planning should not be granted. The Chairman reminded the Committee that the applicant, now the appellant, had promoted the site for permanent waste management development through the plan making process and had said the proposed spatial strategy in the draft Mineral and Waste local plan was too limited to deliver the waste management capacity. If Committee were minded to agree, it would make clear that the Committee did not believe the argument by the appellant was germane in these circumstances.

Another member of the Committee asked if the refusal was agreed and the appeal were dismissed, would the landowner have to return the land to its original use. Ms Catcheside said that the planning permission had expired but that new permissions would be issued following the completion of a S106 Deed of Variation, and those permissions would require the completion of the restoration of the land to agriculture and woodland. Ms Catcheside was unsure why there had been a delay in the completion of the Section 106 and offered to follow it up.

ACTION: Mrs Catcheside

In response to a question from a member of the Committee, Ms Catcheside confirmed the Inspector may allow the appeal or dismiss the appeal and accept any one of the reasons or a combination of the reasons. The County Council’s role was to put the case forward with an additional reason for refusal on prematurity due to the emerging draft Buckinghamshire County Council’s Minerals and Waste Local Plan 2016-2036 being at an advanced stage of preparation and, therefore, a material change in circumstances since the application was refused. The Chairman clarified it was the Minerals and Waste Local Plan rather than the South Bucks and Chiltern District Council’s Joint Local Plan; the deadline of which had extended and was at an early stage of development.

The Committee voted to approve the application as follows:

For	6
Against	0
Abstention	0

RESOLVED: The Committee unanimously **APPROVED** the invitation to **DELEGATE AUTHORITY** to the Head of Planning and Environment to **RAISE PREMATURITY AS AN ADDITIONAL REASON FOR REFUSAL** for the reason that, in accordance with paragraphs 49 and 50 of the National Planning Policy Framework, the development would undermine the plan-making process by pre-determining decisions about scale, location or phasing of new development that are central to the emerging plan and that this would prejudice the outcome of the plan-making process.

5 CM/9999/18 - CONSULTATION ON UPDATED VALIDATION REQUIREMENTS OF PLANNING APPLICATIONS TO BUCKINGHAMSHIRE COUNTY COUNCIL

Ms A Herriman, Senior Planning Officer, Buckinghamshire County Council, reported that the Local List had been out of date for two years and had now been revised. The Local List was a useful tool for planners, applicants and their agents but it was intended to be used with discretion. It was an important document which officers would refer to when advising applicants at pre-application stage and when validating planning applications. The document had been before the Committee in June 2014 and the updated Local List had taken into account any changes in planning policy and guidance.

The Chairman referred to the title “Chiltern Environmental Health” item 20 on page 21 of the agenda pack under the “consultation comments received” section, and asked for clarification on the organisation. Ms Catcheside explained it was Chiltern District Council and South Bucks District Council but as the Local List applied county-wide the reference could be removed.

The Development Control Committee was recommended to approve the following:

- a) If no significant changes are required following the Planning Development Control Committee meeting to the draft Local List of Validation Requirements then the Head of Planning and Environment be authorised to adopt and publish that list;**
- b) If following the Planning Development Control Committee meeting, it is considered that significant changes are required to the draft Local List of Validation Requirements, then consideration be deferred for officers to consider these and the matter be reported back to the Planning Development Control Committee meeting on 25th February 2019.**

The Chairman summarised that the County Council was required to produce an updated Local List. There were no comments from the Committee and it was agreed that the two recommendations be voted on simultaneously.

The Committee voted to approve the recommendations as follows:

For	6
Against	0
Abstention	0

RESOLVED: All Members of the Committee **AGREED** the recommendations.

6 DATE OF NEXT MEETING

Monday 25 February 2019 at 10.00 a.m. in Mezzanine Rooms 1 and 2, County Hall, Aylesbury.

**7 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.

8 CONFIDENTIAL MINUTES

9 ENFORCEMENT REPORT

CHAIRMAN