

Committee Report: 1st July 2019

Application Number:	CM/0017/19
Title:	Use of the land for waste storage and treatment.
Site Location:	Unit 25B Old Airfield Industrial Estate Cheddington Lane Marsworth Buckinghamshire HP23 4QR
Applicant:	Waste King Limited
Case Officer:	Catherine Kelham
Electoral divisions affected & Local Member:	Ivinghoe Anne Wight
Valid Date:	1 st April 2019
Statutory Determination Date:	1 st July 2019
Extension of Time Agreement:	n/a

Summary Recommendation(s):

The Development Control Committee is invited to APPROVE application no. CM/0017/19 for the use of land at Unit 25B, Marsworth Airfield for waste storage and treatment subject to Conditions to be determined by the Head of Planning and Environment, including those set out in Appendix A and subject to completion of a Planning Obligation, with details, alterations, additions and deletions, to be determined by the Head of Planning and Environment, to secure the following:

- I. *Routing agreement to ensure that all HGVs involved in the importation and exportation of materials in connection with the Development*
 - a) *Do not pass through Long Marston Village;*
 - b) *Do not turn into or out of Mentmore Road/Cheddington High Street towards Cheddington and turning into or out of the road to the north west towards Mentmore at the double mini-roundabouts between Long Marston Road and Station Road;*
 - c) *Access the Land left-in only from Cheddington Lane;*
 - d) *Egress the Land right out onto Cheddington Lane; and*
 - e) *Proceed to and from the Land along Long Marston Road, Station Road, and the B488.*
- II. *All HGVs within the applicants fleet that travel to and from the site and are involved with the importation and exportation of materials in connection with the Development are installed with GPS equipment in operation at all times for route tracking purposes, which will be available on request provided to the Council.*
- III. *The provision and maintenance of a sign to the reasonable satisfaction of the Head of Planning and Environment at the point of access to the Land to inform drivers of HGVs accessing and egressing the Land of the routes they should observe the routing set out above.*

Introduction

1. Application CM/0017/19 seeks to use Unit 25B of the Old Ministry Airfield Industrial Estate, Marsworth, for waste storage and treatment. This site overlaps with part of a larger site granted planning permission for a waste transfer station in 2018 (CM/17/17).

Site Description

2. The Application Site is located in east Aylesbury Vale District in Buckinghamshire, close to the boundary with Hertfordshire. It is part of the Old Ministry Airfield Industrial Estate which forms the northern part of the former RAF Cheddington site. The Old Ministry Airfield Industrial Estate is accessed via Cheddington Lane.
3. Approximately 890 metres to the north of site at the closest point is the village of Cheddington; approximately 2km to the east-southeast is the village of Pitstone; approximately 1.6km to the south-southeast of the site is the village of Marsworth; and approximately 1.8km to the southwest is the village of Long Marston. The closest dwelling to the site, Hatchway Farm House, is approximately 280 metres to the west of the site entrance on Cheddington Lane and approximately 1km from the Application Site yard.
4. The Application Site is within the Cheddington Vale Landscape Character Area. The area is a low lying flat vale landscape which has been significantly altered by arable intensification and field amalgamation. In the southern part of the landscape area, the previous use of the land as an airfield has caused loss of field structure. Immediately to the northeast of the Old Ministry Airfield Site is the Westend Hill-Southend Hill Local Landscape Area. The Application Site is over 2km from the closest part of the Chilterns Area of Outstanding National Beauty (AONB). It is also over 2km from Tring Reservoirs SSSI and Pitstone Quarry SSSI and over 3.75km from Aldbury Nowers SSSI and Ashridge Commons and Wood SSSI.
5. A google image, with the Application Site outlined in red, is shown below:

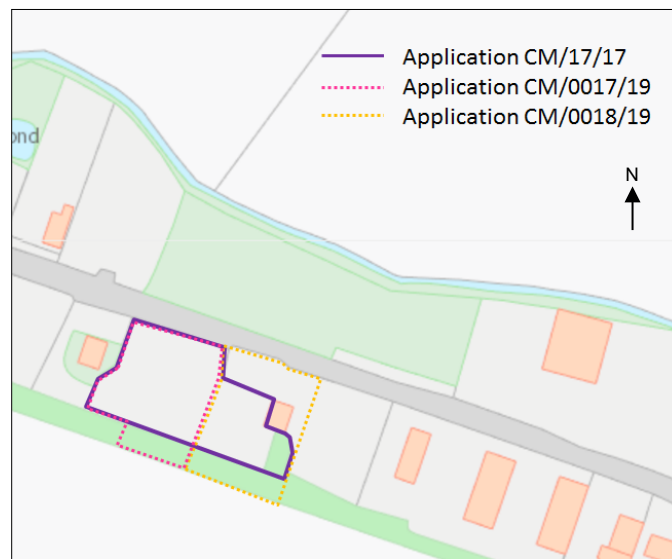


6. There is a Scheduled Ancient Monument approximately 440 metres to the northwest of the Application Site on Southend Hill. The Application Site itself has not been identified as a site of national or local historical, cultural or archaeological significance. In the nearby villages of Long Marston, Marsworth, Pitstone, Ivinghoe, Mentmore and Cheddington there are a large number of listed buildings. Marsworth village centre and Mentmore Village Centre are designated conservation areas. The nearest of these buildings is Grade II listed Westend House, approximately 900 metres to the north of Application Site on the outskirts of Cheddington Village.

7. The Wash Brook runs southeast-northwest to the north of the industrial site. The yard area of the Application the site is located in Flood Zone 1 and the access road is partially within Flood Zones 2 and 3.
8. Public Right of Way CHD/3/2 runs from Cheddington Lane along the outside of the Old Ministry Airfield Site for approximately 800 metres before heading north-east between Westend Hill and Southend Hill to Cheddington Village.

Site History

9. The Airfield Industrial Estate was granted a Certificate of Lawful Use (reference no: 85/00401/AV) by Aylesbury Vale District Council on 23rd August 1985 for the continued use of the airfield for light industry and storage purposes. This certificate does not include any restrictions on the number of vehicle movements associated with the use of the Industrial Estate and it is under this certificate that the majority of the units on the Industrial Estate operate.
10. On 2nd May 2018, planning permission was granted for the change of use from parking of empty skips to waste storage and sorting at Unit 25B (reference number CM/17/17). This planning permission was subject to a number of conditions and a routing agreement from the site to the B488. The yard area as of this planning consent is shown in purple in the image below.



11. Following a monitoring visit to the site in autumn 2018, it was discovered that the yard area related to planning consent CM/17/17 had been split into two yards. The yards were separated by a fence and each had a separate access from the internal haul road. The western yard (Unit 25B) (shown in pink dashed line in the image above) is currently operated by Waste King Ltd, the former occupier of the larger yard area related to planning consent CM/17/17. A different operator is currently occupying the east yard (Unit 25) (shown in yellow dashed line in the image above). This planning application relates to the western (pink dashed) yard area. For the clarity, the site area as outlined in red on the plans accompanying this application contains all the land necessary to carry out the development and includes access to the public highway.
12. Changes of use from light industrial and storage to waste-related uses have also been granted planning permission permitted on some other units within the airfield. Where planning

permissions have been granted they included conditions/obligations such as vehicle movement limitations and routing agreements.

13. Specifically, planning permissions for waste uses exist on the following units:

- *Units 32, 32A and 33 (planning reference: 11/20007/AWD)*
- *Unit F2 (planning reference: 10/20003/AWD)*

Proposed Development

14. The application seeks to regularise the use of the Unit 25B for waste storage and sorting following the change to the yard area.

15. The facility would accept and separate mixed construction and demolition waste (such as soil, hardcore, wood, plastic, cables etc.) from the operator's waste collection service. As the applicant has an environmental permit enabling them to operate a Household, Commercial and Industrial Waste Transfer Station with waste treatment, it is understood that other waste from house clearances (such as cardboard, electronic equipment, metals, and bulky items) would also be stored and sorted at the site. This is also reflected on the site plan. It is not proposed to process or import hazardous waste onto the site

16. The maximum annual operational through-put is proposed to be 25,000 tonnes.

17. The material would be delivered to the site, primarily in caged vehicles. It would be sorted by hand or mechanically to remove items such as metal, cardboard and wood. Soil and hardcore would be separated from the waste but would not be further processed at the site and no trommel, screener or crusher is proposed.

18. The site office, staff facilities, car parking area, and waste containers formerly part of the yard area of application CM/17/17 are included as part of this application. No change to the lighting is proposed.

19. It is proposed to have 40 HGV movements per day (20 in and 20 out).

20. The following hours of operation are proposed:

- 7.30am to 5.30pm Monday – Friday
- 7.30am – 12pm on Saturday
- No operations on Saturday afternoons, Sundays or Public Holidays

Planning Policy and Other Documents

21. 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.

22. 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

23. Other documents that need to be considered in determining this development include:

- National Planning Policy Framework (NPPF)
- National Planning Policy for Waste (NPPW)

24. The emerging **Buckinghamshire Minerals and Waste Local Plan (2016-2036)** (BMWLP36) has undergone public examination and the final Inspector's report was received in June 2019.

This confirms that the plan, with modifications, is sound and so can proceed to adoption. As the plan at an advanced stage of preparation, it is considered to hold considerable weight for the determination of planning applications. The policies referred to in this report are from the submission document, as modified.

25. The draft **Vale of Aylesbury Local Plan (2013-2033)** has been submitted to the Secretary of State for MHCLG for independent examination. Examination hearings were held in July 2018 and, following the provision of the Inspector's interim findings, AVDC is currently preparing Main Modifications for consultation. The VALP is considered to be at an advanced stage of preparation and is a material consideration for the determination of planning applications.

26. The following policies are considered relevant to the proposed development:

Adopted Buckinghamshire Minerals and Waste Core Strategy (BMWCS) 2012

- CS9 (Recycling)
- CS14 (Safeguarding Existing and Potential Waste Sites)
- CS18 (Protection of Environmental Assets of National 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 Amenity of Residents)
- GP.35 (Design)
- GP.95 (Unneighbourly uses)
- RA.36 (Traffic on Rural Roads)

Draft Buckinghamshire Minerals and Waste Local Plan (BMWLP36) (2016-2036)

- Policy 11 (Spatial Strategy for Waste Management)/Policy 14 (Sustainable Waste Management)
- Policy 12 (Waste Management Capacity Needs)
- Policy 15 (Development Principles for Waste Management Facilities)
- Policy 17 (Managing impacts on Amenity and Natural Resources)
- Policy 18 (Sustainable Transport)
- Policy 20 (Historic Environment)

Draft Vale of Aylesbury Local Plan (VALP) (2013-2033)

- BE1 (Heritage Assets)
- BE2 (Design of new Development)
- BE3 (Protection of the amenity of residents)
- NE5 (Landscape character and locally important landscape)
- NE6 (Pollution, Air Quality and contaminated lane)
- I4 (Flooding)

Consultation Responses

27. Local Member, **Councillor Anne Wight**, has objected to the planning application. She considers it is detrimental to the local amenity, and in particular the AONB in Ivinghoe along

the B488 and B489. She states this is highly undesirable given the amount of extra housing planned for the surrounding villages. She also believes the cumulative impacts would be detrimental given the site's proximity to the AONB and Pitstone SSSI. In addition, she considers the local road network is insufficient to accommodate an increase in industrial vehicles and that there are a lack of local industrial grade strategic link roads in the area.

28. **Aylesbury Vale District Council** notes the Old Airfield Industrial Estate is located on the periphery of the former RAF airfield. After reviewing the application they consider the potential for harm to human health is relatively low. They do however recommend an inclusion of an informative outlining the action to be taken should contamination which has not previously been identified being encountered.
29. **Marsworth Parish Council** has no objection the planning application.
30. The **BCC Highways Development Management Officer** comments that access to the Application Site is via Cheddington Lane, a 'C' class road subject to the national speed limit of 60mph. As the proposed number of vehicle movements would remain as they were for application CM/17/17, the officer does not considered the proposal would to lead to an intensification of vehicle trips. Overall, the officer has no objection to the proposed development subject to limiting the number of HGVs to 40 per day (20 in and 20 out) and a the provision of a legal agreement in-line with that previously agreed for application CM/17/17 and requiring the following:
- I. *To use its reasonable endeavours to ensure that all HGVs involved in the importation and exportation of materials in connection with the Development:*
 - a) *Access the land left-in only from Cheddington Lane;*
 - b) *Egress the Land right out onto Cheddington Lane; and*
 - c) *Proceed to and from the Land along Long Marston Road, Station Road, and the B488.*
 - II. *All HGVs involved in the importation and exportation of materials in connection with the Development are prohibited from travelling to and from the Land by:*
 - a) *Passing through Long Marston Village; and*
 - b) *Turning into or out of Mentmore Road/Cheddington High Street towards Cheddington and turning into or out of the road to the north west towards Mentmore at the double mini-roundabouts between Long Marston Road and Station Road.*
 - III. *The Owner shall:*
 - a) *Ensure all HGVs involved in the importation and exportation of materials in connection with the Development are installed with GPS equipment in operation at all times for route tracking purposes; and*
 - b) *Upon request, provide the Council with the GPS data referred to in paragraph 3(a) above in order to ensure compliance with the routeing obligations of this Deed.*

With regard to car parking, the officer comments that while the number of parking spaces proposed is less than the number of staff, there is a parking strip on the south side of the Old Airfield Industrial Estate access road.

31. BCC as **Lead Local Flood Authority** considers the site lies within an area of low risk of surface water flooding. With regard to surface water drainage, they understood that the site is brownfield and 100% impermeable, and it is proposed to connect to the existing surface water drainage network. Overall, they have no objection to the development subject to a condition

requiring the provision of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context.

32. The **Environment Agency** has no objection to the development subject to a condition requiring that in the event contamination not previously identified is found to be present at the site it is reported and work paused.
33. The **BCC Archaeology Officer** considers the nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of nearby assets. They therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest
34. The **BCC Ecology Officer** has no objection to the proposed development and does not consider it necessary to apply a condition to safeguard ecological interests.
35. The **BCC Rights of Way Officer** has no comments to make from a Rights of Way perspective.
36. No comments have yet been received from the **AVDC Design and Conservation Team**.

Representations

37. At the time of going to print, 97 representations from members of the public, all of which object to the application, have been received.
38. The main reasons for the objections are:
 - Roads being unsuitable for HGVs (due to: Brownlow Bridge weight limit; cars parked on the highway in villages restricting traffic flow, the roads being too narrow for HGVs, there being low bridges in the area, proximity to residential properties; and roads being over capacity due to other development in the area)
 - Highway safety
 - Impact of dust/fumes from vehicles and site on human health and surroundings
 - Impact of noise and vibrations from vehicles and site
 - Impact on local wildlife
 - Litter from vehicles and site on surroundings
 - Harm to historic assets
 - Impact on SSSIs
 - Impact on Chilterns AONB
 - Impact of odour from the site
39. **Slapton Parish Council** has objected to the proposed development. They comment there is a lack of suitable roads in the area and that overflow parking from the station further reduces the road width. In addition they comment that development on the site would strain the amenity's resources and roads over and above the present situation. They also comment that Ivinghoe is an AONB and Pitstone has an SSSI and attention should be paid to this status.

Discussion

40. The main issues for consideration in relation to application CM/0017/19 are:
 - Principle of the proposed development
 - Traffic and Transportation
 - Impact on Amenity
 - Landscape and visual impact
 - Drainage and Contamination

- Heritage

Principle of the proposed development

41. The proposed development seeks planning permission for waste storage and transfer. Waste material would be brought to the site and the elements to be recycled or reused would be separate from the elements to be sent to disposal. Diverting waste from disposal and moving it up the waste hierarchy is supported in principle by the NPPW, BMWCS, BMWLP and emerging BMWLP36.
42. The Application Site constitutes previously developed (brownfield) land and the last authorised use of much of the Application Site was for waste processing and transfer under planning permission CM/17/17. The areas of the Application Site not within the planning unit defined by planning permission CM/17/17 have immunity from enforcement action when used for light industry and storage purposes.
43. Policy CS9 of the BMWCS outlines the provision required to meet the waste management capacity needs of Buckinghamshire. This data is however largely out of date, and it is therefore recommended that weight is also attached to the 2017 Addendum Report to the Waste Needs Assessment which is reflected in table 7 and draft policy 12 of emerging BMWLP36. These documents indicate that, across emerging plan period, there is additional capacity needed for construction, demolition and excavation waste recycling facilities and there a smaller need for commercial and industrial recycling facilities.
44. As the Application Site is previously developed land formerly used for waste management purposes, the proposal to reuse the site for waste management is compliant with policy CS14 of the BMWCS. This policy seeks to safeguard existing waste sites within Buckinghamshire for waste management purposes. It also has support from merged policies 11 and 14 of the BMWLP36. This policy provides for waste management facilities outside the key settlements, as appropriate, particularly where they involve the re-use of previously developed land. It also provides support co-locating waste management facilities together with complementary activities such as industrial estates and waste management sites.
45. As set out in Policy 15 of the emerging BSWLP36, there are a number of principles which waste management development should adhere to. This includes facilities being in general compliance with the spatial strategy for waste development; facilitating the delivery of Buckinghamshire's waste management capacity requirement; identifying the waste stream to be treated; identifying the catchment area and end-fate of the waste; being complementary to the current economic role, status and uses of the employment area; allowing communities and business to take more responsibility for their own waste; and supporting the management of waste in line with the waste hierarchy. The proposed development is considered to be broadly in accordance with this policy.
46. In summary, there is policy support for the movement of waste up the waste hierarchy and support for the continued use of this site for this waste management purposes under the current and emerging spatial strategy. There is also a need across Buckinghamshire for waste management facilities of this type. Overall, the principle of the development and principle of the location is acceptable and in accordance with policy. There are however a number of site specific factors which must also be considered.

Traffic and Transportation

47. 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.

48. In the emerging BWMLP26, policy 18 requires that minerals and waste development provide a transport statement addressing matters including safe and suitable access to the site, traffic flows to be generated, the capacity of the local and highway network to accommodate the movements and identification of mitigation measures to prevent potentially adverse impacts arising from the transport of waste on the community and environment. Policy 28 of the BWMLP seeks to protect the amenity of all those who may be affected waste development proposals both near the site and on routes to and from it, from various factors including noise, vibration, dust, fumes and gases. This requirement is reflected in policy 17 of the emerging BWMLP36. 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. Specifically with regard to proposals in rural areas, policy RA.36 of the AVDLP requires the council to have regard to the desirability of protecting the characteristics of the country side from excessive traffic generation, including the need to avoid traffic increases and routing unsuitable to rural roads.
49. A large number of representations have been received from members of the public objection to the development due to the impact of lorries on the roads, traffic noise and pollution, highway capacity and highway safety. The Local Member and Slapton Parish Council have also raised concerns over these matters. These concerns were also raised during the determination of the change of use application CM/17/17. In addition, it is acknowledged that when increases in HGV movements were proposed on other units on the Old Airfield Industrial Estate (07/20009/AWD and 10/20003/AWD) these were considered to be unacceptable.
50. The development proposes 40 HGVs (20 in and 20 out) per day. This is the same as was previously considered to be acceptable for the overlapping larger planning unit under planning permission CM/17/17. An important consideration in judging that limit to be acceptable was that under the certificate of lawful development which the unit previously operated, the HGV movements were unlimited. From a highway safety and road capacity perspective, the BCC Highways Development Management Officer has no objection to the proposed development subject to the HGV limitation of 40 per day (20 in and 20 out) and legal agreement relating to the routing of HGVs it is not considered the development would lead to an intensification of vehicle trips.
51. It is acknowledged that with the larger overlapping planning unit CM/17/17 effectively split in half, if both halves were to retain 40 HGVs per day (20 in and 20 out) then overall there would be an increase in HGV movements from the Old Airfield Industrial Estate. This however is not what is proposed. For the committee's information, application CM/0018/19 does not propose any HGV movements as part of the application as it intends to operate in association with Unit 32 opposite. It should also be noted that due to the overlapping planning areas, should planning permission be granted, it would not be possible to implement this development and development permitted under planning permission CM/17/17.
52. The development is located in a rural area and vehicles must travel along local 'C' class roads to reach the site. The routing proposed is the most direct route to the main highway network (B488) and avoids the village centres of Long Marston, Cheddington, Mentmore and Marsworth. It would require HGVs to pass by West End House (Grade II listed), 11, 13 and 15 Station Road and close to the Church of St Giles (Grade II* listed). While this may not be ideal, it is not a change from the current routing for the Old Airfield Industrial Estate. Any

alterative routing arrangement would require HGVs to take a less direct route to the strategic road network, would not avoid all listed buildings and may also require them to travel through conservation areas. As there is no change proposed to the number of HGVs from the Old Airfield Industrial Site, and with a routing agreement in place, no change to their route to and from the site, there would be no change from the existing permitted situation.

53. The applicant has advised that they are willing to enter this routing agreement. It should be noted that this routing agreement would only apply to HGVs, i.e. any vehicle over 3.5 tonnes maximum gross weight. So that drivers are aware of there is a routing agreement and it is further recommended signage informing drivers of the route they should observe when accessing and egressing the site is erected and maintained for the duration of the development.
54. Concern has also been raised about the cumulative impact of the proposed development with allocated housing in the area and the effect of the temporary weight restriction of 18 tonnes gross weight on Brownlow Bridge with regard to traffic impact and highway safety. As above, there would be no change to the existing permitted situation and the impact of the housing development on the area will have been considered as part of determining the previous application. With regard to the weight restriction, it is likely that the majority of vehicles associated with the Application Site would not exceed the 18 tonne gross weight limit and therefore would be able to travel in both directions along the B488. Caged vehicles for example may have a gross maximum weight of less than 7.5 tonnes while skip lorries tend to have a gross maximum weight of 18 tonnes. Where a vehicle does exceed the 18 tonne limit, it must follow the diversion and use the B488 to the north of the site.
55. As in the comments from the Local Member, if HGVs were to travel to or from the site via the B488 to Ivinghoe and then either continue along the B488 or turn on to the B489 they would travel through part of the Chilterns AONB. This section of road is beyond the proposed routing agreement. Nevertheless, both the B488 and B489 are classified roads, intended to feed traffic, including through traffic, between A-roads and smaller roads on the network. As such, despite their proximity to the Chiltern AONB, the B488 and B489 are not considered unsuitable for use by HGVs.
56. Overall, subject to a daily HGV limit, the applicant entering into a routing agreement and erecting and maintaining signs to make drivers aware of route they should observe, there would be no change to the existing permitted situation. As such, the development is considered to be in accordance with policy CS22 of the BWMCS, policy 28 of the BMWLP, policies GP.8, GP.95 and RA.36 of the AVDLP and policy 17 and 18 of the emerging BMWLP36.
57. The proposed development includes twelve car parking spaces, though users of some spaces would be blocked in by users of other car parking spaces. It is indicated that eighteen operators would be required to run the proposed development. The on-site car parking spaces are therefore insufficient, but as highlighted by the BCC Highways Officer, there are other car parking areas available within the Old Airfield Site. Policy GP.24 of the AVDLP requires that new development provides vehicular parking in accordance with the Council's operative guidelines. There is no specific parking requirement within this document for waste uses, but based on the requirements for business and industry uses, there is a requirement for around three car parking spaces. Under this calculation, the proposed development is considered to be in accordance with policy GP.24. Overall, in line with the comments from the BCC Highways Officer, the car parking provision is considered to be acceptable.

Impact on Amenity

58. 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 Application Site and on routes to and from it, from noise, vibration, dust, fumes, gases, odour, illumination, litter, birds or pests. This is also seen policy 17 of the emerging BMLP36. Similarly, policy CS22 of the BWMCS 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. In addition, policy NE6 of the draft VALP, seeks to prevent development which would unreasonably harm any aspect of the amenity of existing residents while BE3 states that developments likely to generate more significant levels of noise will only be permitted where appropriate noise attenuation measures are incorporated which would reduce the impact on the surrounding land uses to an acceptable level.
59. The nearest residential property is located 890 metres to the north of the site in Cheddington. Vehicles associated with the site would however pass closer to residential properties. Concerns have been raised by local residents relating to odour, vibrations, noise, dust, air pollution and debris on routes to and from the site, and from the site itself. No concerns or recommendation has been raised in relation to noise, dust, air pollution or odour from the District Environmental Health Officer.
60. Given the nature of waste to be managed on site (construction, demolition, wood, metals and cardboards), it is considered the site has a low potential to generate odour.
61. As part of the planning application, it has been stated that all skip vehicles delivering and removing waste will be sheeted and that the Site Management will make daily inspections to ensure the cleanliness of the site and implement manual litter collection duties as necessary. In order to reduce waste becoming windborne, it is also recommended that stockpiles are kept below the level of the concrete bays. To minimise the potential for dust and litter to cause nuisance or detriment to local amenity and health, should planning permission be granted, it is recommended that the height of stockpiles, vehicle sheeting and waste being prevented from escaping the site is secured via condition.
62. A dust management plan setting out measures to reduce dust, including dampening down areas of the yard and cleaning vehicles wheels to prevent the tracking of dust, mud and debris on to the highway, has been submitted as part of the planning application. Again, to minimise the potential for dust to cause nuisance or a detriment to local amenity and health, particularly for local residents and users of public right of way CHD/3/2, should planning permission be granted it is recommended the implementation of these scheme is secured via condition.
63. With regard to noise, the machinery onsite would consist of two excavators, a fork lift truck and a Skid Steer Load. The sources of noise are likely to be from these machines, vehicles and skips are being emptied and clangs/bangs as material is sorted into skips and containers. Given there would be a scaling back of the processing compared to what was permitted under application CM/17/17 and there is a substantial distance between the site and nearest residential property, it is not considered noise from the site would change as a result of the proposed development.
64. The site is proposed to operate between 7.30am and 5.30pm Monday to Friday and 7.30am and 12pm on Saturdays. This is the same as permitted for application CM/17/17 and so there would be no change from the existing permitted situation.

65. Overall, subject to the conditions outlined above, the development is considered to be in accordance with policy 28 of the BMWLP, policy CS22 of the BMWCS, policy GP.8 and GP.95 of the ADLP, draft policy NE6 and BE3 of the VALP and emerging policy 17 of the BMWLP36.

Landscape and Visual Impact

66. In conjunction with policy CS22, policy CS23 of the BMWCS requires that the design and layout of development is positive integration into the site and wider landscape taking. In addition, emerging policy 21 of the BMWLP36 requires that minerals and waste development protect and enhance valued landscape in a manner commensurate with their status recognising their importance and contribution to wider networks. Draft policy BE2 and NE5 of the VALP also require development to respect and complement the physical characteristics of the site and its surroundings and take the landscape character of the area into consideration.
67. The development is located within the curtilage industrial estate. It is not within a landscape identified or protected for its special character, though it is adjacent to the Westend Hill/Southend Hill Local Landscape Area. This designation identifies the two hills as a feature of distinctive quality at the district level.
68. As the site is located in a relatively flat landscape, it is recommended that the stockpile heights are limited to the current level of four meters. As no further information pertaining to lighting has been submitted or considered, it is also recommended that the lighting is not changed from what is currently considered acceptable. With these conditions in place, as the proposed development would not encroach from the Industrial Estate, and does not involve any additional built form, the landscape and visual impact of the development from outside the site would not change from the existing permitted situation.
69. In summary, from a landscape and visual impact perspective, the proposed development is considered to be in accordance with policy CS22 and policy CS23 of the BMWCS, policy 21 of the emerging BMWLP36 and draft policy BE2 and NE5 of the VALP.

Drainage and Contamination

70. Policy CS22 requires applicants to avoid or minimise impacts on the water environment and water infrastructure. This includes impacts on surface water, ground water and minimising the possibility of pollution. In addition, policies 17 and 24 of the emerging BMWLP36 together with draft policy I4 and NE9 of the VALP seek to avoid contamination and integrate suitable water management in developments.
71. The yard area of the development is located in flood zone 1. The access road is partially within flood zones 2 and 3. The development would not increase the impermeable area and is considered to be in an area at low risk of surface water flooding. Subject to a condition requiring a surface water drainage scheme for the development, there is no objection from a drainage perspective. This condition is considered necessary as the site area has changed and it has not been confirmed that the previous drainage system is still viable.
72. With regard to contamination, the Environment Agency has advised they have no objection to the proposed development subject to a condition regarding the reporting of unexpected contamination. Similarly, AVDC planning officer has recommended the inclusion of an informative outlining the action to be taken should contamination which has not previously been identified be encountered. In this instance, following consultation, neither pre-existing contamination nor a risk of contamination from the development has been identified. In addition, the control of polluted land and its remediation falls within other legislation. On this basis, it is not considered that the condition put forward by the Environment Agency fulfils a planning purpose. For this reason, if planning permission was to be granted it is recommended

this condition is not included, though the same information would be included as an informative. This recommendation would however mean that should planning permission be granted it would be against the advice of the Environment Agency.

73. Overall, and without the condition recommended by the Environment Agency, the proposed development is considered to be in accordance with policy CS22 of the BMWCS, policies 17 and 24 of the emerging BMWLP36 and draft policy I4 and NE9 of the VALP.

Heritage

74. As part of delivering sustainable development, there is a requirement to protect and enhance the Historic Environment. This is reflected in policy CS18 of the BMWCS, policy 20 of the emerging BMWLP36 and draft policy BE1 of the VALP.
75. There is a scheduled ancient monument approximately 440 metres to the northwest of the Application Site. There are also a number of listed buildings in the surrounding villages, though the nearest is approximately 900 meters from the application site. No concerns have been raised by the Archaeology Officer in regard to the Ancient Monument. Due to the distance from the application site, and existence of other similar waste processing uses on the Old Airfield Industrial Site, it is considered unlikely that the listed buildings in the would be impacted by operations taking place on the application site. No comments have yet been received by the AVDC Design and Conservation Team.
76. As discussed above, there are also several listed buildings on the route to and from the site. As there is no change proposed to the number of HGVs from the Old Airfield Industrial Site, and with a routing agreement in place, no change to their route to and from the site, there would be no change from the existing permitted situation to these buildings as a result of the proposed development.
77. The development is therefore considered to be in accordance with Policy CS18 of the BMWCS, policy 20 of the emerging BMWLP36 and draft policy BE1 of the VALP.

Other Matters

78. Concern has been raised by members of the public and the Local Member about the impact of the development on wildlife and SSSIs in the vicinity of the site. The application site is located over 2km from the nearest SSSI. Indeed advice from Natural England in relation to assessing waste planning applications in this location for their likely impacts on SSSIs is that consultation is not required. It should also be noted that no concerns have been raised by the County Ecology Officer.
79. Due to the site location, for the development to be considered acceptable, it is considered necessary for the applicant to enter into a legal agreement to control the route of HGVs accessing and egressing the Application Site and mitigate their potential impact on local residents.
80. As there is already a S106 agreement in place for the larger planning unit CM/17/17, it is not anticipated that the drafting of a new S106 agreement would require a lengthy undertaking by the County Council or the Applicant. On this basis, should the legal agreement not be in place by November 2019, it is likely the application would be returned to the Development Control Committee.
81. The proposed development is not considered to conflict with the requirements of the Equality Act 2010 or the Council's policy on equality.

Conclusion

82. The application seeks to regularise the use of the Unit 25B for waste storage and sorting following the change to the yard area. The application site is brownfield land on an existing industrial estate and was previously used for waste management purposes. There is also a need for the type of facility across Buckinghamshire.
83. In determining this application, substantial weight has been given to the existing permitted situation as identified through planning permission CM/17/17. Indeed, should this planning application (CM/0017/19) be refused, the site could be returned to former layout and used for waste storage and sorting under planning permission CM/17/17.
84. The development is considered to be in accordance with the development plan as a whole and material considerations do not indicate that planning permission should be refused. Subject to the recommended conditions and routing agreement, it is recommended that planning permission is granted.

Appendix A - Schedule of Conditions

Time limit for commencement

Not applicable

Approved Plans

1. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings:
 - Application Boundary Plan, Drawing number: WKL/CL/APP/02, dated 7.03.2019
 - Site Layout, Drawing number: WKL/CL/LAY/02, dated 7.03.2019
 - Site Location Plan, Drawing number: WKL-CL-LOC-03, dated March 2019

Reason: To define the development which has been permitted so to control the operations in accordance with policy 28 of the BMWLP and policies GP.8 and GP.35 of the AVDLP.

Pre-commencement Conditions

Not applicable

Development Phase Conditions

2. No later than one month from the date of this planning permission, 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, shall be submitted to and approved in writing by the local planning authority. Within th months of the details being approved, the scheme shall be implemented in accordance with the approved details. The scheme shall also include:
 - 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
 - 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 how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner to managing flood risk, and comply with paragraph 103 of the NPPF.

Post Development Phase Conditions

None

On-going Conditions

3. No operations shall take place other than between the following hours:
 - Monday to Friday 7:30am to 5:30pm
 - Saturday 7:30am to 12:00pm

There shall be no working on Saturday afternoons, Sundays, Bank Holidays or Public Holidays

For the avoidance of doubt, operations include but are not limited HGVs entering and leaving the site.

Reason: To protect local residents from being adversely impacted by noise from operations taking place on the site in accordance with policy 28 of the BMWCS and policy GP.8 of the AVDLP.

4. Dust suppression shall be carried out in accordance with the measures listed in the Dust Management Plan (Document reference: J00252/DMP-V2, dated March 2019)

Reason: To protect local residents and users of the public right of way CHD/3/2 from being adversely impacted by dust from operations taking place on the site and from vehicles leaving the site in accordance with policy 28 of the BMWCS and policy GP.8 of the AVDLP.

5. All loaded vehicles shall enter and egress the site sheeted

Reason: To prevent waste from being deposited on the public highway in the interests of highway safety and local amenity in accordance with policy 28 of the BWMLP and policy GP.8 of the AVDLP.

6. Freestanding stockpiles of sorted and unsorted material shall not exceed four metres in height.

Reason: In the interests of local visual amenity in accordance with policy CS23 of the BMWCS and policies GP.8 and GP.35 of the AVDLP.

7. Material stored in bays shall not exceed the height of the bay walls.

Reason: In the interests of local visual amenity and to avoid material becoming airborne in accordance with policy CS23 of the BMWCS and policies GP.8 and GP.35 of the AVDLP.

8. The site shall be maintained to prevent waste escaping beyond the site boundary

Reason: To avoid litter from the site causing nuisance and effecting the amenity of the surrounding area and in particular public right of way CHD/3/2 in accordance with policy 28 of the BMWCS and policy GP.8 of the AVDLP.

9. The total maximum number of heavy goods vehicle movements (where heavy goods vehicles are those greater than 3.5 tonnes unladen weight and for the avoidance of doubt include skip lorries) shall not exceed 40 two-way (20 in, 20 out) per day.

Reason: To protect local residents from being adversely impacted by noise from HGVs travelling to and from site in accordance with policy 28 of the BMWCS and policy GP.8 of the AVDLP.

10. A record of the number of daily vehicle movements and the tonnage of waste being imported to the site shall be maintained for the duration of the development hereby permitted and 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 the amenities of the local area and to comply with policy 28 of the BMWCS and policy GP.8 of the AVDLP.

11. No hazardous waste shall be imported to or processed at the site.

Reason: To comply with policy CS22 of the BMWCS, policy 28 of the BWMLP and policy GP.8 of the AVDLP as the importation of this waste type may raise other environmental and amenity issues which would require consideration afresh to ascertain the acceptability of the use of the land for that purpose.

12. No illumination shall be in operation outside the operational hours of 7.30am – 5.30pm Mondays to Fridays and 7.30am – 12.00pm Saturdays. No lighting shall be operational on Sundays and Bank Holidays.

Reason: To protect local residents from being adversely impacted by light from the site in accordance with policy 28 of the BMWCS and policies GP.8 and GP.35 of the AVDLP.

INFORMATIVES

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

In determining this planning application, the County Planning Authority has worked positively and proactively 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. In this instance, this requirement can be demonstrated through the County Planning Authority highlighting the breach of planning control to the applicant and advising of ways to resolve the matter.

Mud on the Road

It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

Contamination

If during development works contamination is encountered which has not been previously identified please contact the Environmental Health department immediately at:

envhealth@aylesburyvaledc.gov.uk

Works must cease on site until an appropriate remediation scheme is submitted to and agreed in writing by the local planning authority. Failure to remediate site contamination during development could result in serious long-term health impacts to future users of the development.

Site Notice

Please remove any site notice that was displayed on the site to advertise this planning application.