

# Minutes

## *DEVELOPMENT CONTROL COMMITTEE*

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**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON MONDAY 20 MAY 2019 IN MEZZANINE ROOMS 1 & 2, COUNTY HALL, AYLESBURY, COMMENCING AT 10.07 AM AND CONCLUDING AT 11.55 AM**

### **MEMBERS PRESENT**

Mr C Clare, Mrs A Cranmer, Mrs B Gibbs and Ms N Glover

### **OTHERS IN ATTENDANCE**

Ms M Rajaratnam, Ms C Kelham, Mr M Pugh, Ms S Taylor, Ms S Winkels and Mr D Periam

### **Agenda Item**

- 1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP**  
Apologies were received from Ms J Blake, Mr D Shakespeare and Mr R Reed. Mr C Clare, Vice-Chairman, chaired the meeting in Mr Reed's absence.
- 2 DECLARATIONS OF INTEREST**  
There were no declarations of interest.
- 3 MINUTES**  
**RESOLVED:** The minutes of the meeting held on 1 April 2019 were **AGREED** as an accurate record and signed by the Chairman.

**4 CM/0085/19 USE OF LAND FOR CONSTRUCTION AND DEMOLITION WASTE RECYCLING FACILITY - BISHOPS HOUSE, CROWN LANE, FARNHAM ROYAL, SLOUGH, BUCKINGHAMSHIRE, SL2 3SF.**

Ms C Kelham, Planning Officer, Buckinghamshire County Council made the Committee aware of the following points before providing a presentation:

- Since going to print, approximately 41 further objections had been received to the planning application.
- It had also been questioned as to how the planning application was advertised. Ms Kelham confirmed that the application had been advertised as required by the regulations. In accordance with the relevant regulations, a site notice was displayed near the land to which the application related for not less than 21 days. The application was publicised in the Slough, Eton and Windsor Observer newspaper which was circulated in the locality to which the application related. The required information was publicised on a website maintained by the local planning authority. In addition, a number of nearby residents were notified, including those living at Fox Cottage and Deepwood House.
- Comments were received from the Local Member, Lin Hazel, objecting to the development on 19 May 2019 as follows:

*“As the Local Member I wish to submit my objections to this application; the proposed development is inappropriate within the green belt. I understand that the application site does not have any planning records or a certificate of lawfulness. I would refer to paragraph 30 in the report South Bucks District Council’s (SBDC) Planning Officer objection to the application on the grounds that the proposed works would adversely impact upon the openness of the green belt and the amenity of local properties etc. The applicants are in full operation contrary to receiving planning permission, the development is located in a Site of Special Scientific Interest (SSSI) impact zone, please refer to para 7. Health and safety issues are of a major concern, HGV movements in particular. Noise and dust impact of the neighbouring properties are also a concern, all of these issues will dramatically reduce the quality of life for local residents and users. Bearing in mind the antisocial impact this application will have on the environment and the contravention of the applicant’s total disregard of lawful planning permission, I would ask you to support the Officer’s recommendation for refusal.”*

- Ms Kelham confirmed that the locations of Fox Cottage and Deepwood House were mentioned in paragraph 6 of the officer’s report and had been taken into consideration. Fox Cottage was approximately 50 metres to the south-west of the application site yard and adjacent to the site access road. Deepwood House was approximately 175 metres from the entrance to the application site.
- Following information received on the morning of the meeting from the SBDC Environmental Health Officer, Ms Kelham stated that she was no longer satisfied that there was sufficient information to assess the impact of the development on noise. Notwithstanding this, the recommendation for refusal based on the Green Belt still stood.

Ms Kelham provided a presentation and highlighted the following points:

- The development was located to the north of Farnham Lane and west of Crown Lane in Farnham Royal, South Bucks.
- To the east of the development was Bishops Nurseries.
- The only access into the application site area for heavy goods vehicles (HGVs) was via Farnham Lane - they could not enter the application site via Crown Lane.
- It was approximately 850 metres along Farnham Lane to Beaconsfield Road (A355).

- The yard area of the proposed site was approximately 0.28 hectares in area.
- There were three metre high perimeter bunds around the outside of the site; these were proposed to be planted with native species.
- The entrance to the site yard would be gated. In the northwest corner of the site, there was a gap in the bund for surface water management reasons. This would not provide access into the site from Crown Lane.
- Operations at the site involved the importation of soils and concrete from construction, demolition and excavation projects. This material was screened and the larger elements crushed. The crushed and sorted product was then exported off the site for use in other construction projects.
- Across Buckinghamshire, a need had been identified for this type of recycling facility.
- Fox Cottage was approximately 50 metres from the yard area of the application site and Deepwood House was approximately 185 metres to the southwest of the application site yard area.
- As part of the planning application, many comments had been received relating to the impact of noise and dust as well as concern over what was being processed at the site.
- The proposal sought to manage inert and non-hazardous waste material. It should also be noted that under the separate Environment Agency permitting regime, there were conditions which detailed the types of waste that could be processed at the site.
- The development had the potential to generate dust as a result of the crushing, screening and movement of material. Dust could be an irritant and harmful to health. A number of dust mitigation measures were proposed as part of the application – these included dampening down the yard area with a water bowser and sheeting of all vehicles. As such, and subject to the submission of a detailed scheme for approval via conditions should planning permission be granted, the impact of dust on local amenity and health had not been recommended as a reason for refusal. It should also be noted that 2018 was a relatively dry year and there were other building works in the area and soft verges, all of which might contribute to the dust in the area.
- The application site was located within the Green Belt. The Green Belt is a spatial designation seeking to prevent sprawl and was not related to the appearance or quality of the land.
- The proposed development was not considered to be an exception to Green Belt policy. It was considered to be inappropriate development and should only be approved in very special circumstances. Very special circumstances had not been demonstrated.
- Although the applicant had undertaken an alternative site search this had not sufficiently considered all available options throughout Buckinghamshire in order to demonstrate that this site in the Green Belt was the most suitable place to locate a construction, demolition and excavation (CD&E) recycling facility which would impact on openness and encroach into the countryside. For these reasons, the officer recommendation was to refuse planning permission for the development.
- The photos shown were of the site as it was now, not of the site as proposed in the application and provided the Committee a review of the operation and the location of the site.

## **Public Speaking**

The Chairman invited Ms L Bennett to speak as a resident. Ms Bennett stated she was speaking on behalf of a number of objectors to the retrospective planning application and highlighted the following key points:

- The site was close to the magnificent Burnham Beeches, SSSI site and four school playing fields.
- The site adjoined Fox Cottage and Deepwood House.
- Fox Cottage was 40 metres from the site and was omitted from this or any application.
- A vulnerable family lived in Fox Cottage; their son suffered from autism and his behaviour had worsened since work began on the site. Their secure garden was now unusable and the noise and dust was unacceptable and unbearable and had affected the whole family.
- M & S Groundworks had submitted a noise and emissions document which was so flawed with falsehoods it should render the Environment Agency (EA) permit invalid.
- M & S Groundworks continually broke the terms of their permit.
- The residents in the local area were never consulted, which according to the Environmental Protection Group (EPG) regulation it was a requirement in order for the EA to issue a permit.
- Burnham Parish Council had no knowledge of the development until a week before the meeting.
- M & S Groundworks were spreading their operation into the parking area in Crown Lane which was now full of gravel and concrete dust waste.
- The M & S Groundworks entrance was shared with the garden centre where there were families and children; M & S Groundworks' employees often left their engines running for long periods polluting the air; they also left their engines running on the main site.
- The damage caused to Crown Lane and Farnham Lane was costly to maintain.
- The site was too small and impinged on people's legal rights to the enjoyment of their own home.
- The noise and dust levels were impacting on the health of the local residents.
- It was a cynical retrospective application and was the antithesis of what Green Belt was meant to be.
- The residents of Fox Cottage and Deepwood House were never informed.
- The Notice was placed in a location which was impossible to access.
- The residents of Farnham, Burnham and the Britwell estate cared about the Green Belt, the environment and their health and hoped the retrospective application was refused.

Members of the Committee raised and discussed the following points:

- In response to Ms Bennett's comment that Fox Cottage was only 40 metres away from the site and the report stated it was 50 metres; Ms Bennett clarified that some parts of the garden were 40 metres from the site.
- Ms Bennett confirmed that the young boy was statemented and that his condition/behaviour had severely worsened; several organisations had documented the issue. The noise levels carried on for eight hours a day.
- A Member of the Committee asked for clarification on where the application notice was sited. Ms Bennett stated that to view the notice, a person had to climb a six-foot grass verge; the notice was on a fence, on a corner where the lorries turned. It was not a road which people were able to walk along.
- A Member of the Committee stated that her understanding was that the Green Belt land should be open and queried whether the bunds would make it more or less open if they were three metres high with planting on top. Ms Bennett explained that the bunds were five to six metres high and did not mitigate the noise levels which were unbearable.

Councillor M Rolfe, Chair of the Planning Committee, Farnham Royal Parish Council highlighted the following key points:

- The site was currently operating without permission.
- There was no control over the type of waste being processed; silica dust, which was extremely damaging to people's health, and iron re-bars were being processed on site.
- There was no control over the height of the waste piles which should be no more than three metres. There were piles in excess of five metres.
- Dust pollution was a problem; water dampening measures were available on site but were not used often enough.
- The Fox Cottage and Deepwood House residents' issues raised by Ms Bennett were significant and residents should not be put in that situation.
- This type of proposal should definitely not be allowed on Green Belt; there were probably more appropriate sites in the county.
- Considerable damage was being caused to the roads which were not built for the size and frequency of the trucks and there did not appear to be any mandatory compensation to the County Council for the increased cost of repairing the roads.
- There was photographic evidence that the Crown Lane entrance was being used on occasions by vehicles entering the site.
- Crown Lane was not a suitable road for this type and size of vehicle; the trucks forced oncoming vehicles off the road. The holes on the side of the road had been in excess of one foot deep and had been extremely dangerous.
- The trucks were rarely covered; distributing dust to local schools and residents.
- The site was only 1,000 yards from four schools and playing fields.
- There was concern over the speed of the trucks and the volume of lorries, which could be up to ten an hour, despite the limit per day of 14 in and 14 out.
- There was inadequate environment health support.
- The view of the parish council was that the application should be declined.

Members of the Committee raised and discussed the following points:

- A Member of the Committee asked if there was any evidence of silica dust on the site. Councillor Rolfe stated that pictures on social media showed that the rubbish contained reinforcing iron bars. If buildings of a certain age were being destroyed the rubbish would contain silica and Councillor Rolfe did not see how the rubbish could be sorted.
- Councillor Rolfe confirmed that there was photographic evidence of the Crown Lane entrance being used.
- The Chairman asked Councillor Rolfe to explain the use from Crown Lane as there was no access for materials. Councillor Rolfe stated she was not sure how they accessed it from the back but added that Bishops had most of their entrance destroyed due to the volume of trucks; the damage was not due to the nursery or Bishops' business vehicles, it was due to the size of the construction works trucks using the entrance. The Chairman advised that M&S Groundworks kept their trucks in the compound, the entrance of which was past the Bishops nursery but there was no access for material waste.

The Chairman stated that Burnham Parish Council had authorised Councillor D Dhillon to speak on their behalf and invited him to provide his comments. Councillor Dhillon highlighted the following key points:

- The development was contrary, not only to South Bucks District Council's (SBDC) GB1 policy, but also policy CS20 (Green Belt), CS18 (Protection of Environmental

Assets of Local Importance).

- The report clearly said there was no evidence to justify the requirement for a recycling centre in the Green Belt.
- The operator's own view was that 70% of the waste material was from Buckinghamshire – where did the other 30% come from?
- Emerging Policy (EP) 4 (Landscaping) – the site was very close to Burnham Beeches; a SSSI. The turbulence to the ground had disturbed the water table.
- TR5 – Fox Cottage – the officer had measured the distance from the entrance of the site; the crushing took place at the rear of the site where Fox Cottage was very close to the site. The family swimming pool was unusable due to the dust and noise which was unbearable.
- Slough Borough Council was extremely concerned and had requested a contribution of £80,000 towards the mitigation of the air quality and had requested Section 106 funding towards the maintenance of the roads.
- It was possible to see the expansion of the site from Bishops nursery; already lorries and waste material stored on the nursery site.
- Councillor Dhillon had seen the height of the bunds, the lorries entering from Crown Lane and stated the site was getting out of hand and was an inappropriate site.
- Councillor Dhillon requested the Committee to follow the officer's recommendation and stated he would like to see a quick enforcement order to stop the work immediately. If the decision were to go to appeal Councillor Dhillon stated that no work should take place on the site until the appeal was heard.

Members of the Committee raised and discussed the following points:

- A Member of the Committee stated that she strongly objected to retrospective planning applications because she felt if the work was legitimate the people concerned would have applied for planning permission. She advised she would need to be convinced that there was a reason for the site to be there. Burnham Beeches was a SSSI and there was no evidence of M & S Groundworks using water spraying equipment to mitigate the dust levels. The state of the environment was important for the health of the trees as well as the residents of the local area. Councillor Dhillon confirmed there were no sprinklers and no facilities to wash the vehicles' tyres. The site was so small that the lorries were unable to turn and reversed into the site and then left their engines running creating more pollution in the environment.
- The Chairman emphasised that the Committee needed to consider the terms of the planning application as opposed to the current running of the site. The Chairman stated that there were plans for dust mitigation in the proposal. Councillor Dhillon advised that the mitigation measures proposed would not make any difference as the site was so small; it would not matter how high the trees or screening were or how much water was sprinkled, the cloud of dust would not be controlled. It was not just the dust and noise but also the vibration which could be felt on Crown Lane. The Chairman reiterated that the Committee needed to assess the planning application as it was proposed, not as the situation was currently.
- A Member of the Committee asked if Councillor Dhillon was able to provide any further information on the disturbance to the water table. Councillor Dhillon stated that some properties in the area and in Burnham Beeches had seen a difference in the water level of their ponds; he believed that the EA were investigating a property near Burnham Beeches.
- A Member of the Committee questioned whether the entrance along Farnham Lane, off the A355, had been judged to be a safe entrance for the 14 HGVs travelling along Farnham Lane. Councillor Dhillon stated that Slough Borough

Council's objection was detailed in the report. Councillor Dhillon stated that the applicant had already proved he had no respect for any conditions and that it was unfortunate that the Committee did not have an opportunity to visit the site. However, the Chairman clarified that he had visited the site and explained that he saw a compound where the haulage trucks were kept but he did not see any waste material coming from that site.

- A Member of the Committee expressed concern regarding congestion due to the number of HGVs travelling on the A355 and safety issues regarding the school in Crown Lane and Britwell. Councillor Dhillon stated it was a very dangerous road and added that there was a Burnham Parish Council 'A355 Committee' regarding movement of the lorries onto the A355. Farnham Lane was narrow with no footpaths on either side and there had been a few incidents; it was a dangerous junction.

Ms A Crooks spoke in support of the applicant and highlighted the following points:

- The applicant had worked positively and proactively with Buckinghamshire County Council and had provided additional information where required.
- The applicant was disappointed with the officer's recommendation and it was his opinion that there were special circumstances. It seemed the underlying disagreement is about where waste should be managed in relation to where it was generated.
- M & S Groundworks was a small company based in South Buckinghamshire; the majority of their customers were within South Bucks with the remaining being in the southern parts of High Wycombe and Chiltern Districts and Slough.
- M & S Groundworks made a local contribution to managing construction waste generated in the southern part of the county.
- Previously, the site had been redundant land with stockpiles of materials and machinery; whilst this might not fall into the definition of previously developed land, it confirmed the site had not been an open green field for many years.
- The case for 'very special circumstances' included the county's need for new facilities for managing waste and diverting waste from landfill, increasing the use of recycled aggregates and the fact that there were no suitable alternative sites.
- There was a shortfall of waste processing capacity of 410,000 tonnes per year throughout the plan period.
- The applicant had searched for alternative sites outside of the Green Belt. Paragraph 70 of the report inferred the applicant had discounted the sites as the distance was too far but this was not correct. The applicant had looked at a range of criteria such as the surrounding land use, access, the type of land where units were marketed and land use allocations such as mixed residential. The distance to the source of the waste was a key factor. Ms Crooks was surprised that the north of Buckinghamshire was considered to be close enough to the south to allow the Green Belt to be continued indefinitely because this did not follow the proximity principle or reflect true operational viability. If all the customers were based in the southern half of the county why would any operator transfer the waste over 50 miles to a site in the north of the county? The waste was heavy; fuel costs would be significant; there would be increased carbon emissions, congestion and driving time rules and from an operational point it would not work.
- The applicant felt the application should be supported for the following reasons:
  - M & S Groundworks was an established company and would continue to make a contribution to the Council's shortfall in capacity.
  - M & S Groundworks was achieving 100% diversion from landfill.
  - The company had invested in new plant and machinery which was

- compliant with modern air quality standards.
- There was no other harm mentioned in the officer's report. Ms Crooks acknowledged the change regarding noise levels mentioned by Ms Kelham and added that as part of the Environment Agency permit application M & S Groundworks had provided a Noise Management Plan and a Dust Management Plan, both of which had to be approved by the Agency before the permit was issued.
- Ms Crooks summarised that there were no alternative sites within the catchment area and locating a facility outside the area would make it unsustainable and asked Members to consider the point on proximity.

Members of the Committee raised and discussed the following points:

- The Chairman asked Ms Crooks how many other sites had been assessed and the primary reasons for discarding the sites. Ms Crooks stated that they had used local planners as a starting point to look at areas of focus such as High Wycombe, Aylesbury and Buckingham. There was a list of approximately 20 primary and secondary sites. A second list was then created for each area. The local plan was consulted to find the identified employment areas. Planning constraints were considered i.e. if they were in a Green Belt area they were disregarded. The size, access, land-use allocations and distance from the market area were assessed. Aylesbury was in a central location but would mean the waste would be moved 30 miles; a site in Buckingham would involve a 50 mile journey.
- The Chairman asked if any of the potential sites had been visited as he stated it sounded like the preferred areas of Aylesbury, High Wycombe and Buckingham were ruled out from their point of view. Ms Crooks stated that the sites would have been looked at in more detail after the 'sieve'. The applicant realised there were conflicts being generated where new housing was being built in close proximity; there was also a drive to build industrial estates for warehouse and distribution facilities; M & S Groundworks did not need that size of facility. There was also the affordability factor to consider.
- The Chairman summarised that one of the factors which ruled out a possible site was if it was in Green Belt and questioned why M & S Groundworks felt their current site was appropriate as it was in a Green Belt area. Ms Crooks acknowledged that to move from one Green Belt site to another Green Belt site would not make sense. This site was not previously developed land; aerial photographs showed there was some activity on it. M & S Groundworks did not see the site as a green field and that was how this had ended up as a retrospective planning application.
- A Member of the Committee raised the point that Ms Crooks had said there was a shortfall of 410,000 metric tonnes per year throughout the plan and asked Ms Crooks how many metric tonnes would be processed by M & S Groundworks if it was operating at full capacity. Ms Crooks stated that the total would be 75,000 metric tonnes.
- A Member of the Committee asked if the applicant had considered sites in other areas close to Buckinghamshire and whether the cost of other potential sites was a factor. Ms Crooks replied that M & S Groundworks had looked at sites in Slough and other areas within a 10-15 mile catchment. M & S Groundworks had a contractors' yard at Crown Lane nurseries and had been operating in the South Bucks area taking waste to a landfill site in Denham. Ms Crooks acknowledged that cost was a factor as running trucks was expensive and it would be too much to transfer waste 50 miles; the market area was defined by a 10-15 mile catchment.



- Ms Crooks was asked how many sites were visited within the 10-15 mile catchment area. Ms Crooks stated they had been to Denham, Beaconsfield, Aylesbury, Slough, Iver and sites around the M25. Ms Crooks added that there was also the balance of self-sufficiency and that waste did not confine itself to boundaries but there was also a policy drive for local areas to be responsible for the waste they generated.
- A Member of the Committee mentioned that the site was close to a SSSI and asked what the viable number of metric tonnes was for a site to be considered. If M & S Groundworks' full capacity was 75,000 metric tonnes, when did it not become a viable site in terms of volume? Ms Crooks explained that M & S Groundworks had five or six lorries and sending waste to landfill incurred a cost so the waste needed to be managed and recycled. 75,000 metric tonnes was the maximum capacity but it may only be 50,000.
- A Member of the Committee asked if the impact to the residents of Fox Cottage and the people visiting the garden centre had been taken into account. Ms Crooks stated that a noise assessment had been carried out. The Noise Management Plan was approved by the Environment Agency prior to the issue of the permit and all the nearest receptors were considered.
- In response to a question from a Member of the Committee on what the current operational capacity was; Ms Crooks stated she did not know the exact amount but said that if each lorry was carrying 15-20 tonnes there could be 200 tonnes a day.
- A Member of the Committee queried whether M & S Groundworks' business plan included the construction waste that would be generated in the South Bucks area as a result of the Local Plan and the housing growth demands. Ms Crooks stated that M & S Groundworks had an existing customer base but could not say how they carried out their business planning. However, enough waste was being produced and there was a large amount of development being carried out in the area to generate the waste.
- The Member stated she assumed the amount of construction waste would increase. Ms Crook advised that the EA permit application included an operational plan to demonstrate that the material management was correct and that waste coming in was being processed and removed from the site as the EA did not want to see the site filling up with waste as that was where issues could arise. In terms of capacity the site was under the control of the EA and could not process more than 75,000 tonnes.
- In response to a question from a Member of the Committee on where the construction waste came from, Ms Crooks stated that 72% came from Bucks, 25% from Slough and Maidenhead and 3% from Hertfordshire.

The Chairman asked Members if there were any questions for the officers.

Members of the Committee raised and discussed the following points:

- The Chairman commented that currently there was inadequate dust mitigation although he understood more was planned. Ms Kelham stated she had visited the site and agreed there was not much dust mitigation currently happening. When M & S Groundworks were processing waste as part of their permit for processing, they must dampen down material but that was aside from the planning application. BCC had requested the operator sheet their vehicles. Ms Kelham stated that she was disappointed to hear that the vehicles had not been sheeted; however she, personally, had not seen any un-sheeted vehicles but acknowledged that she did not live in the area and had not observed every vehicle going in and out of the site. It was proposed, that as part of the application, more dust suppression would be carried out and that may include

dust sprayers around the outside of the site and dust mitigation measures inside the site to prevent the dust becoming airborne. The Chairman summarised that M & S Groundworks had provided information regarding the environmental permit and, as mentioned in the report, should planning permission be granted, it would be subject to a condition for a dust management plan to be submitted to the County Council.

- A Member of the Committee stated she did not understand why there were special circumstances for using the Green Belt and felt there must be other sites that could be used; it seemed to be a viable option for the company. The applicant's agent did accept that it was not a previously developed site, although there was activity. The site just happened to be nearby to where they normally kept their lorries so, from a cost point of view, it worked for the company. The applicant had not demonstrated a special circumstance; it was a Green Belt area and the bunds prevented any 'openness'.
- A Member of the Committee raised the point that people had to climb a fence to read the notice and asked if the notice was placed anywhere else. Ms Kelham advised that a notice was also placed on the gate to M & S Groundworks. The officer who put up the notices would not have put herself in danger and Ms Kelham confirmed that BCC had carried out what they were required to do.
- In response to a query on the legal situation for the family with the stated child who was unable to enjoy their property and the garden; Ms Kelham stated that noise and dust were material planning considerations and looked at public benefits and harm rather than personal circumstances. Ms M Rajaratnam, Assistant Team Leader, Planning and Regeneration, Harrow and Barnett Law, confirmed it was the public harm and the impact on the neighbouring property that would be considered; not the special needs of the occupants.
- The Chairman stressed that the site was clearly in the Green Belt, and the applicant's agent had accepted that the first priority for an alternative site was that it would be not in the Green Belt and that the case be made that it could be an exception because they had looked at other sites but nothing was suitable and there was a need for a facility. The Chairman questioned why proximity should be considered because whilst it was important for the applicant, in terms of County Waste Management, it did not hold any weight towards making a decision. The Chairman asked Ms Kelham for her understanding on the position of the site. Ms Kelham stated that BCC did support waste being managed close to its source for sustainability reasons and to reduce mileage. Alternative sites should be considered on an 'equal plane' rather than an alternative to the site that had already been chosen. BCC appreciated that the applicant already had an operational base in close proximity but that site was not part of the planning application and so the personal circumstance of the applicant did not hold the extra weight in the planning balance.
- The Chairman stated he would be assessing this application on the basis that if another waste management company was looking for a site and did not have a historical basis/bias at the existing location and were assessing it on a clean sheet of paper. Ms Kelham confirmed that the planning application was retrospective and that fact did not count in favour or against the application.
- A Member of the Committee asked that if planning permission were to be granted, what were the regulations and would the waste be monitored. Ms Kelham stated it was not a question she could answer as BCC was not the authority that had the control and inspection powers for the waste entering and leaving the site; that was monitored by the EA. However, Ms Kelham was able to confirm that all waste must be ticketed and a waste transfer note would enable the waste to be tracked.
- In response to a query on whether mitigation towards road damage would be awarded if the planning application was accepted; Ms Kelham confirmed that the a damage contribution would have to meet the tests of planning obligations. It

would need to be proportionate to the application and would have to be sought via a Section 106 agreement.

- A Member of the Committee commented that Slough BC had thought there was an air quality issue and had requested a contribution of £80,000 towards the mitigation of the air quality. Ms Kelham advised that the financial contribution requested from Slough BC was not considered to meet the test of planning conditions and obligations.
- The Chairman stated he could not see how there were 'special circumstances' to use Green Belt land in this situation and that he was not convinced that there were no other suitable alternative sites.
- A Member of the Committee asked how quickly work would stop if the planning application was refused. Mr M Pugh, Enforcement Officer, BCC, advised that if the Committee were minded to refuse the application, it would not automatically infer formal action to be taken. BCC would open negotiations for a voluntary remedy.
- A Member of the Committee asked that if the Committee were to agree to the officer's recommendation for refusal, who would have to put the land back to its original state. Mr Pugh stated that if formal action were taken then the responsibility for compliance with that notice would be a combination of the operator/applicant and the landowner. However, the entirety of the removal steps to restore the land to its former condition would be the landowner's responsibility.
- There was one further question regarding the noise issue which was mentioned at the beginning of the meeting and whether it would require further mitigation. Ms Kelham reiterated that she had received additional information from the Environmental Health Officer which had led BCC to reconsider the impact of the noise at the development. However, it had not changed the recommendation. Should the Committee be minded to approve the application BCC would recommend that it was deferred back to the Planning Committee once additional noise information was known. If the Committee was minded to refuse the application then Ms Kelham would not consider it reasonable to request the applicant to provide further information.

Ms Gibbs stated she proposed the Committee agreed with the officer's recommendation to refuse the planning application as the site was not previously developed land, as acknowledged by the agent, and that there was not sufficient special circumstance to release the site from the Green Belt. Ms Glover seconded Ms Gibb's proposal. The Committee voted unanimously to agree to the officer's recommendation.

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|------------|---|
| For        | 4 |
| Against    | 0 |
| Abstention | 0 |

**RESOLVED: The Committee unanimously REFUSED application number CM/0085/18 as the proposed development was not previously developed land and there was insufficient special circumstance to release the site from the Green Belt.**

**5 DATE OF NEXT MEETING**

Monday 1 July 2019 at 10.00 am in Mezzanine room 1 and 2, County Hall, Aylesbury.

**6 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.**

**7 CONFIDENTIAL MINUTES**

**8 ENFORCEMENT REPORT**

**CHAIRMAN**