

Agenda

DEVELOPMENT CONTROL COMMITTEE

Date: Monday 1 July 2019
Time: 10.30 am
Venue: Mezzanine Rooms 1 & 2, County Hall,
Aylesbury

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

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4	MINUTES The minutes of the meeting of the Committee held on 20 May 2019 to be confirmed as a correct record.	5 - 16
5	CC/0013/19 - APPLICATION FOR DEMOLITION OF AN EXISTING DEFUNCT SINGLE-STOREY DINING HALL IN POOR CONDITION AND ITS REPLACEMENT WITH A TWO-STOREY AND A SINGLE-STOREY CLASSROOM EXTENSION OF THE EXISTING SCIENCE BLOCK	17 - 36
6	CM/0068/18 - APPLICATION FOR RE-CONTOURING OF AGRICULTURAL LAND USING INERT WASTE USE - LAND TO THE NORTH EAST OF PARK HILL FARM, BLETCHLEY ROAD, LITTLE HORWOOD, MK17 0NT	37 - 52
7	CM/0018/19 - USE OF YARD AND BUILDING FOR WASTE TRANSFER AND WASTE PROCESSING WITH ANCILLARY STORAGE OF WASTE MATERIALS, SKIPS, OPERATOR CAR PARKING AND WELFARE FACILITIES - UNIT 25, OLD AIRFIELD INDUSTRIAL ESTATE, CHEDDINGTON LANE, MARSWORTH, BUCKINGHAMSHIRE, HP23 4QR	53 - 70
8	CM/0017/19 - USE OF THE LAND FOR WASTE STORAGE AND TREATMENT - UNIT 25B, OLD AIRFIELD INDUSTRIAL ESTATE, CHEDDINGTON LANE, MARSWORTH, BUCKINGHAMSHIRE, HP23 4QR	71 - 88
9	DATE OF NEXT MEETING Monday 2 September 2019 at 10.00 am.	
10	EXCLUSION OF THE PRESS AND PUBLIC To resolve to exclude the press and public as the following item is exempt by virtue of Paragraph 1 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information relating to an individual	
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Members

Ms J Blake	Ms N Glover
Mr N Brown	Mr R Khan
Mr C Clare	Mr D Shakespeare OBE
Mrs B Gibbs	Mrs J Teesdale

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Minutes

DEVELOPMENT CONTROL COMMITTEE

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 bower 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.

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

Buckinghamshire County Council

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Committee Report: 1st July 2019

Application Number:	CC/0013/19
Title:	Application for demolition of an existing defunct single-storey Dining Hall in poor condition and its replacement with a two-storey and a single-storey classroom extension of the existing Science Block.
Site Location:	The Amersham School Stanley Hill Amersham
Applicant:	Buckinghamshire County Council
Case Officer:	David Periam
Electoral divisions affected & Local Member:	Little Chalfont and Amersham Common, Martin Tett
Valid Date:	13 th March 2019
Statutory Determination Date:	12 th June 2019
Extension of Time Agreement:	3 rd July 2019

Summary Recommendation(s):

A. The Development Control Committee is invited to INDICATE SUPPORT for application no. CC/0013/19 for proposed demolition of an existing defunct single-storey Dining Hall in poor condition and its replacement with a two-storey and a single-storey classroom extension of the existing Science Block at The Amersham School, Stanley Hill, Amersham, Buckinghamshire;

B. RESOLVE that the application be forwarded to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009;

C. That in the event of the Secretary of State not intervening, the Planning Manager be authorised to APPROVE application no. CC/0013/19 for proposed demolition of an existing defunct single-storey Dining Hall in poor condition and its replacement with a two-storey and a single-storey classroom extension of the existing Science Block at The Amersham School, Stanley Hill, Amersham, Buckinghamshire subject to the conditions set out in Appendix 1.



Introduction

1. The application seeks planning permission for demolition of an existing building and new and replacement buildings at the Amersham School in response to the Council's statutory requirement to provide school places. Amersham school needs to expand to accommodate an increase in pupils as a result of local housing development. The school intends to expand from five forms of entry to six along with an increase in staff from 73 to 83 FTE employees. In addition the science block is being extend to accommodate growth in demand and make it fit for purpose for teaching the current curriculum.
2. The application was submitted to the County Council and subsequently validated on 13th March 2019. The development was screened under the Town and Country Planning (Environmental Impact Assessment Regulations) 2017. It was considered the proposed development was not EIA development and so no EIA was considered to be required. The application was advertised by site notice and neighbourhood notification. The thirteen-week determination date was 12th June 2019 and an extension of time for determination was agreed until 3rd July 2019.

Site Description

3. Amersham School is situated on the east side of the A404 Stanley Hill on the southeast outskirts of Amersham town (see Figure 1). The entire school site lies within the Green Belt and the southern boundary of the site borders agricultural land with views towards the Chilterns Area of Outstanding Natural Beauty (AONB). Other than the school's caretaker's house within the school site, the nearest residential properties are those located on Stanley Hill approximately 120 metres from the nearest new building and 30 metres from the reconfigured entrance and car park. Amersham and Wycombe College lies to the north-east of the school.

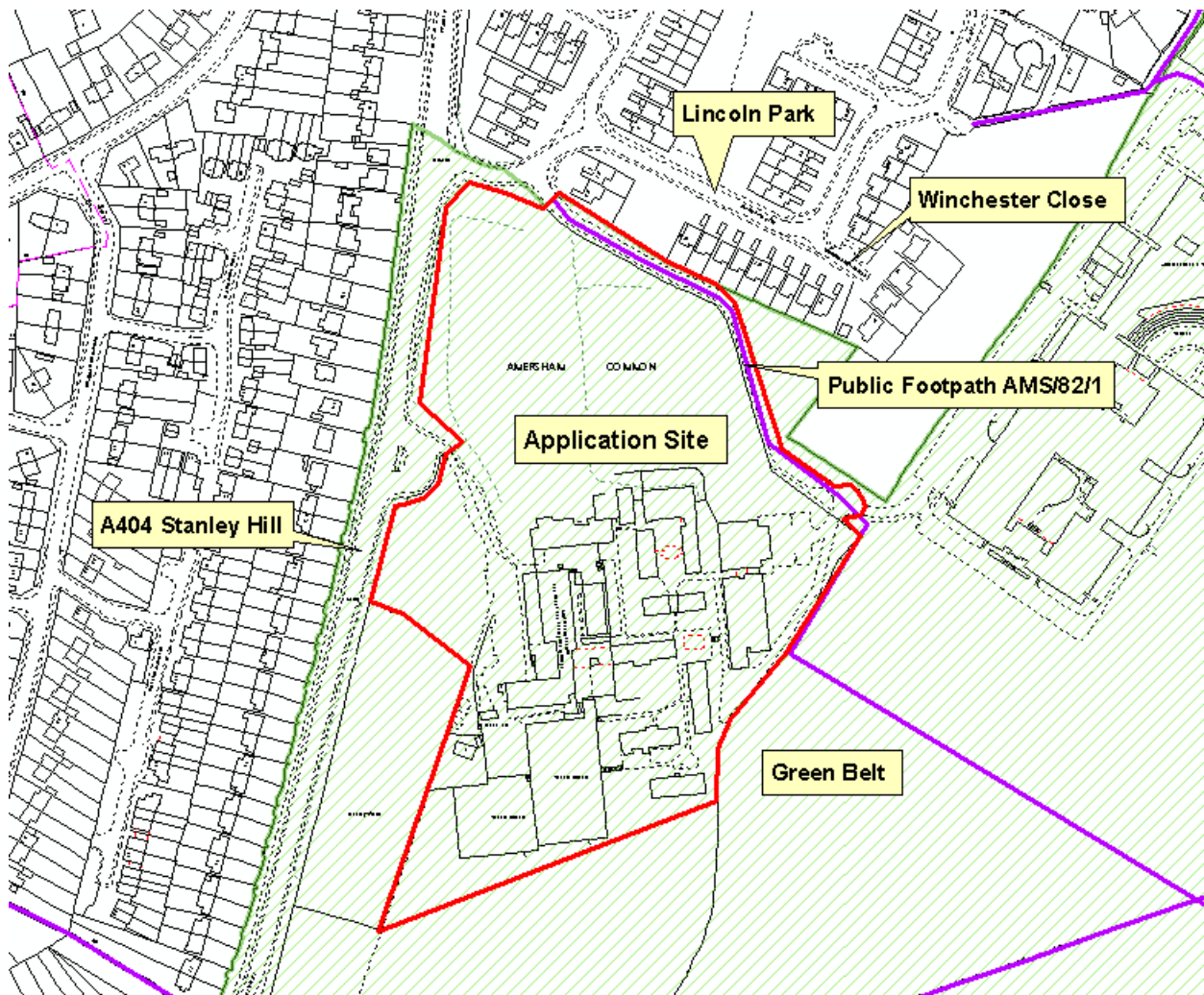


Figure 1: Location of Amersham School and the application site, which is accessed off Stanley Hill in Amersham (Copyright: Buckinghamshire County Council, 2019).

Site History

4. Planning history relevant to the application site is summarised in the following table:

Planning Application no.	Proposal	Decision	Date
CC/03/01	Proposed renewal of temporary consent for double temporary classroom unit No. 484	Approved	17/04/2001
CC/49/03	Proposed detached single storey library block and additional single storey 2 laboratory extension to	Approved	25/02/2004

	the existing science block with associated landscaping		
CC/17/04	Conversion of existing hard paved tennis courts into a floodlit multi-use games area (MUGA).	Approved	29/07/2004
CC/25/04	Renewal of temporary planning permission for classroom No. 484	Approved	01/07/2004
CC/27/07	Proposed renewal of planning consent for retention of existing double temporary classroom unit numbered 484	Approved	06/11/2007
CC/13/09	Proposed replacement of the existing adult learning centre with a new single storey building	Approved	24/09/2009
CC/11/10	Proposed replacement of the existing adult learning centre with a new single storey building	Approved	16/10/2009
CC/24/12	Proposed new classroom building to replace temporary classrooms with associated external works	Approved	22/01/2013

Description of the Proposed Development

5. The application seeks planning permission for the demolition of an existing single storey block which serves as a dining room and part demolition of the existing lobby (existing combined gross floorspace = 421 m²). Both of these are in the western part of the site on ground raised above the existing access and car parking area. These would be replaced by a two-storey building on a slightly larger footprint providing 1394 m² of gross new floor space and an improved and slightly enlarged reception area providing 52 m² of gross new floor space. An extension to the existing science block towards the western side of the school is also proposed providing 125 m² gross new floorspace. Two canopies would be provide to the new two-storey building covering a total of 83 m². There would also be the construction of a new car park extending into a grassed area towards the frontage of the school to Stanley Hill. This would have 15 new spaces (total = 104) plus one additional disabled bay and mini-bus bay, rearrangement of the access/egress road and construction of 18 drop-off bays and widening of the access road. It will introduce approximately 1,650 m² of additional hard area. Some additional fencing would also be provided including three metres high twin wire mesh fences to the netball courts. Additional lighting would be provided to the re-arranged car park and also the temporary parking facilities provided whilst the construction works are in progress. The temporary parking area is indicated to be on the playing field to the north of the existing sports hall. 37 additional cycle parking spaces would be provided.
6. The proposed buildings would be of a brick reflective of the site's location close to the Chilterns AONB. Roofs, doors and windows would be of wood and aluminium construction with glazing. The buildings are designed for minimal use of heating, lighting and power and so energy and so as to minimise heat loss with natural ventilation systems to be used. The proposed two-storey building would have a chair lift and platform lift. The height of the two-storey building would be 9.8 metres, the height of the science block would be 4.3 metres and the height of the reception area would be 3.8 metres.
7. There would be the loss of some trees but replacement tree and shrub planting is proposed. The new dining hall and reception would utilise the existing surface water drainage system which ultimately discharges to Stanley Hill, the new Science Block would discharge to a new deep bore soakaway, the new parking areas would utilise Type A permeable paving, infiltrating directly to the ground and the new access road would utilise a new drainage channel discharging directly to the Surface Water sewer in Stanley Hill. However should further infiltration tests show the infiltration in the car park would not be feasible, the surface water runoff from the new car park and access road will be the surface water runoff would be attenuated in a granular storage or a cellular crate storage under the car park prior to discharge.
8. The school currently has 855 places with 200 being sixth form and 10 special educational needs. In response to anticipated future housing development, the school intends to expand from five forms of entry to six with an overall increase of 180 pupils

including 30 sixth form. Along with this increase in pupils, the number of full-time equivalent staff would be expected to increase from 73 to 83 employees.



Planning Policy and Other Documents

9. 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.
10. The development plan for this area comprises of:
 - Core Strategy for Chiltern District 2011 (CSCD)
 - Saved policies of the Chiltern District Local Plan (CDLP)
11. In addition, I consider the following documents are relevant for the determination of the application:
 - National Planning Policy Framework (NPPF)
 - Biodiversity and geological conservation: Circular 06/2005

- The draft Chiltern and South Bucks Local Plan 2036 (CSBLP) which is currently out to public consultation and therefore carries limited weight at this time. The following policies are considered relevant to the proposed development:

Core Strategy for Chiltern District Local Plan (CSCD)

- CS1 (The Spatial Strategy)
- CS2 (Amount and distribution of residential development)
- CS3 (Amount and distribution of non-residential development)
- CS4 (Ensuring that development is sustainable)
- CS20 (Design and Environmental Quality)
- CS22 (Chilterns AONB)
- CS25 (Transport)
- CS26 (Requirements for New Development)

Saved Policies of the Chiltern District Local Plan (CDLP)

- GC1 (Design of New Development)
- GC3 (Protection of Amenities)
- GC4 (Landscaping)
- GB1 (Extent of the Green Belt)
- GB2 (Development in the Green Belt)
- GB30 (Rural Landscape in the Green Belt)
- LSQ1 (Chilterns AONB)
- TR2 (Highway Aspects)
- TR11 (Provision of Off-Street Car Parking)
- TR16 (Parking & Manoeuvring Standards)

Draft Chiltern and South Bucks Local Plan 2036 (CSBLP)

- DM DP1 (Design)
- DM CP3 (Car parking standards)
- DM NP1 (Chilterns AONB)
- DM NP5 (Trees)
- DM NP8 (Flood protection and SUDS)
- DM NP9 (Amenity)
- SP PP1 (Green Belt)
- DM PP2 (Replacement of a building in the Green Belt)
- DM PP3 (Green Belt previously developed land)

Consultation Responses

12. **Chiltern District Council** objects on the following grounds:

Although the proposed extensions would be sited within the built envelope of this existing educational site within the Green Belt, the proposed extensions are

unnecessarily bulky and, as such, unnecessarily obtrusive as viewed from Stanley Hill and from the open Green Belt land to the south. Consequently, the proposal would adversely affect the visual amenities of this part of the Green Belt, contrary to the provisions of the NPPF and policies GB1 and GB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policies CS1 and CS2 of the Core Strategy for Chiltern District (adopted November 2011).

13. **The local member, Mr Tett** has no objection to the application.
14. The **Landscape advisor's** comments, amended following the receipt of further information, are as follows:
 - i. Revision of submitted information is appropriate to address the following matters:

Clarification is required on trees to be retained and removed.

The arboricultural survey should be updated to include all trees potentially affected by the development and to remove an erroneous reference.
 - ii. Subject to satisfactory resolution of the above there would appear to be no basis for objection on the grounds of long term significant adverse landscape and/or visual effects.
 - iii. The proposals would introduce permanent structures within the Green Belt and in close proximity to the Chilterns Area of Outstanding Natural Beauty (AONB). This should be a material consideration in the determination of the application.
 - iv. In the event that planning permission is granted it would be appropriate to require the submission and agreement of the following pre-determination, or by conditions requiring agreement pre-commencement:
 - Detailed planting proposal and specification stating species size at time of planting; spacing/densities; total plant numbers; planting protection/fencing.
 - Detailed proposals for all grassed areas including seed mixes and sowing rates.
 - Design and long-term management objectives for existing and new landscape areas; an establishment management and maintenance programme for a minimum five years of aftercare for all new planting; and during the first five years of the programme, the
 - replacement of all failed new planting (irrespective of cause) in the planting season immediately following failure.
 - v. Detailed proposals for frontage fencing (currently post and rail) should be the subject of a planning condition.
15. The **County's Arboricultural advisor's** comments are as follows:
 - i. It is recommended that an Arboricultural Method Statement is provided together with a tree protection plan.

ii. To clarify the extent of tree removals it is considered prudent to include tree removal information with the tree protection plan.

iii. The tree protection plan should demonstrate how all retained trees (both on-site and off-site) including those in Stanley Wood, which are at risk of damage, are to be protected during the proposed development works and the alignment of protective fencing.

iv. The Arboricultural Survey Report sections 3 and 4.3 provide suitable generic guidance that should be followed by the applicant when producing a suitable Arboricultural Method Statement for the site.

v. In line with BS5837:2012 Trees in relation to design, demolition and construction it is recommended that an Arboricultural Method Statement is provided as a planning condition to include a schedule of works and appropriate working methods within identified root protection areas.

vi. Clarification is required on the location/description of one tree to be removed.

16. The **County's Ecologist** has no objection to the application subject to the following conditions:

Condition 1

Measures for the mitigation of the impact on protected species and other ecological features of interest shall be implemented in accordance with the details set out in the *Preliminary Ecological Appraisal and Preliminary Roost Assessment Report* (Bernwood ECS Ltd, February 2019).

Reason: To ensure that protected species are safeguarded at all phases of development and to ensure a net gain for biodiversity in accordance with National planning policy1.

Condition 2

Prior to any works being undertaken at the site a sensitive lighting design strategy shall be submitted to and approved in writing by the County Planning Authority. The strategy shall:

- Identify those areas/features on site that are likely to be sensitive for bats including areas adjacent to Stanley Wood.
- Detail how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that impacts on bats will be avoided.
- The sensitive lighting strategy must align with recommendations provided in current guidance on bats and lighting.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To minimise disturbance to nocturnal wildlife including bats.

17. The **County's Flood Management Team** objects to the application due to concerns with the viability of the proposed surface water drainage scheme with regard to the proposed deep bore soakaway to the proposed science block, the permeability of the proposed surfacing of the new car park and the additional surface water runoff from the widened access road.
18. The **School Travel Plan team** has no objection to the proposed development subject to a condition requiring that the existing School Travel Plan be submitted for approval prior to the occupation of the development and that it is reviewed annually.
19. **Thames Water** has no objection to the application.
20. **Highways Development Management** comments awaited.

Representations

21. No representations have been received from members of the public.

Discussion

22. The Communities and Local Government (CLG) letter to the Chief Planning Officers dated 15th August 2011 set out the Government's commitment to support the development of state funded schools and their delivery through the planning system. The policy statement states that:

"The creation and development of state funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations." State funded schools include Academies and free schools as well as local authority maintained schools.

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

- There should be a presumption in favour of the development of state-funded schools;
- Local Authorities should give full and thorough consideration to the importance of enabling the development of state funded schools in their planning decisions; Local Authorities should make full use of their planning powers to support state-funded schools applications;
- Local Authorities should only impose conditions that clearly and demonstrably meet the tests as set out in Circular 11/95;
- Local Authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible;
- A refusal of any application for a state-funded school or the imposition of conditions, will have to be clearly justified by the Local Planning Authority.

This has been endorsed as part of the National Planning Policy Framework.

23. NPPF Paragraph 94 states that LPAs should take a proactive, positive and collaborative approach to ensure a sufficient choice of school places is available; they should give great weight to the need to expand or alter schools and work with school promoters to identify and resolve key planning issues prior to submission of applications.
24. I consider that the main issues to be considered are the site's location in the Green Belt and the need for the development, design and the setting of the Chilterns AONB, landscape and arboricultural impacts, amenity impacts, highway impacts and the surface water drainage proposals.

Green Belt and the need for the development

25. CDLP policies GB1 and GB2 define and seek to protect the Green Belt in Chiltern District. CSCD policy C1 sets the spatial strategy for the District which is to in part protect the Green Belt by focusing development in areas not so designated. CSCD Policy CS2, whilst not directly relevant to this development, sets out the number of residential dwellings to be accommodated over the plan period to 2026, which is a combined figure for Amersham with Chesham, Little Chalfont and Chalfont St Peter of 1,685 to 1,935. CSCD policy CS3 sets out the non-residential development to be accommodated but makes no specific provision for new educational facilities. CSBLP policy SP PP1 states that planning permission will not be granted unless very special circumstances have been demonstrated or specific other policies are accorded with. One of these is policy DM PP2 which allows for the replacement of a building which is similar in scale and footprint to that which it replaces and another is DM PP3 which allows for development on previously developed land in the Green Belt which would not result in a greater impact on the openness of the Green Belt subject to massing and siting, the maintenance of important views and no material change in the ratio of built development to open space.
26. In accordance with relevant Green Belt policies and the NPPF, the proposed development would be, by definition, inappropriate development in the Green Belt as it does not fall within one of the exceptions identified in those development plan policies. The purpose of Green Belt policy, as set out in paragraph 133 of the NPPF, is to prevent urban sprawl by keeping land permanently open. However, Amersham School is a long established educational establishment that has been a constant feature within this land designated as Green Belt. Furthermore, the school site represents the boundary of the Metropolitan Green Belt within Amersham (see Figure 1). It is considered that the proposed development has been sensitively designed to remain within the existing overall built footprint of the school site and the largest element is essentially a replacement building on a very similar footprint, albeit two storeys. I note Chiltern District Council's concerns however, the proposed built development does not extend substantially beyond the absolute limits of existing built development at the school and is set within the context of the existing school buildings. Furthermore, measures have been proposed in the application to mitigate the impact of the proposed development by increasing landscape planting, the upkeep of which can be secured by condition. I do not consider in this context that it would adversely affect the

visual amenities of this part of the Green Belt and arguably it is in accordance with the aims of CSBLP policies DM PP2 and DM PP3.

27. Nevertheless, given that the proposed development does not meet the relevant exception tests set out in policy GB2 of the CDLP, planning permission should therefore only be granted in very special circumstances. The applicant states that there is a need for the County Council as education authority to plan for additional school place demand in the Amersham area given the anticipated additional residential development to be accommodated. The Amersham School is one of three state secondary schools in the Amersham/Little Chalfont area and the only one which provides for those who do not pass the 11+ examination. Furthermore, mindful of the guidance set out in the Chief Planning Officer's Letter dated 15th August 2011 and the NPPF set out above, it is considered that very special circumstances to allow inappropriate development in the Green Belt have been demonstrated in this instance to warrant an exception to policies C1 and GB2 of the CDLP, CSCD policy CS3 and in accordance with CSBLP policy SP PP1.

Design and the Chilterns AONB

28. Policies GC1 of the CDLP and CS20 of the CSCD seek to see a high standard of design and this is also reflected in CSBLP policy DM DP1. Policies LSQ1 of the CDLP and CS22 of the CSCD seek to protect the Chilterns AONB and its setting. CSBLP policy DM NP1 makes similar provision. In terms of design, the proposed development has taken account of the sensitivity of the site's location, including the setting of the Chilterns AONB and Green Belt designation, by proposing the use of suitable brickwork. Furthermore, in terms of scale and massing, the proposed development would not result in any built element which would significantly exceed the height of the existing two-storey school buildings, particularly taking into account the topography of the site which slopes in an east to west direction. Whilst visible from the Chilterns AONB, the Council's Landscape Advisor has not objected to the application. The proposed development is considered to be in compliance with policies GC1 & LSQ1 of the CDLP, policies CS20 & CS22 of the CSCD and CSBLP policies DM DP1 and DM NP1.

Landscape impact

29. CDLP policies GC4 and GB30 taken together seek to protect the landscape including existing trees and hedgerows. CSBLP policy DM NP5 makes similar provision. Given the proximity of the Chilterns AONB and the need to have regard to its setting, the proposed development has incorporated measures to screen the new built and Development. Furthermore, to offset the loss of some trees and to screen the views into the site of the development, the application also proposes additional planting which would be subject to long term management. Therefore, subject to the inclusion of appropriate conditions requiring the submission, approval and implementation of an arboricultural method statement and tree protection plan to ensure existing trees to be retained are protected and additional tree planting and grass seeding measures, the proposed development is considered to be in compliance with policies GC4 and GB30 of the CDLP and CSBLP policy DM NP5.

Amenity Impact

30. CDLP policy GC3 seeks to protect the amenities of existing neighbours. CSBLP policy DM NP9 seeks to protect residential amenity from noise and light pollution. Given that the site is an established educational establishment it is considered unlikely that the proposed development would give rise to any significantly adverse amenity impacts. The proposed new buildings would not be close to any residential neighbours other than the school's own caretaker's house. A condition should be attached to any planning permission granted requiring that a detailed lighting scheme be submitted for approval. Therefore, subject to this, the proposed development is considered to be in compliance with policy GC3 of the CDLP and CSBLP policy DM NP9.

Highways Impact

31. The proposed development would result in an anticipated 180 additional pupils attending the school. Furthermore, the application proposes an additional 10 FTE employees at the school. The proposed car park would provide 104 spaces plus one additional disabled bay and mini-bus bay, the rearrangement of the access/egress road and construction of 18 drop-off bays and widening of the access road. Policies TR11 and TR16 of the CDLP taken together advocate that facilities shall be provided for parents delivering and collecting children by car, within the curtilage of the site or adjacent to the entrance of the school. Policies CS25 and CS26 of the CSCD, and policy TR2 of the CDLP advocate that traffic generated by developments should not materially increase existing problems on the highway. Where this would happen, mitigation measures should be secured prior to occupation of the development. CSBLP policy DM CP3 references proposed parking standards.
32. The Highway Authority has asked for some additional information in support of the Transport Assessment. I shall therefore update the committee orally on whether there are any issues with what is proposed from a highway perspective.
33. Subject to no over-riding issue being raised by this, the application is considered to be in compliance with policies TR2, TR11 and TR16 of the CDLP, and policies CS25 and CS26 of the CSCD.

Surface Water Drainage

34. CSCD policy CS4 seeks to see assessment of surface water drainage impacts and the inclusion of Sustainable Drainage Systems (SUDS) which consider all SUDS options and ground conditions, under advice set out in national policy. The design and consideration of SUDS in the Critical Drainage Areas should be given particular attention so that it will not increase the risk of flooding within the site and to adjoining land/ properties. CSBLP policy DM NP8 makes similar provision.

35. The Flood Management Team has raised objection to the application due to concerns with the viability of the proposed surface water drainage scheme with regard to the proposed deep bore soakaway to the proposed science block, the permeability of the proposed surfacing of the new car park and the additional surface water runoff from the widened access road. The applicant has submitted additional information to address these concerns and the initial indication from the Flood Management Team is that this may address their concerns. I will update the committee orally with regard to this issue and whether the objection has been overcome.

Equality and Diversity issues

36. The Equality Act 2010, Section 149 states:
A public authority must, in the exercise of its functions, have due regard to the need to-
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Conclusion

37. Application CC/0013/19 seeks planning permission for new build to improve the facilities at the school and bring it to a standard able to accommodate additional pupil intake in line with the County Council's statutory requirement to provide for pupil places as a result of growth in the area. Whilst the proposed development does not fall within the exceptions to Green Belt policy, it is considered that very special circumstances exist to justify an exception to the development plan. Furthermore, in the balance of this consideration, weight has been attached to the Chief Planning Officer's letter endorsed in the NPPF which indicates the Government's intention to promote necessary development at state-funded schools.
38. Additionally, given that the proposed development has been limited to be largely within the existing overall built footprint of the site and suitable measures have been included, or can be implemented post-consent in accordance with further details to be approved by condition, to minimise the visual impact of the proposed development, it is considered that the proposed development would not have a significant additional detrimental impact on the setting of the Chilterns AONB, on the local landscape or on the amenity of local residents. Therefore, subject to the resolution of the outstanding issues with regard to highways impact and surface water drainage, the development should be approved subject to conditions to be determined by the Head of Planning and Environment including those set out in Appendix A. However, as the development constitutes more than 1000 m² of new built development in the Green Belt, it is necessary that before planning permission can be granted, it is first referred to the Secretary of State to consider whether he wishes to determine the application.

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

Appendix A - Schedule of Conditions

Time limit for commencement

1. The development shall commence no later than three years from the date of this consent. No later than seven days before the date of commencement, written notification of the date of commencement shall be provided to the County Planning Authority.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The development hereby permitted shall not be carried out other than in complete accordance with the submitted documents and the following drawings:
 - Drawing no. 414.07296.00007.0004 Rev P1 Site Location Plan
 - Drawing no. 414.07296.00007.0005 Rev P1 Proposed Block Plan
 - Drawing no. 414.07296.00007.0003 Rev P03 Hardworks Proposals
 - Drawing no. 414.07296.00007.0001 Rev P15 Landscape Strategy Plan
 - Drawing no. AMS001-AHR-E-RF-GA-A-2006 Rev P01 Planning - Block E GA Proposed Roof Plan
 - Drawing no. AMS001-AHR-E-ZZ-EE-A-2016 Rev P01 Planning - Block E Proposed Elevations
 - Drawing no. AMS001-AHR-E-ZZ-SE-A-2050 Rev P01 Planning - Block E Proposed GA Sections
 - Drawing no. AMS001-AHR-N-00-GA-A-2006 Rev P02 Planning - Block N GA Proposed Ground Floor Plan
 - Drawing no. AMS001-AHR-N-ZZ-GA-A-2008 Rev P02 Planning - Site Block Plan
 - Drawing no. 414.07296.00007.0002 Rev P03 Outline Softworks Proposals
 - Drawing no. AMS001-AHR-E-00-GA-A-2006 Rev P01 Planning - Block E GA Proposed Ground Floor Plan
 - Drawing no. AMS001-AHR-N-01-GA-A-2005 Rev P01 Planning - Block N GA Proposed First Floor Plan
 - Drawing no. AMS001-AHR-N-RF-GA-A-2006 Rev P01 Planning - Block N GA Proposed Roof Plan
 - Drawing no. AMS001-AHR-N-ZZ-EE-A-2017 Rev P01 Planning - Block N Proposed Elevations

- Drawing no. AMS001-AHR-N-ZZ-EE-A-2018 Rev P01 Planning - Block N Proposed Elevations Drawing no. AMS001-AHR-N-ZZ-SE-A-2052 Rev P01 Planning - Block N Proposed GA Sections B-B,C-C
- Drawing no. AMS001-AHR-N-ZZ-SE-2060 Rev P01 Planning - Site Sections
- Drawing no. 70042627-104 Rev P01 Proposed Levels
- Drawing no. 70042627-105 Rev P02 External finishes
- Drawing no. 70042627-107 Rev P02 Construction Details
- Drawing no. 70042627-100 Rev P04 Existing/Proposed Arrangement
- Drawing no. 414.07296.00007.0002 Rev P02 Outline Softworks Proposals With Arboriculture Information
- Drawing no. 100/A Arboricultural Survey
- Amersham Sections
- Drawing no. 70042627-D-002 Rev P04 Dining Hall, Reception and Car Park Foul and Surface Water Drainage Layout (If Infiltration Is Feasible)
- Drawing no. 70042627-D-001 Rev P04 Science Block Extension Proposed Foul and Surface Water Drainage Layout
- Drawing no. 70042627-D-002 (Infiltration Not Feasible) Rev P04 Dining Hall, Reception and Car Park Foul and Surface Water Drainage Layout (if Infiltration Not Feasible)
- Drawing no. 414.07296.00007.0010 Rev P03 Indicative Cycle Storage Details
- Drawing no. 414.07296.00007.0011 Rev P02 Indicative Step Details
- Drawing no. 414.07296.00007.0012 Rev P02 Indicative Ramp Details
- Drawing no. 414.07296.00007.0020 Rev P03 Temporary Car Parking Plan
- Drawing no. 70042627-102 Rev P05 General Arrangement
- Drawing no. 70042627-D-003 Rev P04 Deep Borehole Soakaway
- Drawing no. 70042627-D-004 Rev P03 Manhole Details
- Drawing no. 70042627-D-005 Pipe Bedding Details
- Drawing no. 70042627-103 Rev P01 Vehicle Swept Path Analysis

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

3. Prior to the commencement of the development, an Arboricultural Method Statement including a tree protection plan shall be submitted to and approved in writing by the County Planning Authority. The approved Arboricultural Method Statement shall be implemented thereafter throughout the construction period for the development.

Reason: To ensure that the trees and hedgerows to be retained are protected in accordance with policies GC4 and GB30 of the CDLP.

4. Prior to the commencement of the development, a scheme of landscape planting and grass seeding shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include the following:
- Detailed planting proposals and specification stating species size at time of planting; spacing/densities; total plant numbers; planting protection/fencing.
 - Detailed proposals for all grassed areas including seed mixes and sowing rates.
 - Design and long-term management objectives for existing and new landscape areas; an establishment management and maintenance programme for a minimum five years of aftercare for all new planting; and during the first five years of the programme, the replacement of all failed new planting (irrespective of cause) in the planting season immediately following failure.

Reason: In the interests of the local landscape, the setting of the Chilterns AONB and the amenities of local residents including those on Stanley Hill in accordance with policies GC4 and GB30 of the CDLP.

5. Prior to any works being undertaken at the site a sensitive lighting design strategy shall be submitted to and approved in writing by the County Planning Authority. The strategy shall:
- Identify those areas/features on site that are likely to be sensitive for bats including areas adjacent to Stanley Wood;
 - Detail how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that impacts on bats will be avoided; and
 - Align with recommendations provided in current guidance on bats and lighting;

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and shall be maintained thereafter in accordance with the strategy.

Reason: To minimise disturbance to nocturnal wildlife including bats in accordance with paragraph 170 of the National Planning Policy Framework.

On-going Conditions

6. Measures for the mitigation of the impact on protected species and other ecological features of interest shall be implemented in accordance with the details set out in the *Preliminary Ecological Appraisal and Preliminary Roost Assessment Report* (Bernwood ECS Ltd, February 2019).

Reason: To ensure that protected species are safeguarded at all phases of development and to ensure a net gain for biodiversity in accordance with paragraph 170 of the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby permitted, an updated travel plan shall be submitted to and approved in writing by the County Planning Authority.

The plan shall include a full analysis of the existing modal split for staff and pupils at the school and detailed proposals for future sustainable transport promotion and provision, with the aim of securing no increase in the number of car movements generated on the school journey. The approved School Travel Plan shall be implemented thereafter.

Reason: In order to promote sustainable methods of travel, to minimise danger, obstruction and inconvenience to users of the highway in accordance with policy CS25 of the CSCD.

8. Following occupation of the development hereby permitted, the approved School Travel Plan shall be reviewed and updated and submitted to and approved in writing by the County Planning Authority, on an annual basis, at the end of each academic year. In the event of an increase in the number of car movements, the school shall set out the measures to be taken to promote a reduction in the number of car borne trips. The approved reviewed and updated School Travel Plan shall be implemented thereafter.

Reason: In order to promote sustainable methods of travel, to minimise danger, obstruction and inconvenience to users of the highway in accordance with policy CS25 of the CSCD.

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 working to highlight and seek to resolve consultee concerns with regard to landscape, arboricultural impact, surface water drainage and highways impacts.

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.

Site Notice

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

Buckinghamshire County Council

Visit www.buckscc.gov.uk for councillor information and email alerts for local meetings

Committee Report: 1st July 2019

Application Number:	CM/0068/18
Title:	Application for recontouring of agricultural land using inert waste Use.
Site Location:	Land To The North East Of Park Hill Farm Bletchley Road Little Horwood
Applicant:	Churchill Waste Management Ltd
Case Officer:	David Periam
Electoral divisions affected & Local Member:	Winslow, John Chilver
Valid Date:	24 th July 2018
Statutory Determination Date:	23rd October 2018
Extension of Time Agreement:	5 th July 2019

Summary Recommendation(s):

The Development Control Committee is invited to REFUSE application no. CM/0068/18 for the reasons as out below.

Reasons for Refusal

1. It has not been demonstrated that the site would be restored to a high environmental standard contrary to paragraph 7 of the National Planning Policy for Waste, saved Buckinghamshire Minerals and Waste Local Plan policy 31 and the Buckinghamshire Minerals and Waste Local Plan (2016 – 2036) Emerging policy 26.
2. The development would result in the disposal of waste by landfill contrary to the Buckinghamshire Minerals and Waste Core Strategy policy CS15 and the Buckinghamshire Minerals and Waste Local Plan (2016 – 2036) Emerging policy 13.
3. The development would divert waste from the restoration of mineral extraction sites contrary to Buckinghamshire Minerals and Waste Core Strategy policy CS15 and the Buckinghamshire Minerals and Waste Local Plan (2016 – 2036) Emerging policies 13, 14 and 15.



4. The catchment area for the importation of waste to the site would result in a significant proportion of waste originating outside of Buckinghamshire contrary to paragraphs 1 and 4 of the National Planning Policy for Waste, Buckinghamshire Minerals and Waste Core Strategy policy CS16 and the Buckinghamshire Minerals and Waste Local Plan (2016 – 2036) Emerging policy 15.

5. It has not been demonstrated that the development would be carried out without a significant adverse effect on the local landscape including the landscape character of the Whaddon – Nash Valley Local Landscape Area contrary to Buckinghamshire Minerals and Waste Core Strategy policies CS19 and CS23, the Buckinghamshire Minerals and Waste Local Plan (2016 – 2036) Emerging policy 21, the Aylesbury Vale District Local Plan policy RA.8 and the Vale of Aylesbury Local Plan (2013 – 2033) policy NE5.

6. The development if permitted would intensify the use of an existing access on a section of an inter-urban principal road. The slowing and turning of vehicles associated with the use of the access would lead to further conflict and interference with the free flow of traffic on the highway and be detrimental to highway safety. The development is contrary to the National Planning Policy Framework, the aims of Buckinghamshire's Local Transport Plan 4 and the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).

Introduction

1. The application seeks planning permission for the use of land at Park Hill Farm, Whaddon for the deposit of waste to land as a means of achieving an agricultural improvement.
2. The application was submitted to the County Council and subsequently validated on 24th July 2018. The development was screened under the Town and Country Planning (Environmental Impact Assessment Regulations) 2017. It was considered the proposed development was not EIA development and so no EIA was considered to be required. The application was advertised by site notice and neighbourhood notification. The thirteen-week determination date was 23rd October 2018 and an extension of time for determination was agreed until 5th July 2019.

Site Description

3. The site is a single pasture field and located approximately 200 metres to the north east of the farm buildings, which lies to the immediate north of the A421. The site lies to the north east of Great Horwood. The access to the site is directly off the A421. The size of the application area is 5.6 hectares and is in permanent pasture.
4. The eastern part of the field is crossed by a public footpath running from the A421 northwards to Whaddon. From here the land drops very sharply by approximately 18 metres to form a bowl with a spring running in the lower part of the site. From here the land falls more gradually to the north west by 3 or 4 metres. The site is surrounded by other agricultural land, some also being used for grazing and some in arable production.
5. The nearest SSSI (Oxley Mead) lies about 2.4km to the north east and the site lies within a SSSI Impact Risk Zone. The nearest SAM lies to the north east (Bowl Barrow on Church Hill). The nearest Listed building lie about 1km to the south west.
6. Other than Park Hill Farmhouse itself, the nearest residential property is Fernfield which lies approximately 300 metres to the southeast of the main site and about 120 metres from the site access on the other side of the A421. Beech Tree Cottage lies approximately 360 metres to the north east.
7. The site lies within Flood Zone 1 and the site is in the Whaddon – Nash Valley Local Landscape Area.
8. The site plan is shown below:

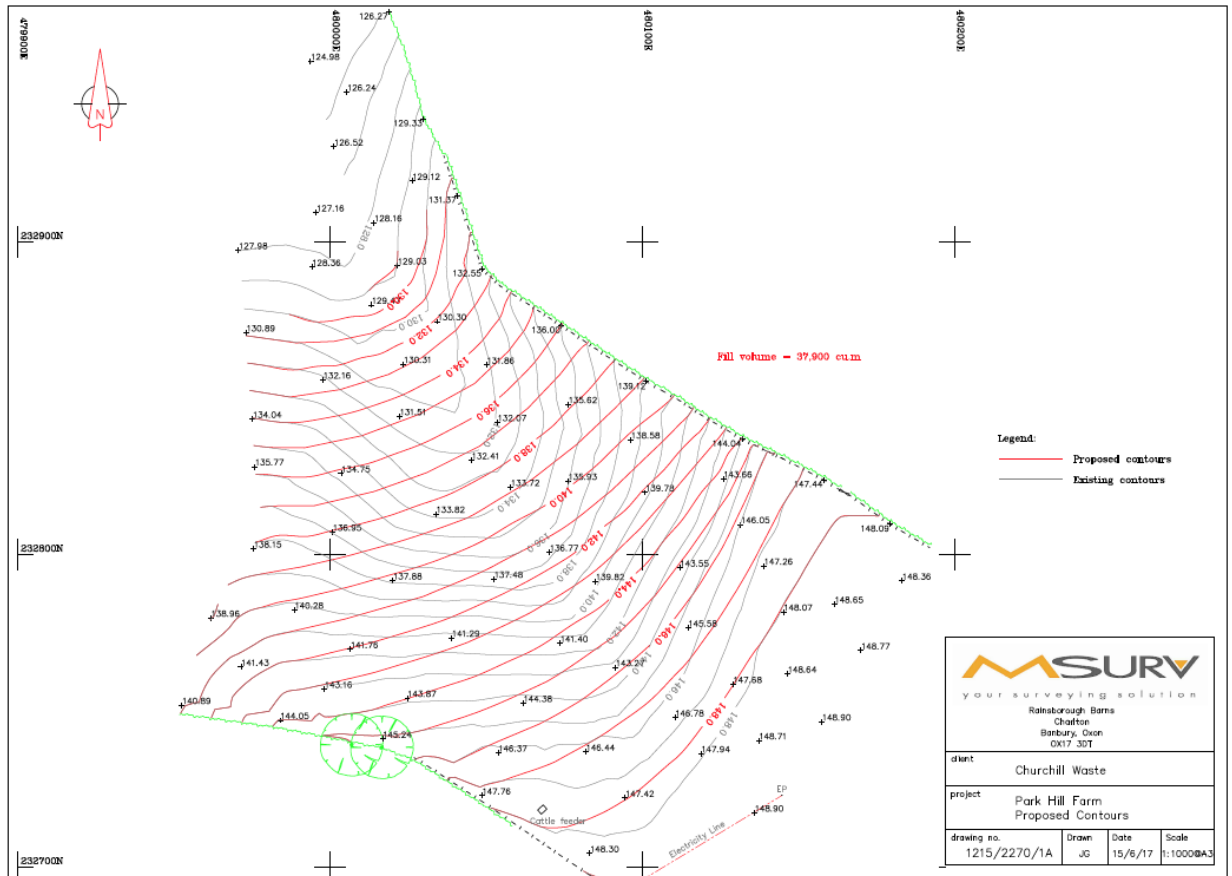


Site History

9. There is no waste planning history for the site. However, there was permission for the erection of a new bungalow for agricultural dwelling at the farm in 1978 under Aylesbury Vale District Council (reference: 78/01701/AV. The bungalow was extended to create a granny annex in April 2000 (under reference: 00/00512/APP).
10. On the other side of the A421, an application for the filling of land with inert material from local development and restoration to agricultural use at Warren Farm was refused by Buckinghamshire County Council on 17th October 2000 under reference 00/01734/AWD) for a scheme totalling 290,000 cubic metres over a period of three years.

Description of the Proposed Development

11. The proposal is to fill using up to 40,426 tonnes of inert construction, demolition and excavation waste (it is understood it is intended these materials would be waste soils) to lessen the gradients in the steepest parts of the field where the gradient is steeper than 1 in 8. The agent on behalf of the applicant states that due to the steepness of those areas of the field, it does not have agricultural benefit and cannot be classified as best and most versatile agricultural land and overall is largely grade 4 land which is not generally suitable for crop growing. The proposed levels / contours after infill are shown in red in drawing 1215/2270/1A as shown below. The existing contours are shown in black. The gradient would become less than 1 in 8, would remove all safety hazards (tractors from rolling down the hill) and make the field available for arable crops. The application is supported by an agricultural report which supports this position.



12. The source of the waste would be from local construction projects within a 25 mile radius. It is proposed that the uppermost part of the landform would comprise inert soils at depths of 1m to ensure the land can be returned to productive agricultural use.
13. The capacity of the fill is approximately 37,900 cubic metres. It is proposed to infill over an 18-24 month period and hours of operation are proposed to be 07.30-17.00 Mondays to Fridays with no operations on weekends and Public Holidays. This would include no operations during 2 weeks over the Christmas period. The length of the operations would equate to a maximum of 48 week a year – 290 days maximum and no tipping would take place in extreme weather conditions.
14. Access would be from the existing access off the A421 and HGV movements would be 50 a day (25 in and 25 out).

Phasing and restoration

15. It is proposed to carry out the works in three phases. Soils would be stripped from each phase and stored in temporary bunds for use in the infilling and restoration stages. Imported fill would be placed in the phased area commencing at the bottom of the slope and working upwards.
16. Once appropriate levels are achieved, each phase would be capped and restored to achieve the agricultural requirements. Plant to be used on the site would be limited to a 360 degree excavator and bulldozer.

Planning Policy and Other Documents

17. 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.
18. The development plan for this area comprises of:
 - Buckinghamshire Minerals and Waste Core Strategy (BMWCS)
 - Saved policies of the Buckinghamshire Minerals and Waste Local Plan (BMWLP)
 - Adopted Aylesbury Vale District Local Plan
 - Vale of Aylesbury Local Plan (VALP)
 -
 - The Great Horwood Neighbourhood Plan (GHNP)
19. In addition, I consider the following documents are relevant for the determination of the application:
 - National Planning Policy Framework (NPPF)
 - National Planning Policy for Waste (NPPW)
 - Biodiversity and geological conservation: Circular 06/2005
 - Buckinghamshire Minerals and Waste Local Plan 2016-2036: Addendum Report to the Waste Needs Assessment – Review of Strategic Movements, Permitted Capacity and Future Capacity Needs (Updated November 2017)
 - The Buckinghamshire Local Transport Plan 4
 - The Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).
20. The draft **Buckinghamshire Minerals and Waste Local Plan (2016-2036)** was submitted to the Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG) for independent examination. The plan 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, and is to be adopted in July 2019, it is considered to hold considerable weight for the determination of planning applications.
21. 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
22. The following policies are considered relevant to the proposed development:

Buckinghamshire Minerals and Waste Core Strategy (BMWCS)

- CS15 (Landfill)
- CS16 (Management of Imported Waste)
- CS19 (Protection of Environmental Assets of Local Importance)
- CS23 (Enhancement of the Environment)

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

- Policy 28 (Amenity)
- Policy 29 (Buffer Zones)
- Policy 31 (Restoration and Aftercare)

Aylesbury Vale District Local Plan (AVDLP)

- RA.8 (Landscape)
- GP.8 (Amenity)
- GP.95 (Unneighbourly Uses)
- RA.36 (Traffic Adversely Affecting Rural Roads)

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

- Emerging Policy 13: Disposal to Landfill
- Emerging Policy 14: Developing of a Sustainable Waste Management Network
- Emerging Policy 15: Development Principles for Waste Management Facilities
- Emerging Policy 17: Managing impacts on Amenity and Natural Resources
- Emerging Policy 18: Sustainable Transport
- Emerging Policy 21: Landscape Character
- Emerging Policy 26: Delivering High Quality Restoration and Aftercare

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

- NE5 – Landscape character and locally important landscape

Consultation Responses

23. **Aylesbury Vale District Council** has concerns about the proposed development. They would wish to see further information on the following:

- Specific landfill material to be used;
- Details on the infilling and restoration process;
- Whether the materials will be stockpiled or applied on arrival (if stockpiled, the location);
- Compaction information to ensure adequate drainage;
- Clarification on the extent of the area as phasing plan differs from contours plan;
- Location and details of storage bunds;
- Aboricultural Impact Assessment with method statement (including protection measures) to ascertain impact on adjacent hedgerow and trees;
- Information in respect of landscape and visual impact, including rights of way.

They would also wish to defer further response until the council as Highway Authority has commented on the application.

24. **Historic England** has no comments.

25. The **Landscape advisor's** comments are as follows:

Recommendations of Review

i. Submission of additional information and the revision/clarification/confirmation of submitted information is appropriate to address the matters underlined below. This would then enable the potential landscape and visual effects of the proposals both during and after the operational (recontouring) period to be fully understood and considered in the determination of the application and the application of conditions if/where appropriate.

ii. The proposals would introduce temporary operations within the Whaddon-Nash Valley Local Landscape Area (LLA) and the level of significance of resulting landscape and visual effects should be a material consideration in the determination of the application.

Detailed comments

i. With the exception of the brief descriptions in paras 2.27 - 2.29 of the Planning Statement, the application provides no information on the proposed infilling and restoration process. The application does not identify the source(s) nor the certainty of the proposed landfill materials – critical to the proposed completion in 18-24 months, nor does it clarify whether imported materials will be stockpiled or progressively applied on arrival (weather conditions permitting). The application should be supported by a soil conservation and management strategy; confirming existing and imported soils/overburden quantities for restoration purposes; setting out a process and programme for sub and topsoil placement (including depths), relief of compaction, and land drainage; all designed to create suitable ground conditions to achieve the objective of increasing the flexibility of the land for agricultural purposes. Whereas several references to restoration are made they do not constitute a restoration proposal suitable for development management purposes. The applicant states that *'Imported materials will be progressively applied on arrival at the site, thereby minimising the potential for temporary visual impacts.'*

ii. The phasing plan shows three phases covering a larger area than the proposed area of recontouring as shown on the proposed contour plan which does not extend to the full area of the field. It would appear that much of Phase 1 and part of Phase 2 are outside the proposed area of recontouring. The area of disturbance should be minimised and defined on the application plans, which should also show if applicable the locations of stockpiles of imported materials awaiting placing. Clarification and further details are required including timescales for Phases 1-3 and details of the operations in each phase. The applicant acknowledges that the proposed recontouring area is less than the area shown as Phases 1-3.

iii The proposed soil storage bunds would be alien in the wider landscape requiring design and management to minimise visual effects. Details are required of the

locations, dimensions and slope angles of the topsoil and subsoil stores, and of the vegetative treatment and management during the storage period, including seed mixes. No firm details are provided. The applicant simply states that '*...bunds will be located on western edge of the footpath at heights no greater than three metres.*'

iv. No details are provided of an agricultural aftercare programme to progressively return the land to productive agriculture once the infilling and placing of soils has been completed. The application should be supported by a programme of aftercare management, designed to reinstate the land to agricultural use within five years and capable of sustaining thereafter. The strategy should recognise the limitations of land recently subject of restoration and this should be reflected in the agricultural uses and operations in years 1-5 commencing with grassland. The applicant states '*The objective of the Aftercare Scheme is to ensure that after initial restoration the land is suitably managed for a period of five years to bring it back to a satisfactory and acceptable agricultural standard.*' Several references to aftercare then follow but do not constitute an aftercare proposal suitable for development management purposes.

v. The adjacent hedgerows and hedgerow trees are essential components of the local and wider landscape character – their protection and effective management is vital to ensure their continued contribution in the post restoration landscape. Subject to the application of appropriate buffers the proposals should have limited direct impact upon them. Appropriate buffers and protection should be derived from a professional arboricultural impact assessment and set out in an arboricultural method statement. An arboricultural submission has not been made but the applicant states '*Appropriate protection will be provided for trees and hedgerows. Prior to commencement of any development an arboriculturist will visit the site to establish the baseline conditions and supervise the installation of appropriate protection, such protection will be maintained for the duration of works.*' Appropriate buffers and protection should be determined prior to approval of the restoration contours – the proposed contours plan shows no buffer to boundaries and a proposed revised landform extending up to site boundaries which would be detrimental to boundary vegetation and consequently to visual amenity.

In the absence of the above the potential landscape and visual effects of the proposals both during and after the operational (recontouring) period cannot be fully assessed.

vi The application area is within the Whaddon-Nash Valley Local Landscape Area (LLA) designated by Aylesbury Vale District Council. Hence in this valued landscape, the landscape and visual effects are important considerations during the operational period – which should be minimised, as is the sustainable use of the land for agriculture thereafter.

vii The land is in agricultural use and is consistent with the local landscape character. There is no landscape case for undertaking the proposed recontouring as no landscape benefits would result.

viii. The application is not accompanied by any landscape proposals, e.g. planting. Whereas no change to the overall landscape configuration is necessary, there would be potential for modest contributions to the landscape guidelines. The successful return of the land to appropriate agricultural use would be vital in the conservation of landscape character within.

ix. During the extraction and restoration period there would be disturbance in the landscape. The associated vehicular movements (25 per day) would lead to an occasional minor loss of tranquillity.

x. Views to the application area from local public viewpoints are limited but include the public right of way WHA/9/4. Public viewpoints are not identified by the applicant and no mitigation is proposed for any viewpoint including diverted public rights of way. However, there may be potential to use temporary soil bunds to remove/reduce visual effects where screening is not already provided by boundary vegetation.

xi. The applicant has not provided a professionally prepared landscape and visual impact assessment following current guidance (GLVIA3). The provision of such an assessment is not a compulsory requirement. Our view is that a landscape and visual impact assessment to GLVIA3 is not essential in this instance however a proportionate assessment would be appropriate taking account of the LLA location. An assessment of landscape and visual effects should be provided to record the key receptors and the significance of effects upon them, and to identify appropriate mitigation.

xii. The application is not accompanied by photomontages for Years 1 and 15 from key representative viewpoints. They are not considered essential to demonstrate visual effects.

xiii. Whereas not specifically stated by the applicant, no effects would arise from the proposed development upon any Registered Park and Garden.

26. **Natural England** has no objection to the planning application.

27. **Whaddon Parish Council** has stated that the application should be refused based on the fact the site is clearly being used for agricultural purposes and the negative impacts to highway safety, users of the public footpath, landscape (the site is in a Local Landscape Area), wildlife, the potential for pollution to water, noise, dust and the lack of identified need.

28. The **County's Archaeologist** has no objection and no condition to add.

29. The **County's Ecologist** has no objection to the application.

30. The **County's Flood Management Team** has no objection to the proposed development as long as the development is as in the submitted drawing no.1215/2270/1A – Park Hill Farm – Proposed Contours (dated 15th June 2017, prepared by MSurv).

31. The **District Environmental Health Officer** has no objection to the proposed development.

32. The **Environment Agency** has no comments on the application but provided some guidance for the applicant and noted that an Environmental Permit may be required.

33. The **Rights of Way Officer** has no objection but would wish to see fencing to the west of the public footpath and temporary matting to protect the surface of the footpath where it would be crossed by the proposed access route.
34. The **Highways Development Management** Officer objects to the application for the following reason:

The development if permitted would intensify the use of an existing access on a section of an inter-urban principal road. The slowing and turning of vehicles associated with the use of the access would lead to further conflict and interference with the free flow of traffic on the highway and be detrimental to highway safety. The development is contrary to the National Planning Policy Framework, the aims of Buckinghamshire's Local Transport Plan 4 and the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).

Representations

35. Eight comments have been received from members of the public and seven of these are objections. The main reasons for objections are as follows:

- Impact on Highway Safety;
- Impact on the landscape and especially since the site is in a Local Landscape Area;
- Noise and dust;
- Pollution;
- Impact on the public footpath;
- Impact on ecological features in the area;
- Need for development.

One member of the public mentioned that although the site is in Whaddon Parish Council, the access road is in Great Horwood Parish Council. Both Parish Councils have been consulted but no comments have been received from Great Horwood Parish Council. The Great Horwood Neighbourhood plan is therefore material to the access road part of the application area.

Discussion

36. The development is for the deposit of waste to land in order to facilitate an agricultural improvement. The applicant is of the view that this should be considered as a beneficial engineering operation. However, the development is considered to be land raising/landfilling which in waste hierarchy terms sits towards the bottom of the waste hierarchy. It is considered that the main issues are compatibility with the Development plan policies and the National Planning Policy for Waste in relation to the need for the development and potential impacts the development would have should it be approved. The main issues to consider are as follows:

- Need for development;
- Impact on landscape;
- Impact on amenity;
- Highways impact.

Need for development

37. The National Planning Policy for Waste (NPPW) sets out objectives for sustainable waste management and encourages diversion from landfill as well as encouraging the process of reuse, recycling and biological processing. This is also mentioned in the Minerals and Waste Core Strategy on pages 43 – 45 which states:

“The strategy for waste is to encourage waste prevention and to safeguarding existing waste management capacity within Buckinghamshire, whilst increasing local provision for recycling and composting so as to increasingly divert waste from landfill”

38. Policy CS15 of the BMWCS states that no additional landfill capacity for inert waste will be provided within Buckinghamshire in the period to 2026. Emerging policy 13 states no specific capacity will be provided for inert disposal (or recovery) during the plan period. Where the deposit of inert waste to land is proposed at sites not directly associated with the restoration of mineral extraction sites it must be demonstrated that there are no opportunities afforded by extraction. BMWLP36 Emerging policy 14 states that the deposit of inert waste to land should be focused at mineral extraction sites with extant planning permission to facilitate restoration. BMWLP36 Emerging policy 15 states that the deposit of inert waste to land should be focused at mineral extraction sites with extant permission requiring restoration, unless it can be clearly demonstrated that an alternative location would not prejudice the restoration of these sites; it also states that waste management should be in line with the waste hierarchy. BMWLP policy 31 seeks to see sites restored to an appropriate use within a reasonable timescale. BMWLP36 Emerging Policy 26 seeks to achieve high quality restoration and aftercare. Paragraph 7 of the NPPW states that in determining waste applications, waste planning authorities should ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.
39. The application site is put forward as facilitating an agricultural improvement at this specific site which could not be achieved by other means. Paragraph 83 of the NPPF states that planning decisions should enable the development of agricultural businesses. A degree of judgement is therefore necessary to determine whether the predominant purpose of the development involves waste disposal for its own sake or for a genuinely necessary agricultural improvement. The applicant has provided an agricultural assessment in support of its case, and whilst the degree of improvement in the quality of the land has not been made clear, the importation of waste would clearly

improve the existing concave contours of the land from an agricultural perspective rendering the land easier and safer to access. The land is nonetheless currently in agricultural use as grazing land, as it presumably has been for many years, and no evidence has been provided to quantify the economic benefit to the viability of the farm of which it is a part. The farm includes other surrounding land which is in arable use and also land to the south which is not proposed to be raised as part of this application, which is not subject to the same existing land contours, but which is being used for grazing. This appears in much the same condition as the application site but also contains piles of various farm waste materials which have been left on this land suggesting that there is no particular concern with maximising its agricultural potential. The impact on the local landscape is discussed below but it is clear that the applicant has not submitted sufficient information to demonstrate that the development could be carried out without an adverse impact on landscape character and with restoration to a high environmental standard. The application is therefore contrary to paragraph 7 of the NPPW, BWLPP policy 31 and BWLPP36 Emerging policy 26. It would also be a landfill site, and divert waste that could potentially be used in the restoration of mineral sites contrary to BMWCS policy CS15 and BWLPP36 Emerging policies 13, 14 and 15.

40. Furthermore, the applicant has stated that the waste could be imported from local construction sites within a 25 miles radius from the site. The concept of managing waste proximal to its source is a material planning consideration (as set out in paragraphs 1 and 4 of the NPPW). As such, policy CS16 of the BMWCS states that the Council will resist proposals to create new landfill sites where a significant proportion of waste would originate outside of Buckinghamshire. BWLPP36 Emerging policy 15 states that amongst others, two factors that must be demonstrated by proposals for waste management facilities are the catchment area for the waste to be received on site and the management of waste in line with the proximity principle. The applicant has not provided further details on the likely sources of waste and a 25 miles radius could lead to a significant proportion originating from outside of Buckinghamshire. Consequently, without the benefit of such information, in this respect the proposed development cannot be considered to be in compliance with paragraphs 1 and 4 of the NPPW, policy CS16 of the BMWCS and BWLPP36 Emerging policy 15.

Landscape impact

41. The site lies within the Whaddon – Nash Valley Local Landscape Area. BMWCS policy CS19 states that planning permission will not be granted for waste development that would lead to a significant adverse effect on the character, appearance, or intrinsic environmental value of locally important landscapes. BMWCS policy CS23 requires waste developments to demonstrate how they will ensure the positive integration of the site into the wider landscape taking into account Landscape Character Assessments and areas. BWLPP 36 Emerging policy 21 states that waste development proposals should protect and enhance valued landscape and should be

accompanied by a Landscape Impact Assessment. AVDLP policy RA.8 states that development proposals in Local Landscape Areas should respect their landscape character. Development that adversely affects this character will not be permitted, unless appropriate mitigation measures can be secured. VALP policy NE5 makes similar provision.

42. As set out above, the council's landscape advisor has raised a number of concerns with regard to the potential impact of the development both during the filling operation and once completed on the local landscape and the lack of the necessary supporting information to make a fully informed assessment. The applicant has not responded to these comments with any additional information. The site is an attractive feature within the existing local landscape and it is considered that in the absence of the additional information requested, it has not been demonstrated that the development would not have a detrimental landscape impact contrary to the above policies. It is not considered that this is a matter that could be rendered satisfactory through the imposition of a condition requiring the submission of a detailed landscaping scheme.

Amenity Impact

43. Policies 28 and 29 of the BMWLP seek to protect those who may be affected by waste development proposals from any significant adverse levels of disturbance both near the site and on routes to and from it, including noise, lighting, dust and vibration, and imply that an adequate buffer should exist between the waste development and neighbouring sensitive uses. Additionally, policies GP.8 and GP.95 of the AVDLP, policy CS22 of the BMWCS and BMWLP36 Emerging policy 17 all seek to protect amenity.
44. The nearest property to the application site is Park Hill Farmhouse itself but the site is otherwise relatively remote from any immediate neighbours. The main impact on amenity would be on users of the public footpath which crosses the site and with which the proposed access road is shared. However, the council's Rights of Way Officer has not objected subject to appropriate fencing and surfacing. There would be transitory visual impacts to users of the footpath but it is not considered that in the context of a longer walk, these would be significant. Whilst there would be impacts from the traffic associated with the development, the access would be onto the A421 and vehicles would be routed to enter the site by turning left and similarly egress it by turning left. I do not therefore consider that there would be such a significant impact on amenity as would warrant refusal of the application against these policies.

Impact on Highways

45. Policy RA.36 states that in considering proposals for development in Rural Areas, the council will have regard to the desirability of protecting the characteristics of the countryside from excessive traffic increases and routing unsuited to rural roads. Policy 18 of the BMWLP36 requires proposals for waste development to be accompanied by a Transport Assessment. The National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative

impacts on the road network would be severe. The Buckinghamshire Local Transport 4 has as one of its key aims highway safety and this is reflected in the Council's Highways Development Management Guidance document

46. The development would result in a maximum of 50 vehicle movements going to and from the site per day via what is currently an agricultural access onto the A421 which would be upgraded. Although in a countryside location, access would be taken onto the A421 and so the major road network and therefore I do not consider that it would be contrary to the aims of AVDLP policy RA.36. However, the Highways Development Management Officer is not satisfied that the vehicle movements required could be carried out without an unacceptable impact on highway safety. It is considered that the development should therefore be refused for this reason.

Equality and Diversity Issues

47. The Equality Act 2010, Section 149 states:
A public authority must, in the exercise of its functions, have due regard to the need to-
(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

Conclusion

48. Application CM/0068/18 seeks planning permission for the importation of 40,426 tonnes of inert waste material to re-contour the gradient in a field at Park Hill Farm near Whaddon as an agricultural improvement. Whilst there would be an agricultural improvement in that the existing concave slopes would be modified to shallower convex ones more suitable for arable farming, insufficient evidence has been provided to demonstrate the extent of this benefit to the viability of the farm of which the site is a part, that the development would be carried out to a high environmental standard or that it could be carried out without significant landscape impacts. Therefore, it is considered that the application is essentially a waste disposal development which would have an unacceptable impact on highway safety and is contrary to the development plan, NPPF and NPPW and it is recommended that application CM/0068/18 be refused for these reasons.

Buckinghamshire County Council

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Committee Report: 1st July 2019

Application Number:	CM/0018/19
Title:	Use of yard and building for waste transfer and waste processing with ancillary storage of waste materials, skips, operator car parking and welfare facilities
Site Location:	Unit 25 Old Airfield Industrial Estate Cheddington Lane Marsworth Buckinghamshire HP23 4QR
Applicant:	Amalgamated Industrial Park
Case Officer:	Catherine Kelham
Electoral divisions affected & Local Member:	Ivinghoe Anne Wight
Valid Date:	1 st April 2019
Statutory Determination Date:	31 st July 2019
Extension of Time Agreement:	n/a

Summary Recommendation(s):

The Development Control Committee is invited to APPROVE application no. CM/0018/19 for the use of land at Unit 25, 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/0018/19 seeks to use the yard and buildings at Unit 25 of the Old Ministry Airfield Industrial Estate, Marsworth, for waste transfer and waste processing with ancillary storage of waste materials, skips, operator car parking and welfare facilities. 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:



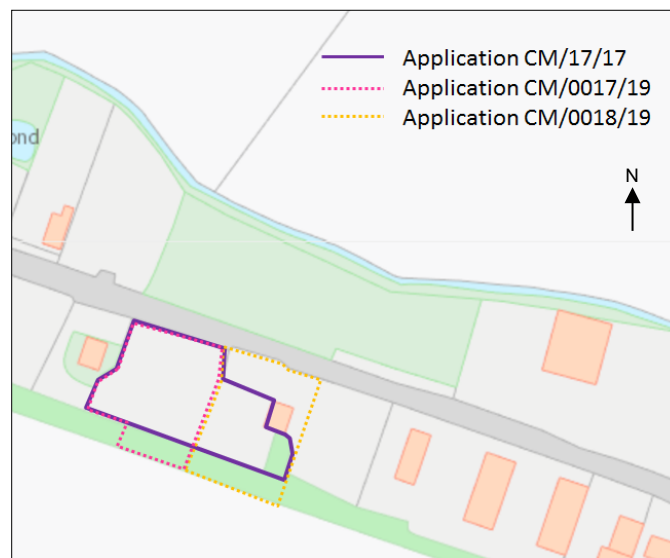
6. There is a Scheduled Ancient Monument approximately 440 metres to the northwest of the Application Site on Southend Hill. The Application Site itself has not been identified as a site of national or local historical, cultural or archaeological significance. In the nearby villages of Long Marston, 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: 85/0040/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 eastern yard area (Unit 25) (shown in yellow dashed line in the image above) is currently operated by Amalgamated Ind Park. A different operator is currently occupying the eastern yard (Unit 25B) (shown in pink dashed line in the image above). This planning application relates to the eastern (yellow 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. Planning permission for the demolition of a building and its replacement with an open fronted steel structure on Unit 25 was granted planning permission by AVDC in June 2018 (Planning reference number 18/01229/APP). It is approximately 36m in length and 17m wide with a

small side protrusion of 2.4m by 5m to provide welfare facilities. The building has a mono-pitched roof, sloping from 8.85 metres at the eaves to 7 metres at the back.

13. 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.
14. 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

15. The application seeks to regularise the use the yard and building of Unit 25 for waste transfer and waste processing with ancillary storage of waste materials, skips, operator car parking and welfare facilities.
16. The facility would operate in conjunction with Unit 32, Old Airfield Industrial Estate (opposite) as an area for waste processing. The site would accept and separate mixed construction and demolition waste (such as soil, hardcore, wood, plastic, cables etc.) and waste that has arisen as part of home improvement works. It is not proposed to process or import hazardous waste onto the site.
17. The material would be tipped and manually/mechanically screened and sorted within the existing building. The building would be fitted with a dust suppression system
18. Around the southern boundary of the site is an earth bund and hedge. On the remaining three site, the site is enclosed by concrete block and metal palisade fences
19. The maximum annual operational through-put is proposed to be 87,500 tonnes.
20. It is proposed to place security lights along the outside of the building.
21. It is not proposed to have any additional vehicle movements and the application documents state that the site would operate in conjunction with Unit 32 opposite.
22. The following hours of operation are proposed:
 - 7.00am to 5.30pm Monday – Friday
 - 7.00am – 12pm on Saturday
 - No operations on Saturday afternoons, Sundays or Public Holidays

Planning Policy and Other Documents

23. 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.
24. 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
25. Other documents that need to be considered in determining this development include:
 - National Planning Policy Framework (NPPF)
 - National Planning Policy for Waste (NPPW)

26. 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.

27. 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.

28. 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

29. Local Member, **Councillor Anne Wight**, has objected to the planning application. She considers it is detrimental to the local amenity, particularly with regard to new housing development in the area, the proximity of the site to the AONB and proximity to Pitstone SSSI. She also considers the local road network is insufficient to accommodate an increase in industrial vehicles.
30. **Marsworth Parish Council** has no objection the planning application.
31. The **Highways Development Management Officer** is mindful that the Old Airfield Industrial can currently operate with no restriction on HGV movements. He has commented that, subject to the site being monitored, a condition being imposed to limit the 82 two-way vehicle movements per day to be across Unit 32 and 25 and the existing routing agreement being maintained he is satisfied that the operation of the site can be controlled to that which is being proposed. He is also satisfied that subject to these requirements the traffic impact of the proposed development would not be material. In addition, he recommends that the scheme for parking, manoeuvring and loading and unloading of vehicles as shown on the submitted plans laid out as shown on the plans and is not used for any other purpose.
32. 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.
33. The **Environment Agency** has no objection to the development subject to a condition requiring the reporting and pausing of development in the event that not previously identified contamination is found to be present at the site.
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. 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.
37. **Historic England** has no comment to make.
38. No comments have yet been received from the **AVDC Design and Conservation Team**.

Representations

1. At the time of going to print, 43 representations from members of the public, all of which object to the application, have been received.
2. The main reasons for the objections are:
 - Roads being unsuitable for HGVs (due to: Brownlow Bridge weight limit; the roads being too narrow for HGVs, proximity to residential properties; and roads being over capacity due to other development in the area)
 - Highway safety
 - Impact of noise and vibrations from vehicles on residential properties
 - Impact litter from site on local amenity
 - Impact of dust/fumes site on surroundings and local wildlife

- Impact of increasing capacity without increasing vehicle numbers leading to larger vehicles and greater impact
 - Impact of odour from the site
3. **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.
 4. Mentmore, Crafton and Ledburn Parish Councils have objected to the proposed development. In summary, they consider it has an unacceptable impact on residential amenity, highway and traffic impacts and harm to the character and appearance of the Chilterns AONB. They believe it is contrary to the BMWCS, BMWLP and AVDLP, harmful to the Conservation Area and the cumulative impacts have not been taken into consideration.
 5. **Cheddington Parish Council** has objected to the proposed development. They question what is being proposed and consider the site is an inappropriate location for the development.
 6. **Ivinghoe Parish Council** has objected to the proposed development. They consider there is insufficient information regarding traffic or HGVs in the application and believe the local roads are unsuitable for the type of vehicle that would need to be used. In addition, they consider the traffic from the site has a detrimental impact on amenity for residents living close to the B488.

Discussion

7. 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

8. The proposed development seeks planning permission to use the yard and building of Unit 25 for waste transfer and waste processing with ancillary storage of waste materials, skips, operator car parking and welfare facilities.
9. 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.
10. 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.
11. 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. This need continues to exist when the capacity of 25,000 tonnes provided by application CM/0017/19 is taken into consideration.

12. 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.
13. 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.
14. 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

15. In the emerging BMWLP26, 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 BMWLP36. 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.
16. 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, Cheddington Parish Council,

Mentmore Parish Council, Ivinghoe Parish Council 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.

17. No vehicle movements are proposed as part of this application as the site would operate in conjunction with Unit 32 opposite. Unit 32 is also within the control of the application, as indicated by the blue line on the submitted plans. Under planning permission (11/20007/AWD) it operates as waste transfer station with HGVs limited to a maximum of 82 per day (41 in and 41 out). Subject to a condition being placed any planning permission granted for this application which limits HGVs to 82 two way movements per day in combination with Unit 32, there would be no change to the existing permitted situation and no increase from HGVs from the Old Ministry Airfield Site.
18. It is acknowledged that if this site were to have the through-put outlined in the application form and HGVs remained capped at 82 per day then there is an argument that larger HGVs may be used to bring material into the site. It is understood that the business at Unit 32 centres on traditional Skip and Ro-Ro container hire. To facilitate this, the vehicle fleet is understood to primarily consists of skip lorries (maximum gross weight around 18 tonnes) with a low number of hook vehicles to move the Ro-Ro containers (maximum gross weight most likely 26 or 32 tonnes). If the site were operate as proposed in conjunction with Unit 32, this should not change. It is however appreciated that larger HGVs may cause more vibrations and greater disturbance. To prevent this, it is recommended should planning permission be granted, HGVs used in the conjunction of waste material into or out of the site are limited to those with a gross maximum weight not exceeding 36 tonnes.
19. There is already a routing agreement in place for vehicles associated with Unit 32. This however does not include the area of land of Unit 25. To ensure any HGVs vehicles associated with Unit 25 also adhered to this routing agreement, it would be necessary for the application to enter into a new legal agreement containing details of this routing.
20. The routing agreement for other units on the site, and indeed unit CM/17/17 which the Application site area overlaps, utilises the most direct route to the main highway network (B488) and avoids the village centres of Long Marston, Cheddington, Mentmore and Marsworth. It does 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, 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.
21. Overall, with the condition in place and routing agreement, 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.
22. The proposed development includes ten car parking spaces and it is indicated that four operators would be required to run the proposed development. 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 industry uses, there is a requirement for around eleven car parking spaces. While the car parking provision is slightly below this level, given there would be four operators, the provision proposed is considered to be acceptable. As in the comments of the Highways Development Management Officer, should planning

permission be granted, it is recommended that the scheme for parking, manoeuvring and the loading and unloading of vehicles is laid out as shown on the plans and is not used for any other purpose. This may be secured by condition.

Impact on Amenity

23. 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.
24. 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.
25. 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.
26. As part of the planning application, it has been stated that all skip vehicles delivering and removing waste will be sheeted. It is also stated that all waste would be tipped, sorted and loaded within the building and that this building is fitted would be fitted with dust suppression measures. In order to ensure the development operates as proposed and to minimise the potential for dust and litter on routes to and from the site, and from the site itself causing nuisance or 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 these measures are secured via condition. In addition, in order to reduce waste becoming windborne, it is also recommended that material stored in bays or containers does not exceed the height of the bay or container walls. This may be secured via condition.
27. Under the previously permitted use of much of the site (CM/17/17), the use of an external trommel and picking station was considered to be acceptable. Under this application, it is proposed for all waste processing to take place inside the building. It is generally accepted there are environmental benefits of processing waste internally with regard to noise and dust. For the committee's information, there is no trommel, screener or crusher proposed as part of the application on the western part of the site (CM/0017/19). As a result of this application and the application on Unit 25B, there would be no increase in processing plant on the site. Given there is a substantial distance between the site and nearest residential property, there is other processing taking place on the Old Airfield Industrial Estate, outdoor processing was on this the site was previously considered to be acceptable, it is not considered that the move to indoor processing would have a discernible noise impact.

28. The site is proposed to operate between 7.00am and 5.30pm Monday to Friday and 7.00am and 12pm on Saturdays. This is a change from the previous permitted use of the site (which operated between 7.30am and 5.30pm Monday to Friday and 08.00am and 12pm on Saturdays) and the hours of operation on Unit 32 (which operates between 7.30am and 5.30pm Monday to Friday and 07.30am and 12pm on Saturdays). It has not been demonstrated that HGVs leaving the site half an hour would not cause a detrimental impact on dwellings on routes to and from the site. On this basis, it is recommended that the hours of operation are limited by condition in line with the other uses on the site so that operations start from 7.30am.
29. 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

30. 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.
31. The development is located within the curtilage industrial estate in an existing building. It 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.
32. As the site is located in a relatively flat landscape, it recommended that the height of any stockpile are limited to the four meters as they are on other units of the industrial estate. Lighting has previously been placed on this site under planning permission CM/17/17, and provided the same lighting curfew was adhered to, it is not considered there would be an additional impact from the security lighting around the building. With these measures 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 would not change from the existing permitted situation.
33. In summary, from a landscape and visual impact perspective, the proposed development is considered to be 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

34. 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.
35. 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 the site area has changed and it not been confirmed that the previous drainage system is still viable.

36. 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 recommend the inclusion of an informative outlining the action to be taken should contamination which has not previously been identified being 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.
37. 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

38. 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.
39. 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 or Historic England 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 consider 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.
40. There are 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.
41. 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

42. 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.
43. The proposed development is not considered to conflict with the requirements of the Equality Act 2010 or the Council's policy on equality.

Conclusion

44. The proposed development seeks planning permission to use the yard and building of Unit 25 for waste transfer and waste processing with ancillary storage of waste materials, skips, operator car parking and welfare facilities. 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.
45. It must be noted that no any additional vehicle movements are proposed as the site would operate in conjunction with another unit on the same site which is also within control of the applicant. Subject to this being controlled via condition, there would be no increase in HGV numbers. To avoid larger HGVs being operated, which may have an adverse impact on local amenity, it is recommended size limit is also imposed via condition.
46. In summary, 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:
 - Block Plan, Drawing numbers: AMC/0219/3082 (A) and AMC/0219/3082 (B),
 - Boundary Plan, Drawing number: AMC/0219/3082 (A)
 - Ground Floor Plan, Drawing number AMC/0219/3085
 - Toilet Block, Drawing number: AMC/0219/3086
 - North East and South East Elevations, Drawing number AMC/0219/3087
 - North West and South West Elevations Drawing number AMC/0219/3088

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 three 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.

3. No later than one month from the date of this planning permission, the scheme for parking, manoeuvring and the loading and unloading of vehicles shown on the submitted plans shall be laid out and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with policies 28 of the BMWLP and GP.8 of the AVDLP

Post Development Phase Conditions

None

On-going Conditions

4. No operations shall take place other than between the following hours:

Monday to Friday 7:30am to 5:30pm

Saturday 07:30am 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.

5. All tipping, loading and processing of waste shall take place inside the building shown on drawing number AMC/0219/3082 (A).

Reason: To reduce noise and avoid dust and 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.

6. Dust suppression measures within the building shown on drawing AMC/0219/3082 (A) shall installed, implemented during the tipping, loading and processing of waste, and maintained for the duration of the development.

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.

7. 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.

8. 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.

9. Material stored in bays or containers shall not exceed the height of the bay or container 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.

10. The total maximum number of Heavy Goods Vehicle (HGVs) movements per day in combination with those consented pursuant to planning permission numbers 11/20007/AWD, 09/20003/AWD, 001955/AWD and APP/0164/92 shall not exceed 82 two-way (41 in, 41out) per day.

For the avoidance of doubt, HGVs are goods vehicles with a maximum gross maximum weight above 3.5 tonnes and include skip lorries.

Reason: To ensure the site operates as proposed which is in conjunction with Unit 32, 32A and 33 and without any additional HGV movements and 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.

11. HGVs with a maximum gross weight exceeding 36 tonnes (including articulated vehicles) shall not be used in conjunction with the movement of waste material into or out of the site. For the avoidance of doubt, HGVs with a maximum gross weight exceeding 36 tonnes may be used for the delivery of plant and machinery associated with the use of the site only and shall be included in the maximum daily HGV movements.

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

12. 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.

13. 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 BMWLP 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.

14. 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, advising of ways to resolve the matter and providing the applicant the opportunity to provide additional information to address comments from consultees.

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@aylesburyvalecd.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.

Buckinghamshire County Council

Visit www.buckscc.gov.uk for councillor information and email alerts for local meetings

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:

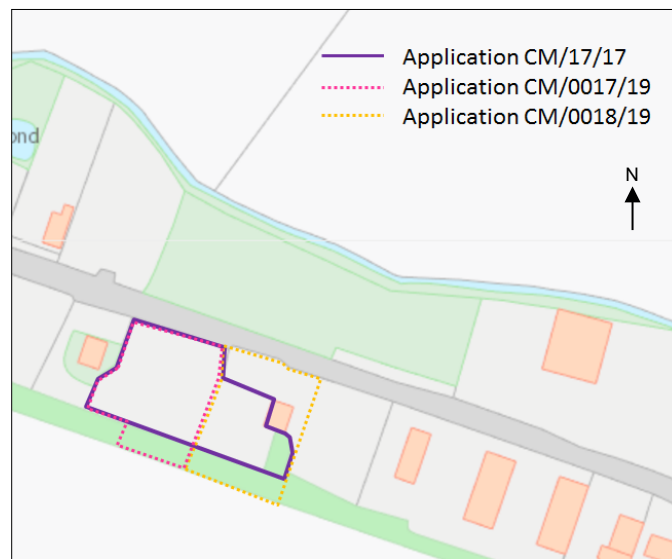


6. There is a Scheduled Ancient Monument approximately 440 metres to the northwest of the Application Site on Southend Hill. The Application Site itself has not been identified as a site of national or local historical, cultural or archaeological significance. In the nearby villages of Long Marston, 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 BMWLP26, 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 BMWLP36. 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.

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

Document is Restricted

