

# Agenda

## *DEVELOPMENT CONTROL COMMITTEE*

**Date:** Monday 4 November 2019  
**Time:** 10.00 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.**

### **Agenda Item**

### **Page No**

- 1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP**
- 2 DECLARATIONS OF INTEREST**  
To disclose any Personal, Disclosable or Prejudicial Pecuniary Interests.

<b>3</b>	<b>MINUTES</b> The minutes of the meeting of the Development Control Committee held on 1 July 2019, to be confirmed as a correct record.	<b>5 - 40</b>
<b>4</b>	<b>CC/0046/19 - STONEY DEAN SCHOOL, PROPOSED NEW SINGLE STOREY SELF-CONTAINED 6TH FORM BLOCK COMPRISING FOUR CLASSROOMS, COMMON ROOM, OFFICE, INTERVENTION ROOM, TOILETS AND STORAGE. EXTERNAL AREAS COMPRISING FENCED IN TEACHING AREA CONNECTED TO NEW BUILDING, PATIO AND PLANTING BEDS</b>	<b>41 - 58</b>
<b>5</b>	<b>CC/0050/19 - WESTFIELD SCHOOL, FRONT AND REAR SINGLE STOREY EXTENSIONS TO EXISTING SCHOOL AND WITH CAR PARK ALTERATIONS</b>	<b>59 - 72</b>
<b>6</b>	<b>BUCKINGHAMSHIRE LOCAL MONITORING AND ENFORCEMENT PLAN</b>	<b>73 - 92</b>
<b>7</b>	<b>DATE OF NEXT MEETING</b> Monday 2 December 2019 at 10.00 am, Mezzanine Rooms 1 and 2, County Hall, Aylesbury.	
<b>8</b>	<b>EXCLUSION OF THE PRESS AND PUBLIC</b> 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	
<b>9</b>	<b>CONFIDENTIAL MINUTES</b> The confidential minutes of the meeting of the Development Control Committee held on 1 July 2019, to be confirmed as a correct record.	<b>93 - 94</b>
<b>10</b>	<b>ENFORCEMENT REPORT</b>	<b>95 - 98</b>

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## **Members**

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

**Members of the public wishing to speak at Development Control Committee should apply in the following ways:**

- **Registering on the website at:**  
<https://democracy.buckscc.gov.uk/mgCommitteeDetails.aspx?ID=105>
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**The Committee will not consider anyone wishing to address the meeting, unless your request to speak has been received by 10.00am at least two working days preceding the Committee meeting at which the item will be presented.**





# Minutes

## *DEVELOPMENT CONTROL COMMITTEE*

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON MONDAY 1 JULY 2019 IN MEZZANINE ROOMS 1 & 2, COUNTY HALL, AYLESBURY, COMMENCING AT 10.30 AM AND CONCLUDING AT 12.45 PM**

### **MEMBERS PRESENT**

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

### **MEMBERS IN ATTENDANCE**

### **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 ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN**

**RESOLVED:** That Mrs J Teesdale be elected as Chairman for the ensuing year.

**RESOLVED:** That Mr C Clare be appointed as Vice-Chairman for the ensuing year.

#### **2 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP**

Apologies were received from Mr N Brown.

#### **3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **4 MINUTES**

**RESOLVED:** The minutes of the meeting held on 20 May 2019 were **AGREED** as an accurate record and were signed by the Chairman.

#### **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**

Mr D Periam, Planning Consultant, advised that the total gross new floor space to be created by the development was 1,571 square metres. The site was in the Green Belt and a development of over 1,000 square metres; therefore, if the Committee were minded to support the application, it would need to be referred to the Secretary of State, as per the recommendation in the report. Mr Periam had circulated an addendum updating the report, appended to the minutes. Mr Periam stated he had also received comments from the Highway Authority who had no objection subject to conditions. The Flood Management Team Lead, Local Flood Authority had originally objected as noted in the report but now had no objection subject to conditions. The addendum, appended to the minutes and circulated to the committee members, provided the amended conditions including the conditions that had been requested by the two parties mentioned above.

Mr Periam provided a presentation and highlighted the following points:

- Photographs of the existing reception lobby and dining hall and the area proposed for the extension to the science block.
- The entrance to the school site and car park which would be improved.

A member of the committee requested clarification on the size of the proposed development. Mr Periam explained that the existing building to be demolished was 421 square metres, but the proposed total gross floor space of the new building was 1,571 square metres due to it being a two-storey building. As it was over 1,000 square metres and in the Green Belt it needed to be referred to the Secretary of State. The new building would have a slightly larger footprint but would provide much more floor space.

Ms Gibbs proposed the Committee agreed with the officer's recommendations as stated in the report. Mr Khan seconded the proposal.

For	7
Against	0
Abstention	0

**RESOLVED: The Development Control Committee SUPPORTED 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.**

**RESOLVED: The Development Control Committee AGREED the application be forwarded to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009.**

**RESOLVED: 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.**

**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**

Mr D Periam, Planning Consultant, reported that this application was for the importation

of 40,426 tonnes of inert construction demolition and excavation waste; however, the applicant had clarified the intention was that it would be waste soils as opposed to other materials and the intention was to provide an agricultural improvement on land at Park Hill Farm.

Mr Periam advised that the applicant's agent had submitted a letter which had been circulated to the committee members and appended to the minutes. The applicant stated that additional information had been supplied in support of the application regarding the Land Advisor's comments in August 2018, contrary to the report. Mr Periam clarified that the Landscape Advisor had provided initial comments in August 2018, which the applicant had responded to. However, further comments, as set out in the report, still clearly raised considerable concerns and these were not responded to by the applicant. All the comments had been available on the website and there had been plenty of time for the applicant to respond.

Mr Periam provided some photographs of the site.

In response to a question from a member of the committee, Mr Periam confirmed the local member had not provided a response.

Mr Khan proposed the Committee agreed with the officer's recommendations to refuse application number CM/0068/18 for the reasons as stated in the report.

For	7
Against	0
Abstention	0

**RESOLVED:** The Development Control Committee **REFUSED** application number CM/0068/18 for the reasons as set out below:

#### **Reasons for Refusal**

- 1. It had 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 had 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).

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**

Ms C Kelham, Senior Planning Officer, advised that application CM/0018/19 was seeking to use an additional unit on the airfield site for waste processing to diversify operations currently taking place on units 32, 32A and 33.

Camiers Waste Management Limited were a recycling and skip hire operator and Ms Kelham clarified that the site would be operating in conjunction with those three units, although the vehicle movements were proposed to be in combination with those units.

- Since the publication of the report the following had been received: Eight objections from members of the public.
- An objection from Wingrave with Rowsham Parish Council primarily due to the impact of traffic on the surrounding road network.
- A petition from local residents entitled "No more waste recycling on the airfield".
- A letter from the Member of Parliament for Hertfordshire regarding concerns from a resident in Gubblecote regarding the impact of heavy goods vehicles (HGVs) from the site and the general impact of the site on the residents' health and amenity.
- Comments from the Heritage Consultant at Aylesbury Vale District Council (AVDC) regarding this application and the other application on the airfield site (CM/0017/19). These comments concluded that there had been no change in policy or circumstances since the previous applications on the airfield site and as such the Heritage Consultant considered that it would be difficult to sustain a Heritage objection given that the route proposed for HGVs was the most direct route and was the same as used for previous applications. Overall, having sought advice from the Archaeology and Heritage Consultants, the Planning Authority was satisfied that the development would not lead to harm to a designated heritage asset.

Ms Kelham provided a presentation and highlighted the following points:

- The location of the site area and the footpaths.
- The Airfield Industrial Estate was granted a Certificate of Lawful Use in 1985 to be used for light industrial and storage purposes.
- Unit 25 was towards the back of the airfield site.
- In 2017 an application from Waste King Limited was granted planning permission on a site overlapping the current application site.
- In June 2018, AVDC granted planning permission for the demolition of a building and its replacement by an open fronted steel structure on Unit 25.
- A site monitoring visit in autumn 2018 discovered that the yard area had been separated by a fence. This application sought to use new buildings and a unit for

waste transfer and waste processing in conjunction with Camiers at Unit 32, 32A and 33. No additional HGVs were proposed in addition to those that already existed for those three units.

- Comments had been received regarding the Chilterns Area of Outstanding Natural Beauty (AONB) but Ms Kelham confirmed the site was not within the AONB.
- There was a routing agreement for units 32, 32A and 33 and it was proposed to keep a similar routing agreement for Unit 25.
- Members of the public had expressed concern that if the throughput of the site increased and there was no increase in the number of vehicles that the size of the vehicles would increase. Currently, there were no restrictions on the size of HGVs to be used.
- The proposed changes to add an additional processing element were unlikely to change the nature of the business which was a skip hire business - waste would still be coming into the site in skips and it would be taken off in other containers depending on the nature of the material.
- There was already a sign requiring HGVs to turn right out of the Airfield Site.
- Photos showed that there was room for cars and HGVs to pass.
- Brownlow Bridge had been raised as a problem; it had been repaired and had a weight limit of 18 tonnes. Most skip vehicles weighed considerably less than 18 tonnes even when loaded.

## **Public Speakers**

Ms P Thomas had been delayed so the Chairman invited Mr S Upson to read out a statement, appended to the minutes, on behalf of the applicant, Camiers Group Limited.

Members of the committee raised and discussed the following points:

- A member of the committee stated that she understood there would be no increase in the number of vehicle movements but asked for confirmation that the existing routing agreement had been adhered to. Mr Lupson stated that he was new to the company and had not received any complaints. Occasionally people within the villages required a skip and therefore a skip lorry would have to drive the route to where the skip was required. Mr Lupson acknowledged that occasionally there had been confusion between Camiers' vehicles and other vehicles on the site but as far as he was aware their drivers were strictly instructed to keep to the routing agreement.
- A member of the committee stated that Camiers wished to use 32 tonne vehicles. Mr Lupson advised that Camiers wanted to keep within the existing limitations already in place i.e. 82 movements a day; 41 in and 41 out. Mr Lupson agreed that the use of the bridge was not possible due to the 18 tonne limitation on the bridge.
- Clarification was requested on the location of Brownlow Bridge. Ms Kelham confirmed the bridge was over the canal and showed the location on the map and confirmed that a 32 tonne lorry would have to drive to the main road and turn left and go through Horton to avoid the bridge.
- A member of the committee asked what percentage of traffic would turn left. Mr Lupson explained that Camiers aimed to recycle as much of the material as possible and recycled material was called the 'light fraction' which was extremely light and therefore required a volumetric vehicle to be able to move it economically; it could be 50/50 or less depending on the day. A full arctic lorry of plastic and cardboard would weigh 10-12 tonnes; if laden with coca cola cans the weight could be 22-24 tonnes. All the arctic lorries were weighed before leaving the site and all were covered in environmental sheeting.

- A member of the committee referred to the comment that a 44 tonne full laden lorry would do less damage to the roads due to the way the lorry was sprung and asked if this meant the lorries would be less noisy. Mr Lupson confirmed that the 44 tonne lorries were quieter. 32 tonne lorries had metal spring suspensions and fewer axles and took on more weight per axle so were more abrasive and had more impact on the roads. The actual weight of an arctic per axle was lighter and they also had air suspension which was quieter. There was no difference in the width of the 44 and 32 tonne lorries.
- Mr Lupson confirmed that Camiers had a tracking system in the office and all the lorries were monitored to ensure they kept to the routing agreement. Sub-contractors also had tracking systems.
- A member of the committee summarised his understanding of the application. In response, Mr Lupson confirmed that the misting system was compliant with the Environment Agency and that Camiers were happy to work within the current vehicle movement and routing limitations.

The Chairman invited Ms P Thomas to read out her statement, appended to the minutes, in objection to the application.

Members of the committee raised and discussed the following points:

- A member of the committee commented that Ms Thomas had mentioned frequent bridge closures. Ms Thomas confirmed there were a number of bridges in the area, many of which had been closed recently; in particular Brownlow Bridge had been closed for a second time this year. There were chicanes in the road in Horton preventing two cars travelling along the road at the same time. It was pointed out to the speaker that several of the bridges mentioned were not on the routing agreement. Ms Thomas agreed but stated that she saw lorries every day driving along routes that were not in the routing agreement.
- A member of the committee commented that Ms Thomas' statement had clearly stated that HGVs were causing problems to the residents, however, the planning application was not intending to increase the number of vehicle movements.
- Ms Thomas stated it was confusing and difficult to understand what was being proposed without the planning officers' insight.
- A member of the committee provided a summary of her understanding in that the amount of waste being imported would not increase but the waste would be processed to enable more recycling. There would not be any increase in the tonnage coming in to the site or vehicle movements but the process would be carried out in a more suitable area of the site with dust mitigation measures in place. Ms Kelham confirmed that this was her understanding. More waste would be processed on site but it did not equate to more waste being brought into the site. Ms Gibbs stated that was her understanding when she visited the site.
- Ms Thomas asked if the company had permission for 82 vehicle movements and to process 87,500 tonnes of material; Ms Kelham confirmed that that was what was permitted at units 32, 32A and 33.

The Chairman invited the local member, Councillor A Wight to read out her statement, appended to the minutes.

Members of the committee raised and discussed the following points:

- A member of the committee commented that Councillor Wight had asked the committee to defer a decision until more detail was known on traffic movement; however it had been made clear that there would be no increase in vehicle movement. Councillor Wight added that one of the problems was that the current

routing agreements were not adhered to. According to a Section 106 agreement, GPS tracking information was to be available on request, but it appeared this had not happened. Councillor Wight stated she was not clear how the additional waste would be processed without additional vehicle movements.

- A member of the committee stated he was confused on the amount of tonnage of waste to be processed and the number of vehicle movements. When he first read the report he assumed the 87,500 tonnes and number of vehicle movements were part of the allowance of the partner organisation (unit 32). He had now heard of an additional 87,500 tonnes for the application site and requested clarification. Ms Kelham confirmed the site would manage waste in conjunction with unit 32 and commented that the tonnage which could be stored and processed at the site was limited by the Environmental permit. The amount referred to in the planning application was the amount of material that would be throughput on the site. There was the throughput of the site and the amount of material which was coming off the main highway network that came in through the entrance of the industrial estate. In terms of vehicle movements, if the material was moved from one unit to another it would not be generating additional vehicle movements on the public highway; there were two separate issues. Ms S Winkels, Planning and Enforcement Manager reiterated that there would be no increase in the amount of tonnage that the site processed. There would be an increase in the processing capacity on the site to increase the amount recycled.
- Ms Gibbs stated she had visited the site and seen the original waste site where the waste processing used to be carried out; there would be increased movement of the material but it would be within the airfield site. A large number of lorries used the airfield, but Ms Gibbs emphasised that the committee was only considering the vehicles for this application which all had tracking devices.
- A member of the committee stated that the limit of 82 vehicle movements, 41 in and 41 out, across units 32, 32A and 33 was an improvement. Councillor Wight did not feel putting a limit on the vehicle movements was helpful; she stated she was confused as to how the entire estate had a B1 Light Industry Permit from AVDC, yet was running a heavy industry estate which was not supposed to run anything except offices and little white vans.
- A member of the committee asked if there had been any enforcement on the site. Ms Kelham stated that the reason for the application was due to a visit by the Enforcement Officer who had identified that the site had been split into two. Mr Pugh, Planning Enforcement Officer, added that application number CM17/17 (Waste King) was for unit 25 in its entirety. There were two very similar delivery vehicles which were generating complaints against one operator but it was another operator that did not have planning restrictions that was causing the issue. The breach was regularised and Mr Pugh had not received any complaints since then on the application approved in 2017.
- A member of the committee asked Councillor Wight if she had met with the enforcement team. Councillor Wight confirmed she had met with Mr Pugh and Ms Winkels to discuss the site. Councillor Wight stated she was very familiar with the issue and had received reports of people using Brownlow Bridge despite the weight limit.
- Ms Gibbs stated that, legally, the committee was not retrospectively looking at whether the site was right for the work being carried out at the moment. Approval of the application would mean an improvement from the way the processing was being carried out before. There would be no extra lorries in and out of the site, the waste would be processed inside a unit resulting in less dust. Ms Gibbs' understanding was that the committee were regularising something that was being carried out. Ms Kelham stated that the said building was granted planning permission by AVDC and there had been changes to what had been permitted on the Airfield Site since the Certificate of Lawful Use development which was

granted in 1985. Ms Gibbs added that if there were to be a contravention, it would be dealt with by the enforcement team. Ms Kelham confirmed Ms Gibbs' summary was correct and that there should be odour abatement and less litter with the move to internal processing.

- A member of the committee mentioned that Councillor Wight had commented on the site being in an AONB. Ms Kelham advised that the site was 2.75 km away the edge of the AONB. Vehicles would travel through the AONB but there was no restriction in Buckinghamshire for vehicles travelling in an AONB when they were travelling on the public highway.
- A member of the committee asked for clarity on the legal framework for B1 Light Industrial and Storage. Ms Kelham explained that the airfield as a whole had a Certificate of Lawful Use which was granted in 1985 by Aylesbury Vale District Council for the continued use of the airfield for light industry and storage purposes. Since then, various units has sought planning permissions for change of use e.g. CM17/17.

Ms Gibbs stated that she proposed the committee agreed with the officer's recommendation to approve the planning application, this was seconded by Mr Clare. All the members were in agreement apart from Mr Khan who abstained.

For	6
Against	0
Abstention	1

**RESOLVED:** The Development Control Committee **APPROVED** application number 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, and the conditions set out in Appendix A of the report 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 though 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 miniroundabouts 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.**



**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**

Ms C Kelham, Senior Planning Officer, advised that application CM/00/17/19 had been submitted by the operator of CM/17/17. The application sought to reduce the area of the site. There would be no increase in the number of HGV movements i.e. 20 in and 20 out.

Since the publication of the report the following had been received:

- Eight objections from members of the public.
- An objection from Wingrave with Rowsham Parish Council primarily due to the impact of traffic on the surrounding road network.
- A petition from local residents entitled “No more waste recycling on the airfield”.
- A letter from the Member of Parliament for Hertfordshire regarding concerns from a resident in Gubblecote regarding the impact of HGVs from the site and the general impact of the site on the residents’ health and amenity.
- Comments from the Heritage Consultant at AVDC regarding this application and the other application on the airfield site (CM/0018/19). These comments concluded that there had been no change in policy or circumstances since the previous applications on the airfield site and as such the Heritage Consultant considered that it would be difficult to sustain a Heritage objection given that the route proposed for HGVs was the most direct route and was the same as used for previous applications. Overall, having sought advice from the Archaeology and Heritage Consultants, the Planning Authority was satisfied that the development would not lead to harm to a designated heritage asset.

Ms Kelham provided a presentation and highlighted the following points:

- Photographs of the site and entrance to the airfield.
- Photographs of the hill fort and footpath.
- Photographs looking into the yard and the inside the site.
- There was one skip lorry; the other vehicles were caged.
- The routing agreement was the same as for application CM/0018/19.

### **Public Speaking**

The Chairman invited Ms P Thomas to read out her statement, appended to the minutes, in objection to the application.

Members of the committee raised and discussed the following points:

- A member of the committee stated that she appreciated Ms Piers’ statement had been written before the clarification of the B1 use had been provided in the previous item and felt that from her perspective she was unable to take any part of the presentation as valid. The member asked Ms Piers if she concurred that the B1 use had changed over the years. Ms Piers commented that her understanding was that AVDC had given the B1 classification and Buckinghamshire County Council (BCC) changed the use. The member explained that consent could change much the same way as an extension to a house could change the housing classification. Ms M Rajaratnam, Assistant Team Leader, Planning and Regeneration, HB Public Law clarified that the district council considered certain types of applications and the County Council considered waste related applications; it was not a case of BCC overruling AVDC. BCC had granted planning permission for waste storage and sorting

- having considered the information provided at the time of that application.
- Ms Thomas queried why the planning officer had relied heavily on the B1 use. Ms Kelham explained it was to do with fallback position. Ms Rajaratnam confirmed if CM/17/17 had not been implemented the fallback position would be have been the Certificate of Lawful Use.
- Ms Thomas stated that the routing had not been addressed and asked why the whole focus had been on the site. Cllr Clare explained that as part of this application, there was no increase in HGVs proposed and the routing would be as existing.

The Chairman invited Mr A Cattigan, Director and owner of Waste King Limited to read his statement, on behalf of the agent.

- Waste King Limited employed 18 people.
- The application did not include a change to the use of the land, just the area the planning permission covered.
- The size of the site had reduced by over 50%.
- Waste King Limited was not applying for more vehicle movements.
- The site use was not changing.
- During planning application CM17/17 it was stated that Waste King Limited was not looking to grow the business physically in terms of more skip lorries but to streamline the business. Waste King Limited knew that with the limit of 20 HGV movements in and 20 vehicle movements out it would not be profitable nor viable to run a successful skip hire company so they concentrated their efforts on the other business, Skip Hire Limited which was a waste broker. The business did not physically collect and process the waste. If a customer in Glasgow ordered a skip, Waste King Limited would source a skip from a local company in Glasgow and process the order.
- The waste and skip hire business accounted for 30% of their income.
- Waste King Limited was surrendering over 50% of the site back to the land owners after being prompted to regularise planning.
- The vehicles were tracked; the limit of 40 vehicle movements per day and the routing agreement was adhered to.
- Waste King Limited were the sponsors of the Ivinghoe under 15s football team.

Members of the committee raised and discussed the following points:

- A member of the committee stated that the local parish councils had objected to the application and asked Mr Cattigan if they had invited him to provide more clarification. Mr Cattigan confirmed he had not been invited to speak to the parish councils.
- Ms Gibbs stated she had visited the site and wanted to clarify her understanding. Ms Gibbs advised there was a screen in the office and had been told its purpose was to track the vehicles. The vehicles whereabouts could be seen and Ms Gibbs asked if the company kept records. Mr Cattigan explained that the records were kept and that he submitted reports to Mr Pugh. The system sent an email alert if a vehicle travelled into an area that they were not allowed to enter (i.e. away from the agreed routing).
- Ms Gibbs stated she had also noticed that there were four secretaries taking calls. Mr Cattigan advised that the business was a 'hub' for skip hire. Members of the public contacted Waste King Limited who acted as a brokerage and contacted people on their books to supply the skip; this was 70% of their business. Mr Cattigan also mentioned that he had amicably let three drivers go as they were no longer needed with the change in focus of their business.
- A member of the committee asked how many skip lorries remained on the site.

Mr Cattigan stated that there was only one skip lorry; the other vehicles were small lorries with caged sides that were 3.5 tonne and did not require a specialist licence; there were no plans to increase the number of lorries.

- The member summarised that there would be no change in the number of lorries and there were fewer drivers which was better news for the residents. Mr Cattigan stated that a large number of vehicles were required to make that side of the business profitable and this was the reason that this area of the business had been downsized.
- A member of the committee stated he had sympathy with the applicant and felt he had no choice but to support the application.

The Chairman invited the local member, Councillor A Wight to read out her statement, appended to the minutes.

Members of the committee raised and discussed the following points:

- Mr Clare stated the committee understood the issues the community had and were trying to address them within the framework of the application. Mr Clare highlighted the following:
  - There would not be an increase in the number of lorries.
  - Waste King Limited did have planning permission.
  - There was a road through the AONB but lorries were allowed on roads in an AONB.
  - There was one canal bridge in the routing which was an issue and had been repaired.
  - The bridge had a weight limit but the HGVs would be well under the limit. Mr Clare could not think of anything else which would require clarification and asked the other members if they had any further points.
- A member of the committee commented that Councillor Wight had mentioned waste slipping into a stream but stated she had not seen a stream. Mr Pugh stated this was in relation to unit 32; the deposit was not within the application site. Ms Kelham reminded the committee that the units were adjacent to each other but were two separate applications.
- A member of the committee stated that everyone appreciated the number of HGVs on the country lanes but emphasised that the committee were looking at a specific application which would not put an additional HGVs on the road. Ms Kelham confirmed this was correct. Ms Winkels added that any assessment of the highway impact would look at the cumulative impact of the development on the highway network (i.e. the impact of all traffic from the site on the highway network). Due to the fallback position, in respect of the remainder of the airfield site, being that the Certificate of Lawful Use did not limit the number of HGVs then any application on the site that sought to restrict HGVs would provide a benefit. Ms Gibbs clarified that Waste King were permitted a certain amount of HGVs but they were not taking up their whole allocation of 20 vehicles in, 20 vehicles out.

Mr Clare stated that he proposed the committee agreed with the officer's recommendation to approve the planning application, this was seconded by Ms Glover. All the members were in agreement.

For	7
Against	0
Abstention	0

**RESOLVED:** The Development Control Committee **APPROVED** application number 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, and the conditions set out in Appendix A of the report 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 though 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 miniroundabouts 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.**

**9 DATE OF NEXT MEETING**

Monday 2 September 2019 at 10.00 am.

**10 EXCLUSION OF THE PRESS AND PUBLIC  
RESOLVED**

**That the press and public be excluded for the following item which is exempt by virtue of Paragraph 1 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information relating to an individual**

**11 CONFIDENTIAL MINUTES**

**12 ENFORCEMENT REPORT**

**CHAIRMAN**

Development Control Committee 1<sup>st</sup> July 2019 - addendum for Item 5:

**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

Highways Development Management:

No objection subject to conditions.

Flood Management Team:

No objection subject to conditions.

## **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 D5 Rev P01 Planning - Block E GA Proposed Roof Plan
- Drawing no. AMS001-AHR-E-ZZ-EE-A-2016 D5 Rev P01 Planning - Block E Proposed Elevations
- Drawing no. AMS001-AHR-E-ZZ-SE-A-2050 D5 Rev P01 Planning - Block E Proposed GA Sections
- Drawing no. AMS001-AHR-N-00-GA-A-2006 D5 Rev P02 Planning - Block N GA Proposed Ground Floor Plan
- Drawing no. AMS001-AHR-N-ZZ-GA-A-2008 D5 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 D5 Rev P01 Planning - Block E GA Proposed Ground Floor Plan
- Drawing no. AMS001-AHR-N-01-GA-A-2005 D5 Rev P01 Planning - Block N GA Proposed First Floor Plan
- Drawing no. AMS001-AHR-N-RF-GA-A-2006 D5 Rev P01 Planning - Block N GA Proposed Roof Plan
- Drawing no. AMS001-AHR-N-ZZ-EE-A-2017 D5 Rev P01 Planning - Block N Proposed Elevations
- Drawing no. AMS001-AHR-N-ZZ-EE-A-2018 D5 Rev P01 Planning - Block N Proposed Elevations
- Drawing no. AMS001-AHR-N-ZZ-SE-A-2052 D5 Rev P01 Planning - Block N Proposed GA Sections B-B,C-C
- Drawing no. AMS001-AHR-N-ZZ-SE-2060 D5 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/B Arboricultural Survey
- Amersham School Cross-Sections (showing location of boundary fencing)
- 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;
- Provide details of 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.

6. No other part of the development shall commence until the off-site highway works have been laid out and constructed in accordance with details to be submitted to and approved in writing by the County Planning Authority. The details shall include:

- A combined footway/cycle way to be provided between the site and Stanley Hill Avenue to connect the site with the existing cycle network;
- An approved scheme be provided for ensuring the efficient use of the access junction; and

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

7. Prior to the commencement of any works on the site, a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the County Planning Authority. The CTMP shall provide for the following:

- the routing of construction vehicles
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- operating hours
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities

The approved CTMP shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and prevention of congestion in accordance with policies CS25 and CS26 of the CSCD, and policy TR2 of the CDLP.



8. Other than demolition, no works shall commence until 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, has been submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The detailed scheme shall include:

- Ground investigations including:
  - Infiltration in accordance with BRE365 in the locations and geologies of all proposed infiltration components
  - Groundwater level monitoring over the winter period within the location of the deep bore soakaway
- Subject to infiltration being unviable, demonstration that an alternative means of surface water disposal is practicable subject to the hierarchy listed informative below:
  - into the ground (infiltration);
  - to a surface water body;
  - to a surface water sewer, highway drain, or another drainage system;
  - to a combined sewer.'
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. (Any on-site flooding between the 1 in 30 and the 1 in 100 plus climate change storm event shall be safely contained on site.)
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction.

Reason: To ensure that a sustainable drainage strategy has been approved prior to construction in accordance with CSCD policy CS4 and paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

9. Prior to the commencement of the development a “whole-life” maintenance plan for the site shall be submitted to and approved in writing by the County Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) both during and following construction, with details of responsibility for carrying out the maintenance. The plan shall subsequently be implemented thereafter in accordance with the approved details.

Reason: To ensure that maintenance arrangements have been arranged and approved before any works commence on site that might otherwise be left unaccounted for in accordance with CSCD policy CS4.

### **On-going Conditions**

10. No other part of the development shall be occupied until the new means of access has been altered in accordance with the approved drawings and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access Within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with policies CS25 and CS26 of the CSCD, and policy TR2 of the CDLP.

11. The scheme for parking, garaging and manoeuvring indicated on the approved drawings shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with policies CS25 and CS26 of the CSCD, and policy TR2 of the CDLP.

12. Prior to the occupation of the development, details of the cycle parking provision shall be submitted to and approved in writing by the County Planning Authority.

Reason: To ensure sufficient levels of cycle parking within the site to encourage sustainable travel in line with the NPPF.

13. Prior to the first occupation of the development, a demonstration (such as as-built drawings and/or photographic evidence) of the as-built surface water drainage scheme carried out by a suitably qualified person shall be submitted to and approved in writing by the County Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System has been constructed as per the approved drawings and is designed to the technical standards in accordance with CSCD policy CS4.

14. 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.

15. Prior to the first occupation of the development hereby permitted, an updated school travel plan in general accordance with the 'Buckinghamshire County Council Travel Plan Good Practice Guidance' and any other reasonable requirements of the County Planning Authority shall be submitted to and approved in writing by the County Planning Authority. The plan shall include:

- The appointment of a Travel Plan Co-ordinator;
- A programme for facilitating the monitoring of the Travel Plan;
- A parking strategy taking into account the requirements of full time staff and sixth form students;
- 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 influence modal choice and to reduce single occupancy private car journeys and so to promote sustainable methods of travel and to minimise danger, obstruction and inconvenience to users of the highway in accordance with policy CS25 of the CSCD.

16. Following the first 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.



Dear Members

**APPLICATION NUMBER: CM/0068/18 Park Hill Farm Recontouring of Agricultural Land**

This Statement is submitted to you in connection with the recommendation that invites the Committee to refuse the above referenced application for 6 reasons.

To be clear, this is not an application for landfill or land raise. This is an application for the recontouring of agricultural land, an engineering operation, using soils. The purpose is to improve productivity of the land and to ensure that the land can be farmed safely, without the risk of farm machinery overturning. The land sits at a high point of 148m AOD (eastern part) and falls sharply to its low point of 130m AOD (to the west). As a result of the steepness, the land does not have agricultural benefit and is of limited value to the farmer. The application is supported by an Assessment of Limitations to Agricultural land Quality, prepared by Reading Agricultural Consultants Ltd. The Assessment confirms that there is a clear agricultural benefit to reducing the gradient across the upper parts of the field to eliminate the safety hazard of operating machinery on the slopes, and to offer the opportunity to farm the land in a wider range of crops than is possible at present.

The soils that would be imported to the site would be from local construction projects, minimising the need for travel.

Additional information was supplied in support of the application, including information relating to landscape and visual impact, contrary to the Committee Report. There will be no permanent impact on landscape character as a result of the proposed development as the landform proposed (with reference to the plan excerpt in the Committee Report) will not be incongruous and will largely appear unchanged when restoration is complete.

The proposed reasons for refusal are neither robust nor justified:

Reason1: The site will be restored to a high quality. This is explained in the application and is supported by the above referenced Assessment, the proposed stripping and storage of sub and topsoils for use in restoration and plans showing an appropriately graded landform. Paragraph 7 (NPPW relates to landfill – this is not a landfill operation).

Reason 2: This is not a landfill operation.

Reasons 3 & 4: This is a small-scale engineering operation with a defined purpose and will utilise just over 40,000 tonnes of soils.

Reason 5: The proposed contours ensure that there will be no adverse or permanent change in the landscape character.

Reason 6: The Applicant has its own fleet of transport and can and will put in place the necessary arrangements for lorry routeing which would overcome the highways objection.

We respectfully request that the Committee rejects the recommendation and allows the landowner to put the land back into agricultural production.

**Maureen Darrie, GP Planning Ltd, iCon Centre, Daventry NN11 0QB 26<sup>th</sup> June 2019**



## DEVELOPMENT CONTROL COMMITTEE

MEETING DATE: 1<sup>ST</sup> July 2019

APPLICATION No.: CM/0018/19

APPPLICANT: Amalgamated Industrial Park

SPEAKING: Camiers Group Limited  
Mr Simon Lupson

I would like to take this opportunity to thank the Development Control Committee for considering the contents of my submission supporting this application CM/0018/19 within their deliberations.

Due to recent publications in the local media and the review of the objections submitted in relation to the planning application, I would like to take this opportunity to clarify certain matters on behalf of the applicant and operator:-

1. Camiers Group Limited are the current operators of Unit 32, Old Cheddington Industrial Estate, Cheddington Lane. Marsworth, Buckinghamshire HP23 4QR. This site operates under granted planning permission 11/20007/AWD from 2012.
2. Under planning permission 11/20007/AWD there is an agreed routing agreement and vehicle movement limitations in place.
3. Under this application the applicant Amalgamated Industrial Park Ltd is looking to regularise Unit 25, so that it can operate as part of the existing operation of Unit 32.
4. As part of this application, the applicant agrees to adopting the existing routing and vehicle movement limitation agreements of Unit 32, to include Unit 25. It was never requested by the applicant to increase any vehicle movements, as part of this planning application. Therefore, any objections submitted in relation to: additional HGVs; Highway Safety; and Noise and Vibration from vehicles are misguided as no such request has been submitted.
5. The operator wishes to increase its contribution to the Waste Hierarchy, as does Buckinghamshire County Council. As an operator we understand the priorities in the order of managing waste materials. Unit 25 will enable the company to increase its recycling and recovery of materials for reuse.
6. The purpose of this planning application is to maximize efficiencies within the existing waste activities of the operator. The operator wishes to increase its recycling and recovery percentages, not its capacity. Please note that the Environment Agency have no objections to this application.
7. Unit 25 in the past was part of some land that had been used for waste management. However, the previous operation was done outside with no buildings by another operator.

I would like to clarify that all the proposed waste activities of this application on Unit 25, will be undertaken within the building with a fully compliant dust suppression misting system installed. Therefore, the objections with regard to litter from the site on the local amenity and the impact of dust/fumes from the site in surrounding and local wildlife has significantly reduced if not been negated compared to the previous consented operation.

8. In addition, the objection regard odour is also negated due to the proposed operation being inside a building and its considerable distance to local residential areas. However, as an extra precaution the misting system within the building has the ability of a fragrance additive that can be implemented, if the issue arises.
9. The objections of increasing capacity without increasing vehicle numbers to larger vehicles and greater impact are incorrect. Under this application the applicant is not looking to increase the current capacity.

The concern of a greater impact and the recommendation of a maximum vehicle weight of 36 tonnes is not appropriate. There is no standard lorry with a limiting weight of 36 tonnes. It would either be 32 tonnes or 44 tonnes, however 32 tonne lorries all have metal spring suspensions on each axle, while vehicles up to 44 tonne are all on air suspension axles. Therefore, 32 tonne lorries are more abrasive and create more vibration on the roads, as there is more weight on each axle. The proposed introduction of a lower gross weight would automatically increase vehicle movements on the existing routing agreement to be adopted.

Currently with the existing condition of vehicle limitations under the existing planning permission and routing agreement of Unit 32 (to be adopted) we are able to transport with one vehicle movement the same amount of material than the two vehicle movements being suggested within clause 18 of the Representations.

There is far less impact on the environment and carbon footprint combining the existing routing agreement and vehicle movement limitations of Unit 32 with Unit 25, as suggested by the Highways Development Management Officer as he states *"the traffic impact of this proposed development would not be material."*

## **CONCLUSION**

This planning application does not require additional vehicle movements, is not looking to increase capacity, but to increase recycling. The applicant is in agreement to adopt of the Unit 32 routing agreement and vehicle movement limits in combination with Unit 25.

All the recycling activities are being undertaken in a purpose-built building meeting the environmental measures and expectations of the planning authority and environment agency.



CM/0018/19

Poor and deteriorating roads surround the Airfield causes

- Frequent bridge closures
- Weight restrictions on bridges
- Roads too narrow to safely allow two commercial vehicles to pass each other.
  
- The Airfield generates 3<sup>rd</sup> largest amount of HGV traffic in whole of Bucks county. (1<sup>st</sup> College Rd, 2<sup>nd</sup> entire town of HW incl all industrial parks)
- Long Marston and Station Road have 3 to 5 times the proportion of lorry traffic compared to the motorway network.
  
- 100 houses are now being built in Cheddington along the route to the site with
- No access to Long Marston Road as there were concerns about highway safety.

So there is no acceptable route for commercial HGVs from the Airfield Site to the Strategic Highway Network.

The officer's report is confusing at best and smoke and mirrors at worst. The applicant is seeking to process a minimum of 87,500 tonnes annually with no approved lorry movements.

The report refers to relying on operating in conjunction with an unnamed operator at Unit 32 who has permission for 82 movements but it would appear no approved processing capability?

Is this a joint application? If so, why is the operator of Unit 32 not named?

It's also unclear if 87,500 tonnes is an increase or the total volume of waste to be processed annually. And is this between one or two operators?

Where is this waste coming from? It can't be just local!

Aren't there more suitable waste processing sites along the route to the Airfield without the Airfield's access issues ?

Pier Thomas

The numbers don't stack up.

In 2017, the Council approved 25,000 tonnes which equalled 40 daily movements.

Yet we're asked to believe that an extra 87,500 tonnes (3.5 times 25k) could be processed with just 82 movements by a third party operator.

We say that the unnamed operator is Camiers with its long history of planning breaches.

In 2008, Camiers were refused an application to increase their daily movements from 82 to 124. The Planning Inspector was very clear. Quote

- "... Given the poor quality of the links to the strategic highway network, I consider that **encouragement should not be given to increase traffic flows on the local road network to and from the appeal site**, particularly when a proportion of the waste arisings being dealt with already originated well outside the local area. **To do so would clearly add to the harm presently being caused to the living conditions of local residents and the users of the local highway network.** "

To reach this volume of 87,500 tonnes, 140 daily movements would be required. A number pretty close to the 124 refused.

Is this application a step towards getting those 140 movements? Absolutely!

When does it end?

Approving these applications means a minimum of 112,500 tonnes of waste processing per year at the Airfield.

Given

- All the road issues
- the negative impact on people's lives, and,
- just 3 miles away exists a heavy industrial site MUCH more suited to this type of industry.

Where is the officer's consideration of alternative options?

Why doesn't the Council consider reducing the amount of HGV traffic at this site?

11 years ago, we were promised

- no increase in lorry traffic as the road network was wholly inadequate,
- the site was in the wrong location and
- any increase in lorry traffic would have a HUGE negative impact on homes and health of villagers living alongside the routes.

You need to honour that promise and refuse this application.

## CM/0018/19

I object to the processing of 87,500 tonnes of waste on this site on behalf of my residents.

I believe this application lacks sufficient information. The officers' report is scant on the detail required for the Committee to take an informed decision.

Specifically, why hasn't an Environmental Impact Assessment been completed prior to this application coming to committee in view of the proximity of the AONB in Ivinghoe and many complaints from residents? Why hasn't a Traffic Impact Assessment been carried out?

How will waste arrive and be removed from the site? I find the officers' report confusing and possibly erroneous in the following respects.

In the officer's report for CM/17/19, line 16 states that throughput will be 25,000 tonnes of waste and line 19 says it will require 40 HGV per day to operate that. However, the officers report for this application states on line 19 that throughput will be 87,500 tonnes but on line 21 that this will be done without generating any extra HGV movements? How is that possible? A ratio of 40 movements for 25,000 tonnes of waste equate to 140 movements for 87,500 tonnes— 140 heavy goods vehicles, not including the heavier bulk waste carrier units required to transport the processed waste out.

Line 21 also states that this will somehow be possible because the plant will be used in conjunction with unit 32 but no further detail is given on how this will work. Unit 32 is occupied by Camiers Waste and it would be hard to believe that they have this capacity given their allowances. I will remind committee Camiers applied in 2007 to increase their HGV movements to 124 which was rightly refused and I remind committee that this was lost at appeal. Even if it had been allowed, it would be insufficient to deal with the literal mountain of waste this application seeks to permit.

Whilst my residents will welcome a routing agreement, this begs the question as to why officers are proposing one when they suggest no increase in traffic?

I am informed by officers that this Estate is now rated as the third largest HGV generator in the entire county. This site was originally intended for B1 Light Industrial and Storage, never for heavy industry. That is office use or any use which could be carried out in a residential area without detriment to the amenity through noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Yet residents have to endure heavy industry literally in their back gardens in some cases due to retrospective planning creep.

The surrounding road network is already inadequate for heavy industry but is becoming more limited as the Brownlow Bridge on the B488 has an 18 tonnes weight limit for an indefinite —and possibly permanent—period. Traffic from the site diverts through Cheddington High Street and Cooks Wharf, taking HGVs past Cheddington School and the terraced cottages.

Why should local residents effectively “subsidise” these businesses using this site when in many cases skip lorries pass by more suitable sites at College Road, Aston Clinton and Newton Longville adjacent to the strategic HGV road network?

Residential housing is increasing in Cheddington, and surrounding villages. This increase in housing is totally incompatible with increasing heavy waste processing industry.

The AONB in Ivinghoe is covered under the Revised National Planning Policy Framework which states “planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes” How can processing 87,500 tonnes of industrial waste which then has to travel through the AONB possibly enhance this valued landscape in Ivinghoe and its surrounds?

Residents have complained to me and on the planning applications of dust on the fields and near their homes from the site, as well as noise and bad smells/fumes coming from the site routinely.

Residents have noticed an increase in HGV and traffic movements from the site over the past 18 months, prompting BCC to instigate Freight Strategy workshops in the area as Ivinghoe Division is a freight hotspot across the county.

I ask the Committee to refuse this application. But If you are minded to agree with the officer recommendations, at least defer until full details are available on vehicle movements, and the inconsistencies in the officer reports have been resolved. I would also entreat the entire Committee to undertake a site visit to fully comprehend the inadequacy of the surrounding road network and residential character of the area.

Anne Wight  
Local Member



## PLANNING APPLICATION CM/0017/19

I understand that the Committee considers applications separately.

But the Planning Officer has interlinked planning applications CM/0017/19 and CM/0018/19. So they should be considered together against the overall impact of more HGV traffic and waste processing on the local infrastructure and villages.

It's virtually the same report for both applications.

**The Committee has a responsibility to all residents affected by these applications to ensure that they will be protected in accordance with Policy 28 of the BMWLP (Bucks mineral and waste local plans) which clearly states that** *"..... planning permission will not be granted to any proposals which likely to generate significant adverse levels of disturbance, both near the site and on routes to and from it, from noise, vibration, dust, fumes, gases, odour, illumination, litter, birds or pests"*.

These 2 applications will definitely (not likely) have a devastating impact on the surrounding villages.

The Planning Officer relies heavily on the site having Class B1 business use with unrestricted lorry movements. But B1 is for a LIGHT industrial process which can be carried out in any residential area.

Waste storage, processing and transfer is not a B1 business. It's best suited to a HEAVY industrial site.

So waste processing is in direct contravention of the B1 licence the site holds.

An online **petition** was recently set up to test the strength of local residents' feelings about "no more waste recycling at the Airfield".

304 people signed the petition in less than a week,

People support local businesses at the Airfield consistent with a LIGHT industrial estate. Not waste processing.

Over 300 people would have been here to tell you themselves but they are working

Quote

"Local rural roads are not build for high volume of HGV traffic. "



"Our roads cannot cope with these huge lorries who constantly thunder through our hamlet ignoring the speed limit, tooting at all hours and using abusive language when they have problems negotiating the width restriction. Most importantly I'm fed up with my house shaking"

Why is there no mention in the reports of how much lorry traffic is being generated by the Airfield.

Why is there no assessment of whether the local roads can cope with the Airfield generating the 3<sup>rd</sup> largest lorry traffic in the whole of Bucks.

Instead the reports make much of routing arrangements, trackers in vehicles etc.

Has anyone on this Committee been to visit the site and our local villages to see what we face on a daily basis?

Has the officer seen our reality ?:

- Speeding lorries spilling out of the Airfield in every direction
- Traffic jams caused by 2 vehicles not able to pass each other.
- Houses rattling and shaking
- Being woken up at all hours by noisy lorries
- Cars navigating narrow, windy country roads dodging the recurring large potholes
- Frequent road diversions due to bridge closures (got hit again) or roads needing to be repaired - yet again. Or sometimes both

How is the Council planning to ensure that operators keep to an agreed route? By keeping records. And this will be monitored by ONE single enforcement officer for the whole of the County? We think this is neither possible nor credible.

11 years ago we were promised no additional HGV traffic. You need to honour that promise and reject this application.



## CM/0017/19

I would like to state my objection to this planning application for 25,000 tonnes of waste to be processed on the site. I was uncertain as to whether this 25,000 tonnes is part of the 87,500 tonnes mentioned in the related application CM/0018/19 or whether it is in addition to that?

My residents have strongly objected to this application, bearing in mind the increase in residential housing which is proposed for Cheddington, Pitstone, Edlesborough and the other surrounding villages, this represents an entirely unacceptable amount skip trucks and industrial waste carrier movements on this site. Since CM/17/17 was approved, residents in all the surrounding villages have written to me to say they find the current HGV and skip truck movements from this site already bothersome, noisy, disturbing their rest in the mornings and they complain of noise, vibration, smell, fumes, ash, dust and grit.

Here are some examples of resident views

*“I believe that the pollution this operation creates, including dust, rubbish and odor contributes to a loss of local amenity”*

*The recycled earth slip is subsiding down into the stream. We have had cause to complain to the environmental agencies regularly about this pollution. The waste companies only clear up once they've been visited by the relevant agency as a result of a complaint. “*

*“My house shakes as the huge HGVs drive past on Cheddington Lane. They cause havoc by trying to turn into Cheddington Lane from Tring road or Station road as it such a small narrow road.”*

*“The lorries already cause a massive issue in the village with several of the villagers reporting and filming lorries driving too fast, and scraping past their cars and houses causing damage as they turn the tight corners.”*

*“The lightweight plastic has also blown some distance from the site and now litters the surrounding crops/hedges, up to a half a mile away as the fields are open.”*

*“Surely a business like this would be better suited to a dual carriageway location like College Road a few miles away?”*

*“Traffic affects significantly the amenity of residents on Cheddington Lane and Station Road in the surrounding villages of Long Marston and Cheddington.”*

There are pages and pages of similar comments which I trust the committee members have read.

The road network is even less suitable for industrial vehicles than when Waste King submitted CM/17/17 since the Brownlow Bridge now has an 18 tonne weight limit. The Bridge has been recently hit and damaged again this April, making two impacts in one year.

While this estate continues with its unrelenting intensification of use, it is incompatible with the character of the villages and small rural communities and cottage rows around it.

It is my understanding that this site was originally given permission by AVDC in 1985 as B1 Light Industrial and Storage, which means any use which could be carried out in a residential area without detriment to the amenity through noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. However, B2 planning permission was subsequently granted to certain units, so I will tell my residents to get used to the noise, vibration, smell, fumes, smoke, soot, ash, dust or grit in their back gardens and homes as a consequence of that decision.

Through the process of planning creep this has become the third largest HGV movement generator in the ENTIRE COUNTY and

should not be allowed to continue. The emerging Bucks Freight Strategy should be consulted before granting this application.

Given the uncertain fate of the Brownlow canal Bridge in Ivinghoe, the unsuitability of the Cooks Wharf canal bridge, the complaints by residents of increasing pollution, noise, vibration and the impact that this likely to have on the AONB in Ivinghoe and its ecosystems, I ask the Committee to refuse this application.

However, if you are minded to agree with the officers' recommendations, I would ask that the the officers request GPS tracking information from the applicant to ensure routeing compliance. I would also request both a Traffic Impact Assessment and an Environmental Impact assessment be done to determine the impacts on the surrounding area and AONB.

Anne Wight  
Local Member



**Buckinghamshire County Council**

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information and email alerts for local meetings

**Committee Report – 4 November 2019**

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<b>Application Number:</b>	CC/0046/19
<b>Title:</b>	Proposed new single storey self-contained 6th Form block comprising four classrooms, common room, office, intervention room, toilets and storage. External areas comprising fenced in teaching area connected to new building, patio and planting beds.
<b>Site Location:</b>	Stony Dean School Orchard End Avenue Amersham Buckinghamshire HP7 9JW
<b>Applicant:</b>	Buckinghamshire County Council
<b>Case Officer:</b>	James Suter
<b>Electoral divisions affected:</b>	Little Chalfont and Amersham Common
<b>Local Member(s):</b>	Martin Tett
<b>Valid Date:</b>	30 August 2019
<b>Statutory Determination Date:</b>	25 October 2019
<b>Extension of Time Agreement:</b>	11 November 2019
<b>Summary Recommendation(s):</b>	The Development Control Committee is invited to APPROVE application no. CC/0046/19 subject to the conditions set out in Appendix A



## 1.0. Introduction

- 1.1 Stony Dean School in Amersham is a special school catering for pupils with language, speech and communication difficulties including autism and moderate learning difficulties
- 1.2 This Application CC/0046/19 is for new standalone 6<sup>th</sup> form building at Stony Dean School that would increase the overall pupil numbers by eight (8) and would create specialist 6<sup>th</sup> form teaching facilities.
- 1.3 The application has been submitted by The McAvoy Group as the agents on behalf of Bucks County Council School Commissioning Team. It was sent out for consultation on 2<sup>nd</sup> September 2019.
- 1.2. The application is being determined by the Development Control Committee as objections have been received from local residents.

## 2.0 Site Description

- 2.1. Stony Dean School is situated on Orchard End Avenue, Amersham. The entire school site is in the Metropolitan Green Belt. The school is in the southeast of Amersham and access is from Orchard End Avenue via Pineapple Road and the A404. The proposed building site is located to the east of the main school buildings.
- 2.3. The nearest residential dwellings to the proposed works are located to the east of the school site on Pineapple Road at a distance of approximately 10m to the nearest garden fence and 15m to the nearest property.
- 2.4. The location of the proposed development can be seen highlighted in red on the site location plan below (Figure 1). The development is located in north east section of the school grounds. Its positioning within the school site can be seen in Figure 2.

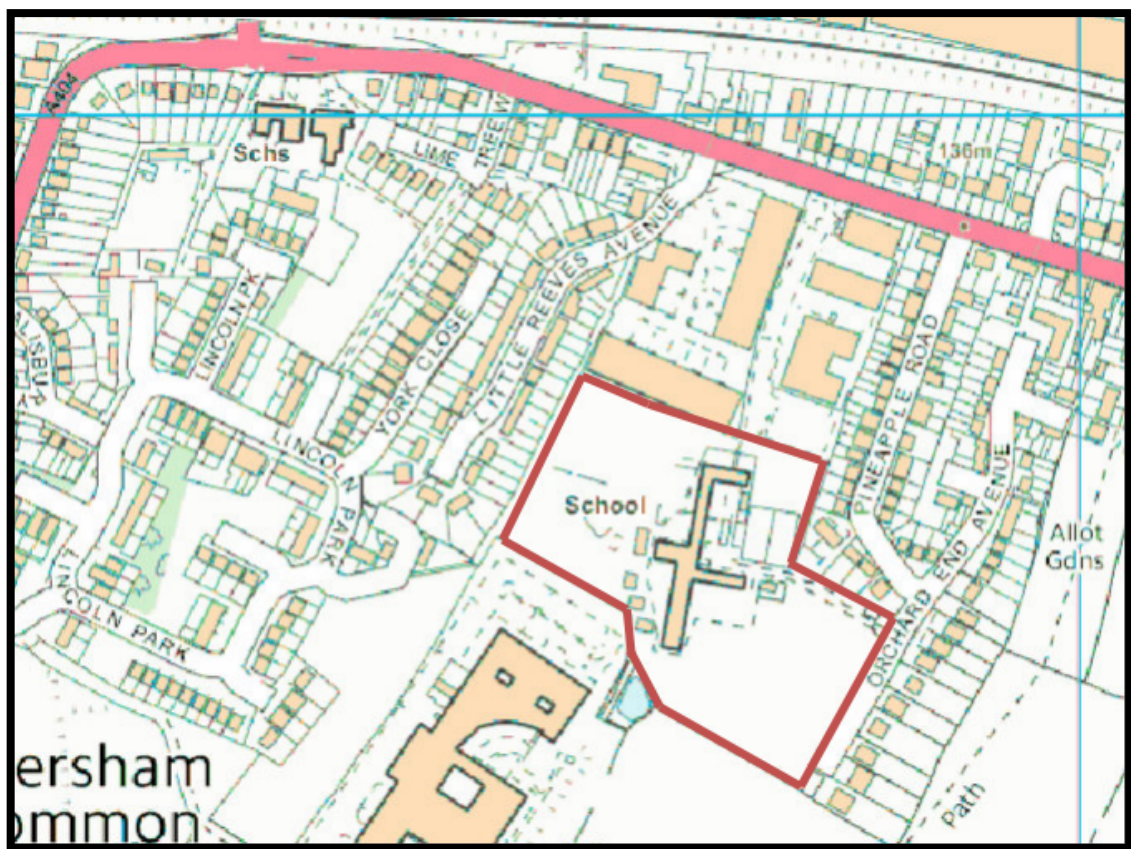


Figure 1: Site Location Map showing the school site outlined in red.

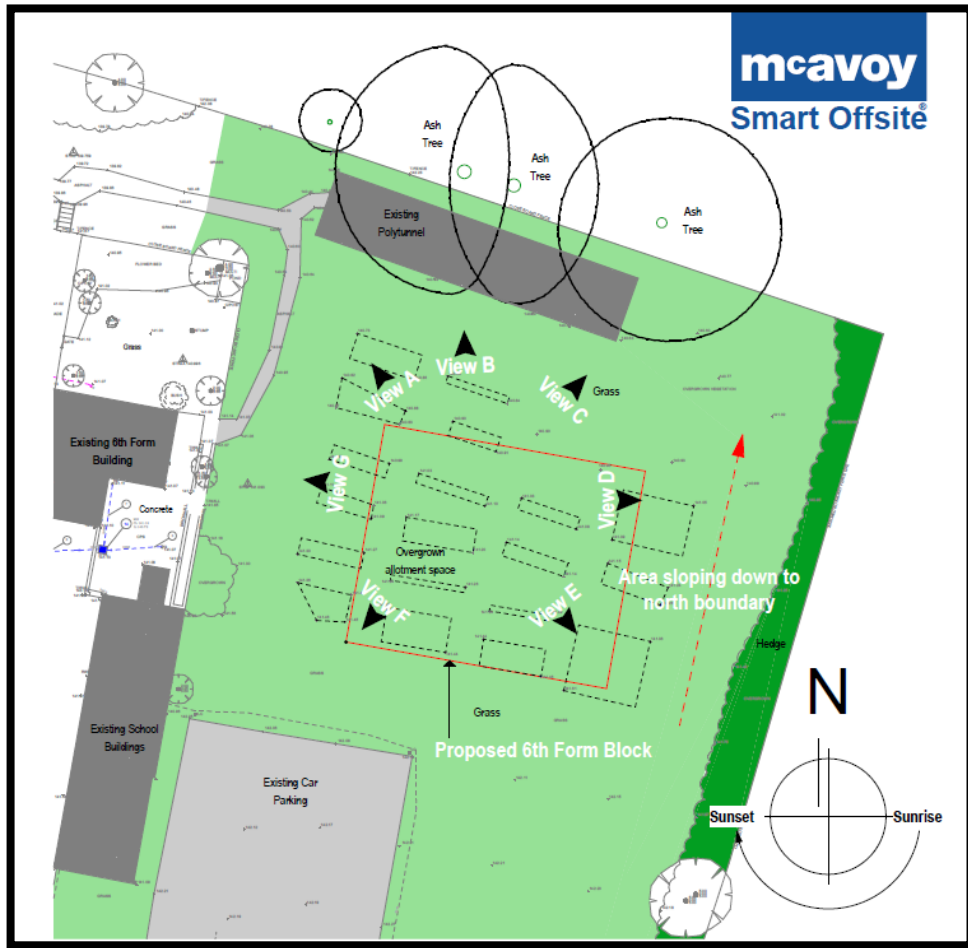


Figure 2: Map showing the location of the proposed block within the School Site (Extracted from Design and Access Statement)

### 3.0. Planning History

3.1. More recent applications include:

Table 1: Summary of planning history held by the County Planning Authority.

Planning Application No.	Proposal	Decision	Date
CC/01/12	Demolition of 4 existing temporary classrooms, and erection of purpose-built classroom block containing 5 classrooms, a music/drama room, storage, circulation areas and wc. The proposal also includes 2 open-sided covered walkways and landscaping works.	Approved	19/04/2012
CC/18/10	Proposed renewal of permission for double temporary classroom no 489 and single temporary classrooms no 165, 306 and 470	Approved	28/07/2010
CC/73/04	New multi-use games area (MUGA)	Approved	21/12/2004
CC/64/04	Proposed renewal of temporary permission for a further three years for three single classroom units (nos 165, 306, 470) and one double classroom unit (no 489)	Approved	16/09/2004

#### **4.0. Proposed development**

- 4.1. The school currently caters for 177 pupils. The proposed development would increase the capacity of the school by eight (8) pupils and provide specialist sixth form teaching space.
- 4.2. The proposed works at the school include the following:
  - The construction of a new single storey self-contained 6th Form block comprising four classrooms, common room, office , intervention room, toilets and storage.
  - Construction of external areas comprising of a fenced in teaching area connected to new building, patio and planting beds.
  - The requisitioning of the current 6<sup>th</sup> form block for staff accommodation and offices.
- 4.4. The proposed building would be rectangular in shape with an internal floor space of 260m<sup>2</sup> and a slightly pitched roof of a maximum of approx. 3.7m above finished floor level. The gross external floor space is approximately 385m<sup>2</sup> when including the External Soft Dig and Learning areas. The building would be connected to the existing buildings via a single concrete path maintaining level access throughout.
- 4.5. The buildings would be characterised by untreated red cedar walls which the applicant claims will weather naturally to a consistent shade of silver/grey. The applicant also claims this will blend in with the natural setting of trees, hedges and greenery as well as the dark grey roof cladding, doors and rainwater goods.
- 4.6. The proposed internal areas would provide: four classrooms, a common room, office space, an intervention room, toilets and storage area.
- 4.7. The proposed external areas would consist of an outdoor learning space fenced in and connected to the new building and planting beds to the east and south faces of the proposed building. There is no loss of existing trees as part of the proposal.
- 4.8. The site is located in Flood Zone 1 where there is a low probability of flooding. As the application site is smaller than 1 hectare a full flood risk assessment was deemed unnecessary.
- 4.9. The applicant submitted a preliminary ecological appraisal with the application documents. The desk study exercise identified no European statutory sites within 5 km of the survey area, no UK statutory sites within 2 km of the survey area, no non-statutory sites within 1 km of the survey area and twenty-two ancient woodlands within 2 km of the survey area. The study also provided records of protected/notable species within a 1 km radius of the survey area, including: bats, badger, birds and invertebrates. A walkover survey was also conducted with observations noted.
- 4.10. The applicant has also submitted a Noise Impact Assessment which recommends steps to lower noise pollution and to safeguard students from excessive noise from outside and to safeguard local residents against excessive noise from air source heat pumps.
- 4.11. A geotechnical ground investigation report was also conducted to provide an interpretation of ground conditions with respect to foundations, pavements, soakaways, concrete specification and excavation.
- 4.12. A UXB bomb risk map was submitted alongside the application and found the site area to be in an area of low risk.



- 4.13. The agent has stated what they believe constitutes very special circumstances for this application despite it residing in the Green Belt.
- 4.14. The aforementioned very special circumstances for this application are:
- To meet the existing shortfall of additional SEN 6th form provision in the south of the county.
  - Should the development not be permitted children would be refused places by 2019/20 potentially increasing the need for pupils to be transported to other schools many miles away.
  - As such, the new accommodation would be purpose built and it will enable the school to offer a wider range of curriculum opportunities including vocational skills which is only provided on a limited scale at the present time. These additional opportunities include teaching of construction skills, horticultural and other essential life skills enabling these students to benefit from gaining skills for future employment and independent living.
- 4.15. The school is open from 8:45 am to 3:30 pm weekdays and is not open at the weekends. As a result of the proposed development there are no plans to change the hours of use.
- 4.16. The applicant has submitted a lighting plan which demonstrates the light spill from the development for both operational and security lighting.

## **5.0. Consultation Responses**

- 5.1. **Local Member, Martin Tett** – No response.
- 5.2. **Parish Council** - Members of Amersham Town Council are fully supportive of this proposal for a new sixth form centre.
- 5.3. **Sport England** – stated that the proposed development does not fall within their statutory remit.
- 5.4. **The County Archaeologist** – state that the nature of proposed works is such that they are unlikely to significantly harm the archaeological significance of any assets. Therefore, they have no objection to the proposed development and do not deem it necessary to apply a condition to safeguard archaeological interest.
- 5.5. **Buckinghamshire Fire and Rescue Service** – advise that all applications must give due consideration to Approved Document B, Section 15 (Fire Mains & Hydrants) and section 16 (Vehicle Access). Particular attention is to be given to parking facilities to prevent ‘double parking’ issues which could impact the emergency service attendance. The service also advise that where a gated development is included within the application it is preferable that a digital lock is fitted, it is then the responsibility of the property owner to inform Buckinghamshire Fire & Rescue Service of the access codes and update details should there be any changes.
- 5.6. **County Flood Management Team** – originally objected to the proposal due to insufficient information regarding the proposed surface water drainage scheme. The team has now received more information regarding this and officers will update the committee orally at the committee meeting.
- 5.7. **County Rights of Way** – No comment from a rights of way perspective.

- 5.8. **Highways Development Management** – Have no objections from a highways perspective subject to the securing of a condition regarding an appropriate Construction Traffic Management Plan.
- 5.9. **Chilterns Conservation Board** – advises that weight should be given to the AONB Management Plan which deals with special qualities of the Chilterns, In particular the chapter which notes the AONB should be conserved by ensuring adjacent development is sympathetic to the character of the Chilterns. The board also advises that while not located in the AONB, the proposal can have an impact on the setting of the AONB e.g. through views from nearby public rights of way. Therefore the development should seek to conserve and enhance the special landscape character regardless. Further to this, the board advise while not usually in accordance with design details, the roofing is within a backdrop of the urban area behind and does not look unseemly. They advise the cedar clad walls are muted and strict lighting controls should be implemented. They advise a condition where minimum light spill must be demonstrated and the distinguishing of security and operational lighting. The reasoning is that lighting has the potential to have a significant impact on the AONB and the public right of way network.
- 5.10. **County Ecologist** – required more information before the impacts on ecology can be fully assessed. The ecologist has now received more information regarding this and officers will update the committee orally at the committee meeting.
- 5.11. **Safer Routes to School** – noted the school has a School Travel Plan at bronze level and considers the number of sustainable transport initiatives started by the school. Safer routes to school would like to see a condition requesting that the school develops and maintains an active travel plan that is approved by Buckinghamshire County Council.
- 5.12. **Crime Prevention For Wyc & SBCD & Chiltern** – No response.
- 5.13. **BCC Sustainability/Energy Team** – No response.
- 5.14. **CDC District Planning Officer** – No response.
- 5.15. **CDC Environmental Health Officer** – understands a full geo-environmental risk assessment was outside the scope of the report. However, schools are considered to be sensitive to contamination and the CDC Environmental Health Officer does not believe the site has been fully characterised. Therefore, it is recommended that this application and any subsequent applications on this site contain contaminated land conditions.

## 6.0. Representations

Four representations were received from the public two of which are opposed to the planning proposal.

- 6.1. The main reasons for objection are as follows:
- Proximity to neighbouring property
  - Noise
  - Loss of privacy
  - Light pollution
  - Design

## **7.0. Planning Policy & Other Documents**

7.1. 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.

7.2 The development plan for this area comprises of:

- Core Strategy for Chiltern District 2011 (CSCD)
- Saved policies of the Chiltern District Local Plan (CDLP)

7.3 The draft Chiltern and South Bucks Local Plan 2036 (CSBLP) was submitted for independent examination on 26<sup>th</sup> September 2019. It therefore carries limited weight at this time but is also relevant.

7.4 The policies relevant to this planning application from the CDLP are as follows:

- GB2 (Green Belt)
- GC1 ( Design)
- GC3 (Amenity)
- GC4 (Landscaping)
- GC10 (Flooding)
- TR2 (Highway Aspects)
- TR11 (Provision of Off-Street Parking)
- TR15 (Parking and Manoeuvring Standards)

7.5 The policies relevant to this planning application from the CDCS are as follows:

- CS1 (Spatial Strategy)
- CS4 (Sustainable Development)
- CS20 (Design and Environmental Quality)
- CS22 (AONB)
- CS24 (Biodiversity)
- CS25 (Impact of transport)
- CS26 (Requirements for new development)
- CS29 (Community Facilities)

7.6 The policies relevant to this planning application from the CBSLP are as follows:

- DM DP1 (Design)
- DM NP1 (Chilterns AONB)

- DM NP8 (Flood protection and SUDS)
- DM NP9 (Amenity)
- SP PP1 (Green Belt)

7.7 The CLG Letter to chief the Chief Planning Officers dated 15<sup>th</sup> August 2011 is relevant to this development.

7.8 The Government's revised National Planning Policy Framework (NPPF) was published in February 2019. The paragraphs particularly relevant to this planning application are:

*Schools:* Paragraphs 92 & 94

*Green Belt:* Paragraphs 143,144 & 145

## **8. Discussion**

8.1. This application is for a new single storey 6<sup>th</sup> form block with an external fenced teaching area connected to the new building, patio and planting beds. The site is in the Metropolitan Green Belt. Therefore the issues that need to be covered for discussion are:

- Need
- Green Belt
- Design and Amenity
- Flood Risk
- Ecology
- Parking and Access

### *Need*

8.2. The CLG letter to Chief Planning Officers dated 15<sup>th</sup> August 2011 sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. The policy statement reads:

*"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."*

8.3. 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.
- 8.4. The National Planning Policy Framework (NPPF) emphasises in Paragraph 92 that planning emissions should plan positively for the provision and use of space and local services to enhance the sustainability of communities. In addition, Paragraph 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. It adds that great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications.
- 8.5. Policy CS29 from the Core Strategy for Chiltern District (CSCD) advises:

*“the provision of community facilities in areas of the District where there is an identified need. An option would be to consider policy exceptions to encourage such facilities to be provided.”*

- 8.6. There is a prevalent need to expand the school in order to accommodate the larger year groups currently progressing through the school. Also due to the specialised nature of the school, pupils already travel from across the county to attend. Without sufficient provision of places pupils might have to be referred to schools even further away. The current school buildings consist of a recent new development and a semi-converted ex-boarding house. This building, whilst converted to meet the need for the school, was not designed with this purpose in mind. Therefore, a specialised development which can accommodate the pupils should be favoured.
- 8.7. In summary, there is strong policy support in favour of development at schools, for increasing the availability of places and the retention of community facilities. The proposed development at Stony Dean School is in accordance with these policies.

### *Green Belt*

- 8.8. The aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. 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. Policy GB2 from the CDLP outlines the types of development which are not inappropriate in the Green Belt, though it is more restricted than what is set out in the NPPF. The development does not fall into any of the categories which would be permitted. 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.
- 8.9. Paragraph 145 from the NPPF states that a planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The development does not meet any of the exceptions outlaid. Therefore the development is inappropriate and harmful to the Green Belt.
- 8.10. Paragraph 143 of the NPPF states that:

*“inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”*

8.11. Paragraph 144 of the NPPF

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, resulting from the proposal, is clearly outweighed by other considerations.”*

8.12. As such the agent has provided justification for very special circumstances as part of the planning application in the Design and Access Statement

8.13. To minimise the harm of the Green Belt it is favourable to extend an existing school rather than build a new one. The justifications provided by the agent are as follows as previously listed in the report:

- To meet the existing shortfall of additional SEN 6th form provision in the south of the county.
- Should the development not be permitted children would be refused places by 2019/20 potentially increasing the need for pupils to be transported to other schools many miles away.
- As such, the new accommodation would be purpose built and it will enable the school to offer a wider range of curriculum opportunities including vocational skills which is only provided on a limited scale at the present time. These additional opportunities include teaching of construction skills, horticultural and other essential life skills enabling these students to benefit from gaining skills for future employment and independent living.

8.14. I would consider the above to contribute towards very special circumstances for the proposed development at the school. The proposed building will be on the footprint of a disused allotment bed. The proposed built development would not extend substantially beyond the absolute limits of existing built development being located between the existing school buildings, industrial buildings to the north and residential properties to the east.

8.15. The aforementioned Policy CS29 from the CSCD advises consideration of policy exceptions to encourage the provision of community facilities. The school is of great importance to the wider community given its specialised role in providing education.

8.16. Therefore I consider that the proposed development would not have a significant detrimental impact on the openness of the Green Belt and would therefore enable the Education Authority to fulfil its duty to provide sufficient school places. 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.

- 8.17. With regard to design, the proposed development takes into account the setting of the Chilterns AONB and Green Belt. Untreated red cedar has been selected for the walls which will weather to remain and blend in with the natural setting of trees and greenery. I do not consider the proposed development to be out of character with the setting of the Chilterns AONB.
- 8.18. Policy GC1 of the CDLP supports development to a high standard which takes into account the relevant characteristics of the site. Similarly Policy DM DP1 from the emerging CSBLP states:

*Planning permission will be granted provided that:*

*1 the Design and Access Statement demonstrates that the site and its context has been understood and respected;*

*2 all opportunities and constraints have been identified and responded to appropriately; and*

*3 the Plan's design principles have been positively reflected in the application.*

*Opportunities and constraints will be considered through robust and meaningful engagement with the Council, local communities and other stakeholders.*

These have all been satisfied by the applicant's submissions.

- 8.19. The development also satisfies Policy CS20 from the CDCS again seeking new development to be of a high standard of design which reflects and respects the character of the surrounding area.
- 8.20. Whilst not situated in the AONB the site is in the setting of the AONB. Policy CS22 also from the CDCS advises that all proposals must protect the setting of the AONB and safeguard views into and out of the area. This has been achieved through the submission of a lighting plan with security lighting and operational lighting being separated to prevent light pollution impacting views.
- 8.21. The inclusion of planting beds and rainwater butts in the design is supported by Policy CS4 of CDCS which seeks developments to have regard to sustainable development.
- 8.22. The aforementioned measures satisfy the requirements of Policy DM NP1 of the CSBLP which concerns the conservation and protection of the Chilterns AONB and its relevant management plan and design guide.

### *Amenity*

- 8.23. I note concerns have been raised by residents of Pineapple Road regarding the impact on privacy. The building has a ridge of a height of maximum 3.7m above fitted floor level and is approximately 10m from the nearest garden fence. The positioning of the building was made considering distancing from root protection zones, residential properties on Pineapple Road and commercial units to the north. It is noted a considerable hedge line bordering the eastern side of the site provides considerable screening. Therefore, I do not believe there to be a discernible significant impact on privacy or amenity from this single storey development. Therefore, this development adheres to policy GC3 of the CDLP regarding privacy. As aforementioned, security lighting on the development should not impair the amenity occupants of the neighbouring properties to a significant degree. This fulfils



policies GC3 of the CDLP and policy DM NP9 of the CBSLP regarding the protection of amenities.

- 8.24. The noise generated from the proposed air heat pumps has been accounted for with the location of them being adjusted to minimize the impact on amenity. The pumps are now proposed to be located and enclosed within 2m high fencing on an existing school building. This will reduce the noise pollution for both the school and the neighbouring residential properties satisfying policies GC3 and DM NP9 regarding the protection of amenities.
- 8.25. There are no plans to remove any trees or hedgerows as part of this development hence satisfying Policy GC4 of the CDLP regarding landscaping throughout the district. In order to ensure the trees and hedges surrounding the site are protected this will be secured by condition to the standard outlaid in the British Standard Publication: Trees in relation to design, demolition and construction – Recommendation (BS 5837:2012).

### *Flood Risk*

- 8.26. The application was accompanied by: a Flood Map, a Survey of Pipes, a geotechnical ground investigation and a Thames Valley Asset location search. However, the County flooding team objected on the grounds of requiring more information regarding the proposed surface water drainage scheme. Consideration must be given to policy GC10 from the CDLP which requires development is not permitted in areas at high risk of flooding and that the development must not increase risk of flooding downstream. In addition, policy DM NP8 of the CSBLP which dictates planning permission will be granted provided that it is designed to ensure that flood risk is not increased locally and avoids development on areas of flood risk must also be deliberated.
- 8.27. The applicant has submitted more information regarding this and we are currently awaiting further comments from the flooding team on additional information that was submitted. Officers will update the committee orally on this at the committee meeting.

### *Ecology*

- 8.28. The application was accompanied by a Preliminary Ecological Appraisal and a tree survey report. No trees or hedges are to be removed as part of the proposed development therefore meeting Policy GC4 of the CDLP which requires the retention of trees and hedgerows in sound condition. The BCC Ecologist concluded more information was required before the impacts on ecology can be fully assessed. The ecologist recommended that the Preliminary Ecological Appraisal is updated to provide an Ecological Impact assessment (EclA), the EclA should include a non-licensed method statement for reptiles and amphibians and it is recommended the EclA is submitted to the CPA prior to the application being determined.
- 8.29. The development must aim to conserve and enhance biodiversity within the district as dictated by policy CS24 of the CDCS. The applicant has submitted more information regarding this and we are currently awaiting further comments from the ecologist on the additional information that was submitted. It is worth noting the

planters proposed as part of the development which have the potential to contribute to offsetting any loss of biodiversity interest caused through the development. Officers will update the committee orally on this at the committee meeting.

- 8.30. As aforementioned in Paragraph 8.25. the trees and hedges surrounding the site will be protected by condition to British Standard.

### *Parking and Access*

- 8.31. Concerns regarding the route between the A404 and the site becoming congested due to construction traffic and school pupils have been addressed through the conditions requiring a Construction Traffic Management Plan. This satisfies policy TR2 from the CDLP which requires satisfactory access to the site and the nearby highway network to have the capacity to accept the additional flow of traffic generated by the development.
- 8.32. Policy TR11 requires parking provision is made in accordance with policy TR16, both from the CDLP. As the development does not propose any new staff or students I believe further parking spaces are not necessary.
- 8.33. The development has been assessed to not have a significant adverse impact on the local transport network fulfilling policies CS25 and CS26 of CDCS.
- 8.34. At present the school travel plan is incomplete. Therefore, as requested by safer routes to school, a condition requesting that the school develops and maintains an active travel plan has been added.

## **9.0 Other matters**

### *Equality and Diversity issues*

- 9.1. As required as part of the Equality Act 2010 Section 149, in determining this application due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups.
- 9.2. It is not considered the proposal would conflict with the requirements of the Equality Act 2010 or the Council's policy on equality

## **10.0 Conclusion**

- 10.1. Application CC/0046/19 seeks a new single storey self-contained 6th Form block comprising four classrooms, common room, office, intervention room, toilets and storage and external areas comprising fenced in teaching area connected to new building, patio and planting bed at Stony Dean School Orchard End Avenue Amersham Buckinghamshire.
- 10.2. I believe provided conditions requiring measures to minimise noise and light pollution are attached to any permission granted and adhered to, there would be no significant detrimental impact on the local amenity of the area. Regarding the Green Belt, it is considered that very special circumstances apply including that the development would help provide school places and help meet the local need. It

would also reduce the risk of pupils having to travel to school elsewhere and help secure the ability for the school to deliver to more pupils in the future. It also utilises an existing school site thus having a lessened impact on the openness of the Green Belt and minimal impact on policy CS1 of the CDCS which aims for new development to occur in spaces not covered by such designation. I am satisfied the proposed development would help provide educational and community facilities. It would not have a significant additional detrimental impact on the setting of the Chilterns AONB.

10.3. Subject to the conditions in Annex A below, I therefore recommend the proposed development is approved.

## **BACKGROUND PAPERS**

Application CC/0046/19

Consultation responses, representations and communications dated September and October 2019

Chiltern District Council Local Plan

Core Strategy for Chiltern District

Emerging Chiltern and South Bucks Local Plan

CLG Letter to Chief Planning Officers dated 15th August 2011

## APPENDIX A

### General

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.

Reason:

To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990.

2. The development shall not be carried out other than in accordance with the following drawings:

PJT10117-MCA-ZZ-GF-DR-A-1001-Proposed Ground Floor Plan

PJT10117-MCA-ZZ-XX-DR-A-0003-Site Plan

PJT10117-MCA-ZZ-XX-DR-A-2001-Elevations

Reason:

To ensure the development is not detrimental to the character of the locality, in accordance with policies GC1 of the Chiltern District Local Plan and CS20 of the CSCD.

### Pre-commencement

3. Prior to the commencement of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the County Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the County Planning Authority:

i) A preliminary risk assessment which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results of the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. No changes to these components shall be made other than with the approval in writing of the County Planning Authority. The scheme shall be implemented as approved.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS4 of the CSCD.

### *Construction vehicles*

4. No part of the development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority.

The Plan shall include details of:

- Construction access
- Management and timing of deliveries;
- Routing of construction traffic;
- Vehicle parking for site operatives and visitors;
- Loading/off-loading and turning areas;
- Site compound;
- Storage of materials;
- Precautions to prevent the deposit of mud and debris on the adjacent highway.

The development hereby permitted shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason:

In order to minimise danger and inconvenience to highway users and users of the highway in general in accordance with policies CS25 and CS26 of the CSCD.

### **Pre-occupation**

5. Following completion of the measures identified in the approved remediation scheme approved pursuant to condition 3 and prior to the first occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the County Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS4 of the CSCD. (The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11).

6. Prior to the planned occupation of the development hereby permitted, the School Travel Plan shall be submitted to Modeshift STARS and approved by the County Planning Authority. Following occupation of the development hereby permitted, the travel plan shall be reviewed and submitted for approval, on an annual basis, at the end of each academic year.

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. In the event of an increase in the number of car movements, the school shall undertake measures, which will have previously been identified in the travel plan, as are necessary to promote a reduction in the number of car borne trips.

Reason:

In order to minimise danger, obstruction and inconvenience to users of the highway. Also in order to promote sustainable methods of travel, to minimise danger, obstruction and inconvenience to users of the highway and in accordance with policies CS25 and CS26 of the CSCD.

### **Ongoing conditions**

7. No lighting with the exception of security lighting of  $\leq 10W$  shall be used between the hours of 7pm -7am.

Reason:

To protect the amenity of local residents particularly those adjacent to the development on Pineapple Road in accordance with policy GC3 of the CDLP.

8. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the County Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 3, which is subject to the approval in writing of the County Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the County Planning Authority in accordance with condition 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS4 of the CSCD.

9. Three protection measures in accordance with British Standard BS5837:2012 shall be implemented throughout the construction period.

Reason:

To ensure that existing trees are protected from any damage in accordance with policy GC4 of the CDLP.



## Committee Report – 4 November 2019

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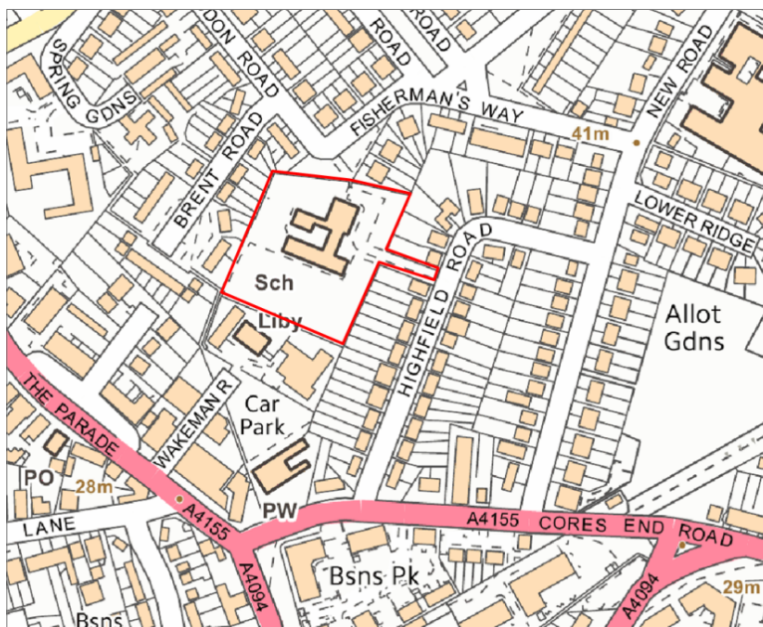
<b>Application Number:</b>	CC/0050/19
<b>Title:</b>	Front and rear single storey extensions to existing school and with car park alterations
<b>Site Location:</b>	Westfield School Highfield Road Bourne End Buckinghamshire SL8 5BE
<b>Applicant:</b>	Buckinghamshire County Council
<b>Case Officer:</b>	Catherine Kelham
<b>Electoral divisions affected:</b>	The Wooburns, Bourne End and Hedsor
<b>Local Member(s):</b>	Mike Appleyard
<b>Valid Date:</b>	10 September 2019
<b>Statutory Determination Date:</b>	10 December 2019
<b>Extension of Time Agreement:</b>	n/a
<b>Summary Recommendation(s):</b>	The Development Control Committee is invited to APPROVE application no. CC/0050/19 subject to the conditions set out in Appendix A.

## 1.0 Introduction

- 1.1 Application CC/0050/19 is for front and rear single storey extensions and car park alterations at Westfield School in Bourne End. This is to facilitate an increase in pupils attending the school.
- 1.2 The application is being determined by the Development Control Committee as objections have been received from local residents.

## 2.0 Site Description

- 2.1 Westfield School is located in Bourne End in the south east part of the Wycombe District. It is a special educational needs school with 57 pupils reported to be currently on role.
- 2.2 To the west, north and east, the school is surrounded by residential development. To the south are Bourne End Library and Bourne End Community Centre. The school is accessed via Highfield Road.
- 2.3 The school is not within a landscape of designated ecological, historical, cultural or known archaeological significance. The site is within Flood Zone 1.
- 2.4 The location of the school is shown below.



## 3.0 Site History

- 3.1 Planning history at the site includes the following:
  - CC/06/09 – New Teaching Block – Approved 12/03/2009
  - 17/05427/FUL - Creation of additional hardstanding to enlarge existing car park and new improved access/vehicle circulation - Approved 26/06/2017

## 4.0 Description of Proposed Development

- 4.1 The proposed development seeks to facilitate an expansion of the school from 52 to 70 pupils so a total of 18 pupils. It consists of three main elements:

- Front extension
- Rear extension
- Car park alterations

4.2 The locations of the front (right) and rear (left) extension are highlighted in orange on the image below. The existing school is shown in light grey. The car park and existing access is to the front (right) of the school in dark grey.



- 4.3 The front extension would increase the line of development on the eastern elevation of the school by approximately 3.5 metres towards Highfield Road. It would consist of a new entrance hall, approximately 135 m<sup>2</sup> in area. This would be finished in brick to match the existing school with a flat roof. In addition, there would be an extended roof cover over the entrance with a pitched tiled roof (approximately 40 m<sup>2</sup> in area) and a translucent canopy (approximately 25 m<sup>2</sup> in area) between the proposed built extension and the existing school.
- 4.4 The rear extension would infill a grass courtyard area containing benches, covered seating and planters to provide an additional classroom. It would be approximately 65m<sup>2</sup> in area, finished in brick to match the existing school with a flat roof. TO facilitate access a new external ramp and new external steps would also be provided.
- 4.5 On both the front and rear extension, windows would be white and aluminium framed.
- 4.6 At the front of the school, two trees would need to be removed to facilitate the proposed development. At the rear of the school, one tree would need to be removed. No replacement planting is proposed.
- 4.7 There is currently 33 staff at the school and this is proposed to increase to 41 with the increase in pupil numbers. The alterations to the car park would result in 49 car parking spaces plus two accessible car parking spaces. This is a decrease of one compared to the current provision. No change to the site access is proposed.

4.8 A number of internal alternations are also proposed but these do not require planning permission.

### **5.0 Planning policy and Other Documents**

5.1 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.

5.2 The development plan for this area comprises of:

- Wycombe District Local Plan Adopted 2019
- Wycombe Delivery and Site Allocations Plan Adopted 2013

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

- National Planning Policy Framework (NPPF)
- CLG letter to the Chief Planning Officers dated 15th August 2011

5.4 The following policies are considered relevant to the proposed development:

#### **Wycombe District Local Plan (WDLP)**

- CP1 – Sustainable Development
- CP7 - Delivering the Infrastructure to Support Growth
- CP10 - Green Infrastructure and the Natural Environment
- CP12 – Climate Change
- DM33 – Managing Carbon Emissions: Transport and Energy Generation
- DM34 – Delivering Green Infrastructure and Biodiversity in Development
- DM37 – Small Scale Non-Residential Development
- DM38 – Water Quality and Supply
- DM39 – Managing Flood Risk and Sustainable Drainage Systems

#### **Wycombe Delivery and Site Allocations Plan (WDSAP)**

- DM1 - Presumption in Favour of Sustainable Development
- DM2 - Transport Requirements of Development Sites
- DM14 - Biodiversity in Development
- DM18 - Carbon Reduction and Water Efficiency

### **6.0 Consultation Responses**

6.1 The Local Member, **Councillor Mike Appleyard**, has not commented on the proposed development.

6.2 The **Wycombe District Planning** Officer comments that as a result of the development the vehicular movements to and from the site will increase. The Officer notes that a previous planning permission (17/05427/FUL) enlarged the car park and provided a two way traffic system to alleviate the traffic congestion on Highfield Road at pick up and drop off times. The officer states the issue of increased parking

demand and access arrangements is a matter for BCC to consider before a decision is made.

- 6.3 **Wooburn and Boune End Parish Council** have not commented on the proposed development.
- 6.4 The officer from BCC **Highways Development Management** does not consider the trip generation would result in a severe residual impact upon the local highway network. He comments that the vehicular access to the site was previously considered acceptable and has since been widened as per planning application 17/05427/FUL thereby improving the situation. He is also satisfied the parking is sufficient and recommends the layout of the parking area is secured via condition. The officer has raised some concern about the Construction Traffic Management Plan and the timings of deliveries impacting the local road network. He is however satisfied amendments to this can be secured via condition. Subject to these to conditions, he has no objection to the proposed development.
- 6.5 The officer from BCC **Lead Local Flood Authority** has no objection to the proposed development subject to the provision of a surface water drainage scheme for the site which includes further details of the current drainage network, consideration of incorporation of SuDs and details of maintenance for the system.
- 6.6 The **BCC Ecology** Officer has reviewed the information submitted and considers it adequate. In order to safeguard ecological features of interest, she recommends that measures for the mitigation of the impact on protected species and other ecological features of interest are implemented as outlined in the submitted Ecological Impact Assessment are secured via condition. In addition, she recommends that if the development has not commenced within 18 months of the date of the surveys accompanying the application, they are repeated to ensure there are no changes to the potential impacts on protected species and/other ecological features of interest.
- 6.7 The **Sustainable Travel to School Officer** has commented that the school does not have a school travel plan. She notes the school being an SEN school are limited to what they can do in relating to cutting down traffic as most of the pupils are taxied from the surrounding area but has highlighted some example of good practice. in order to increase active travel where possible, improve safety, encourage sustainable travel for the school journey and mitigate the impact of the expansion of the school, she recommends that a planning condition to ensure the school develops and maintains an active School Travel Plan on Modeshift STARS be attached should planning permission be granted.
- 6.8 The **BCC Archaeology** Officer has not objection to the proposed development and does not consider it necessary to apply a condition to safeguard archaeological interest.
- 6.9 **Buckinghamshire Fire and Rescue Service** have not commented on the application.

## **7.0 Representations**

7.1 Two public representations have been received. One supports the development and the other objects due to noise and traffic from the development.

## **8.0 Discussion**

8.1 The main issues for consideration in relation to application CM/0050/19 are:

- Principle of the proposed development
- Vehicle movements and access
- Design
- Drainage
- Biodiversity

### *Principle of the proposed development*

8.2 As set out in paragraph 94 of the NPPF and CLG letter to Chief Planning Officers dated 15th August 2011, there is a presumption in favour of development at state funded schools both to improve facilities and ensure there is sufficient school places available to meet the needs of existing and new communities. In addition, policy CP7 of the WDLP identifies a need for supporting infrastructure including schools as part of achieving sustainable development across Wycombe District.

8.3 The proposed development seeks to facilitate an increase in special educational need places at the school. Supporting information provided as part of the application indicates that there has been an increase in demand for places at the school. As places are currently not available, a number of children are being educated in primary Pupil Referral Units for longer periods. Increasing the provision at this school would help meet the need and also alleviate pressure on primary Pupil Referral Units.

8.4 In summary, the principle of expansion of Westfield School is supported in principle by policy CP7 of the WDLP, paragraph 94 of the NPPF and CLG letter to Chief Planning Officers dated 15th August 2011.

### *Vehicle movements and access*

8.5 As part of managing carbon emissions, policy DM33 of the WDLP requires development to be located to provide safe and convenient access to the local highway. It also requires there to be sufficient parking onsite and that any material adverse impacts on existing and forecast traffic conditions are mitigated.

8.6 Having considered the increase in trip generation associated with the increase in pupils, the Highways Development Management Officer is satisfied it would not result in a severe residual impact upon the local highway network. The officer also notes that the junction on to Highfield Road was previously considered to have suitable visibility and this has since been improved as part of a separate planning application. Overall, no objection is raised to the development from a Highway safety perspective.

- 8.7 The proposed development would increase the number of pupils and staff. It will therefore also likely increase the demand for staff car parking spaces. Concern has been raised by Wycombe District Planning regarding the impact of increased parking demand for staff and pick up and drop off.
- 8.8 There are more car parking spaces than the current and proposed number of staff. As such, the proposed development is considered capable of meeting the car parking requirement and no concerns on this matter have been raised from the technical highways perspective subject to the car parking and manoeuvring area being laid out as on the submitted plan. This can be secured via condition.
- 8.9 With an increase in pupil numbers there would likely be an increase in vehicular traffic to the school at pick up and drop off time. An objection to the development has been received on these grounds.
- 8.10 Pupils attending the school do not come from a local catchment due to the specialist nature of the school. The majority of pupils are also entitled to local Authority transport to and from school as part of their education, health and care plan. The school has provided cycle spaces for both pupils and staff and encourages pupils to develop independent skills including using a bike and or scooter. The school has yet to meet STARS Bronze award but is working with the School Sustainable Transport co-ordinator to implement appropriate measures. In order to minimise the impact of traffic on Highfield Road associated with the increase in pupil numbers, it is recommended the travel plan is secured via condition.
- 8.11 A number of recommendations have been made by the Highways Development Management regarding management of the impact of the construction period on the highway network and highway safety. They are concerned that the afternoon delivery slot of 13:30 to 14:30 will overrun and conflict with home time, leading to a greater risk of a child, parent or member of staff being struck by a moving vehicle. As such they consider this delivery slot should be removed. In addition, the officer recommends the use of a banksman to aid vehicles reversing safely. In the interests of highway safety, it is considered an amended Construction Traffic Management Plan which addresses these issues may be secured via condition.
- 8.12 Overall, subject to the conditions outlined above, the proposed development is considered to be in accordance with policy DM33 of the WDLP.

### *Design*

- 8.13 In relation to small scale, non-residential development, Policy DM37 of the WDLP supports good design that respects the character and appearance of the area, preserves the amenity of neighbouring properties and achieves a high quality in the detail of the design.
- 8.14 The existing school consists of a series of single storey buildings, with a mixture of heights and roof types. Walls are of yellow/brown brick with white features. The exterior of the new building has been designed to be in keeping with the existing



school with matching brick and white windows. As such neither the proposed front nor rear extension is considered to be incongruous to its surroundings.

- 8.15 At the front of the school, the proposed development would result in the loss of two trees – one silver birch and one cherry. Both are considered to be of low arboricultural quality. While the removal of the trees would alter the appearance of the school, their loss is not considered to be harmful to the appearance of the school and wider area.
- 8.16 Concern has been raised by local residents regarding noise from the proposed development. The proposal does seek to increase pupil numbers. It would not however greatly expand the proximity of the built development to the residential properties. In addition, the use of the school playground and forest school area would not change.
- 8.17 Overall, the development as proposed is considered to be in accordance with policy DM37 of the WDLP.

#### *Drainage*

- 8.18 Policies DM38 and DM39 of the WDLP together seek to protect water quality and avoid flood risk. They require that developments are served by adequate infrastructure capacity and the sequential test for flood water management has been applied with the incorporation of sustainable urban drainage systems.
- 8.19 The applicant has provided information on flood risk and drainage as part of the application. As in the comments from the LLFA outlined above, no objection to the development from drainage perspective has been raised subject to the provision of a surface water drainage scheme, including an investigation of use of above grounds SuDs feature. It is recommended this is secured via condition.
- 8.20 Subject to the condition outlined above, the proposed development is considered to be in accordance with policies DM38 and DM39 of the WDLP.

#### *Biodiversity and Green Infrastructure*

- 8.21 Policy CP12 of the WDLP promotes conservation and enhancement of the natural environmental and green infrastructure. This includes ensuring there is net gain in biodiversity within individual development proposals. To deliver this strategy, policy DM34 of the WDLP requires that all development protects and maximises opportunities to enhance biodiversity and green infrastructure in the long term. Similarly, policy DM14 of the WDSAP requires all development to maximise biodiversity by conserving, enhancing or extending existing resources or creation new features.
- 8.22 The proposed development would result in the loss of three trees and some areas of grassland. A number of appropriate mitigation and enhancement measures with regard to badger, breeding birds and hedgehogs have been identified in the Ecological Impact Assessment report. 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 policy, it is recommended these are secured via condition.

- 8.23 It is also recommended by the BCC ecology officer that if the development has not commenced within 18 months of the date of the surveys accompanying the application, they are repeated to ensure there are no changes to the potential impacts on protected species and/other ecological features of interest. Again, it is considered this may be secured via condition.
- 8.24 Overall, subject to the conditions outlined above, the proposed development is in accordance with policies CP12 and DM34 of the WDLP and policy DM14 of the WDSAP.

### *Climate Change*

- 8.25 Policy CP10 of the WDLP sets out for Wycombe District to mitigate and adapt to climate change. This includes minimising greenhouse gas emissions and climate proofing development. To deliver this strategy, policy DM33 of the WDLP sets requirements for development to manage carbon emissions. This includes the use of sustainable transport opportunities and integrates renewable energy technologies into development. Similarly, policy DM18 of the WDSAP sets supports on-site energy generation and reduction in carbon emissions.
- 8.26 As part of determining this application, opportunities to utilise sustainable transport have been considered and it is recommended a school travel plan is developed to further promote sustainable travel to school. The school has also recently developed an area of forest school within their school grounds. This included the planting of additional trees and shrubs.
- 8.27 Overall, it is considered the proposed development has had regard to mitigating and adapting to climate change proportional to what is proposed. As such, it is considered to be in accordance with policy CP10 and DM33 of the WDLP and policy DM18 of the WDSAP.

### *Other Matters*

- 8.28 As required as part of the Equality Act 2010 Section 149, in determining this application due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups.
- 8.29 It is not considered the proposal would conflict with the requirements of the Equality Act 2010 or the Council's policy on equality

## **9.0 Conclusion**

- 9.1 Application CC/0050/19 is for front and rear single storey extensions and car park alterations at Westfield School in Bourne End. This is to facilitate an increase in pupils attending the school.
- 9.2 The proposed development is considered to accord with the aim of sustainable development as set out in policies CP1 of the WDLP and DM1 of the WDSAP.

Subject to the recommended planning conditions, the proposed development is considered to be in accordance with planning policy. For this reason, it is recommended planning permission is granted.

## **APPENDIX A: Recommended Conditions**

### **Time limit for commencement**

1. The development to which this permission relates must be begun within three years from the date of this consent.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the County Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

### **Approved Drawings**

2. The development hereby permitted shall not be carried out other than in complete accordance with the following drawings:
  - Drawing number: PL04, Revision B, Dated: July 2019 "Proposed Site Plan"
  - Drawing number: PL06, Revision B, Dated: July 2019 "Proposed Elevations"
  - Drawing number: PL05, Revision B, Dated: July 2019 "Proposed Ground Plan Floor"
  - Westfield School, Highfield Road, Bourne End, Application Site Boundary at 1:1250 (A4)
  - Drawing number: 10275 TPP 01, Revision -, Dated: August 2019 "Westfield School, Highfield Road, Tree Protection Plan"

For the avoidance of doubt this includes the specified finishing materials.

Reason: To define the development which has been permitted so to control the operations and to comply with policy DM37 of the WDLP.

### **Pre-commencement Conditions**

3. Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with such approved management plan.

Reason: In order to prevent danger, obstruction and inconvenience to users of the highway and of the development during the construction of the development in accordance with policy DM33 of the WDLP.

4. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
  - Capacity and condition assessment of the existing surface water drainage network and updating works where required

- 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.
- Consideration of incorporating SuDS
- Confirmation of the proposed rate of discharge
- Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), together with storage volumes of all SuDS component(s)
- 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
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction

Reason: To manage surface water and prevent flooding in accordance with policy DM38 and DM39 of WDLP.

5. Should the development not commence by 1<sup>st</sup> January 2020, the ecology survey and report submitted to support this application should be updated as recommended in section 6.2 of the *Ecological Impact Assessment Report* (ECOSA, July 2019).

Reason: To ensure that there are no changes in the assessment of potential impacts on protected species and/or other ecological features of interest in the time that has elapsed thereby ensuring protected species are safeguarded in accordance with policy DM34 of the WDLP.

### **Development Phase Conditions**

None

### **Post Development Phase Conditions**

6. Prior to the initial occupation of the development, the scheme for parking and manoeuvring indicated on the submitted plans shall be laid out in accordance with the approved plans and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with policy DM33 of the WDLP.

7. Prior to the initial occupation of the development, a school travel plan shall be submitted to and approved in writing by the County Planning Authority. The plans shall include a named travel plan coordinator, a programme for facilitating the monitoring of the travel plan and full analysis of the existing modal split for staff and pupils at the school, 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.

Reason: In order to promote more sustainable transport options in accordance with paragraph 102 of the NPPF and policy DM33 of the WDLP.

8. Measures to mitigate the impact of the development on protected species and other ecological features of interest and measures for enhancement shall be implemented in accordance with the details set out in Section 5 of the *Ecological Impact Assessment Report* (ECOSA, July 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 policy DM34 of the WDLP.

### **On-going Conditions**

9. For the duration of occupation of the development, the school travel plan shall be reviewed annually and updated. In the event of an increase in the number of car movements as identified in the school travel plan, the school shall undertake measures, as identified in the travel plan, as necessary to promote a reduction in the number of car borne trips.

Reason: In order to promote more sustainable transport options in accordance with paragraph 102 of the NPPF and policy DM33 of the WDLP.

### **Informative**

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

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in relation to dealing with the proposed development by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. For this application, additional information was sought about the Forest School to understand what the school was doing to ensure a biodiversity gain onsite and ensure planning condition requirements are proportional to the proposed development. This approach has been taken positively and pro-actively 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.

#### **Highways**

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.

No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

#### **Site Notice**

Please remove any site notice that was displayed on the site pursuant to the application.





# Buckinghamshire County Council

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## Committee Report: 4<sup>th</sup> November 2019

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**Title:** Report to accompany **The Buckinghamshire Local Monitoring and Enforcement Plan 2019 (BLMEP)**

**Case Officer:** Mitchel Pugh (Planning Enforcement Officer)

**Summary Recommendation(s):** To approve the Buckinghamshire Local Monitoring and Enforcement Plan (BLMEP).

### 1.0 Introduction

- 1.1 This is to support the approval of Buckinghamshire County Council's new Local Monitoring and Enforcement Plan (BLMEP) to allow it to effectively manage breaches of planning control.
- 1.2 The Town and Country Planning Act 1990 as amended gives councils, as Local Planning Authorities, powers to control unauthorised development. The County Council is the Local Planning Authority for minerals and waste developments (county matters). This includes breaches of conditions relating to existing planning permissions, as well as unauthorised minerals or waste development. It is also the Local Planning Authority for the County Council's own development under Regulation 3 of the Town and Country Planning Regulations 1992. The County Council has responsibility to investigate and act on enforcement matters arising from these types of developments.
- 1.3 The BLMEP acts to set out the Council's strategy in respect of the regulation of planning control in Buckinghamshire and the approach that the Council will take in investigating and remedying breaches of planning control. The County Council's extant approach is contained within the Local Monitoring and Enforcement Plan for Buckinghamshire, which was adopted in 2013.
- 1.4 Buckinghamshire County Council, as Minerals and Waste Planning Authority, is firmly committed to the effective and proportionate enforcement of Planning Control. In accordance with paragraph 58 of the National Planning Policy Framework (NPPF) this BLMEP has been prepared to outline the approach that will be taken by the Council to remedy unauthorised development.
- 1.5 The Buckinghamshire Minerals and Waste Local Plan 2016-2036 (BMWLP) was adopted on the 25<sup>th</sup> July 2019. Policy 28 of the BMWLP acts as the current policy framework with regard to enforcement and monitoring in the context of the adopted Development Plan. Paragraph 8.6 of the BMWLP, in the supporting text of Policy 28, is pertinent in ascertaining the purpose of the proposed BLMEP;

*The County Council, as the MWPA, is firmly committed to the effective and proportionate enforcement of planning control. The Local Monitoring and Enforcement Plan sets out the council's strategy for pursuing planning compliance in Buckinghamshire and the approach that the council will take in investigating and remedying breaches of planning control.*

## **2.0 Discussion**

- 2.1 The BLMEP has been prepared partly in response to several changes within planning enforcement context currently present within Buckinghamshire. These changes stem from the progress and subsequent recent adoption of the new Buckinghamshire Minerals and Waste Local Plan (BMWLP) as well as the anticipated changes of the Unitary announcement. This will support any new joint policy for Planning Enforcement and monitoring as part of the unitary council.

### **Policy**

- 2.2 Prior to the Adoption of the BMWLP in July 2019, the Buckinghamshire Minerals and Waste Core Strategy (BMWCS) existed as the relevant Development Plan Document. Policy CS24 of the BMWCS moved to establish explicit policy support for creation and maintenance of an overarching Enforcement Protocol. In the adoption of the BMWLP, Policy 28 acts as the primary policy vehicle for enforcement matters. Whilst Policy 28 does not move explicitly to outline the necessity of a Local Enforcement Plan (LEP), the supporting text does act to establish the Local Monitoring and Enforcement Plan as the principal planning enforcement document. In this sense, when the BMWLP is read as a whole there are important inferences to be drawn on the necessity and purpose of the BLMEP.
- 2.3 The development and publication of the BLMEP is supported in the NPPF, particularly in the understanding of the purpose and structure of a Local Enforcement and Monitoring Plan. Paragraph 58 of the NPPF states;  
*[...] They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.*
- 2.4 In line with the requirements of Para 58 of the NPPF, the draft BLMEP is structured to outline the County Council's approach in respect of the following aspects of the Planning Enforcement function:
- Monitoring of permitted Sites
  - The investigation of breaches of Planning Control
  - Establishing the powers and actions available to the County Planning Authority
- 2.5 In respect of the Development Plan and NPPF, the resultant draft BLMEP is

considered to be in conformity with the relevant provisions within the aforementioned documents.

## Unitary

- 2.6 On the 1<sup>st</sup> November 2018 the Secretary of State for Housing Communities and Local Government announced a single unitary authority for Buckinghamshire. On the 1<sup>st</sup> April 2020 a new Buckinghamshire single unitary authority will replace the following councils:

Aylesbury Vale District Council  
 Buckinghamshire County Council  
 Chiltern District Council  
 South Bucks District Council  
 Wycombe District Council

- 2.7 The creation of a unitary authority will likely result in structural and procedural changes to the planning enforcement service currently operated across Buckinghamshire. The consideration of these anticipated changes is important when considering the necessity of a revised BLMEP.
- 2.8 The four district councils all currently have Local Enforcement Plans that have been adopted in the last five Years.

Table 1. The age of LEP's within the relevant Local Planning Authorities.

Local Planning Authority (LPA)	LEP Adoption Date	LEP Age (Years)
Aylesbury Vale District Council	2016	3
Buckinghamshire County Council	2013	6
Chiltern District Council	2018	1
South Bucks District Council	2018	1
Wycombe District Council	2017	2

- 2.9 In respect to the information set out within **Table 1** of the report, Buckinghamshire County Council clearly has the oldest adopted LEP. The age of the LEP is relevant, not only in respect of its appropriateness in the contemporary planning policy context, also in relation to its relationship with current planning enforcement and monitoring practice at Buckinghamshire County Council but also in the fact that it needs to support the recently adopted BMWLP.
- 2.10 In the context of this report, it is argued that a revised LEP is necessary moving towards a single unitary authority in 2020. The draft BLMEP has been constructed with regard to the content of historic LEPs in addition to the extant LEPs of the relevant neighbouring LPAs. In this sense, the resultant draft BLMEP is considered to be reflective of the wider planning enforcement context of the County. Moving forward to the practicalities of merging five enforcement approaches it is hoped that an updated BLMEP will ensure best working practices within County Planning Enforcement service are effectively translated into the approach of the Unitary Planning Enforcement service.

### **3.0 Conclusion**

- 3.1 The revised BLMEP has been created to support the adopted BMWLP and support the creation of the new unitary local Enforcement Plan.
- 3.2 The revised BLMEP has been produced with regard to the existing LEP in addition to the LEPs of Neighbouring LPAs.
- 3.3 The resultant BLMEP is considered to be reflective of the current planning enforcement service at Buckinghamshire County Council and sets out the Council's commitment to investigating and addressing breaches of planning control within Buckinghamshire supporting the BMWLP. It is recommended that the committee approve the BLEMP.

**Buckinghamshire County Council**

# **Buckinghamshire Local Monitoring and Enforcement Plan**

**November 2019**

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# 1. Introduction

- 1.1 The Local Monitoring and Enforcement Plan (LMEP) sets out the planning enforcement and monitoring strategy of Buckinghamshire County Council as the County Planning Authority; outlining the overarching aims and objectives as well as the investigatory approach of the County Planning Enforcement function.
- 1.2 The LMEP exists not only to inform the principle operation of the County Planning Enforcement function but also acts to assist the public and partner agencies/authorities in understanding the role of planning enforcement.

# 2. Background

- 2.1 Planning enforcement is an integral part of the planning process; underpinning the plan-making and development management processes to ensure development is implemented in accordance with the relevant spatial strategy.
- 2.2 The National Planning Policy Framework states that local planning authorities 'should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area.
- 2.3 The planning enforcement function is supported by a vast array of informal and formal enforcement tools , primarily set out within the principle legislation at the heart of the town planning process; Town and Country Planning Act 1990 (as amended)<sup>1</sup>.
- 2.4 There is no statutory requirement to investigate or take action against breaches of planning control. The purpose of enforcement is to ensure that preventative or remedial action is taken to protect the environment/public amenity and secure compliance with planning regulations. The aim is to overcome harm, initially through negotiations.
- 2.5 In the preparation of this plan, significant regard has been given to the relevant Development Plan Document; Buckinghamshire and Minerals Waste Local Plan (BMWLP). Of particular relevance to this plan is Policy 28 of the BMWLP, where the role of the LMEP is established;

*'The Local Monitoring and Enforcement Plan set out the council's strategy for pursuing planning compliance in Buckinghamshire and the approach that the council will take in investigating and remedying breaches of planning control.'*

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<sup>1</sup> Town and Country Planning Act 1990 c. 8

### 3. County Planning Enforcement

- 3.1 The County Planning Authority in Buckinghamshire is *Buckinghamshire County Council* who is responsible for determining planning applications that are sometimes referred to as 'County Matters' (for which we are the Local Planning Authority).
- 3.2 County Matters are defined within relevant legislation<sup>2</sup>, but generally refer to:
- Waste sites
  - Mines
  - Movement of aggregate by rail
  - Quarries/Mineral Extraction
  - Landfill and land raising using waste
  - Importation, deposition of waste materials
  - The County Council's own development (Schools, Libraries etc), known as Regulation 3 Development<sup>3</sup>
- 3.3 The County Planning Authority determines planning applications, monitors sites with planning permission and investigates alleged breaches of planning control in relation to County Matters.

### 4. Breaches of Planning Control

- 4.1 A breach of planning control occurs where;
- A condition or approved plan on a planning permission issued by the Council is not adhered to or;
  - Development has occurred or there has been a change of use of land without the benefit of planning permission.
- 4.2 Development' is defined in s55 of the Town and Country Planning Act 1990 (as amended)<sup>4</sup> and it states that development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

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<sup>2</sup> The Town and Country Planning (Prescription of County Matters) (England) Regulations (2003) 2003 No. 1033

<sup>3</sup> The Town and Country Planning General Regulations (1992)1992 No.1492

<sup>4</sup> *Town and Country Planning Act 1990* c. 8



- 4.3 Development can be undertaken in the form of operational development and material changes of use of land:

Operational Development means: Activities which result in some physical alteration to the land itself (*e.g. erection of a building or structure*)

Material change of use means: Material changes of use which do not interfere with the actual physical characteristics of land (*e.g. a change of use of land from agriculture to use for waste disposal*)

## 5. Enforcement Aims

- 5.1 The County Planning Authority Enforcement aims are:

- To effectively and efficiently remedy the undesirable effects of breaches of planning control by working with Landowners, Operators, Councillors, Partner Agencies and the general public;
- To bring unauthorised activity under control, in a timely manner, to ensure that the credibility of the planning system is not undermined; and
- To ensure the delivery of appropriate and high-quality development enabled through the development management process.

## 6. Enforcement Objectives

- 6.1 In order to meet the Enforcement Aims, County Planning Authority will:

- Investigate complaints pertaining to breaches of County Matter planning control;
- Where resources allow, officers will proactively monitor consented sites regularly to verify compliance with conditions attached to consents and seek compliance with conditions which are being breached;
- Consider the expediency of taking enforcement action and will, if it is considered necessary, take enforcement action when it is essential to protect the amenity (pleasantness of a place), public or highway safety, and the integrity of the planning process;

- Decide on the most expedient course of action to remedy breaches of planning control
- Keep complainants and Councillors informed of progress throughout the processes of investigating and taking action on breaches of planning control, if requested to do so;
- Only take formal enforcement action, or require remedial action, which is commensurate to the breach;
- Set reasonable but firm deadlines for actions required to resolve breaches of planning control, and make these clear to all parties concerned;
- Invite a retrospective application to regularise a breach where there is a reasonable prospect that planning permission would be granted (notwithstanding the rights of an alleged offender to submit such an application);
- Facilitate appropriate development that conforms to planning policy, and try to secure the best possible development retrospectively where suitable; and
- Proactively work and cooperate with other regulating authorities and agencies to resolve breaches of planning or other legislation, share intelligence, and reduce crime.

## 7. How to report an alleged breach of planning control

- 7.1 In order to ensure that members of the public can report possible breaches of planning control the Council has put the following methods of contact in place;

Online at: [www.buckscc.gov.uk](http://www.buckscc.gov.uk)

Via telephone on 01296 395000

Dedicated mailbox: [planningenforcement@buckscc.gov.uk](mailto:planningenforcement@buckscc.gov.uk)

- 7.2 The information we receive is processed and held in line with our GDPR policy and remains confidential. The County Planning Authority may share your personal information with partner agencies such as Environment Agency, District Councils and Thames Valley Police. For full information on Buckinghamshire County Council's privacy policy please see the link below:

<https://intranet.buckscc.gov.uk/how-do-i/corporate/general-data-protection-regulation/policies-and-guidance/privacy-statement/>

## 8. Commonly used terms explained

- 8.1 If you experience dealings with the County Planning Authority, you may hear words used such as: discretionary, proportionate and expedient. These are explained below:

### Discretionary

- 8.2 The planning system prescribes that the County Planning Authority must investigate all alleged breaches of planning control. However, it does not prescribe that it must take enforcement action. This means that enforcement action is discretionary – the County Planning Authority may decide (with reason) that enforcement action will not be taken in some cases. A formal report will be written to explain the reasons for taking no action in these circumstances.

### Proportionate

- 8.3 Any action taken by the County Planning Authority must be carefully considered and the County Planning Authority must ensure that the action is in the public interest. It must also ensure that the action is proportionate to the alleged breach – for instance, it may not consider that seeking an injunction in response to an alleged breach of a stockpile height condition is a proportionate action.

### Expedient

- 8.4 When weighing up whether action is proportionate, the County Planning Authority will also make sure the action is reasonable in all other respects; in the public interest and will achieve a satisfactory result. The County Planning Authority will write a report which is known as an Expediency Report and this report will discuss all of the options and material matters in detail. The term expediency in planning enforcement relates to the 'argument' for taking action (taking in to consideration all the material factors).
- 8.5 Enforcement action is decided through the investigation stages and will result in a report being written by the investigating officer. The officer will take into account all the evidence, the proportionality and expediency of any proposed action and will present the report to a Senior Manager.

## 9. Investigatory Process

- 9.1 The County Planning Authority does not condone breaches of planning control it must follow government guidance in dealing with such matters. Government advice in the NPPF states the 'Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.' The Planning Act specifically allows for retrospective

planning permission to be sought and granted.

- 9.2 Government advice on enforcing planning controls is also provided within the Planning Practice Guidance.
- 9.3 Enforcement action is discretionary and Section 172 of the Town and Country Planning Act 1990<sup>5</sup> states that the Local Planning Authority may only issue an enforcement notice where it appears to them that:
- There is a breach of planning control; and,
  - It is expedient to issue the notice having regards to the provisions of the development plan and to any other material considerations.
- 9.4 The Local Planning Authority must therefore be seen to exercise discretion in terms of pursuing enforcement action and our actions have to be seen to be both reasonable and proportionate. In essence therefore, in the absence of significant planning harm - such as where the development complies with the policies of the development plan - or more precisely any “expediency” to enforce, the Authority should not take any further action.
- 9.5 Once a breach report is received by the County Planning Authority, an officer will open a case. Following the formal opening of the case, officers will commence a desktop investigation and begin collection information about the site in question; landowner/operator, planning history, land designations etc.
- 9.6 It should however be noted that enforcement action can only be taken within certain time limits:
- Four Year Rule: If “operational development” (i.e. building, engineering, mining or other operations) or unauthorised use of a premises as a single dwelling house can be shown to have occurred over 4 years ago it is immune from enforcement action.
  - Ten Year Rule: If any “material change of use” of land or buildings (except use as a dwelling house), or a breach of a planning condition can be shown to have occurred over 10 years ago they are immune from enforcement action.
- 9.7 Recent legislation has introduced the ability for the County Planning Authority to apply to the Courts to have the four and ten year rule set aside where there has been ‘deliberate deception’ on the part of the offender in order to achieve immunity from enforcement action.
- 9.8 Following a desktop investigation, officers will seek to contact the landowner and make them aware of the reported breach. In this initial communication, a provisional site inspection date will be arranged.

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<sup>5</sup> *Town and Country Planning Act 1990 c. 8*

- 9.9 During an initial site inspection officers will attempt to substantiate the allegation. If the report is not substantiated, officers will seek to resolve the case. If the report is substantiated, officers will advise on the most expedient route to remedying the breach of planning control.
- 9.10 Advice in the initial sense will usually relate to regularisation or voluntary remedy of the breach of planning control. Regularising the breach would usually involve the submission of a planning application (or lawful development certificate application). Voluntary remedy will usually involve the landowner or operator taking practical steps in order to remedy the breach of planning control.
- 9.11 If the breach of planning control persists following advice/negotiation, officers will then consider the expediency of formal enforcement. Officers have access to a number of legislative tools, which can be utilised to remedy breaches of planning control. A list of planning enforcement tools is appended to this plan at **Appendix A**.
- 9.12 If the issuing of formal notices fails to remedy the breach of planning control, the authority may be minded to consider the expediency of further formal enforcement action. This may come in the form of prosecution, injunctive action or direction action. Descriptions of these forms of action can be found in **Appendix A**.
- 9.13 Once compliance has been achieved, with or without the taking of formal action, officers will continue to monitor the site in order to ensure the breach of planning control does not recommence. Once consistent compliance has been demonstrated officers will seek to resolve the case.
- 9.14 Following the decision to resolve the case, officers will prepare a closure note which contains all the matters relevant in deciding to close the case. At the point of closure, the landowner, operator, reporters and partner agencies/authorities will be notified of the cases' resolution.
- 9.15 The investigatory process outlined above should not be taken as a fixed chronology for the planning enforcement process. All breaches of planning control are investigated on a case by case basis. Officers will endeavour to prioritise cases based on severity of harm associated with the breach of planning control in occurrence.

## 10. What to expect from The County Planning Authority

### Reporting a Breach

- 10.1 If you report an alleged breach of planning control to The County Planning Authority, at the very minimum an enforcement enquiry must include your name, your address, details of the alleged breach and the location of that breach. In order to ensure that the system is fair and equitable to all, certain information must be provided to ensure enquiries are neither false nor malicious. Where this information is not supplied the Council reserves the right not to investigate the matter, or to give such enquiries the lowest priority.
- 10.2 If you indicate that you wish to be updated in respect of your report, The County Planning Authority will update you at key stages of the investigation and will advise what the next steps are. If you do not notify the breach you will not receive any updates and/or future correspondence in relation to the investigation.

### Time Scales

- 10.3 The County Planning Authority does not attach time scales to enforcement investigations. Each case is different and the specified course of action will depend on the details of the alleged breach. The County Planning Authority will endeavour to triage each case at the earliest opportunity. Following an initial assessment the County Planning Authority will seek to ensure that alleged breaches of planning control are investigated as soon as possible. Cases will be prioritised where there is demonstrable immediate and/or irreparable harm.

### Operator or landowner of a site with an alleged breach

- 10.4 If the County Planning Authority approaches you about an alleged breach of planning control, you can expect that the Authority will attempt to negotiate with you by explaining the allegation in detail, enabling you to understand what has been alleged and how you can put it right. If you are served with a formal notice, the County Planning Authority will ensure that it is clear so you are able to understand fully what it is you are required to do.
- 10.5 Officers authorised under s196 of the Town and Country Planning Act 1990 (as amended)<sup>6</sup> have rights of entry on to land without prior warning. It is a criminal offence to obstruct these officers from entering in order to undertake their duty. Officers

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<sup>6</sup> Town and Country Planning Act 1990 c. 8



authorised under this section of the Act will carry an authorisation to enter card with their details on it. If you are unsure of their powers, please ask to see this card.

### **County Standards**

- 10.6 The County Planning Authority Service will:
- Keep all details of complainants in confidence in line with General Data Protection Regulation (GDPR)<sup>78</sup>
  - Not take sides in a dispute and only judge what action is appropriate according to the evidence, particular circumstances and relevant policies; and
  - Ensure that everyone receives the same standard of courteous and professional service at all times.
- 10.7 It should be noted that the County Planning Authority does not investigate anonymous or vexatious complaints.

## **11. Monitoring of Planning Permissions**

- 11.1 The County Planning Authority has over 40 active waste and mineral sites.
- 11.2 Under regulation 15 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012<sup>9</sup>, mineral planning authorities dealing with County Matter applications can charge to monitor mineral and landfill permissions. This covers initial implementation to the end of the period of aftercare required by a condition of the planning permission.
- 11.3 Section 19 of the Waste (England and Wales) Regulations 2011<sup>10</sup> makes it a duty that where a planning authority has planning functions in relation to establishments or undertakings carrying out disposal or recovery of waste, the planning authority must ensure that appropriate periodic inspections of those establishments are carried out.
- 11.4 With regard to the statutory provisions set out above, the County Planning Authority will actively inspect all Landfill and Mineral sites within Buckinghamshire. Each site will be inspected at least once a year.

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<sup>7</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

<sup>8</sup> *Data Protection Act 2018 c.12*

<sup>9</sup> The Town and Country Planning General Regulations (2012)2012 No.767

<sup>10</sup> The Waste (England and Wales) Regulations (2011)2011 No.988

- 11.5 The County Planning Authority will create a monitoring schedule annually to determine the number of inspections required at each site. The number of inspections will be based on previous compliance assessments complexity and site specific details of the site. This initial figure may be revised in response to changes at the site or the availability of new evidence/information.
- 11.6 In addition to the prescribed inspections set out within the Monitoring Schedule, the County Planning Authority will undertake ad-hoc enforcement visits at permitted sites when breaches of planning control are alleged.
- 11.7 The County Planning Authority will also seek actively monitor other permitted waste management sites.



## 12. Procedural Matters

### Working in Partnership

- 12.1 There is often overlap in the investigation of breaches of Planning Control, that relate to County Matters and other breaches of planning control, or other pieces of legislation, often involving investigations by other authorities such as the District Council's Planning and Environmental Health Teams, and the Environment Agency. Where an activity does not fall within the remit of the County Planning Authority to investigate, the investigating officer will refer the issue to the relevant authority and advise the complainant accordingly. Sometimes the responsibilities of two or more authorities may overlap and in these situations the Council will seek to work together with those other agencies.

### Regulation 3 Developments

- 12.2 The County Planning Authority cannot take legal action against itself. However, the Compliance Team has responsibilities for resolving breaches of planning caused by County Council Developments. In the first instance, once a breach has been identified, the officers will seek to rectify the breach through negotiation with the relevant department of the Council. Where negotiation is unsuccessful, the breach will be reported to the Development Control Committee for consideration. Should the Development Control Committee decide that action is necessary, they will seek to gain a resolution through the involvement of the relevant Cabinet Member.

### Review

- 12.3 This plan will be reviewed whenever there is a significant change in legislation, national or local policy, or otherwise every two years. It should however be noted that this plan may be reviewed at an earlier date due to the creation of The Buckinghamshire Council unitary authority, in April 2020.

### Equality

- 12.4 As required as part of the Equality Act 2010 Section 149, in the drafting of this plan due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not considered that the BLMEP would conflict with the requirements of the Equality Act 2010 or the Council's policy on equality.

## **Contact Us:**

Online at: [www.buckscc.gov.uk](http://www.buckscc.gov.uk)

Via telephone on 01296 395000

Dedicated mailbox: [planningenforcement@buckscc.gov.uk](mailto:planningenforcement@buckscc.gov.uk)

## **Appendix A- Planning Enforcement Tools**

Negotiation	The County Planning Authority can and will use negotiation as a tool to achieve voluntary compliance in certain circumstances. In most cases, the Authority will usually start its investigation with negotiation and will revert to other types of enforcement action if required.
Planning Contravention Notice	A planning contravention notice (or PCN) can be issued upon a landowner or person(s) with an interest in land in order that information can be gathered about the land and/or its use. Once issued upon a person, they are legally obliged to respond to the notice and the questions therein, within 21 days.
Breach of Condition Notice	These can be served in certain circumstances where conditions on a pre-existing planning permission are being breached. A breach of condition notice cannot be appealed and further breaches will be considered a criminal offence.
Temporary Stop Notice	A temporary stop notice can be served where an unauthorised use of land (or any unauthorised activity which makes up the use of the land) is considered to be severely detrimental and the County Planning Authority decides that it needs to stop whilst it considers next steps. A temporary stop notice will remain in force for 28 days, after this date, the County Planning Authority must have decided whether to take further action, or no action. A further temporary notice cannot be served.
Enforcement Notice	An enforcement notice is served where the County Planning Authority has identified a breach of planning control and negotiation has failed. Following service of an enforcement notice, the County Planning Authority must give the person(s) on whom it is served a minimum of 28 days before it comes into effect. They are able to appeal within this time period, but if they do not, the notice comes into effect and breaches of any of the requirements contained within it become criminal offences.
Stop Notice	A stop notice can only be served alongside or where there is already an enforcement notice in place. A stop notice can stop all activities described in the enforcement notice, or the most harmful elements of the unauthorised development. If an enforcement notice is withdrawn or quashed (through appeal), then a stop notice will cease to have affect. Stop notices come with compensation risks and as such, the County Planning Authority will usually serve these in the most harmful situations, where - for instance - the harm being caused by a development is irreparable or entirely unacceptable.
Direct Action	This tool can only be utilised where there is an enforcement notice in effect (i.e. has not been appealed or was upheld on appeal). If the requirements of an enforcement notice have not been complied with, then a County Planning Authority may

	enter land and undertake works to comply with the whole or part of the notice. They can then charge the cost of the works back to the landowner and ultimately put a charge on land if the debt is not paid.
Injunction	An injunction is considered a last resort and can be an expensive strategy. The County Planning Authority must be able to demonstrate that no other means of restriction can be imposed and that the injunction is needed in order to protect amenity or environmental designations (such as the Green Belt). An injunction can apprehend an activity which is likely to occur or can require steps to be taken to comply with planning control. Once issued, breaching an injunction is considered to be contempt of court and as such, an offender may be imprisoned.
Compulsory Purchase	This option is not usually considered by Local Planning Authorities, as other methods of control are usually successful, however, in some cases, this may be considered to be an appropriate remedy for persistent breaches.
Prosecution/Confiscation	Prosecution can be brought where the requirements of a breach of condition notice, temporary stop notice, enforcement notice or stop notice are breached. If the County Planning Authority has sufficient evidence and it is considered to be in the public interest, then a prosecution will be commenced. Once a conviction is obtained, the County Planning Authority may consider confiscation proceedings under the Proceeds of Crime Act 2004 (POCA). This can enable the County Planning Authority to consider that all the proceeds obtained by the defendant during the 'breach period' were criminal and therefore can be seized. The maximum fine for breaching a breach of condition notice is; £2,500 per offence. The maximum fine for breaching all other notices is unlimited.
No action	This option is considered in some cases to be the most appropriate. In these cases it may be that: the District Council progress the investigation; it is not in the public interest to continue with the investigation; or the operational activity or change of use is immune from enforcement action (as it has occurred for more than 4 or 10 years respectively).

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

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