

Minutes

DEVELOPMENT CONTROL COMMITTEE

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON
MONDAY 4 NOVEMBER 2013 IN MEZZANINE ROOMS 1 & 2, COUNTY HALL,
AYLESBURY, COMMENCING AT 10.00 AM AND CONCLUDING AT 11.22 AM**

MEMBERS PRESENT

Mr C Ditta, Ms N Glover, Mr A Huxley, Mr R Reed, Mr D Schofield, Mr D Shakespeare OBE,
Ms J Teesdale and Lin Hazell

OFFICERS IN ATTENDANCE

Mrs J Caprio, Mrs R Jones, Mr R Jenkins, Mr N Bowden and Mrs M Keyworth

Agenda Item

1 APOLOGIES FOR ABSENCE / CHANGES IN MEMBERSHIP

Apologies were received from Brian Roberts. Lin Hazell substituted for Mr Roberts.

2 DECLARATIONS OF INTEREST

Lin Hazell and Jean Teesdale declared an interest in Item 6 because they are both members of the Health and Adult Social Care Select Committee (Ms Hazell is the Chairman)

3 MINUTES

The minutes of the meeting held on 17 September 2013 were agreed as a correct record.

The following was noted:

Item 6 Enforcement Update Moorward Farm

The Enforcement Officer informed the Committee that the Environment Agency had conducted an interview under caution with the director of the Company that owns the land and were taking forward the investigation under the Environment Protection Act. Officers met with the landowner who has removed 150,000 cubic metres of material at a cost of £100,000. The landowner felt he should not have to remove any further waste and has said he would prefer to face prosecution. He has requested relaxation of the Enforcement Notice. The Planning Officer has stated that this request needed to be



INVESTOR IN PEOPLE



made in writing, together with supporting information. The Development Control Manager can present a recommendation to the Committee and it is envisaged that this will be presented at the December meeting as part of the Enforcement Report. The Chairman agreed that he would like to see this recommendation presented to the Committee.

White Lodge

Members were informed that the ownership of the land is not registered with the Land Registry. The Enforcement Officer had visited the site several times since the last Committee meeting and it was noted that whilst there was no one present, it appeared that the land was not being used for waste storage, only skips. The Enforcement Officer stated he would continue to try and find a resolution.

4 CHILTERN VIEW NURSERIES, WENDOVER ROAD, STOKE MANDEVILLE, BUCKINGHAMSHIRE HP22 5GX APPLICATION NO: 13/20003/AWD

Members received the report of the Planning Manager, which sought determination of the application.

The Committee received a presentation showing photographs of the site and site plans. The Committee also received a revised recommendation which they were asked to consider.

The following members attended the site visit: Roger Reed, David Schofield, Netta Glover, Andy Huxley and Chaudhary Ditta.

The Chairman reminded members that there was public speaking in relation to this item and welcomed to the meeting Adrian Hoy, agent for the applicant, who spoke in support of the application as follows:

- The original planning application was withdrawn and resubmitted following a letter from the PAC Service Lead Officer, Compliance. Members were provided with a copy of this letter and given time to read its contents
- The Case Officer then decided to refuse the application before looking at the detail of the letter, stating with regard to Policy CS10 that a need would have to be demonstrated. Mr Hoy suggested that an additional 386,000 of waste material was sufficient demonstration of need. If the policy was applied as intended it would accord with all the aims of the application.
- The Case Officer's report does not mention the letter from the PAC Service Lead Officer, nor Policy CS10.
- Mr Hoy suggested that the Committee should not make a decision if it was in doubt and he could provide further information in relation to Policy CS22 and LPP36 if needed.
- The Core Strategy suggests an over reliance on landfill
- The applicant is seeking to be self-sufficient with no public funding for the operation.

In response to Mr Hoy's representation to the Committee, the Chairman stated that it was the Committee that made the decisions, the Planning Officers made recommendations and in this case it was to refuse the application. He asked the Planning Officer for clarity regarding comments relating to Policy CS10, and the suggestion that the report undermined the aims of the Core Strategy and LPP36.

The Planning Officer made the following comments:

- Policy CS10 is referred to in the report. It is not disregarded and is one of the reasons for recommending refusal. It covers the County requirement to provide for waste and

recycling and transfer stations and should be read in conjunction with other Planning Policies and not in isolation.

- It was noted that the Minerals and Waste Core Strategy and Policy CS10 related to the area required for hardstanding to process amount of materials on site, not the amount of waste in relation to population
- LPP36 sets out development control principles and is the overarching policy for development management practice for determining planning applications and how the Authority approaches planning applications.

A member considered whether the application should be deferred but the Chairman stated that all members should read the information put before them in relation to this application before coming to any decision.

With regard to the letter from the PAC Service Leader, it was noted this was not from the Planning Lead Officer, but from the Enforcement Team who were making suggestions on how outstanding issues could be rectified and addressed by the landowner. On the basis of the evidence submitted in response to this letter, the recommendation from the Planning Officer was to refuse the application.

Those members who attended the site visit agreed that it was useful and informative and made the following points:

- It was a tidy and clean site
- With regard to the issues raised, and the lack of information submitted, this appeared to be a premature application.
- Some policies relating to work on the site needed further clarification. There may also be a need to look at Aylesbury Vale District Council policies.

A member proposed that the application be deferred until further clarity had been sought on the issues raised and further information had been provided.

RESOLVED:

The Committee AGREED unanimously to defer this item to the December meeting, pending receipt of further information.

5 WYE VALLEY SCHOOL, NEW ROAD, BOURNE END, BUCKINGHAMSHIRE SL8 5BW

Members noted that the application had been withdrawn by the applicant on 28 October 2013.

6 (A) LAND BETWEEN WESTBOURNE STREET AND WEST WYCOMBE ROAD, HIGH WYCOMBE (B) LAND AT FORMER GAS WORKS SITE BETWEEN SUFFIELD ROAD, RUTLAND STREET AND DESBOROUGH ROAD, HIGH WYCOMBE

APPLICATION NOS: CC/21/13 and CC/22/13

Members received the report of the Planning Manager, which sought determination of the two applications above.

The committee received an update, together with notice of an additional condition to the recommendation which was being added after consultation with the applicant and the Environment Agency. It was noted that the High Wycombe Society had stated they had no objection, but this had not yet been confirmed in writing.

Members received a presentation showing photographs of the site and site plans. This item related to two applications. The Chairman said some members of the Committee had received a presentation in relation to these schemes and the subsequent site visit had helped to put these applications into context, particularly in relation to the lack of kerbs in the new scheme.

The Chairman informed members that there was public speaking in relation to these schemes and welcomed to the meeting Peter Major the Project Lead Officer and Lesley Clarke, the Local County Councillor for the area. Both spoke in support of the applications and the following points were made:

- This was part of a master plan to implement the future vision for the Town Centre and had received widespread support as an alternative route to bypass the Town Centre.
- It allowed for pedestrian links to connect all areas in the Town Centre.
- It was developed on the basis of a wide consultation exercise and the designs were based around lack of traffic signals and slower speed limits, which complied with Local and National Planning Policies.
- Funding for the work had been received through S106 monies as well as funding from Buckinghamshire County Council and Wycombe District Council. Additional funding was being sought to complete the remaining work.
- The new links created were a first step in the economic regeneration of High Wycombe Town Centre

The Local Member was fully supportive of the Schemes but expressed some concerns around parking and air quality and noise impact. There was a need to look at traffic issues on all the roads because they are heavily used. With regard to parking it was noted that some spaces would be lost on Westbourne Street and concern was expressed that the small businesses in that area may be affected. The impact of noise and air quality on Suffield Road was raised and a request made to attempt to reduce this as much as possible by any means suitable. Parking issues on Suffield Street were also raised. With regard to the use of plane trees to reduce pollution, the Member asked whether consideration could be given to other trees in light of the fact that these trees emitted a black sticky residue which could stain the new pavements in the area.

It was noted that in paragraph 64 of the report reference should have been made to Desborough Road, not Desborough Avenue. (*Addendum: subsequent to the meeting it was confirmed that it should be Desborough Avenue and not Desborough Road.*)

In answer to a member's question about whether air quality was being monitored it was noted that a report had been submitted with the application and showed only minor increases in pollution, but no real change. The member stated that 43% of wealth in Buckinghamshire came from small businesses and emphasised the need to provide enough parking to reduce any impact on businesses in the area.

Another member also referred to the loss of parking particularly in Suffield Road in relation Wycombe General Hospital and expressed surprise that parking in this area was under-utilised. Since the hospital was an integral part of the town she asked whether any provision was being made to reduce the impact there. It was noted that these applications were part of the overall scheme and officers were working with all stakeholder groups on traffic needs, including parking. The member emphasised her concerns regarding parking around the hospital and this was supported by other members, particularly around clinic time. This would also have an impact on residents parking in Suffield Street. The Chairman said he shared the concern of his colleagues and hoped there would be more detailed work on this issue.

The PAC Service Lead Officer stated that these applications related to two small sections of road and was a small part of the alternative route and link with existing roads which were all being re-designed. The remainder of the scheme would be subject to further discussion and members' concerns could be taken into account as part of the overall scheme. The Project Manager informed members that the concept design would not dramatically lose any parking and the overall aim was to take account of issues such as those relating to the hospital and the use of car parks in that area. Currently car parks were only about 60% used and there was a need to strike a balance between the needs relating to traffic flow and the needs relating to parking. The Chairman reiterated the Committee's concern over loss of parking spaces and the need for everything possible to be done to ensure there was no overall reduction, particularly with regard to the impact on Wycombe General Hospital. The Local Member referred to on street parking and that it was part of the County Council remit to ensure there was sufficient parking.

Those members who attended the site agreed it was very informative and the following was noted:

- Concern was expressed with regard to 'boy racers' who may use the link between Sufficient Road and Desborough Road.
- It was an elegant scheme and the member looked forward to seeing it in action when completed.

The Legal Adviser said it was for members to make a balanced decision in relation to the two applications, and not to consider parking problems over the whole of Wycombe Town. Loss of parking is a material consideration but it needed to be looked in the context of the whole scheme. Members may wish to consider a condition stating that the Development Manager should submit a plan prior to implementation

The Chairman said that the Committee had strong feelings about the impact on parking, but supported any proposal which would significantly improve traffic flow in High Wycombe. He considered that Officers should work to ensure that the views and concerns of the Committee were not lost and suggested that there should be an informative relating to parking issues and the Committee was in agreement. The Project Manager agreed that an informative would be a positive way forward.

It was noted that whilst there was no improvement in relation to noise and air quality the levels were within the legal limits. The Chairman asked that all measures be taken to ensure the quality of life for residents remained as high as possible. Members also agreed that a that further discussions should take place with the Local Member in relation to the trees used in the landscaping scheme.

In answer to a member's question about whether the remainder of the scheme would require planning permission it was noted that the majority of the work was permitted development. The member also asked whether the noise and pollution levels would be transferred around the scheme area and it was noted that this was the case.

The Committee voted unanimously to approve both applications subject to the amendments presented to them.

RESOLVED:

The committee agreed to PERMIT applications CC/21/13 and CC/22/13 subject to the following CONDITIONS:

Scheme (A):

- 1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.**
- 2. Prior to the commencement of the development hereby permitted, details of all materials to be used for hard surfaced areas within the site shall be submitted to and approved in writing by the County Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**
- 3. No development shall take place until a full construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The statement shall include details comprising, but not limited to:
 - (i) parking of vehicle of site operatives and visitors,**
 - (ii) routes for construction traffic,**
 - (iii) working hours,**
 - (iv) method of prevention of mud being carried onto highway and**
 - (v) proposed temporary traffic restrictions.****
- 4. Except where modified by details submitted pursuant to condition 5 of this permission; the landscaping scheme detailed on plans B1279895/3000/D/101, B1279895/3000/D/102, B1279895/3000/D/001, B1279895/ 3000/D/002, B1279895/3000/D/003, B1279895/3000/D/004, B1279895/3000/D/005 and B1279895/3000/D/006 shall be implemented in the first planting season following the completion of the development and maintained for a period of three years. If, following the implementation of the approved landscaping scheme, any tree and shrub specimens die, are seriously damaged, or diseased they shall be replaced with a similar specimen in the next planting season.**
- 5. Prior to the commencement of the development hereby permitted, an updated landscaping scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall indicate the size and species of tree planting which shall be implemented in accordance with the requirements of condition 4.**
- 6. Prior to the commencement of the development hereby permitted, details of tree protection measures shall be submitted to and approved in writing by the County Planning Authority. Such details should make recommendations on the use of protective fencing and work within root protection areas. The approved scheme shall be maintained for the duration of the construction of the development thereafter. Such a scheme will comply with the provisions of BS5837:2012 "Trees in relation to design, demolition and construction" and BS3998:2010 "Tree Work".**
- 7. No vegetation shall be removed during the bird nesting season. This is weather dependant but generally extends from 1 March to 31 August (inclusive). If this is not possible, a qualified ecologist shall check the areas concerned immediately prior to vegetation removal to ensure that no nesting or nest-building birds are present. If any nesting or nest-building birds are present, no vegetation shall be removed until the fledglings have left the nest.**
- 8. Prior to the commencement of the development hereby permitted, a scheme**

for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the County Planning Authority. The surface water drainage scheme shall include, but not be limited to, measures to address the following:

- (i) The measures proposed in the final approved Flood Risk Assessment and Surface Water Drainage Strategy;
- (ii) ensure that the development includes measures to mitigate against the potential discharge of contaminated surface water onto surrounding land or the environment;
- (iii) ensure that infiltration methods are not employed in areas of contaminated soils, which could potentially leach out contaminants to the surrounding environment;
- (iv) ensure on site detention of storm water run off for a range of events up to the design storm with a return period of 100 years, making an allowance for the potential effects of climate change;
- (v) full details of pollution control measures (if applicable) and attenuation measures including volumetric capacity (making an allowance for the potential effects of climate change in accordance with the NPPF), manner of discharge and method of maintenance; and
- (vi) a formal consent with regard to the proposed discharge location(s) and discharge rates obtained from the appropriate authorities and/or service providers.

The works shall be constructed and completed in accordance with the approved scheme prior to the initial commencement of use of the development.

9. Prior to the commencement of the development hereby permitted a programme of archaeological observation and investigation (“a watching brief”) to be conducted in accordance with a written scheme of investigation shall be submitted to and approved by the County Planning Authority. The works specified in the approved watching brief shall be undertaken prior to the completion of the development in accordance with relevant timings to accord with construction such that any archaeological remains are undisturbed, preserved or recorded as appropriate.
10. The development hereby permitted shall not be carried, other than in accordance with the approved plan numbers (except where otherwise modified by this planning permission): B1279895/0000/D/001, B1279895/0000/D/002, B1279895/0000/D/005, B1279895/0000/D/006, B1279895/3000/D/001, B1279895/ 3000/D/101, B1279895/ 3000/D/003, B1279895/3000/D/005 and B1279895/3000/ D/006.
11. No development shall take place until details of the adoptable road have been submitted to and approved in writing by the County Planning Authority. The road shall not form part of the public highway network until the road, surface water drainage details required under condition 8 and associated connections to the existing highway network have been laid out and constructed in accordance with the approved details.

Scheme (B):

- 1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.**
- 2. Prior to the commencement of the development hereby permitted, details of all materials to be used for hard surfaced areas within the site shall be submitted to and approved in writing by the County Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**
- 3. No development shall take place until a full construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The statement shall include details comprising, but not limited to:
(i) parking of vehicle of site operatives and visitors,
(ii) routes for construction traffic,
(iii) working hours,
(iv) method of prevention of mud being carried onto highway and
(v) proposed temporary traffic restrictions.**

Reason: In order to ensure that the development is not detrimental to the amenity of the occupants of neighbouring properties nor detrimental to the safety and convenience of users of the highway during construction and to comply with policies G3, T4, T5 and T13 of the Wycombe District Local Plan.

- 4. Except where modified by details submitted pursuant to condition 5 of this permission; the landscaping scheme detailed on plans B1279895/3000/D/101, B1279895/3000/D/102, B1279895/3000/D/001, B1279895/ 3000/D/002, B1279895/3000/D/003, B1279895/3000/D/004, B1279895/3000/D/005 and B1279895/3000/D/006 shall be implemented in the first planting season following the completion of the development and maintained for a period of three years. If, following the implementation of the approved landscaping scheme, any tree and shrub specimens die, are seriously damaged, or diseased they shall be replaced with a similar specimen in the next planting season.**
- 5. Prior to the commencement of the development hereby permitted, an updated landscaping scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall indicate the size and species of tree planting which shall be implemented in accordance with the requirements of condition 4.**
- 6. Prior to the commencement of the development hereby permitted, details of tree protection measures shall be submitted to and approved in writing by the County Planning Authority. Such details should make recommendations on the use of protective fencing and work within root protection areas. The approved scheme shall be maintained for the duration of the construction of the development thereafter. Such a scheme will comply with the provisions of BS5837:2012 "Trees in relation to design, demolition and construction" and BS3998:2010 "Tree Work".**
- 7. No vegetation shall be removed during the bird nesting season. This is**

weather dependant but generally extends from 1 March to 31 August (inclusive). If this is not possible, a qualified ecologist shall check the areas concerned immediately prior to vegetation removal to ensure that no nesting or nest-building birds are present. If any nesting or nest-building birds are present, no vegetation shall be removed until the fledglings have left the nest.

8. Prior to the commencement of the development hereby permitted, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the County Planning Authority. The surface water drainage scheme shall include, but not be limited to, measures to address the following:
- (i) The measures proposed in the final approved Flood Risk Assessment and Surface Water Drainage Strategy;
 - (ii) ensure that the development includes measures to mitigate against the potential discharge of contaminated surface water onto surrounding land or the environment;
 - (iii) ensure that infiltration methods are not employed in areas of contaminated soils, which could potentially leach out contaminants to the surrounding environment;
 - (iv) ensure on site detention of storm water run off for a range of events up to the design storm with a return period of 100 years, making an allowance for the potential effects of climate change;
 - (v) full details of pollution control measures (if applicable) and attenuation measures including volumetric capacity (making an allowance for the potential effects of climate change in accordance with the NPPF), manner of discharge and method of maintenance; and
 - (vi) a formal consent with regard to the proposed discharge location(s) and discharge rates obtained from the appropriate authorities and/or service providers.

The works shall be constructed and completed in accordance with the approved scheme prior to the initial commencement of use of the development.

9. No part of the development shall be brought into use until planning permission CC/21/13 relating to land between Westbourne Street and West Wycombe Road ("Scheme A") has been substantially completed and brought into use.
10. The development hereby permitted shall not be carried, other than in accordance with the approved plan numbers (except where otherwise modified by this planning permission): B1279895/0000/D/003, B1279895/0000/D/004, B1279895/0000/D/005, B1279895/0000/D/007, B1279895/0000/D/008, B1279895/3000/D/002, B1279895/3000/D/102, B1279895/3000/D/003, B1279895/3000/D/005 and B1279895/3000/D/006.
11. No development shall take place until details of the adoptable road have been submitted to and approved in writing by the County Planning

Authority. The road shall not form part of the public highway network until the road, surface water drainage details required under condition 8 and associated connections to the existing highway network have been laid out and constructed in accordance with the approved details.

12. Prior to the commencement of the development hereby permitted a scheme that includes the following components 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 site investigation scheme, based on the geoenvironmental desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (ii) The results of the site investigation and detailed risk assessment referred to in (iii) 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.
 - (iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be implemented as approved.

7 DECISIONS MADE UNDER DELEGATED POWERS

Members received the report of the Senior Manager, the purpose of which was to inform members of the decisions taken under delegated powers in the period between 7 September 2013 and up to 24 October 2013.

The Committee NOTED the Report.

8 INTRODUCTION TO PSD LEAD OFFICER FOR MINERALS & WASTE

This item was deferred to the December meeting of the Committee

9 DATE OF NEXT MEETING

The next meeting of the Committee will be held on Tuesday 17 December 2013. The site visit will be held on Thursday 12 December 2013. Dates of Future Meetings:

Meeting Date	Site Visit
21 January	16 January (changed to 15 January)
11 March	6 March
29 April	23 April (note change)
10 June	5 June
22 July	16 July (note change)
9 September	4 September
21 October	16 October
2 December	27 November

CHAIRMAN