

19/07193/FUL

Consultations and Notification Responses

Ward Councillor Preliminary Comments

Councillor Clive Harriss – I would like this application to be heard by committee. It appears this business has worked hand in glove with the neighbours for some 10 years and now when a lawful use certificate has been applied for there are suddenly a number of objections. I feel in the circumstances it would be prudent for the committee to provide an independent view of the issues.

Parish/Town Council Comments/Internal and External Consultees

Gt & Little Kimble Cum Marsh P Council – none received

Environment Agency (south-east)

Comments: We have no objection to the granting of planning permission for this development, however we wish to draw the applicant's attention to the following.

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within a Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply, spring or borehole.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

County Highway Authority

Comments: Moreton Road is an unclassified single-track road subject to the national speed limit.

The change of use from agricultural to mixed use of agriculture and generator & equipment rental business is likely to intensify the local highway network and the existing access onto Moreton Road.

Within the planning statement, it is stated that during peak seasons approximately three HGV's, four to five trucks and nine cars would access the site. I am satisfied that the development site is of sufficient size to allow for all vehicles to park, turn and exit the site in a forward gear. I am also satisfied that sufficient visibility splays can be achieved within the publicly maintained highway or land owned by the applicant.

However given the resulting additional traffic on Moreton Road and surrounding roads, which is substandard by way of its width with insufficient passing places to accommodate the additional HGV's, I must recommend this application for refusal for the following reason:

Reason 1: The highway network serving the site is inadequate by reasons of its width and alignment to serve the proposed development with safety and convenience. The development is therefore contrary to the Policy DM33 (Managing Carbon Emissions: Transport and Energy Generation) of the Wycombe District Local Plan (adopted August 2019), Buckinghamshire County Council Local Transport Plan 4 (adopted April 2016) and the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).

Comments on Technical Note:

In response to the technical note submitted as part of this application, the Highway Authority acknowledges the retrospective nature of this application. However, the Highway Authority must comment on the principle of the development which in this case is deemed unacceptable due to the nature of the local highway network.

The development site is distant from the major highway network. Therefore, although the roads in the vicinity of the site are lightly trafficked, vehicles are required to travel relatively long distances on narrow roads before accessing major roads.

I also note that the results of the traffic survey demonstrate 85%ile speeds on Kimblewick Road to be in excess of 38mph. This shows that vehicles travelling in the vicinity of the site are travelling at high speeds. Therefore, slow moving HGVs on the local highway network will be resulting in conflicts with fast moving traffic. Given the scale of the business and the frequency of HGV movements, this will continue to result in a detrimental impact to the convenience of the public highway.

Mindful of this, the Highway Authority maintains its principle objection to this application for the following reason:

Reason 1: The highway network serving the site is inadequate by reasons of its width and alignment to serve the proposed development with safety and convenience. The development is therefore contrary to the Policy DM33 (Managing Carbon Emissions: Transport and Energy Generation) of the Wycombe District Local Plan (adopted August 2019), Buckinghamshire County Council Local Transport Plan 4 (adopted April 2016) and the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).

Comments on applicant's rebuttal statement:

In response to the applicant's rebuttal statement I would like to make the following comments:

The applicant states that: both Kimblewick Road and Moreton Road are largely straight, has passing bays and is not bound by physical feature.

Whilst I acknowledge the roads are largely straight in places, the Kimblewick Road/Moreton Road and Kimblewick Road/Stockwell Lane junctions involve very tight corners/bends with very poor visibility making turning difficult. There are also very few passing places suitable for the passing of HGVs.

In response to what is considered the major highway network, Stockwell Lane largely does not have a centre line and therefore would not be considered suitable for HGV movements. The closest road which could be considered suitable for HGV movements would be Lower Icknield Way which is some 3.5km from the development site. An additional issue with accessing the site from the south is that a number of the roads have low bridges crossing the railway line which are subject to weight or height restrictions restricting the access from the A4010.

In response to the comments regarding traffic speed and risk of conflict on Kimblewick Road. Kimblewick Road is a narrow single track road and therefore although the posted speed is the national speed limit, 85th percentile speed in the region of 40mph would be considered high given the nature of the road. Whilst I acknowledge that even the largest HGVs can achieve speeds in excess of 40mph, it would be irresponsible for a HGV to drive at those speeds given the nature of the road.

Addressing the sustainability of the site. Despite 95% of the 30 members of staff living within 10 miles of the site, the location of the site is such that it has only limited access by non-car modes of travel. The absence of adequate infrastructure and the sites remoteness from major built up areas is such that it is likely to be reliant on the use of the private car contrary to local and national transport policy.

Routing agreements are difficult to enforce and therefore is not something the Highway Authority would look to agree for this development. The provision of additional passing places along Kimblewick Road, suitable for the passing of HGVs, would be a large project which would have additional planning issues in itself.

Mindful of the above, the Highway Authority must maintain its objection to this development.

Representations

Strategic Access Officer – Council rights of way officers have been approached by the British Horse Society, Aylesbury Ramblers and local residents voicing concern over this application. I note James Craft's comments (Highways Development Management).

Moreton Road is a dead end lane to vehicles, but as with many quiet country lanes of this nature they provide through-routes for walkers cyclists and horse riders to the rights of way network. These are shown on the attached plan. Moreton Road also carries three promoted routes: the Midshires Way and Swans Way for walkers, cyclists and horse riders and the North Bucks Way for walkers.

I simply wish to highlight the 258 metres length of Moreton Road to Hill View Farm from the Kimblewick Road junction is also used by walkers, cyclists and horse riders and this should be taken into consideration with any likely increase in vehicular movements.

33 objections received including comments on behalf of Wheel Power, Aylesbury Cycling Club and the Committee of the British Horse Society.

- Noticeable and significant increase large vehicle traffic transporting electric generators and other power supplies.
- Large vehicles are damaging the verges and the road.

- Large vehicles are a hazard for walkers, horseriders and runners.
- Roads around Kimblewick are narrow and mostly only one car wide. It is necessary to stop in passing places or reverse when meeting a large vehicle.
- Business appears to be outgrowing its location.
- There is a lot of large equipment stored in the grounds.
- Size and number of trucks is too great for the nature of the roads.
- Hazard to residents, walkers and horses heading to the bridle path at the end of the lane.
- Use would be better suited to a business park accessed by better roads.
- Business has grown significantly since 2018, before this nothing of significance was apparent.
- Residents of Moreton Lane are frequently held up by vehicles accessing the farm and invariably have to give way and back up because of the size of the vehicles.
- Horses and riders from the Vale of Aylesbury Hunt located nearby are having a difficult time.
- Concern that if permitted the business will continue to expand.
- Are problems manoeuvring the lorries at the junction of Moreton Road and Kimblewick Road.
- Wish the applicants success in their business but not at the expense of the residents of Kimblewick.
- Noise and disturbance, including noise from generators.
- Vehicle arrivals begin at 6 am and don't stop until late in the evening.
- Vehicles are often towing 2 or 3 trailers which makes their length excessive and difficult to manoeuvre.
- If a car is parked outside West Cottage (on the corner of Kimblewick Road / Moreton Road) large vehicles are unable to turn left into Moreton Lane.
- Equipment stored outside has a large visual impact from the road and footpaths.
- Low-loading articulated lorries and vehicles with trailers appear to serve the business daily and have eroded the hedge and bank opposite the site.
- Noise nuisance from reversing beepers of vehicles manoeuvring on site during the day.
- Occasionally there are up to 3 HGVs queuing to enter the site blocking the lane and causing delay for residents.
- Although the Planning Statement says that the business was established over 10 years ago the business operation has only showed itself in the last two years. Energy Generator Hire Ltd was incorporated in July 2014.
- Business is a non-conforming use in a rural area lacking infrastructure with narrow country lanes unsuitable for regular heavy goods vehicles.
- Unsustainable development due to lack of supporting services.
- Use diminishes the environment for residents in Kimblewick and the surrounding villages.
- The road provides access to the bridleways. Is dangerous to be on the road with a horse as there is nowhere to pull in to allow the lorries to pass without horses taking fright.
- Lorries are causing houses near the road to vibrate as they pass.
- Have had to move my horse from a nearby stable because of the increase in traffic and several frightening incidents with lorries.
- Can no longer access the bridleway on my horse as it is too dangerous.
- Have had to reverse car to allow lorry past.
- Regular incidents of horses and lorries being unable to pass safely.
- Route is used by farm machinery and is not wide enough for lorries and farm vehicles to pass each other.
- The road is the link between footpaths and bridleways and two long distance routes, the North Bucks Way and Aylesbury Ring, promoted by Bucks CC. The traffic puts walkers at risk.
- Risk to cyclists from the lorry traffic.
- Kimblewick is part of a popular cycling route from Stoke Mandeville to Longwick via Marsh Lane and Kimblewick Road and is used regular by local clubs and groups on organised rides. Lanes are narrow and the surface poor making them unsuitable for use by large vehicles, which would put walkers and cyclists at risk. Kimblewick Road is already well known for dangerous "close passes" of cyclists and increased HGV traffic could result in a serious or life-threatening incident.
- Bucks largest charity bike ride passes through Kimblewick. The ride attracts nearly 200 riders, and approximately 700 people, including many children and disabled cyclists, are expected to

pass through Kimblewick and surrounding roads on the day. Additional traffic will put vulnerable users further at risk.