



## Report to West Area Planning Committee

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| <b>Application Number:</b>              | CM/0009/21  |
| <b>Proposal:</b>                        | Variation of condition 5 of planning permission CC12/9001/CM to increase permitted HGV movements                                |
| <b>Site Location:</b>                   | Wycombe Recycling Ltd<br>Unit 53<br>Binders Industrial Estate<br>Cryers Hill Road<br>Cryers Hill<br>Buckinghamshire<br>HP15 6LJ |
| <b>Applicant:</b>                       | Wycombe Recycling Ltd   |
| <b>Case Officer:</b>                    | James Suter   |
| <b>Ward(s) affected:</b>                | Ridgeway East   |
| <b>Parish-Town Council:</b>             | Hughenden Parish Council  |
| <b>Date valid application received:</b> | 1st April 2021  |
| <b>Statutory determination date:</b>    | 1st July 2021   |
| <b>Recommendation</b>                   | It is recommended the application is APPROVED subject to the conditions set out in section 7.                                   |

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This planning application seeks to vary conditions on planning permission CC12/9001/CM to allow for 160 HGV movements per day rising from 80 vehicle movements previously permitted. The key considerations in determining this application are the impacts upon amenity, area designations and highways.
- 1.2 This application has been the subject of consultation with the Planning Committee Chairman of the West Area Committee. It has been determined that the application should be referred to the relevant Planning Committee for consideration.
- 1.3 It is recommended the application is APPROVED subject to the conditions set out in section 7.

### 2.0 Description of Proposed Development

- 2.1 This application is made under S73 to vary a condition relating vehicle movements related to a waste transfer station within the Binders Industrial Estate.
- 2.2 The original planning condition stated:

“The maximum total number of vehicle movements shall not exceed 80 (40 in, 40 out) per day.”

2.3 The applicant is seeking to vary this planning condition to state:

“The maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 160 (80 in, 80 out) per day.”

2.4 It should be noted that the original condition refers to vehicle movements and the proposed condition refers to HGV movements.

2.5 This application is made under Section 73 of the Planning Act. Although often referred to as an application to vary or remove a condition an application under this section of the Act actually has no effect on the original permission it is not an amendment to the earlier permission. It is a separate freestanding permission that the applicant is entitled to implement or ignore. This application must therefore be capable of being implemented in its own right and therefore all appropriate conditions and obligations must be imposed.

2.6 The merits of the condition(s) must be assessed against an up to date development plan. Section 73 of the Town and Country Planning Act 1990 (as amended) states:

“Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

2.7 Unit 53 covers an area of 0.13 ha (excluding access road) and is located within the existing Binders Yard Industrial Estate which lies within both the Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB). Access to the site is via the A4128 (Cryers Hill Road). Public footpath HUG/83/1 runs through Binders Industrial Estate adjacent to the access road along the northern boundary of the estate.

2.8 The site is located roughly 100m from the nearest residential properties located on Lisleys Field. Widmer End and Great Kingshill are located roughly 600m south east and north east of the site respectively. The site is roughly 3km north of the densely populated town of High Wycombe. Great Kingshill Combined School lies approximately 250m south of the site access.

2.9 The site is within Zone 3 of a Source Protection Zone and is within a Drinking Water Safeguard Zone (Surface Water). The site is located within the Great Kingshill Settled Plateau Landscape Character Area. The nearest listed building is Claypit Cottage (Grade

II) which is approximately 400m north of the site. Millfield Wood Site of Special Scientific Interest is one mile away.

- 2.10 The current permitted hours of operation for the site are 7am to 7pm Monday to Friday and 7am to 1pm Saturdays with no working on Sundays and Public Holidays.
- 2.11 The proposed additional HGV movements per would allow an increase in the total amount of waste being imported to and being treated at the site. There is no extant planning condition limiting the waste throughput of the site explicitly but rather the limit on HGV movements limits the tonnage of waste the site can manage.
- 2.12 The application highlights that supporting documentation for planning applications CC10/9001/CM and CC12/9001/CM shows that the maximum throughput for the site was estimated to be 30,000 tonnes per annum (tpa). The agent states that prior to the closure of other waste operators on the wider Binders Industrial Site the application site was operating at a throughput of approximately 17,000 tpa. The increased business resulting from other neighbouring operators closing has increased annual tonnage to approximately 23,000 tpa.
- 2.13 There is not a direct correlation between total waste throughput and HGV movements. This is because average skip size orders have become smaller as a consequence of more domestic customers in comparison to when historically primary clients were builders. The result is smaller tonnages per vehicle. The agent has confirmed that the proposed vehicle movement limit would allow for 30,000 tpa of waste to be managed at the site
- 2.14 With regards to the catchment of the development the agent states that over the three-month period of March – May 2020 the company provided 1508 waste services to properties at the following distances from the site:
- 608 within a 0-5 mile radius,
  - 708 within a 5-10 mile radius and
  - 192 within a 10-15 mile radius.
- 2.15 The agent also states that the increase in vehicle movements would provide 5 full-time jobs where there were once 5 part time jobs, a job for a junior office worker and another driver. A total of 4.5 FTE posts are estimated to be created by this proposal.
- 2.16 The following documents have been submitted alongside the application:
- Binders Industrial Estate – Transport Statement dated March 2021
  - Location Plan – Drawing No: 126WSRR/1
  - Supporting Email from Agent Dated 23<sup>rd</sup> June 2021
  - Supporting Statement Ref: 292VIWR/1 dated February 2021
- 2.17 The development has been screened under the Environmental Impact Assessment Regulations and the local planning authority has concluded that an environmental impact assessment will not be required in this case.

### 3.0 Relevant Planning History

| Reference      | Development  | Decision  | Decision Date |
|----------------|--|-----------|---------------|
| 04/08109/CONCC | Proposed application for a skip yard and waste recycling processing and transfer facility. | Permitted | 19.01.2005    |

|                        |   |                |            |
|------------------------|---|----------------|------------|
| APP/P0430/A/06/1181581 | Appeal against conditions 3 and 4 of planning permission 04/08109/CONCC.  | Appeal Allowed | 04.10.2005 |
| 09/06430/CONCC         | Extension of existing skip waste transfer and recycling facility and retention of double stacked portacabins as site office/store | Permitted      | 12.10.2009 |
| CC10/9001/CM           | New processing plant and building extension to existing skip waste transfer and recycling facility                                | Permitted      | 25.08.2010 |
| CC12/9001/CM           | Variation of condition 2 of planning permission no CC10/9001/CM to enable a revised configuration for the new building            | Permitted      | 14.06.2012 |

- 3.1 Appeal APP/P0430/A/06/1181581 sought to appeal against two conditions placed on planning permission 04/08109/CONCC. These conditions related to hours of operation (condition 3) and restricted vehicle movement timings so as not to interfere with the start and end of the school day (condition 4). The appeal was allowed with the outcome being that the condition controlling hours of operation was varied to allow longer hours and the condition restricting movements to only outside of the school traffic hour peaks was removed.
- 3.2 The other waste developments on the industrial estate include Unit 44 which has permission for a waste recycling process and transfer facility under planning permission 09/07038/CONCC and Unit 54 which has permission for a waste transfer facility under planning permission 04/08036/CONCC. Both permissions allowed a total of 40 daily vehicle movements i.e. 80 movements per day taken together.
- 3.3 Representation has been received from the site's landowner who signalled that agreement had been made with the applicant (Wycombe Recycling) that other waste operations on the estate will cease. Whilst it is recognised the previous tenants operating under the above permissions may have vacated the site and no movements are currently being generated from these sites, the permissions remain extant, meaning the permitted capacity within them remains and that there is potential for vehicles associated with a waste recycling and transfer use to be generated in the future. The generation of traffic under these other permissions cannot be controlled as part of this application as they are not in the control of the applicant. A such minimal to no weight should be attributed to this circumstance in the planning balance.

#### **4.0 Policy Considerations and Evaluation**

- 4.1 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. Section 85 of the Countryside and Rights of Way Act 2000 requires that in exercising a function affecting land in an AONB, the Council shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

4.2 The development plan for this area comprises of:

- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
- Wycombe District Adopted Local Plan 2019 (WDLP)
- Wycombe District Adopted Delivery and Site Allocations Plan 2013 (ADSAP)

4.3 In addition, the following documents are relevant for the determination of the application:

- National Planning Policy Framework (NPPF)
- National Planning Policy for Waste (NPPW)
- National Planning Practice Guidance (NPPG)
- The Chilterns AONB Management Plan 2019-2024 (CMP)
- Buckinghamshire Countywide Parking Guidance dated September 2015
- Wycombe District Council Air Quality Supplementary Planning Document

### **Principle and Location of Development**

BMWLP: Policy 11 (Waste Management Capacity Needs), Policy 13 (Spatial Strategy for Waste Management), Policy 26 (Safeguarding of Minerals Development and Waste Management Infrastructure)

Waste capacity

- 4.4 Policy 11 of the BMWLP sets out the waste management capacity needs within the county over the plan period (2016-2036). The extant permission which is sought to be varied restricts the waste to be imported at the site to construction and demolition and commercial and industrial waste.
- 4.5 Table 7 of the BMWLP identifies the capacity gap over the plan period (i.e the gap between the amount of waste that can be recycled and the amount of waste that is generated). It identifies a capacity gap for both the recycling of inert construction, demolition and excavation waste and the recycling of municipal, commercial and industrial waste. The estimated capacity gap for 2026 for the recycling of inert construction, demolition and excavation waste and the recycling of municipal, commercial and industrial waste are 0.51Mtpa and 0.12Mtpa respectively.
- 4.6 Policy 11 states the total waste management capacity needs will be delivered via existing commitments, extensions to existing commitments and new facilities. The proposal would seek to increase capacity at an existing site to recycle, recover and process these waste streams. No Annual Monitoring Report for waste management capacity within Buckinghamshire has been produced since 2018 but it is understood that the county is below the current capacity needs. The agent for the application states that with the current vehicle movement limits and when the other waste sites within Binders' Yard were operating, approximately 17,000 tpa of waste could be transferred at the application site. Using the Environment Agency's Waste Interrogator, it was found during the year of 2019 approximately 15,000 tonnes of waste was handled at the site which supports the above statement from the agent.
- 4.7 The agent states that increasing permitted HGV movements to 160 per day will allow the site to treat 30,000 tpa of waste without breaching vehicle movement limits. It is noted that 30,000 tpa was the estimated throughput for the site as set out for planning applications CC10/9001/CM and CC12/9001/CM. The agent has confirmed that an increase in permitted movements would not necessarily result in an increase in

throughput above 30,000 tpa. Essentially the size of skips is decreasing and the contents are becoming more mixed in nature which results in average skip weights decreasing. What is irrefutable however is that increasing permitted vehicle movements will allow for an increase in the tonnage of waste to be managed at the site compared to operations conducted under the existing conditions. There is no extant planning condition limiting the waste throughput of the site explicitly but rather the limit on HGV movements achieves this.

- 4.8 In consideration of the above, the increase of the maximum number of daily vehicle movements proposed would serve to increase capacity for the management of waste streams in the context of a county-wide identified capacity gap. The development therefore accords with policy 11 of the BMWLP which seeks an increase in capacity.

#### Spatial strategy

- 4.9 Policy 13 of the BMWLP sets out the spatial strategy for waste management within Buckinghamshire. The policy states that the growth of Buckinghamshire's sustainable waste management network will be delivered by primarily focusing development of facilities for the preparation of wastes for reuse and recycling and other recovery on the main urban areas and growth locations of High Wycombe, Aylesbury and Buckingham within existing general industrial and employment areas along with urban extensions.
- 4.10 The site is not identified within the primary or secondary areas of focus for waste management but is located within an existing industrial estate. Paragraph 5.85 of the BMWLP states that proposals for development of waste management facilities on sites other than identified locations may also be acceptable if such sites are in compliance with relevant BMWLP policies. It is important to note that the site is an existing waste transfer station with planning permission and therefore the principle of the use in this location is established.
- 4.11 Policy 13 adds that opportunities to co-locate waste management facilities together and with complementary activities will be supported where compliant with relevant BMWLP policies. Policy 14 of the BMWLP states that where a proposal is not within an area of focus for waste management the preference will be for proposals which co-locate and integrate waste management facilities together with complementary activities. The site is an existing waste management site within an industrial park and is situated adjacent to units which have planning permission for the operation of waste transfer and skip operations. As such the proposal is co-located with other waste management facilities (even though these are currently vacant). This application does not change that stance but it effectively allows for the integration of the waste management operations into one smaller area insofar as the other permitted units are no longer currently operational and some of their business seems to have diverted to Wycombe Recycling.
- 4.12 Policy 14 of the BMWLP establishes the development principles for waste management facilities. The policy primarily concerns new waste management facilities although the principles raised do have relevance to the majority of waste planning applications. The policy states that proposals for waste management facilities must demonstrate that the development: is in general compliance with the spatial strategy, facilitates delivery of the waste management capacity requirements, identifies waste streams to be treated, catchment area for the waste to be received on-site and end date of any outputs, and enables communities and businesses to take more responsibility for their own waste and

supports management of waste in line with the proximity principle<sup>1</sup> and the waste hierarchy<sup>2</sup>.

- 4.13 As aforementioned, the site is an existing waste transfer facility and this application is only seeking to vary a condition controlling vehicle movements with no built development proposed. The decision maker should not look to revisit the principle of the development but rather consider the question of the conditions subject to which any planning permission should be granted. It is however worthwhile to note that the proposal would facilitate a marginal increase in waste management capacity. The catchment for the site is understood to be primarily local and the operator largely handles waste from commercial, industrial and domestic locations. It can therefore be considered that the development would enable the local community and businesses to take more responsibility for their own waste in line with the proximity principle and waste hierarchy.
- 4.14 Policy 26 of the BMWLP seeks to safeguard existing waste management sites with extant planning permission and associated infrastructure from other forms of development.

#### Summary

- 4.15 Whilst the application site is not within the primary or secondary areas of for waste, the application is within an existing unit within an industrial estate which is safeguarded for waste development. The development would effectively deliver increased waste management capacity through the variation proposed (no built development or extension of red line is proposed) to an existing established site in line with policy 11 of the BMWLP. It is therefore considered that the proposal is supported in principle by the above policies so long as the application is in accordance with other BMWLP policies.

#### **Chilterns AONB**

BMWLP: Policy 20 (Landscape Character), DM32 (Landscape Character and Settlement Patterns), Policy 22 (Chilterns AONB)

WDLP: DM30 (Chilterns AONB)

- 4.16 Section 85 of the Countryside and Rights of Way Act (CROW) 2000 states in exercising or performing any functions in relation to, or so as to affect, land in an AONB the relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB.
- 4.17 The Chiltern Conservation Board (CCB) commented on the proposal and reminded the council of the above legislative requirement, relevant policy and guidance and asserts that the doubling of HGV movements would impact negatively upon the tranquillity of route networks through the AONB which would be harmful to the special qualities set out within the AONB Management Plan.
- 4.18 The CCB further ask that 'great weight' is given to the planning and legislative protections for the AONB and consider it material that HS2 will introduce high levels of HGV movements in the High Wycombe locality which may overlap with vehicles accessing the

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<sup>1</sup> The proximity principle is a fundamental concept for sustainable waste management in England. The principle recognises that transporting waste has environmental, social and economic costs and so waste should be dealt with as near to the place of production as possible.

<sup>2</sup> The waste hierarchy is a fundamental concept for sustainable waste management in England. It ranks the methods of waste management in priority order. The order is as follows (highest priority to lowest): prevention, re-use, recycling, recovery, disposal.

site. Draft Construction Routes for Large Goods Vehicles associated with HS2 published on Buckinghamshire Council's website are not indicated to use the A4128. The most proximal indicated route is the A4010 which is approximately 5km west of the site.

- 4.19 The CCB add that they consider that the proposed increase to 160 HGV movements per day requires consideration of the major development test set out in paragraph 177 of the NPPF.
- 4.20 Paragraph 176 of the NPPF states great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The section also states the scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 4.21 Footnote 60 of the NPPF states for the purposes of paragraph 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 4.22 Whilst there is no definition for 'major development' as per Footnote 60 the decision maker should consider the nature, scale and setting of a proposal in addition to whether it could have a significant adverse impact on the purposes for which the area has been designated. The application seeks to vary a planning condition constraining daily vehicle movements on an existing waste transfer station with no built development proposed. The site covers an area of approximately 0.13ha (excluding the haul road) and is set within an existing industrial estate. Whilst the development may give rise to increases in noise and pollution in the locality it is not considered that the development would lead to significant adverse impacts upon the AONB. Therefore, the proposed development is not 'major development' with regards to paragraph 177 of the NPPF and footnote 60.
- 4.23 Policy 22 of the BMWLP states that proposals for minerals and waste development should conserve and enhance the Chilterns AONB, comply with the prevailing AONB Management Plan and other relevant guidance, and demonstrate exceptional circumstances and that the development is in the public interest. The policy adds that proposals within the AONB and its setting will be permitted where it can be demonstrated that it:
- does not result in harm to the AONB and does not conflict with the purpose(s) of the designation;
  - contributes towards provision of waste management capacity for preparing for reuse and recycling;
  - supports the economies and social well-being of local communities in the area;



- includes opportunities, where appropriate, to enhance the character, assets and appearance of the AONB and its setting, including ensuring a high standard of design for development and integration of the site within its landscape setting;
  - is compliant with relevant BMWLP policies.
- 4.24 In consideration of the above, as aforementioned no new development is proposed under this application, rather the applicant is looking to vary the requirements of an existing condition. As an existing development with extant planning permission the consideration for this development should relate to the acceptability of the proposed change and any conditions that may be required to make the proposal acceptable. The principle of the original development should not be scrutinised. In this case, the impact of the increase in permitted HGVs upon the AONB should be considered.
- 4.25 Policy 22 of the BWMLP requires proposals for minerals and waste development to demonstrate exceptional circumstances and that the development is in the public interest. This requirement is similar to that which is set out within paragraph 177 of the NPPF with regard to major development in the AONB. Similar to the reasons as set out above and in light of the fact the application is only seeking to vary a condition controlling vehicle movements with no built development proposed, it is considered that the application is not required to demonstrate exceptional circumstances nor that it is in the public interest.
- 4.26 Policy 22 aligns with the Countryside and Rights of Way Act 2000 (CROW) in stating proposals for minerals and waste development should conserve and enhance the AONB. However, the policy later states that proposals for waste development within the AONB will be permitted where:
- it does not harm the AONB or conflict with the purpose of the designation,
  - contributes to the provision of waste management capacity,
  - is compliant with relevant BMWLP policies and
  - includes opportunities, where appropriate, to enhance the AONB.
- 4.27 Policy DM30 of the WDLP makes similar provision adding that development within the AONB is required to conserve and where possible enhance the natural beauty of the AONB.
- 4.28 The Chilterns AONB Management Plan (CMP) makes similar provision to the aforementioned policies and seeks to ensure that development conserves or enhances the AONB in a manner commensurate with provisions of the CROW Act, the NPPF and the development plan.
- 4.29 Policy DP1 of the CMP which is a material consideration, states that planners must assess impacts on natural beauty which are both direct and indirect including new development affecting traffic levels, air quality and tranquillity. Policy DP2 of the CMP makes similar provision and provides guidance on what developments should be refused.
- 4.30 Mindful of the requirements of policy 22 it is appropriate to consider each point separately. With regard to whether the proposal harms or conflicts with the purpose of the AONB designation, the proposed development would result in a further 80 permitted HGV movements per day above what is already permitted at the site. This increase is considered unlikely to have a significant detrimental impact on the character and setting of the AONB as access to the site is gained directly off an A-class road and it would not be unreasonable to expect to see HGVs travelling along this type of road within an AONB. As set out below, the council as Highway Authority has no objection to the application.

- 4.31 The baseline for the area in which the development is located is not one of tranquillity and therefore any increase in vehicle movements should be viewed in this context regardless of the designation of AONB. In addition to this, the number of movements averaged over the course of the operating hours would be equivalent to an increase of 7 movements per hour. A recent traffic count (dated 11<sup>th</sup> May 2021) conducted at the Cockpit Road / Cryers Hill Road junction indicated in excess of ~10,000 vehicle movements occur northbound and southbound during the hours of 7:00 to 19:00 on a weekday. The proposed development seeks to increase the existing permitted movements from 80 vehicle movements to 160 HGV movements. This increase of 80 movements would represent an increase of approximately 6-7 movements per hour. It should be noted that the traffic count was not commissioned for the purpose of identifying the traffic impacts from this development and was conducted at a junction north of the site. It is however a useful indication of the current traffic throughput in the locality.
- 4.32 Mindful of the above, in the context of the surrounding area and existing traffic flows this proposed increase is not considered likely to give rise to a significant impact upon the AONB such as to render the refusal of planning permission sustainable. Further to this, an element of waste being managed at the site is likely to originate from within the AONB and will be required to be managed regardless which would require HGV movements within the AONB to transport the waste. Therefore, if permission were not granted to increase vehicle movements it would not necessarily prevent an increase in HGV movements within the AONB more broadly.
- 4.33 It is however considered appropriate to attach a new condition to the permission which requires chains on skip lorries to be isolated by a resilient layer to mitigate noise from chains clashing against each other and the lorry. It is considered that with the suggested conditions set out in section 7 that the development conserves the AONB.
- 4.34 Policy 22 of the BMWLP also requires waste development in the AONB to provide waste management capacity. As considered in the principle section of this report, the development is considered to provide waste management capacity and is in accordance with this requirement.
- 4.35 Policy 22 requires that waste development in the AONB supports the economies and social well-being of local communities in the area. As aforementioned, it is estimated approximately 4.5 FTE jobs would be provided by the development. Further to this, it is evident that the facility provides a service to the local community and businesses providing an option to manage their waste. It is considered therefore that the proposal is in accordance with this requirement.
- 4.36 Policy 22 also requires development to include opportunities, where appropriate, to enhance the AONB and requires proposals to comply with the prevailing AONB Management Plan. Similarly, Policy DP10 of the CMP seeks to ensure all development permitted in the AONB provides a net gain for the AONB (biodiversity, landscape, rights of way network, AONB visitor facilities) via on site improvements or financial contributions secured via s106 or offsetting schemes towards wider green infrastructure projects that enhance the AONB by meeting the aims of the AONB Management Plan.
- 4.37 The wording of policy 22 of the BMWLP and policy DM30 of the WDLP indicates enhancement will not always be possible for development. With this proposal there is no opportunity for net gain within the site itself nor the immediate surroundings as the applicant does not own the surrounding land. Secondly, the application seeks only to vary a condition therefore no built development is proposed and as aforementioned the scope

of the planning application is reduced. In consideration of whether a financial contribution to enhance the AONB to be secured via S106 agreement is appropriate in this case, as per paragraph 57 of the NPPF, S106 agreements should only be entered into when they are:

- necessary to make the development acceptable in planning terms,
- the obligation is directly related to the development and
- the obligation is fairly and reasonably related in scale and kind to the development.

4.38 Mindful of this, it is not considered that requiring a contribution in this case would meet these tests.

4.39 With regards to relevant policy and legislation pertinent to the AONB, mindful of the scale and nature of the proposal it is considered that the proposal adequately conserves the AONB.

### **Transport matters and parking**

BMWLP: Policy 17 (Sustainable Transport)

WDLP: DM33 (Managing Carbon Emissions: Transport and Energy Generation), CP12 (Climate Change)

4.40 Policy 17 of the BMWLP requires proposals for waste development to address transport aspects while policy DM33 of the WDLP sets out local requirements for development with respect to transport modes, particularly sustainable modes.

4.41 Policy CP12 of the WDLP sets out the plan's response to mitigate and adapt to climate change. The policy promotes locating development in areas which minimise the need for travel.

4.42 The council as Highway Authority has considered the proposal and found that the access to the site is wide enough to support safe simultaneous two-way vehicular movements. It is also stated that access to the site is via an A-classified road designed and constructed to accommodate HGV vehicles. The highways officer highlights that the additional vehicle movements will be spread over the working day and does not consider the proposed increase in movements would cause a highway safety concern nor justify a reason for refusal on highways grounds. The Highway Authority has no objection nor recommends any conditions be attached.

4.43 As previously noted, no new development is proposed under this application, rather the applicant is looking to vary an existing condition. As an existing development with extant planning permission the consideration for this development should relate to the acceptability of the proposed change to vehicle movements and any conditions that may be required to make the proposal acceptable.

4.44 A key thing to note with this change is the change from vehicle movements to HGV movements. Notwithstanding the applicant's comments with regards to the situation under which the previous conditions were written, the extant consent is considered to restrict the site to 80 total vehicle movements which includes movements not carried out by HGVs. The applicant suggests that in order to avoid doubt that the amended conditions refers to HGVs explicitly and details HGVs to be vehicles over 3.5 tonnes unladen weight. Skip lorries are understood to tend to weigh in excess of 3.5 tonnes and therefore it is considered the amended condition would adequately cover all waste-bearing vehicles associated with the development. Notably this condition would no longer restrict other

vehicle movements however. It is recognised that the Highways Authority raise no objection to the proposed variation of condition 5 from the extant permission.

4.45 It is considered that the revised condition should be worded as follows:

“The maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 160 (80 in, 80 out) per day on Mondays to Fridays. On Saturdays the maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 80 (40 in, 40 out) per day.”

4.46 This variation reflects the current operating hours permitted for the site which are not proposed to change (7:00 to 19:00 Mondays to Fridays, 7:00 to 13:00 Saturdays). The lower limit on HGV movements on Saturdays is proportional to the hours of operation permitted on Saturdays.

4.47 A number of representations which have been received highlighted concerns and fears over impacts with regard to highways safety and pedestrians including children accessing Great Kingshill C of E Combined School. The school is approximately 350m south along the A4218 towards High Wycombe. As aforementioned the Highway Authority does not consider the proposal would cause a highways safety concern.

4.48 Several representations also highlighted issues of speeding vehicles along the road. Whilst this concern is noted, breaches of speed limits are not matters that can be dealt with through planning control. The enforcement of speed limits is a matter for Thames Valley Police.

4.49 Some representations requested that vehicle movements should be controlled and exclude school drop off and pick up times. This subject was the matter of an appeal for a previous permission granted on the site in 2005 when such a condition was attached to a previous planning permission. The planning inspector allowed the appeal and removed the condition restricting movements during school drop off and pick up times. The inspector found that the condition was not necessary to prevent harm to the safety and convenience of road users, including pedestrians. Such a condition would still not be necessary to make the development acceptable.

4.50 Some representations also commented that vehicles associated with the site use narrow roads causing disruption and danger. Routing of vehicles along main roads can be secured via a S106 agreement however this should only be done where necessary to make the development acceptable. As set out above, the Highway Authority has no objection and has not requested any planning conditions or a routing agreement be entered into for highway safety reasons. Officer advice is therefore that the increased vehicle movements are not considered to be significant enough to warrant such an agreement being required in order to render the application acceptable. Such an agreement would be costly to enforce as it would need significant officer time to carry out detailed surveys of HGV lorry movements on the road network in the locality over a period of time.

4.51 The Countywide Parking Standards sets out the parking requirements for a number of use classes. Whilst the use class for the extant development is likely ‘sui generis’ the criteria under the parking guidance which is most applicable relates to B2 development. The parking requirements for this type of development is calculated based on the internal floor space of new buildings. The floor space is not proposed to increase as part of the application. It is recognised that approximately 4.5 FTE jobs would be created by the development which would create an increase in parking pressure in the locality. It is not considered that this increase is significant given the minor staffing increase and as the site

has never been provided with specific parking capacity from the outset with agreements with nearby existing developments often made.

- 4.52 Paragraph 111 of the NPPF states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or residual cumulative impacts would be severe”.
- 4.53 It is considered appropriate to attach a condition which requires a record of daily vehicle movements and waste tonnage being imported to the site to ensure movement limits are not exceeded and to protect local amenity. It is also considered appropriate to restrict the movements on Saturday to no more than 80 movements (40 in/40 out) in the interests of amenity given the fewer hours the movements could be spread over. This would reflect the extant permission.
- 4.54 Mindful of the above, and the comments from consultees it is considered that with regards to highways safety and capacity the application is in accordance with relevant policy.

### **Green Belt**

BMWLP: Policy 21 (Green Belt)

WDLP: CP8 (Protecting the Green Belt), DM42 (Managing Development in the Green Belt), DM44 (Development in the Countryside Outside of the Green Belt)

- 4.55 Policy 21 of the BMWLP seeks to preserve the openness and characteristics of the Green Belt and states development of waste management facilities in the Green Belt will be supported where it can be demonstrated that the development would not form inappropriate development and provided that it preserves the openness of, and does not conflict with the purposes of including land in, the Green Belt. The policy sets out a number of circumstances where waste development in the Green Belt may be regarded as not inappropriate and what considerations might contribute to very special circumstances. This includes the alteration of an existing waste management facility provided that it does not result in disproportionate built additions. Policy CP8 of the Wycombe District Local Plan makes similar provision seeking to protect the Green Belt from inappropriate development. Policy DM42 makes similar provision.
- 4.56 Paragraph 147 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 4.57 The aim of Green Belt policy is to prevent urban sprawl by keeping land open. The proposed development does not seek any further built development such as would affect openness or the purposes of designation and instead seeks variation from an existing condition pertaining to vehicle movements. It is considered this application is not inappropriate development and the development is therefore in accordance with above policies.

### **Amenity of existing and future residents**

BMWLP: Policy 16 (Managing Impacts on Amenity and Natural Resources)

WDLP: DM35 (Placemaking and Design Quality)

- 4.58 Policy 16 of the BMWLP seeks to manage impact upon amenity and natural resources. The policy requires minerals and waste development to demonstrate the development is environmentally feasible, secures a good standard of amenity and would not give rise to unacceptable adverse impacts upon a number of matters including: water resources, air emissions, human health and wellbeing, noise, vibration, light, visual impacts, migration of contamination from the site and cumulative impacts. The policy adds that specifically

relating to waste development, potential impacts relating to land instability, odours, bio-aerosols, vermin and litter should be addressed.

- 4.59 Policy DM35 of the WDLP makes similar provision requiring development to provide a level of amenity appropriate to the proposed use.
- 4.60 A number of the representations submitted referred to the impact of the proposed development upon amenity with particular regard to the impact of HGVs and an increased use of the processing equipment on the site.
- 4.61 With regards to noise, the main noise emitting aspects of the development are the HGVs accessing the site and the equipment being utilised on site. A condition on the extant permission which is not proposed to be altered sets a restriction on noise from the operations of 55dB LAeq 1hr (free field) as measured at the facades of the nearest residential properties. This condition is to be retained.
- 4.62 The noise and disturbance impact of HGVs through the locality is recognised but must be viewed in the context of the area which has an A-class road running through it. The proposal represents a very small increase in total vehicle movements along the road which is not considered to be significant enough to cause an unacceptable adverse impact upon amenity contrary to policy. The noise and disturbance from HGVs generated from the development are however a material consideration. To mitigate noise from the vehicles accessing the site a condition is recommended requiring that chains on the vehicles to be covered with a resilient material to reduce noise.
- 4.63 The processing of waste has potential to impact upon air quality via the creation of dust. The extant permission for the site details a dust mitigation strategy which includes damping of stockpiles, spraying in dry conditions and the operation of two rotary atomiser misting fans. It is considered this condition sufficiently addresses the dust impacts from the site and would be retained in any new permission granted to this application.
- 4.64 With regards to pollution impacts from increased permitted HGV movements, account must again be given to the context of the site and the fact the movements subject of this application are not the only sources of such impacts. Notably the presence of the A4218 has an effect on air quality in the locality. In addition to this, the proposed increase in movements is minor in scale compared to the total throughput of the road. The Environment Act 1995 introduced legislation that required councils to undertake air quality reviews to highlight any possible breaches in air quality objectives. In areas where objectives are not met Air Quality Management Areas (AQMA) are established to improve air quality. The site is not located within an AQMA.
- 4.65 The council's Environmental Health Officer has reviewed this application and has no objection. It is therefore considered that the proposed development would not cause significant detrimental impact upon amenity. It is therefore considered that the application is in accordance with above policies.

## **Landscape**

BMWLP: Policy 20 (Landscape Character)

WDLP: DM32 (Landscape Character and Settlement Patterns)

- 4.66 Policy 20 of the BMWLP seeks to ensure minerals and waste development protects and enhances valued landscape in a manner commensurate with their status.
- 4.67 Policy DM32 of the WDLP requires development to protect and reinforce positive key characteristics of the receiving landscape. The policy also requires development to

evidence an understanding of the landscape and demonstrate positive responses to existing landscape character and design guidance and other landscape features on and around the site, tranquillity and darkness and views and vistas both to and from the site. The policy also requires development to demonstrate a mitigation hierarchy has been followed in a cumulative way, to avoid, minimise and mitigate harm; and that opportunities for enhancement have been taken.

- 4.68 The key landscape consideration is the impact on the Chilterns AONB which has been discussed above. Similar to the previous sections the proposal does not seek to change any aspect of the built form associated with the extant permitted site and so there is no additional landscape impact arising from the application. The only proposed change is to alter the permitted vehicle movements. It is therefore not considered to be within the scope of this application to require any further landscape works. Further to this, there is no opportunity for landscaping on the site and the applicant is not in control of land in the surrounding area. It is therefore considered that commensurate with the nature of the application, there is no conflict with these policies.

## **5.0 Weighing and balancing of issues / Overall Assessment**

- 5.1 In light of the discussion set out above, it is considered that the proposal is in accordance with the development plan as a whole and mindful of all material planning considerations the planning balance is considered to be in favour of approving the application.
- 5.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c. Any other material considerations
- 5.3 As set out above it is considered that the proposed development would accord with the development plan as a whole.
- 5.4 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

## **6.0 Working with the applicant / agent**

- 6.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 6.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application.
- 6.3 In this instance:

- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The application was determined without undue delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## 7.0 Recommendation

7.1 The application is recommended for approval subject to the following conditions:

1. The development hereby permitted shall not be carried out other than in complete accordance with the following documents:
  - Proposed Site Plan – Drawing no: 150WRNB/1
  - New Building and Plant Elevations -Drawing no: 150WSNB/2
  - Proposed Office Elevations – Drawing no: 126WSR/5 Rev A
  - Vehicle Flows – Drawing no: 126WSR/9
  - Fencing and Drainage Plan – Drawing no: 115WSE/12
  - Location Plan – Drawing no: 126WSR/1

Reason: To define the development which has been permitted and to control the operations in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

2. The development shall be carried out in accordance with details submitted to and approved by the Local Planning Authority on 16<sup>th</sup> July 2013 pursuant to condition 3 of planning permission CC12/9001/CM and detailed in the application AOC/CC12/9001/CM shall be adhered to for the duration of the development.

Reason: To define the development which has been permitted and in the interests of limiting the visual impact of the development in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

3. Sole access to the site shall be via the northern access onto the A4128 as shown on drawing no: 126WSR/1.

Reason: In the interests of highways safety and the amenity of the local area in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

4. The maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 160 (80 in, 80 out) per day on Mondays to Fridays. On Saturdays the maximum total number of HGV movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 80 (40 in, 40 out) per day.

Reason: In the interests of highways safety and the amenity of the local area in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

5. No loaded heavy goods vehicle or skip vehicle shall exit the site without being securely sheeted or netted.

Reason: In the interests of highways safety and the amenity of the local area in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

6. A record of the number of daily vehicle movements and the tonnage of waste being imported to the site shall be maintained for the duration of the development hereby



permitted and shall be made available to the Local Planning Authority no later than one week after any request to view them has been made.

Reason: In the interests of highway safety and the amenities of the local area and to comply with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

7. Chains on the skip lorries accessing and egressing the site shall be isolated using a resilient material.

Reason: To mitigate the metallic impact sound as the metal chains come into contact with other metal surfaces such as the skip and/or vehicle frame so to protect local residents from being adversely impacted by noise in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

8. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no unacceptable risk to controlled waters. The development shall be carried out in accordance with the details shown on approved plan number 150WRNB/1.

Reason: To prevent contaminated surface water from entering the aquifer in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

9. No operations authorised by this consent shall be carried out other than between the following hours:

- 7:00 to 19:00 Mondays to Fridays
- 7:00 to 13:00 Saturdays

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

10. The site shall be enclosed by a fence to prevent the escape of windblown litter off site, in accordance with the details submitted pursuant to condition 5 of planning permission 09/06430/CONCC approved by the Local Planning Authority on 20<sup>th</sup> July 2010.

The fencing shall be maintained for the operational lifetime of the development. Site working practices shall include an auditable schedule of regular (twice a week) litter clearance for the external areas of the site.

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

11. Noise from the operations shall not exceed 55dB LAeq 1hr (free field) as measured at the facades of the nearest properties as shown on the plan submitted pursuant to condition 9 of planning permission 09/06430/CONCC approved by the Local Planning Authority on 20<sup>th</sup> July 2010.

Reason: To protect the occupants of nearby premises from loss of amenity from noise disturbance and to conserve the tranquillity of the AONB in accordance with policies 16 and 22 of the Buckinghamshire Minerals and Waste Local Plan.

12. All plant and machinery used at the site shall be properly silenced and maintained in accordance with the manufacturer's specification.

Reason: To minimise impacts upon the amenity of the locality and to conserve the tranquillity of the AONB in accordance with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

13. No wastes other than construction and demolition waste and commercial and industrial waste shall be imported to and deposited at the site.

Reason: The importation of other waste streams would raise environmental and amenity issues which would require separate consideration in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

14. Stockpiles of processed or unprocessed material within the site shall not exceed 4 metres in height.

Reason: In the interests of local amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

15. No further illumination shall be erected or otherwise provided on the site.

Reason: To prevent light spill beyond the boundaries of the site, to preserve the dark skies of the AONB, preserve the amenities of the local area and to comply with policies 16 and 22 of the Buckinghamshire Minerals and Waste Local Plan.

16. The monitoring and mitigation of dust shall not be carried out other than in complete accordance with the details submitted pursuant to condition 3 of planning permission CC10/9001/CM approved by the Local Planning Authority on 30<sup>th</sup> December 2010. The development shall not be carried out other than in compliance with the approved dust monitoring and mitigation details for the duration of the development.

Reason: To protect occupants of nearby residential premises from the loss of amenity from dust in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

**Clr Steve Broadbent** - The proposed variation to permit a doubling of vehicle movements must be considered in its entirety, given the impact upon the local community and the road network. The scale of change that a doubling of the permitted movements would bring places an entirely new context upon the operations of the business and of its impacts.

Road Safety, Air Quality, noise, the nature of the material and the risks that these all pose to people in the area require assessment. The most appropriate place for all matters to be considered would be the Strategic Sites committee. I therefore request that this application is referred to them for determination.

**Clr David Carroll** - The roads are inadequate for these large vehicles, it's in the vicinity of a school and many children walk to school and this could have an adverse effect on their health and well-being alongside the residents.

Local residents have had to endure substantial noise and the smell for many years and these extra movements will make their lives even more intolerable. We live in an AONB and the visual effect has been immense. Bucks Council have a duty of care and responsibility for the health and wellbeing of our community. Alongside the HS2 vehicles now adding to the problem the situation is getting more dangerous for the residents.

In conclusion I strongly object to this application. I would like to this application referred to committee.

### Parish/Town Council Comments

**Hughenden Parish Council** – Object to this application on the following grounds:

- **Environmental:** This application will result in a substantial overall increase in the number of permitted heavy goods vehicles movements through our rural parish which are associated with the site at Binders Yard. Increased vehicle pollutants, noise pollution and wear and tear on roads and causeways are specific area's which we feel warrant special and closer attention. Typically, older more polluting vehicles are deployed to rural areas because they cannot afford to operate in urban controlled zones, we do not want to become the hosts to these vehicles because we do not benefit from a low emission zone status. More vehicle movements will result in more deliveries which will require the site machinery to operate for more hours with associated noise and disturbance to neighbouring properties.
- **Pedestrian Safety:** We enjoy our environment. Parishioners of all ages use our roads and pavements for the school run, health and residential amenity. Our roads are relatively narrow and pavements sparse, visibility is frequently poor. There is insufficient space or barriers to prevent close and potentially life threatening contact with wide and heavy vehicles. As a minimum we believe that vehicle movements should be controlled and exclude school drop off and collection times to minimise the impact on both vehicular and pedestrian school traffic.
- **Inappropriate Development within an AONB:** We believe that the planning officers must have regard to the impact of the full site located within an AONB on the community. What started as a relatively small diversification in the use of farm buildings is now a full-blown industrial operation and demonstrates a process of complete change to the use of site in a gradual and piecemeal way.
- **Traffic Congestion:** The road system within the parish was never designed to cope with the number and types of modern vehicles in use today. Congestion at busy times is already with us,

adding further large vehicles which may not be able to pass each other safely, will increase that congestion and introduce delays and hold up to local traffic. The NW Community Board and TFB are currently assessing traffic impact, these results will only be known at the end of June. The impact of this kind of slow but steady increase in industrial vehicle movements has resulted in a great deal of hostility and nuisance elsewhere in the parish, we do not wish the same problems to be repeated here.

### Consultation Responses

**Chiltern Conservation Board (CCB)** – Object. The CCB found no reassurances in the submitted papers that the proposed doubling of HGV movements within the site will satisfy the various AONB duties that cover the vast majority of the travel corridors that access this location. The board consider that the doubling of capacity will harm the tranquillity of route networks through the AONB harmful to the area's special qualities. The CCB ask 'great weight' is given to the planning and legislative protections for the AONB. The board add that it is material that the HS2 will also introduce high levels of HGV movements around the Wycombe area. The CCB believe the development is major development and therefore should be subject to the test set out in paragraph 172 of the NPPF. The CCB recommend the decision maker takes into account the AONB management plan.

**Highways Authority** – No objection. Satisfied that the access is wide enough to support safe simultaneous two-way vehicular movements. With regards to the highways network in assessment of crashmap data and the injury collision records it is considered that these injury collisions do not result from highways design, conditions, or restrictions which would result in additional vehicular movements causing a danger to highway safety. Access to the site is achieved via the A4128 which is an A-classified road constructed to accommodate HGV vehicles. It is not considered that increasing the condition to allow 160 HGV movements would cause highways safety concern nor justify a reason for refusal.

**Environmental Health Officer** – No objection.

### Representations

**Petition** - A petition signed by 337 people to "Stop huge HGVs from using small roads/lanes in Great Kingshill" was submitted. Whilst not entirely focussed on application CM/0009/21 the petition seeks to see Buckinghamshire Council take permanent action to ban these vehicles from certain roads in the village of Great Kingshill.

**Hughenden Valley Residents Association** – Object, consider that the site has enough movements to manage waste at present without increase.

**Widmere End Residents Association** – Object, raise concern over the wording of proposed change. Reaffirm a version of the successfully appealed condition restricting movements over school times should be attached. Raise concern over impacts of movements on locality with regards to congestion and safety.

Two comments have been received supporting the proposal and 135 comments objecting to the proposal. In summary, the comments raised the following matters:

- Impacts upon designations (AONB, Green Belt)
- Pollution
- Highways safety impacts
- Highways impacts
- Cumulation with other permissions on the site
- Impact upon amenity

# APPENDIX B: Site Location Plan



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|---|---------------------------------|--|
| <b>Suzi Coyne Planning</b><br>40 Besham Drive<br>Oxford, OX2 8DQ<br>Tel: 01865 493747<br>Fax: 01865 463763<br>Mob: 07779 599960<br><a href="mailto:suzi@suzicoyneplanning.com">suzi@suzicoyneplanning.com</a> |                                 | <b>Project:</b><br>Ship Waste Recycling Facility,<br>Binders Yard, Croyers Hill<br><br><b>Title:</b><br>Location Plan<br><br><b>Client:</b><br>Wycombe Recycling Ltd |
| <b>Job No.:</b><br>126WSR   | <b>Drawing No.:</b><br>126WSR/1 | <b>Revisior:</b><br><br>   |
| <b>Date:</b><br>May 2010  | <b>Drawn By:</b><br>Suzi Coyne  | <b>Scale:</b><br>1:1500 @ A3   |