



## Report to North Buckinghamshire Area Committee

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<b>Application Ref:</b>	CM/0066/20
<b>Description:</b>	Planning Application made under Section 73 of the Town and Country Planning Act 1990 to vary Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry Movements) of planning permission 08/20007/AWD at Lockharts Farm Recycling Facility, Wing Road, Cublington, LU6 0LB.
<b>Application Ref:</b>	CM/0018/21
<b>Description:</b>	Installation of concrete walling, litter netting, fuel tanks and water tank.
<b>Site Location:</b>	Lockharts Farm Waste Recycling Facility Wing Road Cublington LU7 0LB
<b>Applicant:</b>	Bulk Transfer Ltd
<b>Case Officer:</b>	James Suter
<b>Ward(s) affected:</b>	Wing
<b>Parish-Town Council:</b>	Wing Parish Council

### 1.0 Summary

- 1.1 These applications (references: CM/0066/20 and CM/0018/21) were originally considered at the meeting on 15 December 2021, where Members agreed to defer determination in order to visit the site and seek further details relating to contamination, highways and surface water issues/impacts, materials to be used in the construction of the walling and water/fuel tanks.
- 1.2 The site visit by Members took place on 2 February 2022.
- 1.3 A further, updated report relating to both applications was considered by Members at their last meeting on 9 March 2022. The Officer recommendations were that both applications be APPROVED subject to the imposition of a number of conditions and reasons, all of which had been agreed with the applicant. However, at this meeting Members deferred determination of both applications in order to allow Officers to provide suitably worded reasons for

refusal in order to address the concerns expressed by Members relating to an unacceptable intensification in use and resultant harm to amenity.

- 1.4 Copies of the previous committee reports are attached in Appendices 1 and 2.

### **CM/0066/20**

- 1.5 In respect of this Section 73 application relating to variation of Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry Movements) of planning permission 08/20007/AWD, a suggested reason for **REFUSAL** is as follows:

The proposed intensification in use and operation of the site, including the introduction of further machinery and the resultant increase in Heavy Goods Vehicle movements would result in harm to the amenity of residents, including but not limited to Cedar Farm House, South Tinkers Hole Farm and Amicus Trust Buildings, as well as the nearby residents of Wing and users of the local highway network. The proposal is therefore contrary to Policy 16 of the Buckinghamshire Minerals and Waste Local Plan 2016 - 2036 and Policies BE3 and T5 of the Vale of Aylesbury Local Plan 2013 – 2033 (Adopted September 2021) and guidance contained in the National Planning Policy Framework.

### **CM/0018/21**

- 1.6 This application relates to the Installation of concrete walling, litter netting, fuel tanks and water tanks.
- 1.7 Members are reminded that whilst linked to CM/0066/20 by virtue of providing noise mitigation to limit the impacts of the proposals under application reference CM/0066/20, this is a stand-alone application which falls to be determined on its own individual merits. In effect therefore this application could, if approved, be implemented in isolation, which officers have previously acknowledged would be beneficial to the site overall in conjunction with the current approved use. However, without prejudice to this, if Members are minded to refuse the application then the following worded reason for **REFUSAL** would be considered appropriate:

The proposal would fail to respect and complement the characteristics of the site and its surroundings and is therefore considered to be contrary to Policy 23 of the Buckinghamshire Minerals and Waste Local Plan and Policies BE2 and NE4 of the Vale of Aylesbury Local Plan 2013-2033 (Adopted September 2022) and guidance contained in the National Planning Policy Framework.

1.8 If, however, Members are minded to support the application it is recommended that the application is **APPROVED** subject to the following conditions:

1. The development hereby permitted shall not be carried out other than in complete accordance with the following details submitted with the application:
  - As proposed plan, Drawing Ref: 295CWLF/4 dated August 2021
  - Elevations, Drawing Ref: 295CWLF/3 Rev A dated April 2021
  - Location Plan, Drawing Ref: 295CWLF/2

For the avoidance of doubt, the development consented under this application relates solely to the installation of concrete walling, litter netting, fuel tanks and a water tank.

Reason: To define the development permitted and to control the operations in accordance with Buckinghamshire Minerals and Waste Local Plan Policy 16.

2. The external faces of the concrete walling permitted under this consent shall be painted dark green and shall thereafter be retained as such for the duration of the development hereby permitted.

Reason: In the interests of the amenity of the locality and to reduce landscape impacts in accordance with policies 16 and 20 of the Buckinghamshire Minerals and Waste Local Plan and Policy BE2 of the Vale of Aylesbury Local Plan.

3. The landscaping scheme and measures for re-grading the bunding as detailed on drawing Ref: 283BTLC/5 Rev B dated 11th February 2022 shall be fully implemented in accordance with the drawing within 12 months of any further implementation of this consent.

Thereafter, for the duration of the development any plants that are removed, die or become diseased shall be replaced with one of a similar size and species.

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

## APPENDIX 1: 9 March 2022 Committee Report

### Report to North Buckinghamshire Area Committee

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<b>Application Ref:</b>	CM/0066/20
<b>Description:</b>	Planning Application made under Section 73 of the Town and Country Planning Act 1990 to vary Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry Movements) of planning permission 08/20007/AWD at Lockharts Farm Recycling Facility, Wing Road, Cublington, LU6 0LB.
<b>Application Ref:</b>	CM/0018/21
<b>Description:</b>	Installation of concrete walling, litter netting, fuel tanks and water tank.
<b>Site Location:</b>	Lockharts Farm Waste Recycling Facility Wing Road Cublington LU7 0LB
<b>Applicant:</b>	Bulk Transfer Ltd
<b>Case Officer:</b>	James Suter
<b>Ward(s) affected:</b>	Wing
<b>Parish-Town Council:</b>	Wing Parish Council
<b>Summary recommendation (s):</b>	<b>CM/0066/20</b> It is recommended that the application CM/0066/20 is APPROVED subject to conditions to be finalised including those set out in Appendix C. <b>CM/0018/21</b> It is recommended that the application CM/0018/21 is APPROVED subject to conditions to be finalised including those set out in Appendix C.

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

- 2.1 This report relates to two associated applications which have been submitted by Bulk Waste Transfer Ltd.
- 2.2 Application CM/0066/20 seeks permission under S73 to vary Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry Movements) of planning permission 08/20007/AWD at Lockharts Farm Recycling Facility, Wing Road, Cublington, LU6 0LB. The application also seeks to introduce additional machinery to the site for the processing of construction, demolition and excavation waste.

- 2.3 Through discussions with the applicant/agent regarding the proposal it became apparent that to reduce noise impacts from the proposal, mitigating works would be required which would require a separate application for planning permission. Accordingly, a separate application was submitted under planning application reference CM/0018/21.
- 2.4 Application CM/0018/21 seeks planning permission for the erection of concrete walling which is identified by the applicant as necessary to reduce noise impacts from the proposals made under application CM/0066/20 amongst other things including litter fencing and the situation of fuel and water tanks.
- 2.5 Following further discussions pertaining to the existing boundary bunding to the north of the site, which is in a state of disrepair, the applicant has submitted a scheme for the regrading and replanting of the bund under application CM/0066/20.
- 2.6 The applications were deferred at the North Buckinghamshire Area Planning Committee on 15<sup>th</sup> December 2021.
- 2.7 Application CM/0066/20 was deferred to allow Members of the Committee to undertake a site visit and for further details concerning contamination, the highways impacts of the proposal and surface water management to be sought.
- 2.8 Application CM/0018/21 was deferred to allow Members of the Committee to undertake a site visit and for further details concerning walling construction materials and the water / fuel tanks to be sought.
- 2.9 Discussions at the Committee Meeting on 15<sup>th</sup> December 2021 also raised concerns over noise impacts from the proposal and land ownership.
- 2.10 Members of the Committee visited the site on 2<sup>nd</sup> February 2022 and further information with regards to the aforementioned matters has been submitted and a period of re-consultation carried out.
- 2.11 It is recommended that the application CM/0066/20 is APPROVED subject to conditions to be finalised including those set out in Appendix C.
- 2.12 It is recommended that CM/0018/21 is APPROVED subject to conditions to be finalised including those set out in Appendix C.

### **3.0 Updated information Summary**

- 3.1 Following the deferral of both applications by committee the applicant submitted the following (for clarity the submissions have been labelled with which application they are relevant to):

- Lighting Details (CM/0066/20)
  - Noise Impact Assessment (CM/0066/20 / CM/0018/21)
  - Map digitizing land ownership (CM/0066/20 / CM/0018/21)
  - Dust Management Plan (CM/0066/20)
  - Noise Measurement Location Plan (CM/0066/20)
  - Email from Agent dated 21<sup>st</sup> January 2022 (CM/0066/20 / CM/0018/21)
  - Revised Site Plan / Landscape Scheme (283BTLC/5 Rev B) (CM/0066/20 / CM/0018/21)
- 3.2 The email from the agent dated 21<sup>st</sup> January 2022 covers a number of topics including discussion over land ownership, summary of the noise impact assessment, further details regarding surface water management, details regarding fuel storage, the highways impact from the proposal and reasoning behind the choice of material for boundary treatment.
- 3.3 The revised landscape scheme has been updated to explicitly require the removal of any foreign inclusions within the top 1 metre of the existing bund and the provision of a layer of topsoil to facilitate the proposed planting.
- 3.4 The land ownership of the site has been confirmed and all land within the red line of the application site is within the ownership of those declared on the application form. The submitted ownership declaration is acceptable.

### **Noise**

- 3.5 With regards to the noise impacts of the proposal, following the committee meeting in December 2021, a further revised Noise Impact Assessment was submitted. This version's modelling included the impact of the 3m high walling running on the south-east flank of the site which had previously been omitted.
- 3.6 The revised Noise Impact Assessment addresses a number of matters raised at the committee meeting with modelling estimating noise levels and Cedar Farm, South Tinkers Hole Farm, the nearest residences in Cublington and the Amicus Trust buildings.
- 3.7 As per the previous reports, the estimated background noise levels are estimated as:
- Background Noise Levels circa 40dBLA90(15mins) (no activity at site) at Cedar Farm Garden
  - Estimated 42dBLA90(15mins) during operational hours (for the site as currently consented) at Cedar Farm Garden

3.8 The modelling indicated noise levels from the crusher and screener operations with proposed walling as follows:

- 34dB(A) Dwellings at Cublington
- 46dB(A) Cedar Farm Residential
- 55dB(A) Tinkers Hole Farm Pig Building
- 37dB(A) Tinkers Hole Residential Buildings
- 33dB(A) Amicus Trust Facility

3.9 The modelled single event level noise impact from lorries tipping is estimated at 60dB(A) at Cedar Farm Residence.

3.10 The applicant has agreed to a condition being imposed which restricts noise levels to 52dB  $L_{Aeq(15mins)}$  when measured at a point on the public right of way to the north of the site.

#### **Surface Water Drainage and Fuel Storage**

3.11 With regards to surface water management at the site, the applicant reiterates that the site has an existing surface water management (drainage system) which was installed by the previous owners. The system includes a bypass separator which collects any contaminants and prevents them being discharged to the ground. It is understood that the heavy-duty channel drain at the site entrance was never installed by the previous applicant but would be required as part of the proposed drawings. The applicant also notes the Environment Agency are the primary regulating authority with regards to pollution of the water environment and that they have not objected to the proposals. Finally, the applicant states that the drainage system was originally designed to handle and was considered appropriate to manage surface water run off from a site which handled commercial and industrial waste which can produce leachate / contaminants. The applicant states that by becoming a site which primarily handles construction, demolition and excavation waste there would be a lessened likelihood of pollution given the nature of the material handled.

3.12 With regards to fuel storage the applicant has agreed that they would accept a condition securing either pre-bunding of fuel storage tanks over 201 litres in capacity or secondary containment.

#### **Traffic Impacts and Highway Safety**

3.13 With regards to the traffic and highways impacts of the proposal, following the committee meeting the applicant made some limited further comment on the impacts from the proposal and provided an indication of routes that heavy

goods vehicles accessing the site would take. The route identified takes vehicles due east along Wing Road towards the A418.

- 3.14 The applicant is willing to accept a condition requiring the maintenance of signage at the site requiring drivers to turn left out of the site but advised they would not accept the imposition of a vehicle routing agreement.

#### **4.0 Discussion**

- 4.1 As set out above, both applications are interlinked with various elements required by each proposal being delivered by the other. The key issues in determining these applications are their impacts upon visual and residential amenity, the minerals and waste spatial strategy and capacity and highway impacts.
- 4.2 To reiterate, for application CM/0066/20 to not cause unacceptable impacts relating to noise, the walling proposed under application CM/0018/21 would be required such as to provide appropriate noise mitigation. The boundary bunding regrading and planting proposed under CM/0066/20 is considered necessary for both applications.
- 4.3 The original officer analysis and advice along with reference to the relevant development plan, supporting documents and other relevant guidance / policy is set out in the 15<sup>th</sup> December 2021 committee report in Appendix D. The two reports for the applications should be considered together. The policy discussion below is purely to cover the updated elements of the proposals since receiving further information in the wake of the 15<sup>th</sup> December 2021 committee.

#### **Transport Matters**

Policy 17: Sustainable Transport

VALP Policy T4 Capacity of the transport network to deliver development

VALP Policy T5 Delivering transport in new development

VALP Policy T6 Vehicle Parking

- 4.4 Application CM/0066/20 is the only application for which transport policy is deemed relevant. Consideration of policy is set out below.
- 4.5 Policy 17 of the BMWLP requires minerals and waste development to include a Transport Assessment / Statement as appropriate. The application was supported by a transport statement which evaluated highways safety and



capacity impacts from the proposed increase in permitted HGV movements meeting the requirements of this policy.

- 4.6 Policy T4 of the VALP states that new development will be permitted where there is evidence to demonstrate that there is sufficient capacity in the highway network to accommodate the increases in demand as a result of the development.
- 4.7 Policy T5 of the VALP states transport and new development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development.
- 4.8 The Highway Authority was reconsulted on this application and hold no objection to the proposal, subject to conditions securing the maximum amount of HGV movements and a scheme of manoeuvring as proposed. The Highways Officer considers the imposition of a formal routing agreement would be unreasonable and unjustifiable in highways terms. The Highways Officer concludes that the additional HGV movements proposed would not have an adverse highways safety impact, nor will it have a material impact on the capacity or operation of the surrounding highway network.
- 4.9 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 the residual cumulative impacts on the road network would be severe.
- 4.10 Policy T7 of the VALP concerns vehicle parking and provides guidance on what levels of parking should be provided at specific types of development. No specific guidance is provided for uses such as the one proposed. At present, the approved site plan includes provision of 4 car parking spaces, the proposed site plan retains a total of 4 car parking spaces and is considered to be acceptable.
- 4.11 In view of the above, it is considered the application is in accordance with national and local transport policies and guidance.

### **Raising the quality of place making and design**

Policy 23: Design and Climate Change

VALP Policy BE2 Design of new development

- 4.12 Policy 23 of the BMWLP seeks to secure high quality design which minimises adverse effects on and from climate change. The policy requires proposed development: incorporates design elements that are visually attractive and add to the overall quality of the area, reflects local character, incorporates safety and security measures, complies with principles of sustainable design and

construction, applies SUDs where possible, minimises greenhouse emissions and 'climate proofs' development and utilises native species in planting schemes. Great weight is to be given to outstanding and innovative design.

- 4.13 Policy BE2 of the VALP makes similar provision stating development shall respect and complement the characteristics of the site and its surroundings, the local distinctiveness, the natural features of the area and important views and skylines.

**Application ref: CM/0066/20**

- 4.14 Under this application a new site layout is proposed and a revised bund arrangement. The layout includes reference to the proposed concrete walling sought under application CM/0018/21. Consideration of the design merits of the walling proposed under application CM/0018/21 are set out in the following section of this report, but in essence it is considered that the impacts from the proposal would not be unacceptable subject to the mitigation offered by the proposed planting and remaking of the bund.

- 4.15 With regards to this application, the proposed reshaping and planting of the bund is in principle supported and would provide substantive benefit over the present situation. The regularisation of the reworked layout for the site office and mess buildings is considered to be acceptable.

- 4.16 It is therefore considered that the application is in accordance with policy BE2 of the VALP, Policy 23 of the BMWLP and the NPPF.

**Application ref: CM/0018/21**

- 4.17 Given the functional nature of the development proposed it is considered that there is limited scope to address climate change through this application.
- 4.18 To consider the design of the proposal it is helpful to separate the concrete walling and litter fencing from the fuel and water tanks.
- 4.19 Considering the proposed fuel and water tanks, these features are small in scale in comparison to the waste transfer station as a whole, with the heights being comparable to the existing office buildings on site. As aforementioned, these features likely would have benefitted from permitted development rights without the conditions limiting them. It is considered these features preserve the existing aesthetic of the locality and due to their situation and purpose within an existing waste transfer station are broadly considered to be acceptable in line with policy.
- 4.20 With regards to the proposed concrete walling and litter fencing these features are again functional in nature. The concrete walling has been designed to provide acoustic attenuation to allow for a processing area proposed under

planning application CM/0066/20. Also, the use of concrete walling to demarcate the extent of the working area would be preferable to the current situation where the earth bund is in a state of disrepair and has in the past been overtipped.

- 4.21 The purpose of the litter fencing is to protect the surrounding environment against windblown litter arising from deposited waste materials.
- 4.22 The site is a permitted waste transfer station with planning permission granted for such a use for in excess of a decade. The surrounding area is characterised by isolated residential properties, some agricultural uses and further afield some commercial businesses.
- 4.23 The proposed concrete walling at a height of 3m would largely be screened by the proposed planting and regrading of the bund proposed under planning application CM/0066/20. As set out above, in the north-eastern corner of the site 6m high concrete walling is proposed and along the northern boundary some litter fencing is proposed atop of sections of 3m high concrete walling. Whilst these features would be taller than the bunding as proposed at the site, existing vegetation in combination with the bunding and proposed planting is considered to considerably mitigate the impacts of the proposal reducing the extent to which the walling is obtrusive in its environment.
- 4.24 Further, the site would be viewed in the existing context which includes the site's existing buildings with the main barn being approximately 5.5m in height.
- 4.25 Landscape impacts of the proposal are assessed within a later section of this report.
- 4.26 In consideration of policy 23 of the BMWLP, Policy BE2 of the VALP and the NPPF, the proposal is considered to be acceptable.

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

Policy 16: Managing Impacts on Amenity and Natural Resources

VALP Policy NE5 Pollution, air quality and contaminated land

VALP Policy BE3 Protection of the amenity of residents

- 4.27 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. Policy BE3 of the VALP makes similar provision.

4.28 Policy NE5 of the VALP states that noise generating development will be required to minimise the impact of noise on the surrounding environment. Development which is likely to generate more significant levels of noise will only be permitted where appropriate noise attenuation measures are incorporated reducing impacts to acceptable levels. The policy adds that development which may have an adverse impact on air quality must prove that they would not materially affect the surrounding area.

*Introduction:*

4.29 As previously referenced, application CM/0066/20 has attracted a number of objections citing a number of impacts including noise, dust and air quality, health impacts and impacts from HGVs. Consideration of the impacts of this proposal upon amenity is set out below. Amenity impacts relating to application CM/0018/21 are considered to principally relate to visual impact / intrusion. Visual impacts from application CM/0066/20 and CM/0018/21 are set out in the Landscape and Visual Impact section of this report. The below paragraphs consider the amenity impacts of application CM/0066/20.

4.30 The nearest residential buildings to the site are Cedar Farm (approximately 50m north of the site boundary) and South Tinkers Hole Farm and Cottage (approximately 175m east of the site boundary).

**CM/0066/20**

*Noise*

4.31 With regards to noise, a revised Noise Impact Assessment was submitted in support of the application. In summary the assessment found the following:

4.32 The modelling indicated noise levels from the crusher and screener operations with proposed walling would be as follows:

- 34dB(A) Dwellings at Cublington
- 46dB(A) Cedar Farm Residential
- 55dB(A) Tinkers Hole Farm Pig Building
- 37dB(A) Tinkers Hole Residential Buildings
- 33dB(A) Amicus Trust Facility

4.33 The modelled single event level noise impact from lorries tipping is estimated at 60dB(A) at Cedar Farm Residence.

4.34 The proposed increase in operational hours and provision of a processing area taken together would only be acceptable with regards to noise impacts subject to the provision of the acoustic walling put forward under application CM/0018/21.

- 4.35 With regards to noise impacts arising from the proposal, subject to a condition prohibiting the use of the processing equipment until the aforementioned walling has been installed and a condition restricting the noise at the nearest receptor, it is considered the noise impacts of application CM/0066/20 would not have an unacceptable impact upon residential amenity.
- 4.36 Through discussions at the previous committee meeting and with the applicant it has been agreed with the applicant that the use of a breaker is outside the scope of the development proposed within this planning application. A condition explicitly prohibiting use of a breaker is therefore recommended.
- 4.37 Comments concerning noise impacts upon the pig-rearing business at South Tinkers Hole Farm have been received and have been taken into consideration.
- 4.38 The council's EHO states that the revised Noise Impact Assessment does not alter his previous findings (no objection subject to walling being installed).

*Dust and Air Quality*

- 4.39 With regards to dust, it is considered that subject to the dust management scheme being secured, impacts from this would be reduced to acceptable levels.
- 4.40 With regards to air quality, whilst an increase in HGV movements would logically increase the amount of pollutants emitted, guidance produced by the Institute of Air Quality Management (IAQM) suggests that as the proposal would not result in an increase of more than 100 Annual Average Daily Traffic Movements in an area outside an Air Quality Management Area, no Air Quality Assessment is required. As such, it is not considered the proposal would have unacceptable impacts upon air quality.

*HGV Disturbance*

- 4.41 The proposed increase in HGV movements permitted would result in a proportional increase in impacts associated with it. The impacts have been deemed acceptable from a highways safety and capacity perspective. However, increases in HGV movements result in disturbance in the areas in which they are generated. It is noted that the proposed increase from a total of 24 movements (12 in, 12 out) to 60 (30 in, 30 out) appears to be significant however, when averaged out over the proposed operational hours, this represents an increase of approximately 3 movements per hour above that already permitted. Acknowledging this, it is not considered that the noise impacts resulting from HGV movements would be unacceptable to the amenities of nearby occupiers, subject to a condition securing maintenance of the haul road.

*Lighting*

4.42 With regards to lighting, the lighting scheme submitted is considered to be acceptable and could be secured via condition.

#### *Contamination*

4.43 Comments concerning contamination at the site have been raised. These are understood to particularly relate to surface water run off and from foreign materials in the bund.

4.44 As set out in the introduction, foreign inclusions within the top 1 metre of the existing bund will be required to be removed and the provision of a layer of topsoil to facilitate the proposed planting.

4.45 Concerning surface water runoff, the site has an existing drainage solution which will be full considered in the Flooding / Water Environment section of this report. In summary, the existing scheme, if properly maintained is considered adequate.

#### *Conclusion*

4.46 The proposal would likely result in a change in the character of the use of the site. However, it is considered that subject to the above identified mitigation and other conditions as set out in Appendix C, that application CM/0066/20 would not have unacceptable impacts upon residential amenity and is in accordance with local and national policy and guidance. Mindful of this, were application CM/0018/21 to be refused, the impacts from application CM/0066/20 would be unacceptable.

### **Landscape and Visual Impact**

Policy 16: Managing Impacts on Amenity and Natural Resources

Policy 20: Landscape Character

VALP Policy NE4 Landscape character and locally important landscape

4.47 Policy 20 of the BMWLP seeks to ensure minerals and waste development protects and enhances valued landscape in a manner commensurate with their status. The policy also states that minerals and waste development will require a Landscape Impact Assessment. Given the scale and nature of this proposal a Landscape Impact Assessment was not required in this case.

4.48 Policy NE4 of the VALP makes similar provision and states development should meet the following criteria: minimise impacts upon visual amenity, be located to avoid loss of important on-site and off-site views towards important landscape features, respect local character and distinctiveness, consider the design of the development carefully, minimise impacts from lighting, ensure

the development is not visually prominent and will not generate unacceptable noise impacts.

- 4.49 Policy 16 of the BMWLP seeks to ensure waste development does not give rise to unacceptable impacts including visual impacts and intrusion.
- 4.50 The site is located within the Cublington – Wing Plateau Landscape Character Area. The area is characterised by large arable fields with degraded or well-trimmed hedgerows. The site lies south east of a former WWII airfield which is now used for farming and a number of other uses including residential and commercial.
- 4.51 Buckinghamshire Council's Landscape Team was consulted on both applications and no objection was raised to the proposals.

**CM/0066/20**

- 4.52 This application would secure the rearrangement of the site and it is also proposed under this application to regrade and replant the perimeter bund. It is considered that the proposed regrading and planting of the bund provides landscape benefits to the locality improving the aesthetic of an existing feature.

**CM/0018/21**

- 4.53 This application seeks permission for the erection of concrete walling at heights of 3 and 6 metres and litter fencing atop sections of the 3m high walling to the north of the site.
- 4.54 It is considered that subject to the securing of the regrading and replanting works to the boundary bund that views from the Cedar Farm Residence and the footpath to the north of the site would not be significantly impacted by the proposed 6m tall walling nor the proposed litter netting. Any impacts from the proposal upon users of the footpath would also be transitory in their nature.
- 4.55 The landscape impacts of the proposed concrete walling and litter fencing is considered to be significantly reduced by the existing vegetation in combination with the bunding and proposed reshaping / landscaping works proposed under application CM/0066/20. It is further recognised that the site is an existing waste transfer station with planning permission and some screening is offered by existing trees, hedgerows and other vegetation.
- 4.56 The revised landscape scheme includes provisions to remove any existing inclusions in the bund over 20cm in size, or not of naturally occurring materials within the top one metre of the bund. Further a layer of topsoil of a depth of 20cm will be spread.

4.57 It is considered subject to the above stipulations that both applications would be acceptable with regards to local policy and national guidance.

### **Drainage / Water Environment**

#### **Policy 16: Managing Impacts on Amenity and Natural Resources**

##### **I4 Flooding**

- 4.58 Policy 16 of the BMWLP states all proposals for minerals and waste development must demonstrate the proposed development would not give rise to unacceptable impacts on the quality and quantity of water resources (including ground and surface waters), Source Protection Zones and flood risk. Policy I4 of the VALP seeks to minimise the impacts from all flood risks and secure the use of sustainable drainage systems.
- 4.59 The Lead Local Flood Authority (LLFA) were consulted upon the proposal and previously made no comment due to the scale of the proposal. The LLFA were reconsulted again following the submission of further information and consider that so long as the existing surface water drainage system and the bypass separator are being maintained the system is acceptable.
- 4.60 It is considered appropriate to place a condition requiring the submission and approval of a schedule of maintenance for the drainage scheme to ensure it is properly maintained and reduce the risk of impacts on the water environment.
- 4.61 Further, it is considered appropriate to attach a condition explicitly requiring the provision of the heavy-duty channel indicated on submitted plans prior to use of the processing equipment.
- 4.62 The Environment Agency were also reconsulted on the proposals and noted that they had no comments in relation to the variation of the planning conditions noted but did advise that an environmental permit (or exemption) may need to be obtained (or varied) and that this is a separate process from seeking planning permission.
- 4.63 During Member's visit to the site concerns were expressed regarding the storage of fuels. In response to this, the applicant has agreed that they would find a condition securing either pre-bunding of fuel storage tanks over 201 litres in capacity or secondary containment acceptable.
- 4.64 It is considered the proposal would not give rise to unacceptable impacts upon quality and quantity of water resources, Source Protection Zones and flood risk.



## **Sustainable Development**

### **Policy S1 Sustainable development for Aylesbury Vale**

- 4.65 Policy S1 of the VALP states all development must comply with the principle of sustainable development set out in the NPPF i.e. that achieving sustainable development has three overarching objectives, economic, social and environmental. It also states that when assessing proposals consideration should be given to minimising impacts on local communities, minimising impacts on heritage assets, sensitive landscapes and biodiversity.
- 4.66 As set out above, it is considered both applications would not cause any unacceptable impacts and is in accordance with the development plan if both are approved subject to conditions set out in the Appendices to this report. As such, the proposals are considered to constitute sustainable development.

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

- 5.1 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
- 5.2 As set out above it is considered that on balance and in view of all material considerations that applications CM/0066/20 and CM/0018/21 are in accordance with the development plan and no material considerations dictate that a decision should be taken other than in accordance with the development plan. This is caveated by the fact that these applications are materially related to each other. To reiterate, the proposed changes under application CM/0066/20 are considered to likely be unacceptable without the provision of the walling to provide noise mitigation as proposed under application CM/0018/21.
- 5.3 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 (2021) 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 applications/agents of any issues that may arise in the processing of their application.

6.3 In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- 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**

### **CM/0066/20**

7.1 It is recommended that the application CM/0066/20 is APPROVED subject to conditions to be finalised including those set out in Appendix C.

### **CM/0018/21**

7.2 It is recommended that the application CM/0018/21 is APPROVED subject to conditions to be finalised including those set out in Appendix C.

## **APPENDIX A: Additional Consultation Responses and Representations for applications Ref: CM/0066/20 and CM/0018/21 since committee on 15<sup>th</sup> December 2021.**

### Consultees Reconsulted

**Highways DM** – No objection subject to planning conditions. (Full comments available online).

**EHO** – The revised report does not alter the findings of the previous report in relation to the impacts on the closest residential property at Cedars Farm and therefore my overall conclusions reported in my memo dated 27th September 2021 remain unchanged. No objection. (Full comments available online)

**LLFA** – No objection. Find the existing drainage system appropriate provided it is maintained.

**Environment Agency** - Following a request from committee during the site visit, the EA were invited to attend the meeting. In response the EA noted they had already commented on the proposal twice noting they had no comment. They further noted it would be unlikely an environment officer would be able to attend the meeting.

**Cublington PC –**

**DATED 8th February 2022**

Further comments concerning the above applications following the Applicant's Agents email dated 21st January 2022. Land Ownership The applicant's agent has stated no evidence was provided to substantiate the claim that the bund had contaminated material within it . The owner of the neighbouring property stated he had seen 'rubbish, plastics and tyres' within the bund when it was dug open by the applicant when he had a face to face meeting with the operator. He went on to say 'sloppy wet soil material' ran onto his property from the bund when it was opened. We suggest the agent obtains a clear statement from the applicant that there is no contaminated materials within the bund.

The agent has stated at the applicant did not construct the bund , and therefore cannot be held responsible for its contents. On 27th January 2020 the applicant acquired the Environmental Waste Management Licence No 100361 , Permit Number Jb3001CN/T001 from Unicorn Skips Limited. It would be normal business practice to carry out due diligence on the state of the site , including the bund, when taking over the property and licence. We are strongly of the view the applicant is responsible for the bund and its contents.

The agent has stated several times that the Environmental Agency carry out regular inspections on the site and officers would have taken action if they had been concerned about contaminated materials within the bund . The applicant has not supplied any evidence to support the agent's statement. To resolve this matter perhaps the Environmental Agency should be specifically asked to inspect the bund to confirm whether or not there is contaminated materials within it , and it is not capable of producing leachate.

The agent has queried why concerns of the bund are being brought to the attention of the authority now and not some four and half years ago when the adjoining land was transferred in ownership. We are not aware of any time limits for reporting concerns of contaminated bunds . The applicant took over the property two years ago so we don't know the significance of four and a half years ?

**Noise**

Two noise assessments have been submitted in these applications. The agent admitted at the North Bucks Planning Committee meeting held on 15th December 2021 that the first noise assessment was 'completely inadequate' . If the first report was knowingly 'completely inadequate' why was it submitted ? The second assessment was carried out off site . We are of the view a proper assessment should be made on site.

**Highways**

Reference has been made to clarifying vehicle numbers 'the proposal would generate on average 48 HGV movements per day at a maximum capacity of 65,000 tonnes per annum – assuming that this capacity can be achieved' and 'the proposal therefore gives rise to an additional 2 HGV movements per hour'.

The application is for a daily movement of 60 HGVs from the current movement of 24 skip lorries. This gives an additional 5 HGV movements per hour which is significantly different to 2 HGV movements per hour.

There is an existing waste recycling unit at Red Brick Farm , Dunton Road , Stewkley (CM/0005/18) which has permission for 75,000 tonnes per annum and no more than 60 HGV vehicle movements per day .

The Senior Highways Development Management Officer in his letter dated 12th January 2021 to James Suter stated that he did not agree with the Applicant's Transport Statement that the additional HGV movements were insignificant. However he concluded the movements per day would not adversely impact on the operation and safety of the highway and not result in sever

cumulative highway impacts. Did this conclusion take into account the movements from Red Brick Farm ?

**Agent's closing paragraph**

The agent has asked James Suter to correct references in reporting to the committee in relation to the Local Plan's preferred locations (the last bullet in the list within BMWLP Policy 7 ) as she felt it imperative that the committee members should not be misdirected on this point.

We would like to draw the following points from BMWLP for the attention of the committee members

Point 2.11 table 1 of the BMWLP sets out aims for Sustainable Community Strategy for Buckinghamshire. The MWLP supports a sustainable network of waste management facilities as part of the county's infrastructure . Does this mean having two sites within 2 miles of each other in a rural setting is acceptable ?

Policy 17: Sustainable Transport Proposals for minerals and waste development will require a Transport Assessment or Statement addressing the following matters, as well as a Travel Plan (where applicable): – identification and viability of opportunities for alternatives to roadbased transport, – safe and suitable access to the site, – traffic flows likely to be generated including type of vehicles and number of movements to and from the site per day, – identification of the intended market base (for mineral development), or the waste facilities catchment area including the origin of waste intended to be received onsite as well as the destination of outputs on an OS base map (for waste development), – capacity of the local and highway network to accommodate the movements generated by the proposed development, – identification of any improvements to the transport network determined to be necessary to minimise impacts to an acceptable level, – identification of potentially adverse impacts arising from the transport of minerals and waste on the community and environment and mitigation measures required to avoid and/or minimise potentially adverse impacts to an acceptable level (including routing agreements or other agreements and controls as necessary), and – emission control and reduction measures to be implemented.

We have consistently stated a Traffic Impact Assessment should be carried out which compares traffic movements from 2008 to date.

**DATED 25<sup>th</sup> January 2022**

Following on from the North Bucks Area Planning Committee meeting held on 15th December 2021 Cublington Parish Council wish to make the following observations

Points needing clarification

1. Planning application has been made under S73 of Town and Country Planning Act. We believe these amendments are fundamental changes to the original approval 08/20007/AWD and as such a new planning application should be made. These changes are fundamental as follows : tonnage 25,000 to 65,000 , 24 vehicle movements to 60 with the use of 8 wheel tippers and artic tippers , environmental impact on local communities (Cublington, Wing, Aston Abbots, Whitchurch) as to vehicle movements along narrow village streets, roads and lanes , impact on local residents who have on street parking , those village roads where there are no footpaths and for walkers , cyclists and horse riders.
2. Pneumatic Concrete Breaker can not to be used on site as it is not part of planning application
3. Traffic Impact Assessment to be completed comparing 2008 to date.

**Wing PC** – No further comments provided.

**Cllr Peter Cooper** – No further comments provided.

**Cllr Diana Blamires** - No further comments provided.

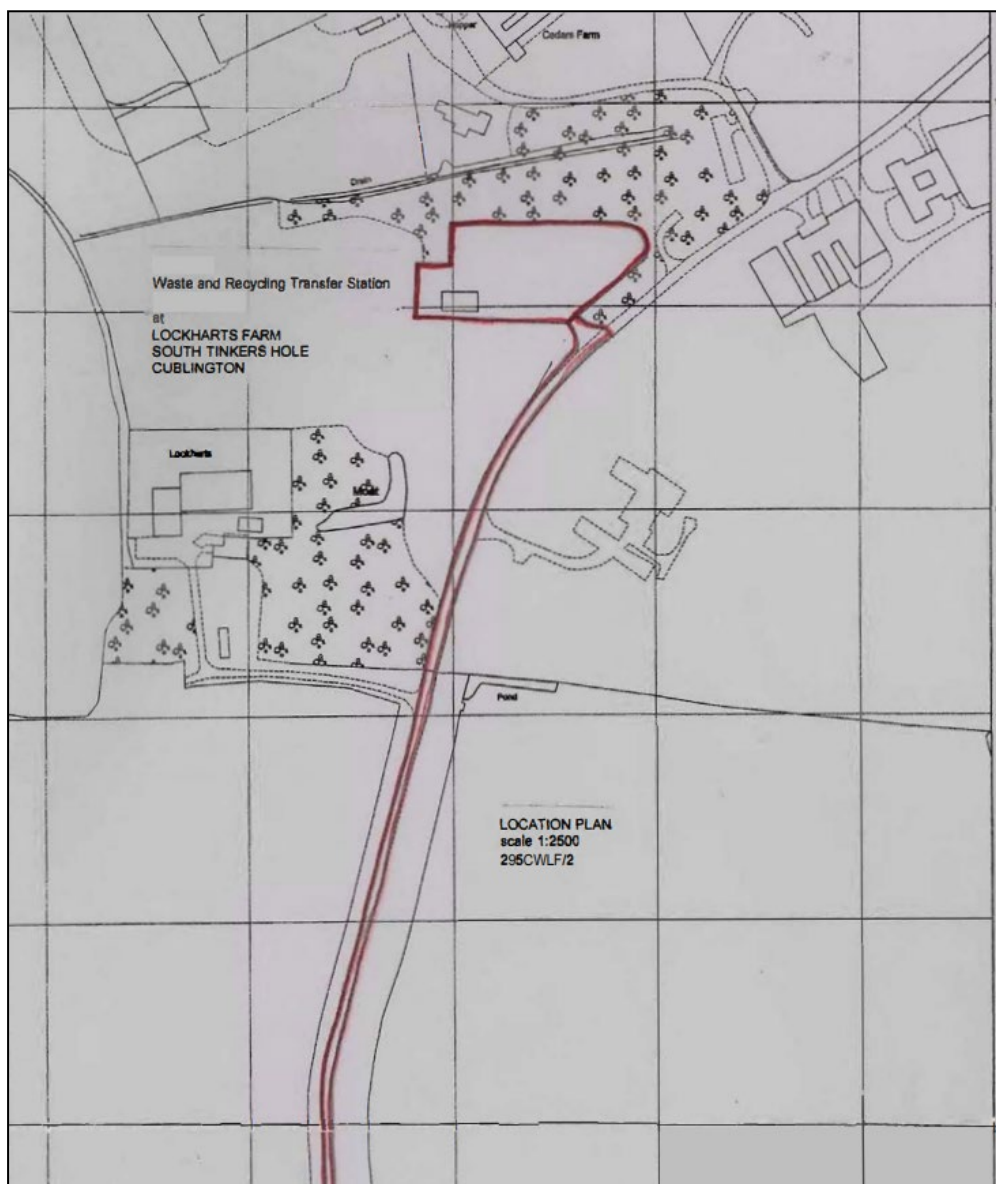
**Cllr Ashley Bond** - No further comments provided.

Representations

No comments have been received supporting the proposal. Since the writing of the previous report a further 87 comments have been received objecting to the proposal. In general, the comments raised the following matters:

- HGV Impacts (Traffic, Disturbance)
- Pollution
- Highways Safety
- Highways Suitability
- Noise

## **APPENDIX B: CM/0066/20 and CM/0018/21 Site Location Plan**



## Appendix C: Draft Recommended Conditions

### CM/0066/20

1. The development hereby permitted shall not be carried out other than in complete accordance with the details submitted with the planning application and the following documents and drawings:
  - Proposed Site Plan, Drawing Ref: 283BTLC/5 Rev B dated 11<sup>th</sup> February 2022
  - Site Location Plan, Drawing 1 – Scale 1:2500
  - Drawing Ref: LFm/Port.cb/1 dated 24<sup>th</sup> November 2008
  - Site Lighting Details Ref: 283BTLC/9 dated 17<sup>th</sup> January 2022

Reason: To define the development permitted and to control the operations in accordance with Buckinghamshire Minerals and Waste Local Plan Policy 16.

2. No vehicle shall enter or leave the site and no operations authorised by this consent shall be carried out other than between the following hours:

7:00am to 5:00pm Mondays to Fridays

8:00am to 1:00pm Saturdays

No vehicle shall enter or leave the site and no operations shall be carried out on Sundays or Public and Bank Holidays.

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

3. The maximum total number of heavy good vehicle movements (vehicles over 3.5 tonnes unladen weight) in connection with the development hereby permitted shall not exceed 60 (30 in and 30 out) per day on Mondays to Fridays. On Saturdays the maximum total number of heavy good vehicle movements (vehicles over 3.5 tonnes unladen weight) shall not exceed 30 (15 in and 15 out).

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

4. The scheme for manoeuvring indicated in Appendix B of the Transport Statement dated November 2020 shall be implemented for the duration of the development.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with policy 17 of the Buckinghamshire Minerals and Waste Local Plan.

5. A record of the number of daily vehicle movements (including the associated date, time and tonnage of waste being imported to / exported from 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 highways safety and the amenities of the local area and to comply with policies 16 and 17 of the Buckinghamshire Minerals and Waste Local Plan.

6. No loaded lorries (vehicles over 3.5 tonnes unladen weight) shall exit the site without being securely sheeted or netted.

Reason: In the interests of highways 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. Site working practices shall include an auditable schedule of regular (twice a week) litter clearance for the external areas of the site.

Reason: To address impacts relating to litter in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

8. No processing involving the use of a crusher or screener shall be carried out without the heavy-duty channel drain being in situ as shown on drawing 283BTLC/5 Rev B dated 11<sup>th</sup> February 2022.

Reason: In the interests of the protection of the water environment in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

9. No later than 6 months from the date of this permission, a schedule of maintenance for the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) including details of who is to be responsible for carrying out the maintenance shall be submitted to and approved in writing by the Local Planning Authority. The approved schedule of maintenance shall be implemented thereafter for so long as the development is operational.

Reason: For the protection of water resources and contamination prevention in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

10. Any fuel storage tanks with a capacity of 201 litres or more shall be pre-bunded or have secondary containment capable of containing 110% of the tank's volume and all fill and draw pipes shall be within the bund or containment.

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

11. No reversing beepers or other means of audible warning of reversing vehicles, other than those which use white noise, shall be used on any plant or vehicles on the site.

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

12. Stockpiles of processes 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.

13. The haul road between the site and highway shall be maintained free of potholes for the duration of the development hereby permitted. Any potholes formed shall be repaired expeditiously no later than 14 days from the date they are brought to the attention of the operator by the Local Planning Authority.

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

14. Notwithstanding the provisions of Schedule 2, Part 7 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent revisions, modifications, revocation or re-enactment, no further buildings, mobile plant or machinery shall be erected or operated on site without the grant of planning permission from the Local Planning Authority first being obtained.

Reason: To protect the amenities of the locality in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

15. The use of a breaker on the site is prohibited.

Reason: The use of further loud machinery / equipment would require consideration of impacts upon amenity afresh in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

16. The dust management measured identified in the Dust Emissions Management Plan Ref: 283BTLC/7 dated 17<sup>th</sup> January 2022 shall be implemented for the duration of the development.

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

17. The landscaping scheme shown on drawing Ref: 283BTLC/5 Rev B dated 11<sup>th</sup> February 2022 shall be fully implemented within 12 months of the date of this consent.

Thereafter, for the duration of the development any plants that are removed, die or become diseased shall be replaced with one of a similar size and species.

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

18. All plant and machinery used at the site shall be shut down during intervening periods of work wherever practicable and properly silenced and maintained in accordance with the manufacturer's specification.

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



19. No processing involving the use of a crusher or screener shall be carried out without the concrete walling as permitted by planning permission CM/0018/21 being in situ as shown on Drawing Ref: 295CWLC/5 Rev B dated 11<sup>th</sup> February 2022. The concrete walling shall thereafter be retained for the duration of the development.

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

20. Sound levels shall not exceed a level of 52dB LAeq(15mins) when measured at the location set out on Drawing No: 283BTLC/10. Measurements shall be taken between the hours of 10am and 4pm, at a height of 1.5m, when the crusher is in operation and when there are no other significant sources of background sound present.

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

21. No additional security or yard lighting shall be erected or otherwise provided on site without prior written approval of a scheme by the Local Planning Authority. The scheme shall demonstrate the situation of the lighting, the proposed operational hours and dictate that lighting shall be downward. Any approved scheme shall be adhered to thereafter for the duration of the development.

Reason: In the interests of reducing light pollution and impacts upon amenity in accordance with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

22. Signage advising drivers to turn left onto the Wing Road shall be erected. The sign shall be maintained in a legible condition thereafter for the duration of the development hereby permitted.

Reason: To limit the impact of noise on the amenities of neighbouring properties and to comply with policy 16 of the Buckinghamshire Minerals and Waste Local Plan.

#### **CM/0018/21**

4. The development hereby permitted shall not be carried out other than in complete accordance with the following details submitted with the application:
- As proposed plan, Drawing Ref: 295CWLF/4 dated August 2021
  - Elevations, Drawing Ref: 295CWLF/3 Rev A dated April 2021
  - Location Plan, Drawing Ref: 295CWLF/2

Reason: To define the development permitted and to control the operations in accordance with Buckinghamshire Minerals and Waste Local Plan Policy 16.

5. The external faces of the concrete walling permitted under this consent shall be painted dark green and shall thereafter be retained as such for the duration of the development hereby permitted.

Reason: In the interests of the amenity of the locality and to reduce landscape impacts in accordance with policies 16 and 20 of the Buckinghamshire Minerals and Waste Local Plan and Policy BE2 of the Vale of Aylesbury Local Plan.

6. The landscaping scheme shown on drawing Ref: 283BTLC/5 Rev B dated 11th February 2022 shall be fully implemented within 12 months of the date of this consent.

Thereafter, for the duration of the development any plants that are removed, die or become diseased shall be replaced with one of a similar size and species.

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

## APPENDIX 2: 15 December 2021 Committee Report

### Report to North Buckinghamshire Area Committee

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<b>Application Ref:</b>	CM/0066/20
<b>Description:</b>	Planning Application made under Section 73 of the Town and Country Planning Act 1990 to vary Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry Movements) of planning permission 08/20007/AWD at Lockharts Farm Recycling Facility, Wing Road, Cublington, LU6 0LB.
<b>Application Ref:</b>	CM/0018/21
<b>Description:</b>	Installation of concrete walling, litter netting, fuel tanks and water tank.
<b>Site Location:</b>	Lockharts Farm Waste Recycling Facility Wing Road Cublington LU7 0LB
<b>Applicant:</b>	Bulk Transfer Ltd
<b>Case Officer:</b>	James Suter
<b>Ward(s) affected:</b>	Wing
<b>Parish-Town Council:</b>	Wing Parish Council
<b>Summary recommendation (s):</b>	<b>CM/0066/20</b> It is recommended that the application CM/0066/20 is APPROVED subject to conditions to be finalised including those set out in Appendix E. <b>CM/0018/21</b>

It is recommended that the application CM/0018/21 is APPROVED subject to conditions to be finalised including those set out in Appendix E.

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

- 1.1 This report deals with two associated applications which have been submitted by Bulk Waste Transfer Ltd.
- 1.2 Application CM/0066/20 seeks permission under S73 to vary Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry Movements) of planning permission 08/20007/AWD at Lockharts Farm Recycling Facility, Wing Road, Cublington, LU6 0LB.
- 1.3 Through discussions with the applicant/agent regarding the proposal it became apparent that to reduce noise impacts from the proposal, mitigating works would be required which would require a separate application for planning permission. Accordingly, a separate application was submitted under planning application reference CM/0018/21.
- 1.4 Application CM/0018/21 seeks planning permission for the erection of concrete walling which is identified by the applicant as necessary to reduce noise impacts from the proposals made under application CM/0066/20 amongst other things including litter fencing and the situation of fuel and water tanks.
- 1.5 Following further discussions pertaining to the existing boundary bunding to the north of the site which is in a state of disrepair, the applicant has submitted a scheme for the regrading and replanting of the bund under application CM/0066/20.
- 1.6 The primary matters for consideration under these applications are the impacts upon amenity, landscape and visual impacts, the provision of waste management capacity in line with the spatial strategy and the highways impacts.
- 1.7 Applications CM/0066/20 and CM/0018/21 have been called in to the North Buckinghamshire Area Planning Committee in agreement with the Chairman and Vice-Chairman due to the public interest and the potential impacts associated with the proposal.
- 1.8 It is recommended that the application CM/0066/20 is APPROVED subject to conditions to be finalised including those set out in Appendix E.

- 1.9 It is recommended that CM/0018/21 is APPROVED subject to conditions to be finalised including those set out in Appendix E.

## **2.0 Site Description**

- 2.1 Lockharts Farm is located to the north of Wing Road approximately 1km north-east of Cublington and 3km west of Wing. The site is to the south of the main runway at a former second world war airfield. The site takes access off a private access road which connects to the Wing Road.
- 2.2 The nearest residential buildings to the site are Cedar Farm (approximately 50m north of the site boundary) and South Tinkers Hole Farm and Cottage (approximately 175m east of the site boundary). It is understood that South Tinkers Hole Farm also farms pigs in agricultural buildings which are closer to the application site.
- 2.3 The site is adjacent to a vegetated boundary to the north of the site which contains several mature deciduous trees. The nearest public right of way is WIN/29/1 which is a public footpath that runs east to west approximately 20m north of the site through the wooded section.
- 2.4 The site covers an area of approximately 0.46 hectare for the main operational area but the red line for application CM/0066/20 includes the site haul road which takes the total area to approximately 0.74 hectare. Boundary treatments at the time of writing are a mixture of bunding, hedges and concrete blocks with the entrance secured by a double gate. On site there are 3 buildings including a barn, site office and mess facilities. The barn measures approximately 9.4m x 18.4m with a maximum height of 5.5m. The site office and mess facilities building are portable buildings approximately 2.4m in height.
- 2.5 The site is approximately 1.25km south from Warren Farm (SSSI) but is not within its impact zone. The site is indicated to be within a SSSI impact zone but the proposal does not fall into categories which are considered to have likely risks.
- 2.6 The site is not within any designation such as AONB or Green Belt.
- 2.7 The site is within the Cublington – Wing Plateau Landscape Character Area (LCA 4.13). The site is near the boundary of the Quainton-Wing Hills Area of Attractive Landscape (AAL) which lies approximately 200m to the south of the site itself. A section of the haul road for the site is within this area.
- 2.8 The nearest listed buildings are found within Cublington and include Neale's Farmhouse Grade II (approximately 700m south west of the site) and Old Manor Farmhouse Grade II (approximately 900m south west of the site).

- 2.9 The site is within a Nitrate Vulnerable Zone and Drinking Water Safeguard Zone (Surface Water) and is located within flood zone 1.

### **3.0 Description of Proposed Development**

- 3.1 To detail what is proposed under each application it is easier to approach them separately. Details of each of the applications individually is therefore provided below:

**Application: CM/0066/20**

- 3.2 This application is made under S73 to vary Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry Movements) of planning permission 08/20007/AWD at Lockharts Farm Recycling Facility, Wing Road, Cublington, LU6 0LB.
- 3.3 The variations to condition 1 seek to secure a revised site layout by replacing approved drawing ref: LfM/SP.500/2 with drawing ref: 283BTLC/5 dated 28<sup>th</sup> October 2021. The key changes to note include:
- General reorganisation of the site layout including the movement of site office/facilities and the replacement of skip storage areas with hardcore stockpiling areas.
  - Proposed regrading and planting of the perimeter bunding.
  - Introduction of processing area to the north east of the site.
- 3.4 Within the red line boundary for the site on the exterior of the concrete walling (proposed under application CM/0018/21) is an earth bund which runs along the north and north eastern boundaries. This bund was a feature of the site permitted in 2008 however has since fallen into a state of disrepair. Under application CM/0066/20 it is proposed to regrade and replant the bund.
- 3.5 The following equipment is proposed to be used at the site:
- Crusher (Sandvik QJ241)
  - Screener (Rubblemaster HS3500M)
  - Loading shovel (CAT 930K)
  - Excavator (Hitachi ZX210).

- 3.6 The proposed variations to condition 2 of planning permission 08/20007/AWD seek to allow for hours of operation to commence one hour earlier on weekdays. The original planning condition stated:

*“No vehicle shall enter or leave the site and no operations authorised by this consent shall be carried out other than between the following hours:*

**8:00am to 5:00pm Mondays to Fridays**

**8:00am to 1:00pm Saturdays**

*No operations shall be carried out on Sundays or Public and Bank Holidays.”*

- 3.7 The applicant is seeking to vary this planning condition to state:

*“No vehicle shall enter or leave the site and no operations authorised by this consent shall be carried out other than between the following hours:*

**7:00am to 5:00pm Mondays to Fridays**

**8:00am to 1:00pm Saturdays”**

- 3.8 The proposed variations to condition 3 of planning permission 08/20007/AWD seek to increase the permitted daily HGV movements from 24 movements (12 in, 12 out) to 60 (30 in, 30 out).

- 3.9 The original planning condition stated:

*“The number of lorry movements (vehicles over 3.5 tonnes unladen weight) in connection with the development hereby permitted shall not exceed 24 in any one working day (12 in and 12 out).”*

- 3.10 The applicant is seeking to vary this planning condition to state:

*“The number of lorry movements (vehicles over 3.5 tonnes unladen weight) in connection with the development hereby permitted shall not exceed 60 in any one working day (30 in and 30 out).”*

- 3.11 The applicant is also seeking permission for the siting of a lighting tower. A specification has been provided.

- 3.12 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended). 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.

3.13 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.”

**Application: CM/0018/21**

3.14 This application seeks permission for the erection of concrete walling at heights of 3 and 6 metres. The 6-metre-high walling would be located to the north east of the site where a processing area is proposed under application CM/0066/20. The 3-metre-high walling would be erected along the rest of the northern boundary. The walling is stated to provide noise mitigation, help demarcate the limits of the site and prevent overspilling.

3.15 Litter fencing is proposed atop of sections of the 3-metre-high concrete walling and would rise to approximately 5 metres above ground level.

3.16 The application also seeks planning permission for a metal bunded fuel tank measuring approximately 9m in length, 3m in depth and 2.2m in height. Permission is also sought for the storage of AdBlue and other lubricants within smaller tanks situated atop of the main metal bunded fuel tank. These are proposed to be situated east of the existing site office and adjacent to the southern site boundary.

3.17 Finally, the application seeks permission for a water storage tank measuring approximately 2.7m in diameter and 2.6m in height.

3.18 The fuel tanks and water tank would usually be considered under The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 7). Whilst other mechanisms may be used to attain permission for the aforementioned development, they have been included as part of this application for planning permission.

#### 4.0 Relevant Planning History

Reference	Development	Decision	Decision Date
07/200012/AWD	Change of use from agricultural yard to waste and recycling transfer station	PER	23 January 2008
AOC/07/200012/AWD	Consultation on submissions 6, 7 and 9. Change of use from agricultural yard to waste and recycling transfer station	AOCP	28 October 2008
08/20007/AWD	Waste and recycling transfer station and port-a-cabin office	PER	11 February 2009
CM/0018/21	Installation of concrete walling, litter netting, fuel tanks and water tank.	PCO	N/A
CM/0066/20	Planning Application made under Section 73 of the Town and Country Planning Act 1990 to vary Condition 1 (Plans), Condition 2 (Operating Hours) and Condition 3 (Lorry Movements) of planning permission 08/20007/AWD at Lockharts Farm Recycling Facility, Wing Road, Cublington, LU6 0LB.	PCO	N/A

4.1 The applications have been subject to Screening under the Town and Country Planning (Environmental Impact Assessment Regulations) 2017, and have been determined, by a Screening Opinion, not to require the submission of an Environmental Statement.

#### 5.0 Policy Considerations and Evaluation

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.



5.2 The development plan for this area comprises of:

- Buckinghamshire Minerals and Waste Local Plan 2016-2036 (BMWLP)
- Vale of Aylesbury Local Plan 2013-2033 (VALP)

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

- National Planning Policy Framework (NPPF)
  - National Planning Policy for Waste (NPPW)
- Planning Practice Guidance (PPG)

5.4 The following policies are considered to be relevant to this development:

Buckinghamshire Minerals and Waste Local Plan (2016-2036) (BMWLP)

- Policy 7: Provision of Secondary and Recycled Aggregates
- Policy 11: Waste Management Capacity Needs
- Policy 13: Spatial Strategy for Waste Management
- Policy 14: Development Principles for Waste Management Facilities
- Policy 16: Managing Impacts on Amenity and Natural Resources
- Policy 17: Sustainable Transport
- Policy 18: Natural Environment
- Policy 19: Historic Environment
- Policy 20: Landscape Character
- Policy 23: Design and Climate Change
- Policy 24: Environmental Enhancement
- Policy 26: Safeguarding of Minerals Development and Waste Management Infrastructure

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

- S1 Sustainable development for Aylesbury Vale
- S3 Settlement hierarchy and cohesive development
- NE1 Biodiversity and geodiversity
- NE4 Landscape character and locally important landscape
- NE5 Pollution, air quality and contaminated land
- NE8 Trees, hedgerows and woodlands

- BE1 Heritage asset
- BE2 Design of new development
- BE3 Protection of the amenity of residents
- T4 Capacity of the transport network to deliver development
- T5 Delivering transport in new development
- T6 Vehicle Parking

## **Introduction**

5.5 As set out above, both applications are interlinked with various elements required by each proposal being delivered by the other. The key issues in determining these applications are their impacts upon visual and residential amenity, the minerals and waste spatial strategy and capacity and highway impacts.

5.6 To reiterate, for application CM/0066/20 to not cause unacceptable impacts relating to noise, the walling proposed under application CM/0018/21 would be required such to provide appropriate noise mitigation. The boundary bunding regrading and planting proposed under CM/0066/20 is considered necessary for both applications.

## **Principle of Development**

Policy 7: Provision of Secondary and Recycled Aggregates

Policy 11: Waste Management Capacity Needs

Policy 13: Spatial Strategy for Waste Management

Policy 14: Development Principles for Waste Management Facilities

Policy 26: Safeguarding of Minerals Development and Waste Management Infrastructure

VALP Policy Policy S1: Sustainable Development for Aylesbury Vale

VALP Policy Policy S3: Settlement Hierarchy and Cohesive Development

5.7 In terms of the principle of the development the applications can again be taken separately.

### **Application ref: CM/0066/20**

5.8 The site is an existing waste and recycling transfer station which in the past was operating receiving skips containing construction and demolition waste,

municipal solid waste and agricultural waste. The waste would be sorted before being bulked up and distributed to specialised facilities to handle the waste. There is no extant condition restricting the types of waste that could be imported and sorted at the site. There is no conditioned limit on the waste throughput for the site however the vehicle movement limit establishes a certain level of restriction upon the maximum throughput for the site.

- 5.9 A condition (Condition 4 of planning permission 08/20007/AWD) prohibited any further plant and machinery being erected or operated on the site without prior approval of the council. The only plant and machinery permitted at this time is the use of an excavator, teleporter and a wood shredder.
- 5.10 The applicant is seeking permission for the re-organisation of the site and for the processing of construction demolition and excavation (CDE) waste recycling alongside increases in operating hours and vehicle movements.

#### *Waste Management Capacity*

- 5.11 Policy 11 of the BMWLP sets out the waste management capacity needs within the county for the plan period. The policy also states the capacity will be delivered via existing commitments, extensions to existing commitments and new facilities. As set out above the extant consent does not restrict waste types to be treated at the site but an intention is signalled by the applicant to primarily focus on the importation and treatment of CDE waste. There is an identified capacity gap for this waste stream. The estimated capacity gap for 2026 for the recycling of inert construction, demolition and excavation (CDE) waste and the recycling of municipal, commercial and industrial waste are 0.51Mtpa and 0.12Mtpa respectively.
- 5.12 The supporting information provided by the applicant suggests that with the proposed changes to conditions the site would have a maximum throughput of 65,000 tonnes per annum, rising from approximately 25,000 tpa (as set out in the application form for application 08/20007/AWD). It is understood that the site would primarily handle CDE waste with other waste streams being secondary. It is considered this proposal would help to address the waste management capacity gap at an existing site and therefore is supported by this policy.
- 5.13 Notably there is no existing agreement restricting the catchment for the site at present. However, the agent for the application states that during the period of summer 2020 to early 2021, 75% of all treated waste was to sites within 20 miles of the yard. With regards to waste sources, during this period only three sites were utilised and were within 20-36 miles of the site.

#### *Spatial Strategy*

- 5.14 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. As a secondary focus, facilities for the preparation of wastes for re-use and recycling in key settlements outside of the primary areas of focus (i.e. High Wycombe, Aylesbury and Buckingham), will be supported where located within existing general industrial and employment areas, particularly where involving the re-use of previously developed land and/or the co-location of waste management facilities. New standalone waste management facilities should be directed towards the primary and secondary areas of focus. Other sites that are not within the primary and secondary areas of focus may come forward over the plan period and should demonstrate why the proposed location is acceptable with regard to the spatial strategy for waste management and other relevant MWLP policies. The proposal site is not within a primary area of focus for waste management as identified by policy 13 of the BMWLP.
- 5.15 Policy 13 goes on to state that opportunities to co-locate waste management facilities together and with complementary activities will be supported where compliant with relevant MWLP policies. This includes co-location together with existing waste management facilities that would contribute towards integrated waste management solutions as well as co-location with complementary activities at industrial estates, waste management sites, and mineral extraction and processing sites (for proposals for aggregate and/or inert recycling facilities). The proposal is for an expansion of an existing waste management facility.
- 5.16 Policy 7 of the BMWLP states that favourable consideration will be given to proposals for facilities for secondary and recycled aggregates and permission granted where it can be demonstrated that potential adverse impacts can be minimised to acceptable levels and that the proposal is in accordance with the BMWLP. Further to this permission will be granted where it can be demonstrated that adverse impacts can be avoided or minimised to acceptable levels. Preference is to be given to sites at a number of locations, including committed waste management facilities where the proposed use accords with the type of waste use either existing at that location, or is complementary to the current economic role, status and uses of the employment area (where applicable). Assessment of the adverse impacts of the proposal will be considered in following sections.

- 5.17 In consideration of policy 7, there is no restriction on the waste streams to be imported to the site. However, the only plant and machinery permitted at this time is the use of an excavator, teleporter and a wood shredder. It is considered that the proposed use of the site, which is ostensibly for a waste transfer / recycling station for CDE waste is not necessarily homogeneous with the existing type of waste use. It presents a more disruptive use of the land in comparison to when the site was used primarily for bulking and transfer of waste.
- 5.18 As to whether the proposed use is complementary to the economic role, status and uses of the employment area, the site is not within an identified employment area but is rather a novel waste management site situated in a context of primarily agricultural or residential uses. In any instance it is not considered that the proposal is particularly complementary to the nearby uses.
- 5.19 Policy 14 of the BMWLP establishes the development principles for waste management facilities. 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 fate 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 and the waste hierarchy.
- 5.20 The accompanying information suggests the primary purpose of the development will be to receive and treat CDE waste with any re-usable materials in incoming loads being separated and sent for recycling and/or reuse. The recycled CDE waste would largely be used as a substitute for primary materials at construction sites. It is stated by the agent that in summer 2020 to early 2021, when the site was operating, 75% of the recycled products were delivered to construction projects within 20 miles of the yard. It was estimated 33% of deliveries were within 4-10 miles, 42% within 11-20 miles, 21% were within 21-30 miles and one site was 32 miles away accounting for 4%. Further, in the same period the waste sources were within 20-36 miles of the site. The catchment is therefore relatively local but some cross boundary movements would be expected.
- 5.21 In view of the above it may be argued that the development would allow communities and businesses to take more responsibility for their own waste and supports management of waste in line with the proximity principle. It is recognised that the fallback use of the site is one where the catchment is not restricted albeit the nature of the development would be of a lesser scale.

- 5.22 Policy 14 of the BMWLP further states that for proposals for the development of waste management facilities not located within areas of focus, preference will be for proposals which integrate and co-locate waste management facilities together and with complementary activities or maximise the use of previously developed land or redundant buildings.
- 5.23 As set out in paragraphs 5.16 and 5.17 it is not considered that the proposal would integrate with complementary activities but it is at an existing waste management site. It may be argued that the proposal maximises the use of previously developed land at an existing permanently consented waste management site but this should be caveated by the fact the proposal needs to meet the other requirements of the BMWLP.
- 5.24 Policy 26 of the BMWLP seeks to safeguard existing waste management sites with extant planning permission and associated infrastructure from other forms of development. As this proposal seeks to vary conditions for an existing waste management use it is considered to be in accordance with this policy.
- 5.25 Policies S1 and S3 of the VALP outline that all development must comply with the principles of sustainable development set out in the NPPF and to limit new development within the countryside to the allocations within the VALP and to specific policies which support thriving rural communities. The aims of these policies reflect guidance within the NPPF.

#### *Conclusion*

- 5.26 The delivery of additional waste management capacity at an existing site is supported in principle by policy 11 of the BMWLP. However, the proposal site is not within an area of focus for waste management as identified by policy 13 of the BMWLP and whilst policy 7 in principle supports proposals for the recycling of aggregates the site is not a preferred location for this use.
- 5.27 Policy 14 establishes that the preference outside areas of focus is to maximise the use of previously developed land or to co-locate waste management facilities together or with complementary activities. As set out above, it is not considered that the use is complementary with the neighbouring uses and whilst arguments can be made about maximising the use of the land, this must be caveated with the requirement that the proposal has no other unacceptable impacts.
- 5.28 Taking policies 7, 13, 14, and 26 together, it is considered that within a hierarchy of preferred sites for serving the growth of the sustainable waste management network for the county this site sits further towards the bottom as despite it being an existing site benefitting from permanent planning permission for waste management it is not within an area of focus.

- 5.29 Evaluation of the impacts of the proposal will be set out in this report. In principle, the provision of further waste management capacity at this site is nonetheless considered to be in line with the provisions made in the BMWLP. Subject to the proposal being in accordance with other BMWLP policies the proposal is considered to be in accordance with the above policies.
- 5.30 With regards to the strategic VALP policies, in this instance, the proposals relate to an existing established waste and recycling transfer station and as such are considered to accord with the aims of these policies.

**Application ref: CM/0018/21**

- 5.31 It is considered policy 13 primarily concerns development which would result in an increase in waste managed at a site. The development proposed under CM/0018/21 would not directly result in any growth in waste management capacity but the walling as aforementioned is proposed to mitigate impacts from application CM/0066/20 which seeks to regularise the use of processing equipment and increase permitted HGV movements amongst other things. With regards to policy 14, this proposal seeks largely functional built development to support the use of the site as a waste transfer station and as such is considered to be in accordance with this policy. Further to this, the proposed development is ancillary to a waste use and therefore is in accordance with policy 26. The proposals are not considered to conflict with the strategic VALP policies.
- 5.32 It is considered that the principle of this application would be acceptable subject to the assessment of the following planning considerations.

**Transport Matters**

Policy 17: Sustainable Transport

VALP Policy T4 Capacity of the transport network to deliver development

VALP Policy T5 Delivering transport in new development

VALP Policy T6 Vehicle Parking

- 5.33 Application CM/0066/20 is the only application for which transport policy is deemed relevant. Consideration of policy is set out below.
- 5.34 Policy 17 of the BMWLP requires minerals and waste development to include a Transport Assessment / Statement as appropriate. The application was supported by a transport statement which evaluated highways safety and capacity impacts from the proposed increase in permitted HGV movements meeting the requirements of this policy.

- 5.35 Policy T4 of the VALP states that new development will be permitted where there is evidence to demonstrate that there is sufficient capacity in the highway network to accommodate the increases in demand as a result of the development.
- 5.36 Policy T5 of the VALP states transport and new development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development.
- 5.37 The Highways Authority was consulted upon this application and hold no objection to the proposal subject to conditions securing the maximum amount of HGV movements and a scheme of manoeuvring as proposed. It is further stated that the proposed increase in HGV movements, while not insignificant, would not adversely impact on the operation and safety of the highway and not result in severe cumulative impacts.
- 5.38 Policy T7 concerns vehicle parking and provides guidance on what levels of parking should be provided at specific types of development. No specific guidance is provided for uses such as the one proposed. At present, the approved site plan includes provision of 4 car parking spaces, the proposed site plan retains a total of 4 car parking spaces and is considered to be acceptable.
- 5.39 In view of the above, it is considered the application is in accordance with National and Local transport policies and guidance.

### **Raising the quality of place making and design**

Policy 23: Design and Climate Change

VALP Policy BE2 Design of new development

- 5.40 Policy 23 of the BMWLP seeks to secure high quality design which minimises adverse effects on and from climate change. The policy requires proposed development: incorporates design elements that are visually attractive and add to the overall quality of the area, reflects local character, incorporates safety and security measures, complies with principles of sustainable design and construction, applies SUDs where possible, minimises greenhouse emissions and 'climate proofs' development and utilises native species in planting schemes. Great weight is to be given to outstanding and innovative design.
- 5.41 Policy BE2 makes similar provision stating development shall respect and complement the characteristics of the site and its surroundings, the local distinctiveness, the natural features of the area and important views and skylines.

**Application ref: CM/0066/20**



- 5.42 Under this application a new site layout is proposed and a revised bund arrangement. The layout includes reference to the proposed concrete walling sought under application CM/0018/21. Consideration of the design merits of the walling proposed under application CM/0018/21 are set out in the following section but in essence it is considered that the impacts from the proposal would not be unacceptable subject to the mitigation offered by the proposed planting and remaking of the bund.
- 5.43 With regards to this application, the proposed reshaping and planting of the bund is in principle supported and would provide substantive benefit over the at present situation. The regularisation of the reworked layout for the smaller site buildings is considered to be acceptable.
- 5.44 It is therefore considered that the application is in accordance with policy BE2 of the VALP and Policy 23 of the BMWLP.

**Application ref: CM/0018/21**

- 5.45 Given the functional nature of the development proposed it is considered that there is limited scope to address climate change through this application.
- 5.46 To consider the design of the proposal it is helpful to separate the concrete walling and litter fencing from the fuel and water tanks.
- 5.47 Considering the proposed fuel and water tanks, these features are small in scale in comparison to the waste transfer station as a whole with the heights being comparable to the existing office buildings on site. As aforementioned, these features likely would have benefitted from permitted development rights without the conditions limiting them. It is considered these features preserve the existing aesthetic of the locality and due to their situation and purpose within an existing waste transfer station are broadly considered to be acceptable in line with policy.
- 5.48 With regards to the proposed concrete walling and litter fencing these features are again functional in nature. The concrete walling has been designed so to provide acoustic attenuation to allow for a processing area proposed under planning application CM/0066/20. Also, the use of concrete walling to demarcate the extent of the working area would be preferable to the current situation where the earth bund is in a state of disrepair and has in past been overtipped.
- 5.49 The purpose of the litter fencing is to protect the surrounding environment against windblown litter arising from deposited waste materials.
- 5.50 The site is a permitted waste transfer station with planning permission granted for such a use for in excess of a decade. The surrounding area is characterised

by isolated residential properties, some agricultural uses and further afield some commercial businesses.

- 5.51 The proposed concrete walling at a height of 3m would largely be screened by the proposed planting and regrading of the bund proposed under planning application CM/0066/20. As set out above, in the north-eastern corner of the site 6m high concrete walling is proposed and along the northern boundary some litter fencing is proposed atop of sections of 3m high concrete walling. Whilst these features would be taller than the bunding present at the site, there is a substantial amount of planting screening views from the neighbouring uses, including from Cedar Farm, South Tinkers Hole Farm and the right of way. This vegetation in combination with the bunding is considered to considerably mitigate the impacts of the proposal reducing the extent to which the walling is obtrusive in its environment.
- 5.52 Further, the site would be viewed in the existing context which includes the site's existing buildings with the main barn being approximately 5.5m in height.
- 5.53 In consideration of policy 23 of the BMWLP and BE2 of the VALP, the proposal is considered to be acceptable.

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

Policy 16: Managing Impacts on Amenity and Natural Resources

VALP Policy NE5 Pollution, air quality and contaminated land

VALP Policy BE3 Protection of the amenity of residents

- 5.54 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. Policy BE3 of the VALP makes similar provision.
- 5.55 Policy NE5 of the VALP states that noise generating development will be required to minimise the impact of noise on the surrounding environment. Development which is likely to generate more significant levels of noise will only be permitted where appropriate noise attenuation measures are incorporated reducing impacts to acceptable levels. The policy adds that development which may have an adverse impact on air quality must prove that they would not materially affect the surrounding area.

#### *Introduction:*

- 5.56 Application CM/0066/20 has attracted a number of objections citing a number of impacts including noise, dust and air quality, health impacts and impacts

from HGVs. Consideration of the impacts of this proposal upon amenity is set out below. Amenity impacts relating to application CM/0018/21 are considered to principally relate to visual impact / intrusion. Visual impacts from application CM/0066/20 and CM/0018/21 are set out in the Landscape and Visual Impact section of this report. The below paragraphs consider the amenity impacts of application CM/0066/20.

- 5.57 The nearest residential buildings to the site are Cedar Farm (approximately 50m north of the site boundary) and South Tinkers Hole Farm and Cottage (approximately 175m east of the site boundary).

### **CM/0066/20**

#### *Noise*

- 5.58 With regards to noise, a noise report has been submitted in support of the application. Some key points made are:
- Background Noise Levels circa 40dBL<sub>A90(15mins)</sub> (no activity at site) at Cedar Farm Garden
  - Estimated 42dBL<sub>A90(15mins)</sub> during operational hours (for the site as currently consented) at Cedar Farm Garden
  - Without any mitigation it is considered that the noise level associated with the crusher/screener would be 61dBL<sub>A90(15mins)</sub> without mitigation
  - Modelling with the proposed walling (under CM/0018/21) suggests a noise level of 46 dB<sub>LAeq, T</sub> at the nearest receptor (4dB above background noise level)
  - With the provision of the walling (proposed under CM/0018/21) the noise with the use of machinery is argued to not noticeably be different to the approved use as a waste transfer station
- 5.59 The council's EHO was consulted on this application and held no objection, subject to the proposed mitigation in the form of walling being installed.
- 5.60 The proposed increase in operational hours and provision of a processing area taken together would only be acceptable with regards to noise impacts subject to the provision of the acoustic walling put forward under application CM/0018/21.
- 5.61 With regards to noise impacts arising from the proposal, subject to a condition prohibiting the use of the processing equipment until the aforementioned walling has been installed and a condition restricting the noise at the nearest receptor, it is considered the noise impacts of application CM/0066/20 would not have an unacceptable impact upon residential amenity.

### *Dust and Air Quality*

- 5.62 With regards to dust, it is considered that subject to a dust management scheme being secured, impacts from this could be reduced to acceptable levels.
- 5.63 With regards to air quality, whilst an increase in HGV movements would logically increase the amount of pollutants emitted, guidance produced by the Institute of Air Quality Management (IAQM) suggests that as the proposal would not result in an increase of more than 100 Annual Average Daily Traffic Movements in an area outside an Air Quality Management Area, no Air Quality Assessment is required. As such, it is not considered the proposal would have unacceptable impacts upon air quality.

### *HGV Disturbance*

- 5.64 The proposed increase in HGV movements permitted would result in a proportional increase in impacts associated with it. The impacts have been deemed acceptable from a highways safety and capacity perspective. However, increases in HGV movements result in disturbance in the areas in which they are generated. It is noted that the proposed increase from a total of 24 movements (12 in, 12 out) to 60 (30 in, 30 out) appears to be significant however, when averaged out over the proposed operational hours, this represents an increase of approximately 3 movements per hour above that already permitted. Acknowledging this, it is not considered that the noise impacts resulting from HGV movements would be unacceptable to the amenities of nearby occupiers, subject to a condition securing maintenance of the haul road.

### *Lighting*

- 5.65 With regards to lighting it is requested that approval is given for the erection of a lighting tower. It is considered subject to a condition securing details pursuant to the location of the lighting, usage hours and direction, the impacts would be acceptable.

### *Conclusion*

- 5.66 The proposal would likely result in a change in the character of the use of the site. However, it is considered that subject to the above identified mitigation and other conditions as set out in Appendix E, that application CM/0066/20 would not have unacceptable impacts upon residential amenity and is in accordance with local and national policy and guidance. Mindful of this, were application CM/0018/21 to be refused, the impacts from application CM/0066/20 would be unacceptable.

## **Landscape and Visual Impact**

Policy 16: Managing Impacts on Amenity and Natural Resources

Policy 20: Landscape Character

VALP Policy NE4 Landscape character and locally important landscape

- 5.67 Policy 20 of the BMWLP seeks to ensure minerals and waste development protects and enhances valued landscape in a manner commensurate with their status. The policy also states that minerals and waste development will require a Landscape Impact Assessment. Given the scale and nature of this proposal a Landscape Impact Assessment was not required in this case.
- 5.68 Policy NE4 of the VALP makes similar provision and states development should meet the following criteria: minimise impacts upon visual amenity, be located to avoid loss of important on-site and off-site views towards important landscape features, respect local character and distinctiveness, consider the design of the development carefully, minimise impacts from lighting, ensure the development is not visually prominent and will not generate unacceptable noise impacts.
- 5.69 Policy 16 seeks to ensure waste development does not give rise to unacceptable impacts including visual impacts and intrusion.
- 5.70 The site is located within the Cublington – Wing Plateau Landscape Character Area. The area is characterised by large arable fields with degraded or well-trimmed hedgerows. The site lies south east of a former WWII airfield which is now used for farming and a number of other uses including residential and commercial.
- 5.71 Buckinghamshire Council’s Landscape Team was consulted on both applications and no objection was raised to the proposals.

### **CM/0066/20**

- 5.72 This application would secure the rearrangement of the site and it is also proposed under this application to regrade and replant the perimeter bund. It is considered that the proposed regrading and planting of the bund provides landscape benefits to the locality improving the aesthetic of an existing feature.

### **CM/0018/21**

- 5.73 This application seeks permission for the erection of concrete walling at heights of 3 and 6 metres and litter fencing atop sections of the 3m high walling to the north of the site.

- 5.74 It is considered that subject to the securing of the regrading and replanting works to the boundary bund that views from the Cedar Farm Residence and the footpath to the north of the site would not be significantly impacted by the proposed 6m tall walling nor the proposed litter netting. Any impacts from the proposal upon users of the footpath would also be transitory in their nature.
- 5.75 The landscape impacts of the proposed concrete walling and litter fencing is considered to be significantly reduced by the existing vegetation in combination with the bunding and proposed reshaping / landscaping works proposed under application CM/0066/20. It is further recognised that the site is an existing waste transfer station with planning permission and some screening is offered by existing trees, hedgerows and other vegetation.
- 5.76 It is considered subject to the above stipulations that both applications would be acceptable with regards to local policy and national guidance.

### **Ecology**

Policy 18: Natural Environment

Policy 24: Environmental Enhancement

VALP Policy NE1 Biodiversity and geodiversity

VALP Policy NE8 Trees, hedgerows and woodlands

- 5.77 Policy 18 of the BMWLP seeks to protect and enhance natural assets and resources and states developments should provide net gains in biodiversity. Policy NE1 of the VALP makes similar provision.
- 5.78 Policy 24 of the BMWLP states proposals for new or extensions to existing waste development must incorporate measures on-site and/or off-site to enhance Buckinghamshire's environmental assets and green infrastructure networks. This includes opportunities to deliver net gains for biodiversity and the positive integration of the site within the wider landscape.
- 5.79 Policy NE8 of the VALP seeks to ensure development enhances the plan areas' tree resource with development resulting in the loss of trees being resisted.

### **CM/0066/20**

- 5.80 Under this application it is proposed to remake the bund and to implement a landscaping scheme which would secure planting on the bund.
- 5.81 The council's Ecologist was consulted on the proposal and held no objection to the proposal subject to the proposed biodiversity enhancement measures / planting being secured by condition.
- 5.82 It is considered the proposal would provide acceptable levels of environmental mitigation and is in accordance with the above policies.

## **CM/0018/21**

- 5.83 No planting or loss of trees is proposed under this application. Application CM/0066/20 includes the provision of a landscaping scheme which would look to plant up a reshaped boundary bund.
- 5.84 It is considered that subject to the planting / landscaping scheme proposed under application CM/0066/20 being secured, the proposal satisfactorily meets the requirements of the above policies and national guidance.

## **Historic Environment**

Policy 19: Historic Environment

VALP Policy BE1 Heritage asset

- 5.85 Policy 19 of the BMWLP and policy BE1 of the VALP both seek to ensure the preservation of the historic environment and where possible enhance it.
- 5.86 Paragraph 195 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.87 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The same paragraph states that this great weight should be applied irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.88 It is not considered that either application would have tangible harm upon heritage assets and as such it is considered the proposal preserves the historic environment to an acceptable level in line with policy and national guidance.

## **Sustainable Development**

Policy S1 Sustainable development for Aylesbury Vale

- 5.89 Policy S1 of the VALP states all development must comply with the principle of sustainable development set out in the NPPF i.e. that achieving sustainable development has three overarching objectives, economic, social and environmental. It also states that when assessing proposals consideration

should be given to minimising impacts on local communities, minimising impacts on heritage assets, sensitive landscapes and biodiversity.

5.90 As set out above, it is considered both applications would not cause any unacceptable impacts and is in accordance with the development plan if both are approved subject to conditions set out in the Appendices to this report. As such, the proposals are considered to constitute sustainable development.

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

6.1 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:

- d. Provision of the development plan insofar as they are material,
- e. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- f. Any other material considerations

6.2 As set out above it is considered that on balance and in view of all material considerations that applications CM/0066/20 and CM/0018/21 are in accordance with the development plan and no material considerations dictate that a decision should be taken other than in accordance with the development plan. This is caveated by the fact that these applications are materially related to each other. To reiterate, the proposed changes under application CM/0066/20 are considered to likely be unacceptable without the provision of the walling to provide noise mitigation as proposed under application CM/0018/21.

6.3 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.

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

7.1 In accordance with paragraph 38 of the NPPF (2021) 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.

7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

7.3 In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **8.0 Recommendation**

### **CM/0066/20**

8.1 It is recommended that the application CM/0066/20 is APPROVED subject to conditions to be finalised including those set out in Appendix E.

### **CM/0018/21**

8.2 It is recommended that the application CM/0018/21 is APPROVED subject to conditions to be finalised including those set out in Appendix E.