

## Development Control Committee – 23 July 2018

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<b>Application Number:</b>	CM/0002/18
<b>Title:</b>	Use of land for storage of empty skips, empty containers and skip lorries
<b>Site Location:</b>	Chiltern View Nurseries Wendover Road Stoke Mandeville HP22 5GX
<b>Applicant:</b>	Mr J Bone Enterprise Skip Hire Chiltern View Nurseries Wendover Road Stoke Mandeville HP22 5GX
<b>Case Officer:</b>	Catherine Kelham
<b>Electoral divisions affected &amp; Local Member:</b>	Wendover, Halton and Stoke Mandeville Steve Bowles
<b>Valid Date:</b>	16 <sup>th</sup> January 2018
<b>Statutory Determination Date:</b>	13 <sup>th</sup> March 2018
<b>Extension of Time Agreement:</b>	30 <sup>th</sup> July 2018
<b>Summary Recommendation(s):</b>	

The Development Control Committee is invited to REFUSE application no. CM/0002/18 for the reasons set out below.

### Reasons for Refusal

1. The application has not adequately demonstrated that the proposed development would not cause significant and detrimental harm to wildlife. A full and appropriate survey has not been evidenced for Great Crested Newts, Reptiles, and other species. It has not been demonstrated how the loss of the brownfield site and ruderal/open mosaic habitat through clearance and replacement with hardstanding would be mitigated. It has also not been demonstrated that the proposed layout can conserve or enhance the biodiversity of the area, (and if necessary provide mitigation for Reptiles and Great Crested Newts) to ensure no net loss of biodiversity. (Contrary to Policies CS22 and CS23 of the Buckinghamshire Minerals and Waste Core Strategy and Paragraphs 14 and 118 of the National Planning Policy Framework 2012).

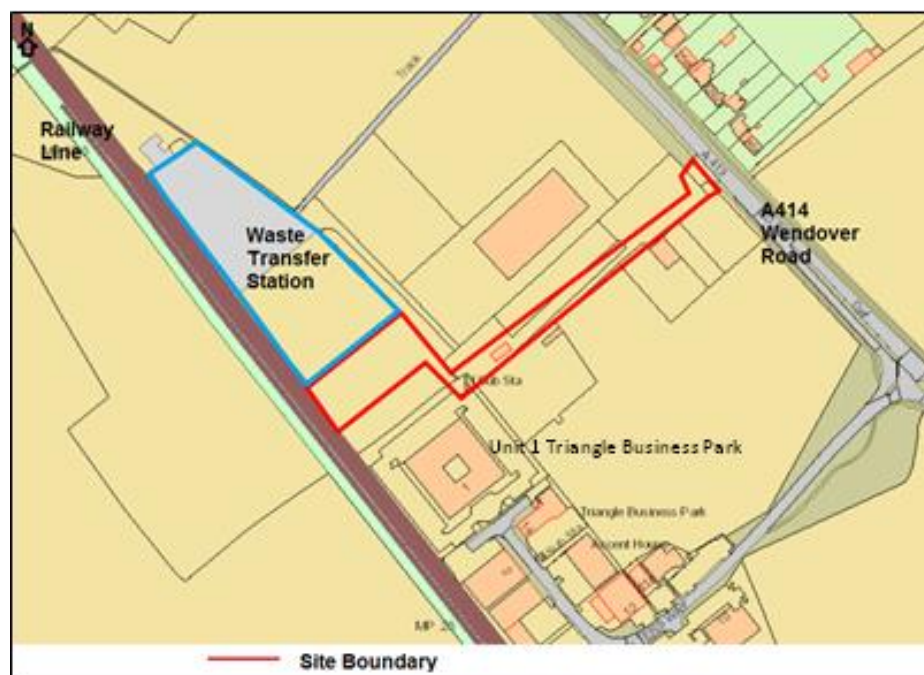


INVESTOR IN PEOPLE



## Site Description

1. The proposed development site is part of the Chiltern View Nurseries complex and shares the same access from the A413 (Wendover Road).
2. It is located to the west of the A413 (Wendover Road), alongside the Amersham branch of the Aylesbury – London railway line. It is approximately 1.1km to the southeast of Stoke Mandeville, approximately 1km to the southwest of Weston Turville and approximately 4.9km to the south west of the centre of Aylesbury.
3. To the north of the site, and part of the Chiltern View Nurseries complex is a Waste Transfer Station. To the southeast of the site is a carpark, also part of the Chiltern View Nurseries complex. Approximately 70m to the southeast of the site across the carpark is the Triangle Business Park. Unit 1, Triangle Business Park, the closest building to the site, was recently granted planning permission for the change of use from B1(a) office use to C3 residential use (AVDC Planning Reference: 18/00510/COUOR). To the east of the site is Chiltern View Nurseries glasshouses and retail area. The nearest existing residential property is located approximately 245m to the northwest of the site on Wendover Road. To the west of the site is the railway line, and then fields. The nearest property in this direction is Stoke House, a Grade II listed building, approximately 700m away.
4. The proposed development site falls within the Southern Vale landscape character area. This area is characterised as a large area of low-lying vale landscape with limited topographic variation. It contains transport corridors and large villages that due to the open nature of the area and the urban edge of Aylesbury break-down the rural character of the area. It is not located in close proximity to any nationally recognised environmental assets. The edge of Chilterns AONB is approximately 1.1km to the south-east of the site and the nearest asset of recognised environmental value is Weston Turville Reservoir SSSI, approximately 1.2km to the east of the site. This site is located within flood zone 1.
5. The location of the site (with the approximate application area outlined in red) is below:



## Site History

6. The most relevant planning history for the site and Chiltern View Nursery Complex is outlined below:

11/20002/AWD	Proposed change of use of former railway land and agricultural yard to waste and recycling transfer centre	Application permitted 16. September 2011
11/20006/AWD	Proposed waste recycling shed and revised layout	Application permitted 06. January 2012
12/20003/AWD	Proposed waste recycling shed	Application permitted 14 February 2013
	N.B. Development not implemented within three years of date of permission	
13/20002/AWD	Change of use of land from Agriculture to extension to waste transfer site	Application withdrawn 20. August 2013
13/20003/AWD	Extension to waste and recycling transfer station	Application permitted 03. February 2014
CM/69/14	Erection of Operational and Storage Sheds to serve Waste Transfer Station and Temporary siting of shipping containers.	Application permitted 02. December 2014
CM/63/15	Removal of Condition 10 of Planning Permission CM/69/14 (The Waste Recycling Process and Storage operation shall be undertaken solely under cover within the Operational & Storage Sheds and not elsewhere within open areas of the site.)	Application refused 07. April 2016
APP/P0430/W/16/3148503	Appeal against refusal of application CM/63/15	Appeal partially upheld 29. November 2016
CM/54/16	Retention of buildings as constructed with an extension to building B, erection of storage bays and the storage of skips.	Application withdrawn 11. January 2017
16/04039/APP	Erection of two storey office building and associated car park	Application approved 01. December 2017
16/04073/APP	Revisions to approved security gates (retrospective); extension to nursery car park; covered display area (retrospective) and proposed covered display area; storage area for pots, paving and fencing, proposed glass building; trees and shrubs growing and sales area and garden exhibition area	In the process of determination (AVDC)
17/03933/APP	Erection of team room building ancillary to the nursery	Application approved 12. January 2018
CM/0006/18	Operational development in respect of the introduction of concrete perimeter containment walls and changes to buildings A and B, External lighting. Change of use to include outdoor waste processing. Increase in height of stockpiles. Removal of staff car parking. Increase in HGV vehicular movements to 50 in and 50 out per working day. Change of hours of operation from: 08.00-18.00 Mon-Fri and 08.00-13.00 Sat to 06.30-18.30 Mon-Sat	<b>In the process of determination (BCC)</b>

## Description of the Proposed Development

7. Chiltern View Nursery are seeking permission for the change of use of the land to allow for the storage of empty skips, empty containers and skip lorries. As the land would be used in conjunction with the adjacent waste transfer station, I consider the application is a County Matter.

The land would be used for a purpose ancillary to the storing, processing, sorting and transferring of waste.

8. Contrary to the view expressed in the application form of the land being vacant and the last use of the site being for agriculture, I am of the view that the land formed part of the waste transfer station under application 13/20003/AWD and is marked as "Landscaped Area" on the site plan for extant planning permission for the land (see planning reference: APP/P0430/W/16/ 314 8503). Condition two of this planning permission required the development to be carried out in accordance with the approved plans and these show the landscape area and planting to the southeast of the waste transfer building.
9. The site, excluding the access road, has an area of 2117 square metres and is approximately 29 metres in width and approximately 73 metres in length.
10. In addition to the change of use, the applicant proposes to lay a concrete surface, place a new vehicle connection across the stream, erect six 8.5 metre high floodlights, construct a 2.4 metre high olive coloured palisade fence to enclose the site and erect a 3 meter high and 50mm thick acoustic barrier inside the fence on the southeast boundary and part of the northeast boundary of the site.
11. No vehicle movements in addition to those already permitted in association with the adjacent waste transfer station are proposed.
12. It is proposed that the skip lorries would only be parked during the waste transfer station non-operational periods. No hours of access to the site, or hours of operation when the skips and containers would be moved have been provided with the application.

### **Planning Policy and Other Documents**

13. 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.
14. The development plan for this area comprises of:
  - i. Adopted Buckinghamshire Minerals and Waste Core Strategy (BMWCS) 2012
  - ii. Adopted Buckinghamshire Minerals and Waste Local Plan (BMWLP) 2004-2016
  - iii. Adopted Aylesbury Vale District Local Plan (AVDLP) 2004
15. Other documents that need to be considered in determining this development include:
  - i. National Planning Policy Framework (NPPF)
  - ii. National Planning Policy for Waste (NPPW)
16. I consider the policies most relevant to this development are:

#### **Adopted Buckinghamshire Minerals and Waste Core Strategy (BMWCS) 2012**

- CS/LP1 Sustainable Development
- CS14 Safeguarding Existing and Potential Waste Sites
- CS19 Protection of Environmental Assets of Local Importance
- CS22 Design and Climate Change
- CS23 Enhancement of the Environment

## **Saved Policies of the Buckinghamshire Minerals and Waste Local Plan (BMWLP)**

- Policy 28 (Amenity)

## **Adopted Aylesbury Vale District Local Plan (AVDLP) 2004**

- GP.8 Protection of the Amenity of Residents
- GP.38 Landscaping of new development proposals
- GP.39 Existing trees and Hedgerows
- GP.40 Retention of Existing trees and hedgerows
- GP.95 Unneighbourly uses

17. The draft **Vale of Aylesbury Local Plan (2013-2033)** underwent “Publication Version” (Regulation 19) consultation between November and December 2017. The plan has been submitted to the Secretary of State for Communities and Local Government and examination commenced on 10th July. Whilst the draft plan is a material consideration, as it has not been though examination or been adopted by the council, it is still considered to carry little weight
18. The draft **Buckinghamshire Minerals and Waste Local Plan (2016-2036)** underwent “Publication Version” (Regulation 19) consultation between 5<sup>th</sup> March and 19<sup>th</sup> April 2018. The plan was submitted to the Secretary of State for Communities and Local Government at the beginning of June 2018 and it is anticipated that public examination will take place in September 2018. Whilst the draft plan is a material consideration, as it has not been though examination or been adopted by the council, it is still considered to carry little weight.

## **Consultation Responses**

19. The Local Member, **Steve Bowles**, has not commented on the application
20. **Aylesbury Vale District Council** has no objection to the proposed development.
21. **Stoke Mandeville Parish Council** objects to the proposed development. They consider there is no adherence to planning conditions for the use of this process which states that it should be undertaken in the covered area, the traffic movements are greater than those stated in a previous application, the traffic plans out of date and that containers on the site are concealing unauthorised operations from view.
22. **Weston Turville Parish Council** objects to the proposed development. They consider the conditions of the previous applications have not been adhered to, the current operations are generating noise and pollution which is disturbing local residents and increasing the scale and hours of operation would impact adversely on local residents.
23. The **BCC Highways Development Management Officer** has no objection to the proposed development subject to conditions.
24. BCC as **Lead Local Flood Authority** notes the proposed development would increase the impermeable area by 100% and that this would increase surface water runoff which could result in an increase in surface water flooding downstream. They are satisfied there is a workable drainage solution for the site and therefore have no objection to the development subject to conditions.
25. The Aylesbury **Environmental Health Officer** has not commented on this application. They did however comment on the application on the adjacent waste transfer station (CM/0006/18) advising of the change of use of Unit 1 Triangle Business Park and requesting further information. Comments on this application are expected and a verbal update will be provided to the Committee.
26. The **BCC Ecology Officer** advises that an inadequate up to date survey has been provided to allow Buckinghamshire County Council to confidently disperse our duty of due diligence with respect to the application. In particular, she considers there are a number of points, including the

impact to the young trees and ruderal/open mosaic habitat and surrounding hedges and protected species such as reptiles, birds and other protected species, and comments that mitigation and enhancement measures have not been identified.

27. **HS2 Safeguarding** has commented that the land is located outside the limits subject to the Phase One Safeguarding Directions.
28. **Network Rail** are concerned about the impact of noise from the site on the nearby level crossing workers accessing the railway, and the potential for ground works or surface water drainage and attenuation from the site impacting the railway line.
29. No comments have been received from **Chiltern Railways**.

## Representations

30. Six public representations have been received. Five of these representations object to the proposed development and one supports it.

The planning considerations within these are:

- Ability to process more waste
- Visual impact of shipping containers
- Impact of lighting for residential properties along Wendover Road
- Increased vehicle movements leading to additional traffic along Wendover Road
- Mud on the road
- Change in hours of operation leading to unacceptable noise impact
- Noise impact (bangs and clangs) from machinery moving about
- Effect on health associated with dust and air pollution
- Visual impact of litter dropped from lorries leaving the nursery site
- Loss of greenspace
- Disposal of surface water drainage discharging into an existing stream or ditch causing contamination
- Concerns over the safety and suitability of the site

31. It should be noted that several of these representations were submitted for both applications at the Chiltern View Nursery Complex and some of the comments within the representations appear to more directly link to the application for the proposed development at the adjacent waste transfer station (CM/0006/18).

## Discussion

32. I consider the main points to consider are:
  - Principle of the Proposed Development
  - Biodiversity
  - Noise
  - Lighting
  - Drainage and Contamination

## Principle of the Proposed Development

33. The proposed development seeks to alter the former 'landscaped area' of the Waste Transfer Station at the Chiltern View Nursery Complex to provide space to store the skips that are required for the Waste Transfer Station. I consider that the use of the land for the storage of skips would aid the waste transfer station in moving waste up the waste hierarchy. This movement of waste up the waste hierarchy is supported by the NPPW, BMWCS and BMWLP.
34. As the proposed development forms part of an existing waste management site and would re-develop part of the existing site, I consider it in compliance with policy CS14 of the BMWCS which seeks to safeguard existing waste sites within Buckinghamshire for waste management

purposes and policy CS10 of the BMWCS which supports extensions to and the re-development of existing waste management sites. In addition, the emerging Buckinghamshire Minerals and Waste Local Plan includes Aylesbury as an area of focus for sustainable waste management.

35. In summary, as there is policy support for the movement of waste up the waste hierarchy and use of this site for this waste management purpose, I consider the principle of the development is in accordance with local policies. There are however a number of site specific factors which must also be considered.

## **Biodiversity**

36. Policy CS22 of the BMWCS requires that waste development proposals demonstrate how a high standard of design would be achieved and how any adverse effects on and from climate change have been minimised though certain criteria. This encompasses, but is not limited to, maximising available opportunities, where appropriate, to increase the potential for biodiversity in accordance with Policy CS23 of the BMWCS. Policy CS23 of the BMWCS requires that waste development to incorporate measures to demonstrate enhancement of the environment. This includes how any existing biodiversity habitats would be enhanced and how opportunities would be taken to increase biodiversity. Taken together, these development plan policies support the NPPF in minimising impacts on biodiversity, and providing net gains in biodiversity where possible.
37. In addition, policy GP.40 of the AVDLP opposes the loss of trees, and policy GP.39 requires development affecting trees or hedges to be surveyed and conditions imposed to ensure the replacement of trees and hedgerows of amenity, landscape or wildlife importance.
38. A number of small trees (a mixture of oak, beech, lime, alder and silver birch) are currently growing on the application site as part of the extant planning permission on the land. Although small, and below the size that would be included within a tree survey, these were in leaf at the time of the site visit in June. In addition, a variety of other vegetation including grasses, teasels and members of the daisy family have grown between the trees. Although the landscaping was provided in the interests of the visual amenities in the local area, due to their size and location, I do not consider the trees currently have great amenity or landscape value. I do however consider that in association with the other vegetation on the site, they have some ecological benefit. This would be lost as a result of the proposed development.
39. The BCC Ecologist considers the impacts to protected species such as reptiles and birds and the wider impact on biodiversity though removing the young trees and ruderal/open mosaic habitat has not been taken into consideration, and that mitigation and enhancement measures have not been identified.
40. Under paragraph 118 of the NPPF, if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The applicant has been made aware of this issue, and that a Preliminary Ecological Appraisal is required. This would establish baseline conditions, determine the importance of ecological features present (or those that could be present) within the specified area, establish any requirements for detailed/further surveys and identify mitigation measures. I consider this is a proportionate approach and, if necessary, it can be expanded to include additional surveys on specific species and habitats. These additional surveys may however be time limited – all methods for surveying Great Crested Newts for example are time limited to between March and September.
41. With the current lack of information on the impact of the proposed development with regard to protected and other species, I am unable to ascertain whether the development would result in significant harm. Although effective use of land and the reuse of previously development land is supported, Buckinghamshire County Council still has a statutory duty to discharge in regard to the purpose of conserving biodiversity and preventing harm to protected species. Overall, I

consider the proposed development is contrary to policies CS22 and CS23 of the BMWCS. In addition, the loss of trees is opposed though policy GP.40 of the AVDLP and the loss of natural features is contrary to policy GP.38 of the AVDLP.

42. Furthermore, I am mindful of paragraph 119 of the NPPF which removes the presumption in favour of sustainable development where development requiring assessment under the Birds or Habitats Directives is being determined. The BCC Ecologist has highlighted the potential for protected species (birds and reptiles) on this site and also for Great Crested Newts in the vicinity of the site. She advised that inadequate up-to-date survey information has been provided to allow Buckinghamshire County Council to confidently discharge our duty of due diligence with respect to the application. I therefore cannot recommend the application is approved.

## Noise

43. Policy 28 of the BMWLP seeks to protect the amenity of those who may be affected by waste developments. The policy states that planning permission will not be granted for proposals that are likely to generate significant adverse levels of disturbance from noise as well as other nuisances. Similarly, policy CS22 of the BMWCS seeks to minimise noise and other pollution from development while policy GP.8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. Furthermore, GP.95 of the AVDLP states that development which exacerbates any adverse effects of existing uses will not be permitted.
44. Concern has been raised over noise and comments are expected from the District EHO. A verbal update will be provided to the Committee.
45. The proposed development would be much closer to the Triangle Business Park than the existing operations taking place on the waste transfer station. Due to the nature of the proposed operations, I consider it likely that banging and clanging noises (impact type noise) are likely to be generated from the movement and stacking/unstacking of skips. Concern has also been raised by members of the public with regard to noise impact of the development.
46. Since the site started operating as a waste transfer station (September 2011), a change of use from offices to residential use was granted for Unit 1 Triangle Business Park (April 2018, application reference number 18/00510/COUOR). This is approximately 50 metres to the south east of the application site across a carpark. As set out in the policies above, planning decision should aim to avoid noise from giving rise to significant adverse impacts and mitigate and reduce adverse noise to a minimum. In addition to this, in accordance with paragraph 123 of the NPPF, decisions should also recognise that development will often create some noise and existing businesses wanting to develop in continuance of the business should not have unreasonable restrictions put in them because of changes in nearby land uses since they were established.
47. Following a Noise Impact Assessment, the submitted report recommends that a 3 metre high acoustic barrier with a minimum surface density of 15 kgm<sup>-2</sup> is erected to the southeast boundary and part of the northwest boundary of the proposed skip storage area to prevent a significant adverse impact at Unit 1 Triangle Business Park. The exact details of the acoustic barrier have not been submitted but these could be obtained via condition. With the acoustic barrier in place, the technical assessment indicates there would be a low impact above the background level noise at Unit 1 Triangle Business Park.
48. Part of the noise associated with the movement of skips is the from loose chains hitting the skips and/or vehicle frame, it is therefore also recommended that the chains are isolated using a resilient layer (for example flexible rubber tube or thick fabric layer) to mitigate the metallic impact sound as the metal chains come into contact with other metal surfaces. I consider this could be controlled via condition.



49. Although no hours of operation have been provided, as the storage area is for use in association with the existing waste transfer station, I consider the hours of operation should be limited to the same as those at the waste transfer station (currently 08.00-18.00 Monday to Friday and 08.00-13.00 Saturday). I consider this can be controlled by condition.
50. Network Rail has expressed concern about the impact of noise on the nearby level crossing. This appears to be approximately 450 metres to the south-east of the site, to the far side of the Triangle Business Park. It is shielded by the buildings of the business park. Although no noise assessment has been made at this location, I am satisfied that due to its location, distance from the site and proposed acoustic barrier, the level crossing is unlikely to be effected by operations on the site.
51. No comments have yet been received from the District EHO on the noise impact assessment or the suitability of the proposed mitigation measures. A verbal update will be provided to the committee on this matter. I do not however consider the information would alter the existing recommendation for refusal.

## **Lighting**

52. As above, Policy 28 of the BMWLP seeks to protect the amenity of those who may be affected by waste developments. The policy states that planning permission will not be granted for proposals that are likely to generate significant adverse levels of the disturbance from lighting as well as other nuisances. Similarly, GP.8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal.
53. No comments have been received from the District EHO or Network Rail on this matter, though the impact of lighting on the amenity of local residents has been raised in public representation.
54. No lighting is currently erected in this section of the site. The six proposed lighting columns would be 8.5 metres high, 300 watt swivel floodlights with 25 metres maximum range. No information on brightness (i.e. lumens) has been provided, though I believe a light requiring 300 watts of power is likely to produce a considerable output. It is unclear what the light spill of such a scheme would be and what this impact may or not be. I therefore cannot conclude that from a lighting perspective, the proposed development is in accordance with policy, or that it would not have a significant adverse impact of local residents or wildlife.
55. As currently the impact of the lighting on the amenity of nearby residential dwellings and the wider area cannot be assessed, I recommend that should the application be permitted, a condition preventing any lighting on the site is imposed. If in the future the applicant wished to erect lighting on the site, they would be able to submit an application (accompanied by a lighting assessment and information on the brightness and spill of the lights) to vary the condition.

## **Drainage and Contamination**

56. Policy CS22 of the BMWCS requires development to demonstrate how a high standard of design would be achieved and how any adverse effects on and from climate change would be minimised. This includes how the development seeks to reduce flood risk from all known sources, including surface water and avoiding or minimising adverse impacts on the water environment and the possibility of pollution. In addition, policy CS19 of the BMWCS seeks to prevent development that would have a significant adverse effect on the character, appearance or intrinsic environmental value of locally important sites and spaces including water resources.
57. The applicant has proposed a concrete surface for the skip storage area. In subsequent emails, it has been suggested by the agent that recycled road scalplings and crushed concrete could be used as an alternative surface. No formal amendment to the application has been received. As the crushed concrete and road scalplings are likely to compact, and no evidence has been

provided to the contrary, both surfaces are considered to be impermeable. As such, it is considered there would be a 100% change from permeable to impermeable surface on the proposed location of the skip storage area.

58. The applicant has proposed to discharge into the existing ordinary watercourse to the north of the development site at an unrestricted rate. It is however understood that the ordinary water course forms an attenuation pond before it flows under the railway to the west of the site. In addition, the porous subbase beneath the concrete may provide a small amount of attenuated water storage. Drainage from the site would not be towards the railway line and is understood that it would not be discarded on Network Rail's property, culverts or drains. I do not consider that this method of surface water drainage would cause significant adverse effects on the character, appearance or intrinsic value of the stream.
59. Concern has however been raised over the potential contamination of the existing stream by surface water drainage and I am mindful that it may impact the stream. It is however proposed that only empty skips, empty containers and skip lorries would be stored on the site. I consider this significantly reduces the potential source of pollution. In addition, it is proposed to install yard gullies to trap any silt from the lorries and skips. In order to further reduce the risk of polluted runoff into the stream, I believe it would be appropriate to prevent the washing out of skips and containers, or cleaning of lorries in the storage area. I am satisfied this could be secured by condition.
60. To ensure the proposed development would not increase the flow rate in the ordinary water course as this may increase flooding elsewhere, the LLFA officer considers the applicant should provide details of the existing attenuation pond including the discharge rate to the culvert. Network Rail also requires details of any changes associated with the surface water attenuation pond. In addition, the LLFA officer considered details of the maintenance and management, including clearing the yard gullies which are design to trap silt from the lorries and skips, should be submitted as a condition of development to ensure the long term success of the surface water drainage system.
61. I am mindful of the view of the LLFA that a workable drainage solution which would reduce flood risk exists. I am also mindful of the presumption in favour of sustainable development set out in the BMWCS and NPPF. I therefore consider that, subject to the conditions recommended by the LLFA, the proposed development would be in accordance with Policies CS19 and CS22 of the BMWCS.

## **Other Matters**

62. As outlined above, several policies, including policy 28 of the BMWLP and policies GP.8 and GP.95 of the AVDLP, seek to protect the amenity of existing occupiers, not exacerbate any existing adverse effects and avoid significant disturbance as a result of development.
63. Some concerns have been raised over the visual impact of the development and the shipping containers which are visible from Wendover Road. I believe this point pertains more to the application on the adjacent waste transfer station (CM/0006/18). I do not consider this proposed development would be easily visible from Wendover Road as it would be behind the bulk of the nursery buildings. From Triangle Business Park, the current view is through a hedge onto a car park area and the rear of the waste transfer station building. Should the proposed development be permitted, a 3 meter high acoustic barrier would be erected along the boundary of the site. This is likely to exceed the current height of the hedge and so would be visible from the business park. Policy GP.38 of the AVDLP states that applications for new development schemes should include landscaping proposals to help buildings fit in with, and complement their surroundings, and conserve existing natural and other features of value far as possible. Although the proposed development on this site would not constitute a building, I consider the same principle applies. With a scheme to soften the visual impact of the 3 metre height acoustic barrier in place, I consider

that in terms of visual amenity, the proposed development is in accordance with policy 28 of the BMWLP and policies GP.8 and GP.95 of the AVDLP.

64. Concern has also been raised over the impact of dust on the amenity of residential dwellings along Wendover Road, increased traffic along Wendover Road, deterioration in air quality in the area and litter dropped from skips on routes to the proposed development site. It is understood from the application that all skips, containers and vehicles would move in and out of the site as part of the waste transfer operation already permitted in the Chiltern View Nursery Complex. The proposed use of the area of land for skip storage would therefore not generate any more vehicle movements. In addition, no processing is proposed as part of this application. The proposed development is therefore considered unlikely to have much impact from a highway safety perspective, or exacerbate dust, noise, litter, air pollution or traffic on routes to and from the site. I am also satisfied that the assertion in the application that no vehicle movements would be generated can be controlled by condition. I therefore consider the proposed development is in accordance with policy CS22 of the BMWCS, policy 28 of the BMWLP and policies GP.8 and GP.95 of the AVDLP.

65. Both Stoke Mandeville Parish Council and Weston Turville Parish Council have commented that there is no adherence to existing planning conditions on the site. This is considered to be an enforcement matter and as such, is not a material planning consideration when determining this application.

66. Section 149 of the Equality Act 2010 states:

- 1) *A public authority must, in the exercise of its functions, have due regard to the need to-*
  - a. *Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
  - b. *Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
  - c. *Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

It is considered this proposal would not conflict with the requirements of the Equality Act 2010 or the Council's policy on equality.

## Conclusion

67. This application seeks to use the landscape area of the existing waste transfer station for the storage of empty skips, empty containers and skip lorries.

68. Local planning authorities are required to approach decision-taking in a positive way to foster the delivery of sustainable development. In this instance, the County Planning Authority has:

- Agreed several extensions of time to enable the applicant to provide additional information in order to overcome objections regarding drainage and concern over noise.
- Arranged a meeting between the applicant and the BCC Sustainable Drainage Officer to discuss drainage at the site.
- Communicated the reason for refusal to the applicant, outlined the information required to overcome this issue and provided information on when a withdrawn or refused application is eligible to be re-submitted as a 'free-go'.

69. I consider the principle of the development in aiding the movement of waste up the waste hierarchy and extending the operations on an existing waste management site, is supported through policy. Although there are some site specific issues including lighting and drainage, I am satisfied these can be controlled via condition to make the development acceptable. A verbal update will be provided to the committee with regard to noise.

70. The proposed development would however require clearance of a former landscape area which has been planted with trees and allowed to regenerate as a brownfield site with ruderal/open mosaic habitat. A lack of survey information means that it is not possible to establish the significance of this loss. I am also mindful of the comments from the BCC ecologist regarding the potential for protected species such as reptiles in the ruderal/open mosaic habitat and wild birds in and around the site. I consider the impact on biodiversity has not been minimised and no net gains in biodiversity have been proposed or identified by the applicant. This is contrary to policy CS22 and CS23 of the BMWCS and paragraph 109 of the NPPF. In accordance with paragraph 119 of the NPPF which states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined, I recommend the development is refused.