

REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/02959/APP	BUCKINGHAM	22/08/18
DEVELOPMENT OF A DRIVE-THRU RESTAURANT (CLASS A3/A5) WITH ASSOCIATED CAR PARKING AND LANDSCAPING WORKS. THE RECONFIGURATION OF PART OF THE WIDER CARPARK AND THE RELOCATION OF THE CLICK AND COLLECT FACILITY.	The Local Member(s) for this area is/are: - Councillor Robin Stuchbury Councillor Howard Mordue	
LAND ADJACENT TO TESCO STORES LTD LONDON ROAD MK18 1AB		
TESCO LTD.		
STREET ATLAS PAGE NO.52		

1.0 The Key Issues in determining this application are:-

a) The planning policy position and the approach to be taken in the determination of the application

b) Whether the proposal would constitute a sustainable form of development

- Sustainable Location
- Principle of Development
- Building a strong competitive economy
- Promoting sustainable transport
- Conserving and enhancing the natural environment
- Making effective use of land
- Achieving well designed places
- Meeting the challenge of climate change and flooding
- Supporting high quality communications

c) Impact on Residential Amenity

d) Other Matters

The recommendation is that permission be **GRANTED** subject to conditions.

CONCLUSION AND RECOMMENDATION

This application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the overarching objectives of the NPPF and whether the proposals deliver sustainable development. In this case the Buckingham Neighbourhood Development Plan (BDNP) is an up to date neighbourhood plan that contains policies relevant to the determination of this application. It is part of the development plan, and S38(6) requires that

the development plan is the starting point in decision making, where applicable.

Whilst it is acknowledged that the proposal does result in the loss of existing landscaping and trees, it is considered that these have been kept to a minimum with removal being only where its required to accommodate the development. A revised landscaping scheme will be conditioned to ensure the details sought by the Arboriculturalist to ensure the viability of any new planting and the trees to be retained will adequately protected. Whilst it is acknowledged that the proposal results in a shortfall of parking, it is considered that the proposed development would unlikely have an impact on the highway safety and convenience on the adjoining highway. Officer's therefore do not considered that the reason for refusal could be sustained on this reason alone.

The proposed development is considered to achieve safe and suitable access, minimising any potential conflict between highway users. The building seeks to be sited an area of Buckingham which is predominately commercial in nature, the scale, height and design of the building would not appear at odds with the surrounding area. Adequate spacing and separation distances are to be retained between the proposed development and nearby residential dwellings to ensure the proposal does not result in any significant harm in respect of residential amenity.

Having regard to prevailing policy it is considered that the development would accord with the aims of the BDNP, the saved policies of AVDLP, the emerging VALP policies and the advice within the NPPF. As such it is recommended that this application be **APPROVED** subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The materials to be used in the development shall be as indicative on approved drawing no. 6988-SA-8381-P005 A.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

3. No works other than demolition shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary, demonstrating that water quality, ecological and amenity benefits have been considered.
- Existing and proposed discharge rates and volumes for the proposed surface water system and wider network
- Construction details of all SuDS and drainage components
- Drainage layout together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus 40% climate change storm event should be safely contained on site.

- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance.
- Details of proposed overland flood flow routes in the event of system exceedance or failure with demonstration of the flow direction.
- Rainwater Collection

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

4. Works on site shall not commence until details of the proposed means of disposal of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: The pre-commencement condition is required to ensure there is capacity within the existing network to support the proposed development and ensure the scheme can adequately drain in accordance with policy I5 of BDNP and the advice within the NPPF.

5. The development shall not be commenced until or unless the trees shown for retention on the approved plan No.9915 TPP 01 Rev B B have been protected by the erection of a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the TREE PROTECTION PLAN. The protection measures referred to above shall be maintained during the whole period of site excavation and construction.

The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, in particular:

- There shall be no changes in ground levels;
- No materials or plant shall be stored;
- No buildings or temporary buildings shall be erected or stationed unless these are elements of the agreed tree protection plan;
- No materials or waste shall be burnt; and
- No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority

Reason: In order to minimise damage to the trees during building operations and to comply with policy DHE1 of Buckingham Neighbourhood Development Plan, policy GP38 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

6. Notwithstanding the development hereby approved, no development shall take place on the building hereby permitted until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; where relevant. For soft landscape works, these details shall include how the scheme will maximise benefits to biodiversity, new trees and trees to be retained showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft

landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

Reason: To ensure a satisfactory appearance to the development and to comply with policy DHE2 of the Buckingham Development Neighbourhood Plan, policy GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

7. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy GP35 and GP38 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

8. Prior to the initial occupation of the development hereby approved, space shall be laid out within the site for parking and manoeuvring in accordance with the approved plans. This area shall be permanently maintained for this purpose.

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 GP24 of Aylesbury Vale District Local Plan, Parking Guideline SPG and the advice within the National Planning Policy Framework.

9. No development shall commence until a Construction Transport Management Plan, to include details of:

- Parking for vehicles of site personnel, operatives and visitors.
- Loading and unloading of plant and materials
- Storage of plant and materials
- Programme of works (including measures for traffic management)
- HGV deliveries and hours of operation
- Vehicle routing
- Measures to prevent the deposit of materials on the highway
- On-site turning for construction vehicles

Has been submitted to and approved in writing by the Local Planning Authority. The development there after shall be carried out in accordance with the approved details.

Reason: To minimise danger and inconvenience to highway users. This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the highway and of the development and to comply with the advice within the National Planning Policy Framework.

10. Prior to the occupation of the development hereby permitted a Servicing Management Plan (SMP) which fully details delivery and servicing arrangements for the site (including servicing hours) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved plan and maintained as such thereafter.

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 and to comply with the advice within the National Planning Policy Framework.

11. Notwithstanding the development hereby approved, the 1.8 metre high perimeter fencing shall not be installed. Prior to the initial occupation of the development hereby approved, details of all screen and boundary walls, fences and any other means of enclosure must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the building hereby approved shall not be occupied until the approved details have been fully implemented.

Reason: To ensure that the development does not result in any adverse impact on the character and appearance of the local area or cause highway safety concerns and to comply with policy GP35 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

Informative(s)

- 1) If during the development works contamination is encountered which has not been previously identified the Environmental Health department must be contacted immediately at envhealth@aylesburyvaledc.gov.uk. Works must cease on site until an appropriate remediation scheme is submitted to and agreed in writing by the local planning authority. Failure to remediate site contamination during development could result in serious long-term health impacts to future users of the development.
- 2) For the avoidance of doubt, details relating to advertisement and their location do not form part of this application. Advertisements are subject to separate legislation and where appropriate, advertisement consent will be required.

2.0 INTRODUCTION

2.1 The application needs to be determined by committee as the town council has raised material planning objections and confirms that they will speak at the Committee meeting. Due the course of the application Buckingham Town Council have made extensive comments regarding a number of different material planning considerations. These broadly relate to highway matters, parking, residential amenity, loss of landscaping, drainage and operations of the business.

2.2 Whilst it is acknowledged that the proposal results in a shortfall of parking, it is considered that the proposed development would be unlikely to have an impact on the highway safety and convenience on the adjoining highway. It is regrettable that all of the existing landscape cannot be retained, particularly within the landscape buffer, however the remaining strip will be bolstered providing a continuous boundary along the outer perimeter of the site retaining adequate mitigation and preserving the character of the area. The proposal will be located a sufficient distance from residential dwellings to ensure the proposal does not result in any significant harm in respect of residential amenity. LLFA have been consulted as part of this proposal and raise no objections on the grounds of flooding. A condition will be imposed ensuring that adequate details of surface water and foul drainage to be submitted to and approved in writing by the Local Planning Authority.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The application site is located off London Road (A413), approximately 1.6km southeast of Buckingham Town Centre, and forms part of the land associated with the Tesco superstore and is located to the south of the A421. The vehicular access to the site, as with the current Tesco development, is via a roundabout on London Road (A413), which also serves an area of new residential development know as Lace Hill to the east and the newly constructed Lidl Store, including additional commercial development
- 3.2 The site is bounded by the A421 to the north with residential uses beyond and by London Road (A413) to the east beyond which lies the aforementioned retail, commercial and residential units, including the Shell petrol station, directly adjacent to the site. To the south is an access road leading to the Tesco service yard beyond which to the south and west lie employment units.
- 3.3 The site is note located within a Conservation and does not contain any listed buildings. The site is located within Flood Zone 1 (low probability of flooding).

4.0 PROPOSAL

- 4.1 This application seeks full planning permission for the erection of a drive-thru restaurant (use class A3/A5) with associated car parking (28 spaces), outdoor seating in a patio area, external play area and landscaping. The proposal seeks to be erected on previously developed land currently associated with the Tesco superstore, with this land at present being used for car parking and a click and collect facility. As part of the proposed development a small section of the existing car park, adjacent to the existing superstore, will need to be reconfigured with the existing click and collect facility being relocated within this area. The click and collect facility will be relocated and sited between the proposed drive-thru restaurant and Tesco, to the east of the existing superstore. The proposed site layout shows the relocated click and collect to follow the same layout as the existing arrangement, only in a different location. The click and collect facility would comprise of a small unit, two vehicle bays for customers using the facility and a van loading bay.
- 4.2 The proposed building is to be two stories in height, with a footprint of 320sqm. It is to comprise the main counter, kitchen, back of house facilities and disabled toilet, along with some dining on the ground floor, whilst the main dining area is to be located on the upper floor alongside the staff room, staff changing rooms and male and female toilets.
- 4.3 The proposed drive-thru restaurant is to operate on a 24 hour basis and will employ 65 members of staff.

5.0 RELEVANT PLANNING HISTORY

94/00465/APP - Jet wash area in filling station site - Approved

97/01266/APP - extension to retail food store – Withdrawn

98/00165/APP - proposed new footpath into site from the ring road – Approved

98/00236/APP - extension to food retail store – Approved

03/02869/APP - Erection of homeshop delivery area and canopy – Approved

04/01359/APP - Extension to provide dot-com facility, bulk store extension and jet wash – Approved

04/02549/APP - Installation of car wash and relocation of Jet Wash – Approved

06/01675/APP - Installation of ATM – Approved

08/00904/APP - Demolition of car wash and erection of new car wash centre – Refused

- 08/01376/APP - Installation of lobby screen at front entrance – Approved
- 10/00360/APP - Extension to Tesco Stores to create floorspace, access improvements, car park extension and alteration and associated works – Approved
- 13/01760/APP - Installation of pod with Canopy – Approved
- 13/03245/APP - Change of use for nine parking spaces to hand car wash and valeting operation including installation of an office and erection of a canopy. – Approved
- 13/03511/APP - Installation of dry cleaning, key cutting, shoe and watch repairs pod – Withdrawn
- 14/01370/APP - Installation of Dry Cleaning, Key Cutting, Shoe & Watch Repairs Pod to Class 1 Retail Premises. – Withdrawn
- 14/01841/APP - Replacement trolley bays from metal framed ones to Timber framed ones, new timber slat wall cladding adjacent the entrance. – Approved
- 14/03420/APP - Single storey rear extension to existing Dotcom facility, provision of a ramp and erection of a new 4 bay van loading canopy; extension to the existing service yard and erection of a 3.6 m high fence. – Approved
- 16/02038/APP - Installation of sprinkler tank and pump house within service yard. – Approved
- 16/03870/APP - Installation of dry cleaning, key cutting, shoe & watch repairs pod to front of store – Approved
- 17/02605/APP - Replacement of external doors, installation of roller shutter and installation of car park barrier. - Approved

Signage applications relating to the proposed development:

- 18/02970/AAD - Installation of 7no. Building fascia signs – Pending Consideration
- 18/02972/AAD - Installation of 1no. drive totem (6M), 2no. single sided directional sign 'Right Arrow', 1no. single sided directional sign 'Ahead Arrow' and 1no. appendage on existing Tesco monument sign - (5 total) – Pending Consideration
- 18/02976/AAD - Various site signage including 1 no. gateway height restrictor, 9 no freestanding signs, 2 no. banner units, 1 no. side by side directional, 23 no. DOT signs and 1no. play land sign – Withdrawn
- 18/04235/AAD - Site signage suite to include digital signs; various site signage including 4 no. freestanding signs, 2 no. banner units, 4 no. dot signs, 1 no. digital booth screen and 1 no. play land sign – Pending Consideration

6.0 PARISH/TOWN COUNCIL COMMENTS

- 6.1 Buckingham Town Council: Objects to the proposed development for the following reasons:
- 6.2 13/09/18:- *“Members could see no good reason for 24-hour opening, especially as Tesco closed at midnight, and suggested that 6am to midnight would be less disruptive for the neighbouring housing. CCTV surveillance was also requested. There was no information on the re-siting of the Click & Collect booth currently occupying 12 parking spaces on this site, which together with other concessions and this proposal would remove approximately 25% of the car parking.*

The entrance roundabout on the A413 would also be serving 50% of the residents of Lace Hill, customers and deliveries for the Lidl, Premier Inn, Beefeater and Costa, and the Care Home and proposed medical centre. Members questioned the adequacy of the access arrangements and the effect on the bypass roundabout. A traffic impact assessment was requested. To aid direct pedestrian access from the town, the surfacing of the desire line path in the embankment facing the bypass - included in previous Tesco proposals but not implemented - should be added to the plan. McDonalds should also consider employing litter-picking staff in a wide area centred on the restaurant and possibly sponsored litterbins (their responsibility to empty) fitted to separate recyclable and non-recyclable containers”.

6.3 07/02/2019:- “Members considered the additional documents supplied. Taking the response to comments made:

- A revised response from the LLFA is awaited; local knowledge on the drainage and attenuation systems in this site shows a long history of problems with the pipe work and attenuation tank and flooding in the London Road south of the Swan Pool.
- The additional attenuation tank space is welcomed but the outflow rates must be monitored to avoid flooding the ditch.
- Assurance was also sought on foul water disposal; customers will use the washing and toilet facilities, as will the kitchen putting further strain on the site's water supply and drainage.
- Members pointed out that there is already permission for nearly 400 new houses and that a new application for 420 was considered earlier in the evening. Even if the new Lidl takes some of the household shopping traffic, the car park at Tesco will need to be much bigger to cope.
- The Click & Collect booth required 12 parking bays when its application (13/01760/APP) was submitted, not the 10 quoted; Members await a drawing showing where it will be re-sited, together with the other concessions already occupying parking spaces.
- Councillors would also like to know what the applicants consider 'peak hours' for the phased deliveries as peak traffic times cover school traffic, local working times and out-commuting vehicles (which extend the peak at each end of the day). Traffic volumes along that stretch of the London Road will increase as the Lidl is to be followed by a Beefeater, Premier Inn and drive-through Costa, plus a care home and medical centre intended to serve the whole town all off the same junction - plus an estimated 50% of the residential traffic of the housing estate. The roundabout at the Tesco entrance suffers from inadequate width for northbound traffic to separate Tesco traffic from straight-ahead and the pedestrian-controlled crossing a short distance after it can cause backing up with the existing numbers of vehicles. Members advocated the installation of a road counter for several weeks to provide actual figures for traffic flow and queue lengths.
- How is sufficient parking space for the delivery vehicle(s) expected to be reserved - how many customer bays will be coned off, and for how long? Will a delayed delivery be retimed, or allowed to deliver on arrival, however much this encroaches on 'peak hours'? What if the driver is required to take a statutory break on arrival and occupies the space for longer than planned?
- Members reiterated their request that the desire line from the bypass crossing (clearly shown on the Landscape Master Plan) be formalised into a paved footpath, with associated pedestrian crossing points within the site both to the proposed McDonalds and towards the Tesco store. The applicants may think that schoolchildren will not form much of a clientele, but they do walk up to Tesco to buy lunch items and after-school snacks (hence the desire line) so they may also visit a

McDonalds if available. Furthermore all the new development plans make much of a switch to walking and cycling for their eventual residents which makes the site even more accessible time wise.

- This is a rural area with a poor bus service; young people learn to drive as soon as they can. Villages are often too far - and the roads not ideal- for staff to cycle or walk from. McDonalds may hope to recruit their entire staff from the town, but this is hard on the residents of surrounding villages who will have no allocated parking on the McDonalds site, and no chance to park in the (time-limited) Tesco car park. Nor have McDonalds apparently considered secure undercover cycle parking for those members of staff who can cycle to work.*

Members invited the applicants to a meeting to discuss these points”.

- 6.4 28/03/19:- *“Members felt that the applicants had failed to grasp the realities of rural transport; certainly the X5 and X60 stopped by the site, but the X5 does not have any stops between Buckingham and Bicester on the Oxford service, or Buckingham and Milton Keynes on the Cambridge service. It is therefore no use to anyone living in the area unable to walk or cycle to work. The X60 was slightly better, in that it had some stops within the town area, but the only adjacent village served (two-hourly, not on Sundays) was Maids Moreton. A considerable part of the west of the town and many of the nearby villages have no bus service, or not a daily one, or one which runs at suitable times for the employed. Those staff members who could cycle to work would certainly appreciate covered cycle racks or an indoor storeroom. Otherwise those old enough to drive probably will and therefore need parking space. The complacent attitude about the increasing number of residents and the pressure of traffic to be expected when the sites on the east of London Road were under construction, and then occupied, was criticised. Councillors are aware that the desire line pathway is outside the boundary of the Tesco site; however it is currently well used, particularly by schoolchildren taking the shortest way into Tesco's, and no fencing or planting has been installed to prevent this. At present it gives onto an area of car park; under this proposal it gives on to the roadway used by customers; either way children are at risk once within the site if no measures are put in place to safeguard them or prevent the use of the informal access”.*
- 6.5 04/07/2019:- *“Members welcomed the response on the desire line path, and other accommodations following the April meeting with the applicants, but regretted the loss of trees, which they felt could have been reduced by a realignment of the roadways”.*

7.0 CONSULTATION RESPONSES

- 7.1 Ecology: Raised no objection – it is considered that there is not reasonable likelihood of protected species being affected by this development. Therefore no supporting ecological information is required.
- 7.2 Buckingham & River Ouzel Internal Drainage Board: Raised no comments
- 7.3 Environmental Health: Raised no comments
- 7.4 Economic Development: welcomes the creation of jobs & training (would like to understand the breakdown between full-time and part time jobs); development seeks to diversify existing Tesco site; proposal seeks to reduce parking spaces and would like to ensure this does not have a detrimental impact and would like evidence to demonstrate how the development will not have an adverse impact on the vitality and viability of the town centre.
- 7.5 SUDs: Raised no objections subject to conditions requiring details of surface water drainage scheme. The development will increase the impermeable area of the site and subsequently increase surface water runoff. Surface water runoff will be attenuated within a cellular crate prior to discharging into the existing Tesco drainage connection. The

application has provided calculations to demonstrate the required storage capacity has been provided to account for the additional surface water runoff created by the proposed development.

- 7.6 Landscape: The proposed development could not go ahead without substantial loss of existing peripheral screen planting as well as existing internal planting, and there is insufficient space for effective replacement planting. It is considered that the site is too small to allow for the amount of redevelopment proposed without wider visual intrusion. Reducing the screening along the London Road boundary would open up views to the rest of the supermarket site as well as the proposed drive-thru restaurant and associated parking. The proposals are likely to have an adverse landscape impact with limited scope for mitigation.
- 7.7 Further comments received 26.02.19: There is some improvement in mitigation internally but it is insufficient to remove previous concerns about views from outside the site.
- 7.8 Arboricultural Officer: Objection – The impacts of the scheme are primarily related to tree loss, and this is considered to amount to significant harm. Compensation for the loss of trees has been proposed in the form of new planting, but this has not been demonstrated to offer commensurate levels of canopy cover or amenity, and there is no information to suggest that the trees will establish and be feasible in the long term.
- 7.9 BCC Highways: Raised no objection subject to conditions requiring parking and manoeuvrability to be laid out, construction management plan & a servicing management plan. Initial concerns were raised by BCC Highways with the key matters being the calibration of the queues did not represent the situation on the ground; the capacity of the drive-thru based on the average queue length and the use of 4.5m long saloon car; potential implementation of planning permission ref: 10/00360/APP. Further information was submitted in order to overcome these concerns.
- 7.10 Recycling & Waste: Request a vehicle tracking plan in the proposed layout. Vehicle tracking plan indicates satisfactory vehicle manoeuvrability within the site to be development and demonstrates that it has been designed to include efficient recycling and waste collection round, based upon the operating standards and vehicle dimensions.

8.0 REPRESENTATIONS

8.1 As part of this application a number of third party representations were received raising the following material considerations:

8.2 Objections: 11

- Increase in traffic
- Not in keeping with the historic market town
- Will result in loss of business to other facilities
- Littering & Vermin
- Alternative sites available
- Health issues (obesity)
- Loss of House Value
- Strong food smells
- Close proximity to new residential area
- Increased pedestrian crossing will result in risk taking at light controlled junction
- 24 hour nature of development with regard to residents and anti-social behaviour
- Removal of trees
- Increase in noise
- Impact on Tesco carpark
- Inadequate replacement planting scheme

8.3 Supports: 6

- Currently travel to Milton Keynes or Bicester for McDonalds
- Would be successful with growth of Buckingham
- There are no residential properties directly adjacent
- Somewhere that residents will want to visit
- Due to location no additional noise should be generated.
- Next to a busy road so would be used by passing traffic or Tesco users.
- Supports Buckingham's economy (creation of jobs)
- Family friendly restaurants are needed in the area

9.0 EVALUATION

a) *The planning policy position and the approach to be taken in the determination of the application*

9.1 Members are referred to the Overview Report before them in respect of providing the background information to the Policy. The starting point for decision making is the development plan, i.e. the adopted Aylesbury Vale District Local Plan (and any 'made' Neighbourhood Plans as applicable). S38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF.

Neighbourhood Plan

9.2 The Buckingham Neighbourhood Development Plan (BNDP) was 'made' in 2015. A number of BNDP policies are relevant to this application and will be considered in the following evaluation:

- DHE1 – Protect existing trees and provision of trees in development.
- DHE2 – Standard of ecological information required to minimise the impact on natural habitats.
- DHE5 – Biodiversity in Development Landscaping
- I1 – New disabled access requirement for new pedestrian routes
- I5 – Sewage Management

Aylesbury Vale District Local Plan (AVDLP)

9.3 A number of saved policies within the AVDLP are considered to be consistent with the NPPF and therefore up to date so full weight should be given to them. Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies. Those of relevance are GP8, GP24, GP17 GP35, GP38 – GP40, GP45, GP95 and BU3. They all seek to ensure that development meets the three objectives of sustainable development and are otherwise consistent with the NPPF.

Emerging policy position in Vale of Aylesbury District Local Plan (draft VALP)

9.4 A number of policies within the VALP (as modified October 2019 – all references to VALP hereafter refer to this edition) following the main modification consultation which started on the 5th November 2019, are now afforded some weight in the decision making process.

Consideration therefore needs to be given to whether the proposal is in accordance with or contrary to these policies.

- 9.5 Those of particular relevance are S1 Sustainable development for Aylesbury Vale, S2 Spatial Strategy for Growth, S3 Settlement Hierarchy and Cohesive Development, S5 Infrastructure, S7 Previously Developed Land, E5 Development Outside Town Centres, T1 Delivering the Sustainable Transport Vision, T4 Capacity of the Transport Network to Deliver Development, T5 Delivering Transport in New Development, T6 Vehicle Parking, T7 Footpaths and Cycle Routes, T8 Electric Vehicle Parking, BE2 Design of New Development, BE3 Protection of the amenity of residents, NE1 Biodiversity and Geodiversity, NE5 Pollution, Air Quality and Contaminated Land, NE8 Trees, Hedgerows and Woodlands, I4 Flooding.
- 9.6 Policies S1 Sustainable development for Aylesbury Vale, S7 Previously Developed Land, BE3 Protection of the amenity of residents, NE5 Pollution, Air Quality and Contaminated Land have been the subject of objections and the Inspector has not requested main modifications so these can be regarded as resolved and these policies can be given considerable weight. The remainder of these policies, except policy T4 Capacity of the Transport Network to Deliver Development, have been the subject of objections and the Inspector requested main modifications and confirmed that he is satisfied they remedy the objection so these can be given moderate weight. Finally, policy T4 Capacity of the Transport Network to Deliver Development can only be given limited weight as it is a new and untested policy which was introduced by a modification and therefore subject to consultation.

Whether the proposal would constitute a sustainable form of development

• Sustainable Location

- 9.7 The Government's view of what "sustainable development" means in practice is to be found in paragraphs 7 to 211 of the NPPF. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 9.8 In the Settlement Hierarchy Assessment 2017, Buckingham is identified as a 'strategic settlement'. Strategic Settlements each have population of above 4,000 which is considerably more than the remaining settlements. They have the greatest range of services and facilities in the district, playing an important role supporting smaller rural settlements. These settlements typically offer a choice of shops, post office, a fire and/ or police station, a library, and a range of employment opportunities. They are also well-served by public transport with hourly or more bus services. These settlements have all of the key services, however Buckingham does not offer a train station. Buckingham itself it therefore considered to be a highly sustainable location and should be a focus for growth. However, it remains necessary to consider the application against the sustainability tests of the NPPF as a whole rather than just locational characteristics.

• Principle of Development

- 9.9 Paragraph 80 of the NPPF states '*planning policies and decisions should help create the condition in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*'. In order to support economic growth and productivity paragraph 82 of the NPPF goes on to acknowledge that there are specific locational requirements of different sectors which need to be recognised in planning policies and decision.

- 9.10 The proposed development of a drive-thru restaurant, falling within use classes A3/A5 are uses which are defined within the NPPF as 'main town centre uses'. It is acknowledged that the siting of such uses within town centres would support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption.
- 9.11 The proposed site of the new drive-thru restaurant sought is outside of Buckingham's defined town centre. Paragraph 86 of the NPPF requires a sequential test to undertaken for planning applications relating to main town centre uses which are sought not to be in an existing town centre. As the proposal relates to a main town centre use outside of Buckingham's town centre, a sequential test is required. The sequential test requires main town centre use to be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Paragraph 87 of the NPPF advises that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. In this case, the site clearly lies outside of Buckingham town centre and therefore is not suitable without a sequential test being undertaken on the potential impact of this development and the wider context of the site as a whole would have on Buckingham town centre.
- 9.12 The 'made' Buckingham Neighbourhood Development Plan (BNDP) set out policies to revitalise and grow the town centre of Buckingham and therefore emphasis is protecting and enhancing the town centre. Policy EE3 of BNDP supports new town centre uses within Buckingham town centre. The development site is not allocated in the BNDP, AVDLP or the emerging VALP.
- 9.13 This application was supported by Planning Statement and Sequential Assessment, prepared by DPP Planning which acknowledges the need to undertake a Sequential Test. Within this supporting document it outlines that the gross internal area (GIA) of the proposed restaurant is 547sqm, and the total area of the proposed site is approximately 0.28ha. It is advised that the amount of development relates directly to the operational requirements of the end user and is the minimum necessary to deliver the proposed operation.
- 9.14 Within the supporting Sequential Assessment, the Aylesbury Vale District Council Housing & Economic Land Availability Assessment (HELAA) Version 4 was used to identify sites that the Council consider to be suitable for retail development within Buckingham. Some of the sites identified within the HELAA have also been allocated within the BNDP. Furthermore, within the accompanying Sequential Assessment, other available sites were considered which were not identified in the BNDP or the HELAA. The sites identified within the supporting Sequential Assessment were considered not to be suitable alternatives to the application site, on the basis of the sites having been occupied or currently under construction, the requirement for comprehensive development, traffic implications and the presence of listed buildings. In addition to this conclusion within the supporting Sequential Assessment, the following conclusion was also provided: *'it is considered that, by definition, a drive-thru restaurant supports vehicular trade, which includes customers passing on the adjoining regional highways network. Drawing this traffic into the town would have implications for accessibility within the town centre, particularly on market days (Tuesday and Saturday) when areas of the town centre become partly pedestrianised. It is noted from the 2016 Town Centre appraisal that issues regarding parking within the town centre were seen as one of the key negatives for the town centre'*.

9.15 In light of the assessment provided which is supported by Officers, it is concluded that there are no site which are suitable and available which could be considered sequentially preferable to the application site.

9.16 Turning to the requirements paragraph 89 of the NPPF, an impact assessment for retail and leisure development outside town centres is required if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). Whilst it is acknowledged that there is currently no locally set threshold, emerging policy E5 (Development outside Town Centres) of VALP states that for proposals likely to affect any other defined town centre that is not Aylesbury, there will be a requirement for an impact assessment to be submitted for proposals which exceed the threshold of 400sqm or more. As this policy is currently only afforded moderate weight and given specifics of the proposal; the existing arrangement's of Buckingham's historic market town it is considered unreasonable to request an impact assessment at this stage. As such, the proposed gross internal floorspace restaurant is 547sqm and given there is currently no locally set threshold, the floorspace of the proposal falls below the national requirement to undertake an impact assessment.

- ***Building a strong competitive economy***

9.17 The Government is committed to securing and supporting sustainable economic growth and productivity, but also that this would be achieved in a sustainable way. Paragraph 80 states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

9.18 There would be economic benefits derived from this development in terms of the construction of the development itself and the creation of 65 equivalent full-time jobs. As outlined within the submitted design and access statement and planning statement has advised that McDonald's is '*committed to staff education incorporating both internal training programmes and externally recognised qualifications*' in hospitality, literacy and numeracy. The provision of an additional commercial building on an existing previously developed site, without the loss of any existing facilities will support in bringing inward investment into Buckingham, contributing to the creation of a prosperous local economy. Concerns have been raised that the proposed development will result in a loss of business to the facilities. There is no information before Officers to suggest that this would be the case and as outlined above within the principle of development, a sequential test has been undertaken to ensure the development does not undermine the viability of the town centre.

9.19 Overall, it is considered that the proposed development will result in economic benefits which is a positive and would support the Government's objective of supporting sustainable economic development.

- ***Promoting sustainable transport***

9.20 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved, taking account of the policies in the NPPF. Paragraph 108 requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved and that any significant impacts from the development on the transport network (in terms of capacity and

congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that 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.

- 9.21 I1 (New disabled access required for new pedestrian routes) – Pedestrian routes should be suitable for disabled access. Routes must provide seating to ensure that those with mobility problems have the option to stop for a rest.

Location & Sustainability:

- 9.22 The application site is located within the existing car park associated with Tesco's superstore and would be accessed via the existing London Road roundabout. London Road is an A road classified as the A413 which serves as the main route into Buckingham. The section of London Road where the roundabout is located is subject to a 30mph speed limit. The site itself is considered to be sustainably located from a transport perspective as it benefits from good pedestrian and public transport links. The application was accompanied with a Transport Assessment (TA) which provides a detailed assessment into the relevant highway matters associated with the proposed development.

Footways:

- 9.23 The proposed site layout shows pedestrians will be able to access the site safely with the proposed development being connected to the existing pedestrian access located to the south-east of the site. Limited new pedestrian links are required as a result of the proposed development and are shown to vary in width, with the narrowest footway measuring 1.5metres. It is acknowledged that new footways should ideally measure at least 2 metres. The new footway which leads directly into the site off of the existing pedestrian access to the south-east of the site, measures 1.5 metres. Whilst this footway width does fall below 2 metres, the footway would still be suitable to provide disabled access to the development. Furthermore, the accesses which do fall below 2 metres in width are only for a short distance, providing a connection across to proposed drive-thru restaurant. For these reasons, BCC Highways do not consider it reasonable to insist on these footways being widened to 2 metres.
- 9.24 When conducting a site inspection for this application, it was clear that there is an existing pedestrian desire-line (informal access) at the north of the site leading from the A421/London Road roundabout into the site. As part of this application, it was queried as to why a pedestrian link was not proposed to be sited in this location, particularly given its relationship to the surrounding pedestrian routes. A further Technical Note was submitted, addressing a number of points including this matter and it advised that due to the height difference between the pavement and the top of the bank it would not be possible to provide a link that would cater safely for all users. Tesco have also stated that they would like to increase the security of the site in this area. BCC Highways have advised that boundary treatment would be required along this boundary, where there is this existing desire-line to prevent conflicts between pedestrians and users of the drive-thru. Whilst it was worth exploring this matter, BCC Highways has confirmed the existing formal pedestrian access into the site is adequate, without the need for additional access.

Traffic Movements & Impact on Highway Network:

- 9.25 As part of the application, surveys were undertaken at existing McDonald sites, which have similar relationships to the town, food stores and traffic flows, in order to determine the nature of vehicle movements associated with the proposed development of this nature. BCC Highways conducted their own assessment using the Trip Rate Information Computer System (TRICS©) to estimate the likely trip generation associated with the proposal. The survey also included a break-down of the nature and percentage of these trips, ie, 'additional trips' (completely new trip, where the customer is returning to their original

destination after completing their visit, eg. Home – McDonalds - Home); 'diverted trips' (trip where the customer is already on the network, but alters their route to visit the site, eg. Work – McDonalds - Home); pass by trips (trip where the customer is passing directly past the site and turns in); and shared trips (trip where the customer is already visiting the food store and decides to visit McDonalds whilst there). Following BCC Highways own assessment of the survey using (TRICS©) they have advised that they are satisfied with figures provided in terms of them being generally representative of the frequency/character of the likely vehicle movements associated with the development and the figures are suitable to assess the impact of the proposed development.

- 9.26 A table has been provided within the TA which has used the proportions derived from the surveyed sited to estimate the number of new, pass by/ diverted and shared trips that the proposed development would attract. The table demonstrates that during the Friday PM peak the new drive through would be likely to generate a total of 129 'in' movements, of which 44 of these would be completely new, 58 of these would be pass by/diverted trips and 27 of these would be shared trips. During this peak there would be 135 'out' movements, of which 46 of these would be completely new, 60 of these would be pass by/diverted trips and 29 of these would be shared trips. The 'shared trips' do not need to form part of the assessment; the 'pass-by trips' need only be included in the assessment of the site access; and the 'additional trips' need to be included in the assessment of the site access and the assessment of the local highway network. The 'diverted trips' must also be included in both the assessment of the site access and of the local highway network. Although these trips are already on the local highway network it cannot be determined exactly what part of the local highway network these vehicles are travelling on, therefore they must be included in both assessments.
- 9.27 The data submitted in the TA does not differentiate between pass-by trips and diverted trips, however the likely routing of these trips has been investigated. Given the location of the application site it has been assumed that the vast majority of the diverted trips would be diverted from and back to the A421/London Road roundabout. BCC Highway have confirmed they are content with this approach, especially when considering residents of the new Lace Hill development adjacent to the site would be likely to visit the site.
- 9.28 As shown in Table 5.8 of the TA, during the Friday PM peak the proposed drive through would be likely to generate a total of 102 'in' movements, of which 19 of these would be pass by trips, 39 would be diverted trips and 44 would be completely new. During this period the drive through would be likely to generate a total of 104 'out' trips, of which, 19 of these would be pass by trips, 39 would be diverted trips and 46 would be completely new. The flows of these diverted vehicles have been distributed proportionally onto the A421/London Road roundabout based on the existing base flows on the local highway network which BCC Highways have confirmed is an acceptable way of assessing the impact of the pass-by and diverted trips.
- 9.29 The submitted TA takes into account committed development, with the distribution onto the highway network in line with committed developments individual assessment or with the surveyed traffic proportions which BCC Highways confirm is an acceptable method. Using the base line flows, future growth, committed development and vehicle movements associated with the proposed development, the London Road (north)/A421 (east)/London Road (south)/A421 (west) roundabout and the London Road (north)/Tesco/London Road (south) roundabout have been assessed. Initially BCC Highways raised concerns that the Arcady model used for the assessment had not been calibrated, which meant there were concerns with the queue length shown and whether this was an accurate reflection of the situation on the ground.

9.30 Furthermore, BCC Highways initially raised significant concerns with the possibility of Tesco constructing their large extension (1,897sqm) which was approved as part of application 10/00360/APP as it was found that the proposed extension would generate in the region of 147 new 'in' vehicle movements and 166 new 'out' movements in the Friday PM peak. The Technical Note which is supported by BCC Highways outlines that the proposed drive-thru restaurant is expected to generate a less number of new vehicle movements in the Friday PM peak and Saturday peaks when compared to the previously approved Tesco extension, which received no objections regarding increased levels of vehicle movements. As no formal Certificate of Lawfulness has been submitted to confirm the Tesco extension (approved as part of application 10/00360/APP) has been implemented, Officers cannot confirm whether this is the case. Nevertheless, subject to this Tesco extension not being constructed, BCC Highways do not believe this matter can be taken further given the reduction in expected vehicle movements. If this could not be secured, BCC Highway would require further assessment and calibration of the ARCADY model. Legal Advice was sought by Officers with regard to whether this could be secured, as it is not known whether the permission is extant. Tesco have submitted letters as part of this application, confirming that they are not seeking to construct the extension and have submitted a Unilateral Undertaking (UU), a legal agreement, confirming that if this proposed development were to be implemented the Tesco extension would not come forward. Legal advice has confirmed that this UU would be sufficient to ensure the Tesco extension would not come forward and therefore BCC Highways raise no objection to the vehicle movements associated with the proposed development.

Site's Internal Arrangement:

9.31 The proposed development seeks to be served via an existing carriageway serving the Tesco superstore and associated facilities. Within the wider site, a new lane is to be provided serving the proposed development which would allow for 4 cars to stack and wait before accessing the site which is considered to be acceptable as BCC Highways would not expect this to result in vehicles backing up throughout the wider site. Once within the site, the carriageway splits, providing one lane which would be one way only for the drive-thru and another to access on site parking provisions. The submitted swept path analysis demonstrates a 5 metre long car would be able to travel through the site satisfactorily.

9.32 The site layout originally submitted for the proposed development showed the area to have a two way carriageway with vehicles exiting the drive-thru able to park within the site. Concerns were initially raised by BCC Highways with regard possible conflict and confusion for customers due to the level of indivisibility between vehicles exiting the drive-thru and vehicles existing the proposed parking area (adjacent to the disabled bays). Following these concerns, amendments were made to the site layout, altering the exist from the car park and drive-thru, including a change of priority for vehicles at this point. These amendments have addressed the concerns raised.

9.33 The applicant has confirmed that the barrier shown on the proposed plans, is only a height restriction and will allow for cars and small vans to pass underneath only, limiting larger vehicles. Whilst BCC Highways queried the use of a 4.5m car length when compared to the standard Passenger Car Unit (PCU) of 5.75m, after further assessment the spacing between the cars this would effectively allow for an identical capacity when using the PCU length.

Servicing:

9.34 The information submitted advises that deliveries would be undertaken by a 16.5metre long articulated HGV. The swept path analysis submitted shows this vehicle manoeuvring through the car park and exiting the site, however it does state 'Delivery vehicles to park over proposed parking bays'. There are concerns over this arrangements, as although the TA advises this would be strictly managed, this would be discretionary without a condition

being imposed ensuring this arrangement is managed. The TA mentions that delivery times can be tailored to suit a particular site, with deliveries at lunch time to be avoided. As such, whilst the parking provision of the site is to be assessed below, the proposal does result in a shortfall of parking spaces and therefore a condition relating to delivery/ parking management is required to ensure this arrangement does not result in any adverse impacts. As part of the amendments to the site layout, new swept path analysis shows that large vehicles (16.5m long articulated vehicle) serving the site would be able to manoeuvres without over-running the kerbs. In addition to this, the revised layout shows large service vehicles existing the site without overrunning the opposing lane of the carriageway. The submitted technical note advises that no home deliveries are planned at this particular location, however BCC Highways do consider that even if this were to occur this would not impact on the local highway network.

- 9.35 Overall, the proposed development is considered to achieve safe and suitable access, minimising any potential conflict between highway users and therefore would comply with the aims of policy I1 of BNDP and the advice within the NPPF.

Parking:

- 9.36 AVDLP policy GP24 requires that new development accords with published parking guidelines. SPG 1 "Parking Guidelines" at Appendix 1 sets out the appropriate maximum parking requirement for various types of development.
- 9.37 The assessment of the site's parking requirements were carried out using the Draft Buckinghamshire Countywide Parking Guidance, which has now be adopted with a minor amendment to the floorspace. Whilst this is noted, Aylesbury Vale District Council are the parking authority and have their own standards. As such, the assessment into the site's parking requirements will be in accordance with the policy and supporting guidance outlined above.
- 9.38 The proposed development seeks to be located on land currently associated with the existing Tesco superstore which seeks to be retained. As outlined above, the existing superstore was granted a large extension as part of application 10/00360/APP. A Unilateral Undertaking has been submitted as part of this application, stating that the large extension to the existing Tesco will not come forward if the development sought as part of this current application were to commence. As such, the parking requirements associated with this extension to the superstore has not been taken into account when establishing the required parking provisions for the proposed development and the existing Tesco superstore, which is to be retained. Amended plans were received to overcome initial concerns with the existing Click and Collect facility, which seeks to be relocated, not being shown on the existing plans. With regards to staff parking for McDonalds; the Transport Note confirms that no designated staff parking would be provided within the site and have confirmed that this was included within the parking surveys undertaken.
- 9.39 The TA includes a car park utilisation study including the results of a parking survey undertaken on Friday 22nd, Saturday 23rd and Sunday 24th June 2017. These surveys were undertaken between 08:00 – 19:00 on Friday, 08:00 – 16:00 on Saturday and 10:00 – 16:00 on Sunday. These surveys demonstrated that on these dates the maximum parking demand was 259 spaces on the Friday, 305 on the Saturday and 190 on the Sunday. Whilst this is noted, BCC Highways still have concerns over the lack of future capacity and the ability to cater for peak periods around major public holidays.
- 9.40 As part of the Officer's assessment of the existing on-site parking provisions, Officer's reviewed the planning history for the wider. This assessment reviewed all development approved as part of the wider site which had implications on the wider site's parking provision in order establish the existing level of on-site parking spaces. This assessment

revealed the existing wider site should contain 395 spaces. This differs from the figure provided within submitted Transport Statement which advises a parking survey was undertaken and found the site to have 404 existing on-site parking spaces. Due to this slight discrepancy between the numbers of existing on-site parking spaces an assessment was carried out using both figures. Clarification has been provided with regard to the term 'reserved bays' on the submitted plans. These bays will be used for customers that need to wait for their order to be prepared to ensure they do not block the drive-thru lane. As these bays still provide a space to park whilst using the facilities these have been included as parking bays within the below assessment. A table below has been provided to demonstrate the assessment which took place:

Parking Assessment against Planning History (Officers Calculations)	
Existing Tesco Store: 5,813 g.f.a Parking Standards for superstores with g.f.a over 2,500m ² requires 1 space per 17m ² g.f.a	Parking requirement for existing Tesco Store = 342 spaces
Officers report as part of application 10/00360/APP advised existing car parking provision before large extension	= 416 spaces (= Overprovision of 74 spaces)
Applications 13/01760/APP & 13/03245/APP for the erection of a car wash and a click & collect facility	These proposals result in the loss of parking = -21 spaces (= Overprovision of 53 spaces)
Proposed development results in the loss of existing spaces	The proposal results in a loss of 79 spaces plus the existing overprovision of 53 spaces = -26 spaces
Parking Standards require 1 space per 6m ² public floorspace. Proposed building advises floorspace of 547m ² whereas Transport Assessment advises 585m ² (for the purposes of parking this measurement is not wholly applicable as the calculations are based on public floorspace). The internal public floor space is as follows: <ul style="list-style-type: none"> • Ground Floor: 74.96m² • First Floor: 134.19m² 	The public floorspace of the proposed development would result in 35 spaces being required. Minus the existing shortfall of 26 spaces = -61 spaces
The proposed seeks to provide 28 spaces.	Overall the proposed development results in a <u>shortfall of 33 spaces</u> Total Number of spaces for site and wider site would be 344 spaces.

Parking assessment against existing number of spaces with carpark (as advised in supporting information as part of this application following on-site parking survey)	
Parking Survey results of existing on-site parking spaces identified in Transport Assessment	404 spaces

Existing Tesco Store: 5,813 g.f.a Parking Standards for superstores with g.f.a over 2,500m ² requires 1 space per 17m ² g.f.a	Parking requirement for existing Tesco Store = 342 spaces (= Overprovision of 62 spaces)
Proposed development results in the loss of existing spaces	The proposal results in a loss of 79 spaces plus the existing overprovision of 62 spaces = -17 spaces
Parking Standards require 1 space per 6m ² public floorspace. Proposed building advises floorspace of 547m ² whereas Transport Assessment advises 585m ² (for the purposes of parking this measurement is not wholly applicable as the calculations are based on public floorspace). The internal public floor space is as follows: <ul style="list-style-type: none"> • Ground Floor: 74.96m² • First Floor: 134.19m² 	The public floorspace of the proposed development would result in 35 spaces being required. Minus the existing shortfall of 17 spaces = -52 spaces
The proposed seeks to provide 28 spaces.	Overall the proposed development results in a <u>shortfall of 24 spaces</u> Total Number of spaces for site and wider site would be 353 spaces.

9.41 Given the nature of the site, the difference of 9 spaces shown in the assessments is considered not to have a significant impact on the wider context and the parking provision of the site itself. Furthermore it is acknowledged that the submitted Technical Note advises 83 existing spaces will be lost as a result of the development, however Officers have reviewed the site plans submitted and have calculated a loss off 79 existing spaces (82 spaces lost incl. click & collect revised location + 3 new spaces = 79 spaces). As such, it is considered that the calculation within the Technical Note counted an extra space and did not take into account the provision of 3 new spaces within the Tesco Car Park and the proposed parking provision associated with McDonalds. Additional information was requested by BCC Highways with regard to parking provision associated with the existing Tesco's and the potential lack of parking at peak seasonal times. A parking survey was submitted to demonstrate that on a standard day, the car park would have capacity. BCC Highways acknowledge the proposal will result in a shortfall of spaces, when considering the wider site and the proposal and there are concerns with peak periods (major public holidays). It is considered by BCC Highways that users would be unlikely to park anywhere that would impact on the local highway network, as they are likely to either wait or park elsewhere within the wider site which is some distance from the publically maintained highway. Furthermore, BCC Highways conducted an additional TRICS® assessment of similar fast food drive thru facilities in similar locations with regards to their parking capacity. This TRICS® assessment does not highlight any particular pattern at existing sites which would lead BCC Highways to believe that there would be any significant issue with regards to the parking capacity.

9.42 As such, BCC Highways have advised that it would unlikely have an impact on the highway safety and convenience on the adjoining highway. Officer's therefore do not consider that a reason for refusal could be sustained on this ground alone. Furthermore, due to the location of the proposed development, it is likely that a number of customers will access

the site by walking or cycling. The parking requirements outlined in SPG 1 "Parking Guidelines" at Appendix 1, sets out the appropriate maximum parking spaces required and therefore the proposed development is considered not to conflict with the aims of GP24 of AVDLP, SPG 1 "Parking Guidelines" and the advice within the NPPF.

- ***Conserving and enhancing the natural environment***

Landscape:

- 9.43 In terms of consideration of impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Regard must be had as to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF. The following sections of the report consider the proposal in terms of impact on landscape, agricultural land, trees and hedgerows and biodiversity.
- 9.44 Section 15 of the NPPF states planning policies and decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services –including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 9.45 Policy GP.35 of the AVDLP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. This policy is considered to be consistent with the NPPF.
- 9.46 Policy GP.38 states that development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible.
- 9.47 The proposed development is to be sited within a predominately commercial and industrial section of Buckingham with residential development being located beyond the A421 and to the south-east, on the opposite side of the A413 (London Road). The building seeks to be located on an area of previously developed land which currently serves as car parking for the Tesco superstore with part of the site currently accommodating the existing click and collect facility. Located along the outer perimeter of the site there is a relatively substantial landscaping buffer which provides mitigation for the services located within the wider site of Tesco. As such, the provision of this landscape buffer is considered to be an important feature of the site. This landscape strip was originally provided to soften the impact of the commercial and industrial activities which take place within the area and to provide a soft transition between the built development and its once, rural edge with the open countryside. In light of recent approvals, the site's relationship with the open countryside has changed quite significantly, particularly due to the grant of the new residential and commercial development to the south-east of the site.
- 9.48 As a result of the proposed development, this landscape buffer will be compromised and noticeably reduced in order to accommodate the building and its associated facilities. Whilst this is noted, a landscaping strip is shown to be retained along the entire outer perimeter of the site retaining this character of the immediate area and providing mitigation for the development. A detailed landscaping scheme was submitted as part of this application, however there still does remain some concerns with regards to the details shown which are shown. These concerns will be discussed below as part of the trees and

hedgerow section of the report. Therefore a notwithstanding condition will should be imposed if the development were to be approved requiring a new landscaping scheme. Nevertheless, as noted the existing landscape strip does have breaks and is thin, particularly in one of the more sensitive views towards the site, from the roundabout serving the A421 and A413. The submitted landscaping does seek to bolster the remaining landscape strip and where possible, infill the existing breaks within this boundary which is considered to be positive.

- 9.49 Furthermore, it is acknowledged that the submitted plans show the provision of a 1.8 metre high fence along the perimeter of the site. Given varying ground levels and the prominence of this corner plot this raises significant concern as boundary treatment of this nature is likely to appear overly stark in the local streetscene. Officers acknowledge that there may be a need for some form of boundary in this location for highway safety reasons and to deter anti-social behaviour and therefore a condition should be imposed removing this element of the scheme with the submission of revised details for approval.
- 9.50 The relocated click and collect facility is located within the confines of the wider site, away from its boundaries and therefore given its scale, its relocation is considered to have a negligible impact on the wider character and appearance of the local area.
- 9.51 As such, whilst it is regrettable that all of the existing landscape cannot be retained, the remaining strip will be bolstered providing a continuous boundary along the outer perimeter of the site. This is a matter which can be controlled by condition. It is therefore considered that given the commercial nature of the site and the partial retention of the landscape buffer, the proposal is considered not to have significant adverse impacts on the landscape and therefore is considered to accord with policies GP35 & GP38 of AVDLP and the advice within the NPPF.

Trees and Hedgerows:

- 9.52 Policies GP.39 and GP.40 of the AVDLP seek to preserve existing trees and hedgerows where they are of amenity, landscape or wildlife value.
- 9.53 DHE1 (Protect existing trees and provision of trees in development): Wherever possible existing trees will be maintained in accordance with British Standard BS5837 or as superseded, in development proposals for all new buildings, in addition new developments need to make provision for trees on site. Provision of new trees should include species and types of tree to ensure that the landscape retains its current character.
- 9.54 This application has been accompanied with an Arboricultural Impact Assessment and a detailed landscaping scheme. This information has been reviewed by the Council's Arboriculturalist who retains some concerns with the proposed development. As set out above, the submitted information does acknowledge that there will be some loss to the existing landscaping within the site and its boundaries in order to accommodate the proposed development. Whilst the Arboricultural Officer does not object to the removal of this landscape, significant concerns were raised with the mitigation details provided. There were also concerns that the submitted Arboricultural Impact Assessment does not acknowledge the significance to the loss of the landscaping.
- 9.55 Whilst additional tree planting is welcomed, it is unclear how 15 trees of medium ultimate size will offer adequate compensation for the loss of some 32 trees (inclusive Cat U) several of which are large canopy species. Furthermore the Arboricultural Officer states that the submitted statement advises that tree pit details can be dealt with by condition, however this *'does not allow confidence that design is factoring in engineering solutions to allow appropriate soil volume'*. *The current plans show more trees within the same area of*

apparent restricted soil as previous which raises more concern about the viability of trees as opposed to easing them'.

- 9.56 Following these comments, revised plans were received with the Arboricultural recognising that the number of new trees to be planted had increased, however the revised plans largely remained unaddressed. These comments from the Arboricultural Officer were supported the landscaping plan being annotated to advise the applicant of the expectations. Further amendments were received however there have been no revised comments from the Arboricultural Officer to date. When comparing the annotated plans from the Arboricultural Officer with the most recent set of landscaping plans, these do not appear to have provided information relating to soil volume or whether suspended pavement style engineering solutions are proposed. As such, Officers considered that these details can be secured through the use of appropriate conditions. A tree protection plan has been submitted as part of this application to accord with policy DHE1 of the BNDP. A condition would be required securing these protection measures.
- 9.57 Overall, whilst it is acknowledged that the proposal does result in the loss of existing landscaping and trees, it is considered that these have been kept to a minimum with removal being only where its required to accommodate the development. A revised landscaping scheme will be conditioned to ensure the details sought by the Arboriculturalist to ensure the viability of any new planting and the trees to be retained will adequately protected. The proposal is therefore considered to accord with the aims of policy DHE1 of BNDP, policies GP39 and GP40 of AVDLP and the advice within the NPPF.

Biodiversity/Ecology:

- 9.58 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.
- 9.59 Within the BNDP there are a number of policies relevant to this matter. Policy DHE2 advises that development proposals should, where possible, minimise impact on natural habitats and species resulting in net gains to biodiversity. Ecological information provided in support of applications must conform to the British Standard BS42020, Biodiversity – Code of practice for planning and development. Policy DHE5 states landscaping schemes for developments must show how they maximise benefits to biodiversity. The selection of ecologically appropriate native species, of local provenance needs to be included within schemes, Only native trees species or orchard trees are acceptable on public open space.
- 9.60 The application site is previously developed land currently used for car parking and a click and collect facility associated with the Tesco superstore. As such, the is considered not to be reasonable likelihood of protected and priority habitats or species being affected by this development. Subsequently there is no requirement to submit supporting ecological information nor does the Ecologist raise any objections to the proposed development. Whilst it is acknowledged that no conditions have been requested by the Council's Ecologist in respect of biodiversity, policy DHE2 requires landscape proposed to demonstrate how they will maximise biodiversity. As such, it is considered reasonable to impose a condition requiring details of how the proposal will result in biodiversity net gains and securing their implementation.
- 9.61 This application has been supported by a landscaping scheme, however this does not outline/ show how the scheme maximises benefits to biodiversity. Policy DHE5 states landscaping schemes for development must show this and therefore to ensure the proposal accords with this requirement in policy DHE5 of BNDP a condition should be imposed requiring the submission of a revised landscaping scheme.

- 9.62 Subject to these conditions being imposed, the proposal is considered to accord with policies DHE2 and DHE5 of BNDP and the advice within the NPPF.
- 9.63 *Pollution/Contamination:*
- 9.64 Further consideration in the NPPF in relation to the need to conserve and enhance the natural environment is contamination, and the guidance states in paragraph 178 that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions.
- 9.65 Prior to wider site becoming Tesco, research conducted by the Pollution Control Officer shows engineering works were historically present adjacent to the application site. When the wider site was redeveloped to accommodate Tesco's the planning decision makes no reference to conditions relating to contaminated land. It is therefore unknown as to whether the site was investigated for the potential presence of contamination during the redevelopment. Whilst this is noted, the application site is located within the grounds of the engineering works and not on the footprint of the factory building itself. Furthermore, Environmental Health are not aware of an pollution or contamination issues within the site or wider area and therefore the risk of contamination being present at the site is relatively low.
- 9.66 In addition, the Council's historic land use records also indicates the presence of 3 former railway cuttings which are labelled as landfill sites. These received permission to be infilled with a mixture of naturally occurring excavated material and thus these types of inert wastes have minimal contaminative properties. Thus again, resulting in a relatively low risk of contamination.
- 9.67 Overall the Pollution Control Officer has advised that the risk of encountering contaminated land at the site is relatively low and therefore has requested no conditions, with the imposition of one informative advising how the applicant should proceed if contamination were to be encountered. As such the proposal is considered to accord with the advice within the NPPF.

- ***Making effective use of land***

- 9.68 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.
- 9.69 The proposed development seeks to be sited on previously developed land which is currently utilised for car parking and a click and collect facility. The proposal will result in creation of 65 jobs, thus supporting the local economy. Furthermore, the proposal will provide a new facility within Buckingham which utilises previously developed land, without the loss of any existing facilities and therefore erection of a drive-thru restaurant in this location represents an effective use of land, complying with the advice within the NPPF.

- ***Achieving well designed places***

- 9.70 The NPPF in section 12 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 9.71 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- 9.72 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.
- 9.73 Policy GP.35 of the AVDLP which requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy GP.45 is also relevant and that any new development would also be required to provide a safe and secure environment for future occupiers of the site
- 9.74 The site located within a mixed use area and is surrounded predominately by commercial development with residential properties within the wider area. The options for development on this site are constrained by physical factors, namely ground level variations and the landscape buffer along the outer perimeter of the site. Furthermore, the proposal needs to be assessed in the context of the mixed use character of the area, with the built development in the vicinity of the site being mixed in respect of quality, scale and appearance, and in relation to the applicants operational model which drive a particular approach to the size, configuration and internal layout of its drive-thru restaurants.
- 9.75 The proposed drive-thru restaurant seeks to be located within a prominent position within the existing Tesco site. The proposed building seeks to be located within the corner of the site, adjacent to the roundabout where the A421 and the A413 (London Road) connect. Whilst it is noted that there is relatively substantial planting along this there outer perimeter, this does thin in places, particularly on this corner, allowing greater views of the site from the roundabout. The impact to this planting has been assessed above in this report.
- 9.76 The proposed building is predominately two-storey with a number of smaller, single storey elements. The total height of the building is shown to be 8.74 metres with the footprint of building being 320sqm. The ridge height of the building itself measure 7.29 metres and therefore the additional height is screening on top of the building to hide the plant located on top. The nearest building in relation to the proposed drive-thru restaurant is the Tesco superstore, which whilst appears to be of a single storey, has varying ridge heights of between 5.8 metres and 12.55 metres. It noted however, that the majority of the building has a ridge height of between 7.7 and 9.5 metres. As such, the height of the building proposed is considered to be acceptable. The proposed building is modern in design with an overhanging flat roof. The building has a distinctive glazed customer area which has been orientated to address the main frontage of the subject site, providing active frontage and increased surveillance on the proposed parking area. The buildings seeks to be constructed with natural effect timber, stone tile and timber effect panels.

- 9.77 As outlined above, the proposal also includes the relocation of an existing click and collect facility within the site. The click and collect facility comprises of a small scale unit, which is a common, ancillary feature of superstores and thus would not appear out of keeping or detract from the existing buildings on the wider site or the overall commercial nature of site.
- 9.78 Given the building seeks to be sited an area of Buckingham which is predominately commercial in nature, the scale, height and design of the building would not appear at odds with the surrounding area. Overall, the proposed development is considered to comply with policies GP35 & GP45 of AVDLP and the advice within the NPPF.

- ***Meeting the challenge of climate change and flooding***

- 9.79 The NPPF at Section 14, 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 163 that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.
- 9.80 Policy I3 of the BNDP advises that all new buildings must have a scheme to collect rainwater for use. To aid in helping reduce the carbon footprint of buildings, reduce surface water flooding and to help in times of drought, a water use scheme should be incorporated into the design of new buildings. Rainwater collection is in addition to and cannot be counted within attenuation of the development drainage proposals.
- 9.81 I5 (Sewage Management): Buckingham has an evidenced problem with sewage drainage. In order to manage this situation development requiring sewage drainage must demonstrate an appropriate solution.
- 9.82 The application site is located within Flood Zone 1 and therefore is considered to be at low risk of flooding. The application was accompanied with a Flood Risk Assessment and drainage strategy.
- 9.83 The proposed development will increase the impermeable area of the site and subsequently increase surface water runoff. Surface water runoff will be attenuated within a cellular crate prior to discharging into the existing Tesco drainage connection (via a private surface water sewer) to the Internal Drainage Board (IDB) ditch. The applicant has provided calculations to demonstrate the required storage capacity has been provided to account for the additional surface water runoff created by the proposed development.
- 9.84 The Lead Local Flood Authority (LLFA) raise no objections to the proposed development subject to conditions. To secure the following information:
- 9.85 The calculations provided as part of this application are based on the 1 in 100 year storm event plus a 20% climate change allowance which is considered to be acceptable. Whilst this is noted the LLFA require the applicant to undertake a sensitivity check with a 40% climate change allowance to demonstrate how the system would function and if flooding were to occur; that this would be able to be safely managed. Furthermore LLFA advises that revised discharge rates are required as the proposed calculations would result in the system not functioning. There are also concerns that the proposed discharge rate of the network would raise maintenance and blockage issues and therefore the applicant strongly recommended to reconsider this. At present, the applicant has provided a quick storage estimate for storage calculation, however this cannot be relied on for the final design.

- 9.86 Calculations are also required with regard to the proposed drainage system and it demonstrating that it can contain up to the 1 in 30 storm event without flooding and manage any onsite flooding. In addition to a 1 in 100 climate change storm event being safely contained on site. These calculations must include details of critical storm durations, and demonstrate how the proposed system will function during different storm events. Furthermore, if flooding occurs within a 1 in 100 year plus climate event details will be required to show the location and volume of the flooding.
- 9.87 The proposed development intends to connect into an existing surface water drainage network. From the calculations provided the existing surface water drainage (Tesco) is likely to flood and therefore the additional flow created from the increased permeable paving demonstrate that this it likely to flood the wider network. The applicant may wish to liaise with the network owner (Tesco) to discuss the possibility of upgrading the wider drainage network in order to reduce surface water flooding to both existing and proposed development within the wider site.
- 9.88 The water quality measures including petrol interceptors which are to be incorporated into the proposed surface water drainage scheme are considered to be favourable. The LLFA requires the applicant to considered the incorporation of SuDs components such as Type C permeable paving, active rainwater harvesting and green roofs; providing justification if these have been discounted.
- 9.89 To ensure the proposal complies with the policy requirements of policy I3 & I5 of the BNDP, details of rainwater collection and sewage management can be secured via a condition. Overall, subject to conditions securing the outstanding matters of concern, the proposed development is considered to comply with policies I3 & I5 of BNDP, would be resilient to climate change and flooding and would accord with the advice within the NPPF.

- ***Supporting high quality communications***

- 9.90 Paragraph 114 of the NPPF requires LPA's to ensure that they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
- 9.91 The proposed development is to be located near to existing built development and therefore the erection of a drive-thru restaurant, in this location and the scale proposed, is considered unlikely to have any adverse interference upon any nearby broadcast and electronic communication services as a result of the development. The proposal is therefore considered to accord with the advice within the NPPF.

- ***Impact on Residential Amenity***

- 9.92 The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. AVDLP policy GP.8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal.
- 9.93 The proposed development is to be located within a predominately commercial area. Whilst this is noted, there are residential properties within the vicinity of the site to the north beyond the A421 and to the south-east on the opposite side of the A413 (London Road). Due to the proposed spacing and separation distance between these residential properties and the proposed drive-thru restaurant the proposed development is considered not to result in any significant harm in respect of overlooking, shadowing or loss of privacy. In

addition Environmental Health raised no objections to the proposed development with regard to noise, smell or any other nuisances, nor do they wish for any conditions to be imposed with regard to these matters. As such, there are considered not to be any planning reasons to prevent this business from operating on a 24 hour basis. The proposal is therefore considered to accord with policy GP8 of AVDLP and the advice within the NPPF.

- ***Other Matters***

9.94 All of the remaining matters raised by third party representations fall outside of the planning remit and therefore cannot be taken into account in the determination of this application:

- Loss of Property Value
- Litter
- Vermin
- Health Issues

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