



REFERENCE NO	PARISH/WARD	DATE RECEIVED
16/03880/APP	AYLESBURY The Local Members for this area are: -	04/11/16
CONSTRUCTION OF A LIDL FOODSTORE WITH ASSOCIATED CAR PARKING, LANDSCAPING, DRAINAGE WORKS AND FORMATION OF ACCESS. LAND AT OAKFIELD ROAD	Alison Harrison Mary Stamp Julie Ward	
LIDL UK GMBH		
STREET ATLAS PAGE NO.102		

1.0 The Key Issues in determining this application are:-

- a) The principle of the development, 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 having regard to:
 - Building a strong, competitive economy
 - Ensuring the vitality of town centres
 - Promoting healthy and safe communities
 - Promoting sustainable transport
 - Making effective use of land
 - Achieving well-designed places
 - Meeting the challenge of climate change and flooding
 - Conserving and enhancing the natural environment
- c) Impact on residential amenities
- d) S106/Developer contributions

The recommendation is that the application be deferred and delegated to officers for **APPROVAL** following the completion of a legal agreement to secure off site highway financial contributions and to ensure the submission of details relating to the provision of suitable parking and manoeuvring space for the adjacent industrial unit (Askeys) and subject to conditions as necessary or should the legal agreement not be completed for the application to be refused on this basis.

2.0 CONCLUSIONS

- 2.1 This application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the objectives of the NPPF and whether the proposals deliver sustainable development. Paragraph 11 of the NPPF requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 2.2 The proposal complies with AVDLP policies GP8, GP24, GP35, GP38 - GP40 and GP45 and would not represent a conflict with AY16 and AY27.
- 2.3 There would be significant positive economic benefits in terms of the construction of the development itself and those associated with the employment opportunities the development would bring.
- 2.4 Compliance with some of the other key objectives of the NPPF have been demonstrated in terms of ensuring the vitality of town centres, promoting healthy and safe communities, making effective use of land, achieving well-designed places, meeting the challenge of climate change and flooding, conserving and enhancing the natural environment and with regard to the impact on residential amenities. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm to which weight should be attributed neutrally. With regard to the highway impact, having regard to the details of the development and matters to be included in the s106, it is not considered that the development would have a severe impact on the highway network and sufficient parking and cycle storage could be provided as part of a detailed scheme having regard to the sustainable location of the site and accessibility by non-car modes. Overall the highway matters must be afforded neutral weight in the planning balance.
- 2.5 Weighing all the relevant factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the AVDLP and supplementary planning documents and guidance, it is considered that the proposal would accord with relevant development plan policies and there are no material considerations that would indicate a decision otherwise. It is therefore recommended that the application could be deferred and delegated to officers to GRANT permission subject to the completion of a legal agreement (with BCC and AVDC as appropriate) as outlined above and subject to conditions as considered appropriate by Officers. If this cannot be achieved then the application will be refused for reasons as considered appropriate by Officers.

2.6 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

AVDC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case discussions have taken place with the Applicant / Agent who responded by submitting amended plans and details which were found to be acceptable.

3.0 INTRODUCTION

- 3.1 The application needs to be determined by committee as the Town Council has raised material planning objections in respect of highway matters and confirms that it will speak at the Committee meeting.

4.0 SITE LOCATION AND DESCRIPTION

- 4.1 The site is located to the north-east side of Aylesbury. It lies to the south of the Stocklake road and to the west of the A4157, Oakfield Road. The site is largely undeveloped, although there is an existing area of hardstanding and car parking to the northern part which serves Askeys. This existing business occupies a large industrial unit to the west of the site.
- 4.2 The application site itself at 1.01 hectares is relatively flat, however, there is a significant drop down from Oakfield Road to the main site. The land rises sharply up to the road by about 1m at the northern end and up to 4m at the southern end. At the point where the access is proposed to serve the site, the difference in levels is approximately 2m.
- 4.3 To the south of the site is a significant line of mature trees which run alongside the canal edge. To the east of the site with Oakfield Road is largely scrub with one mature tree (which is to be removed) and there is also some scrub and vegetation to the northern boundary with Stocklake.
- 4.4 The site lies within flood zone 2 which is considered to be an area at medium risk of flooding. The Grand Union Canal lies to the south and a watercourse runs adjacent to the northern part of the site, alongside Stocklake.

5.0 PROPOSAL

- 5.1 It is proposed to erect a new retail store (A1 use) on the site. During the consideration of the application the floor area of the building has decreased from 2760m² gross internal floor area and a net sales area of 1690sqm to 2125m² and a net sales area of 1331sqm. Lidl have advised that 80% of the net sales are (1065sqm) will be used for the sale of convenience goods and 20% (266sqm) will be used for the sale of comparison goods.
- 5.2 Vehicular and pedestrian access to the site would be via a new access from Oakfield Road and a 'T' junction is proposed to the south of the existing traffic lights.
- 5.3 The building would have an aluminium standing seam roof in a silver finish with the delivery bay area having a uPVC membrane for the roof. The walls of the building would be rendered and painted white with Alucobond wall cladding in a light grey, the plinth would be coloured grey and the window frames would be powder coated aluminium finished in dark grey and the fire escape door would be finished in dark grey. The surfacing for the site would be permeable block paving with stone mastic asphalt and concrete flag stones.
- 5.4 The building would be a rectangular shaped unit with a mono-pitched roof measuring 78.7m by 35.2m and 6.7m high to the roof and would incorporate a canopy which projects out from the northern elevation and wraps around part of the eastern elevation. The plans show that the sales area would comprise the majority of the floorspace at 1331sqm with the remainder of the floorspace (794 sqm, total internal floor space of 2125sqm) being utilised by storage areas, bakery preparation, staff and customer welfare areas and delivery area.
- 5.5 Within the car parking area, which would extend to the north and east of the building, 135 car parking spaces are proposed of which 7 are marked for use by disabled shoppers and 8 would be designated parent and child spaces. Six Sheffield cycle stands are shown to the north of the building.

- 5.6 Waste from the site is stored in the store warehouse prior to being transported to Lidl's Regional Distribution Centre for sorting and recycling.
- 5.7 The hours of opening for the store are proposed to be 07.00 until 22.00 hours Monday to Saturday and 10.00 until 17.00 hours on Sundays and Bank Holidays. It is anticipated that the store would employ 20 equivalent members of full time staff.
- 5.8 The application has been accompanied by a Transport Assessment, Travel Plan, Landscape Strategy, Flood Risk Assessment, Arboriculture Impact Assessment, Planning and Retail Statement, Preliminary Risk Assessment and Report on a Phase 2 Intrusive Investigation (contaminated land), Archaeological Desk-based Assessment, Ecological Appraisal and a Design and Access Statement.

6.0 RELEVANT PLANNING HISTORY

- 6.1 There is no planning history of any relevance to the determination of this planning application.

7.0 TOWN COUNCIL COMMENTS

- 7.1 Aylesbury Town Council – Although the Town Council do not object in principle to the proposed development the committee object to the proposed access for the site and feel it will further erode road safety due to new installation of traffic lights. The committee would like to see the entrance off Stocklake. Confirm that they will speak at Committee.

Further comments – The committee still have concerns regarding the safety of the proposed access and egress of the proposed site, particularly turning right out of the site to go south on Oakfield Road. The committee felt a swept exit to form a left only exit may be more appropriate. Confirm that they will speak at committee.

8.0 CONSULTATION RESPONSES

- 8.1 Biodiversity – Satisfied with the survey and mitigation measures contained in the Preliminary Ecological Appraisal. The report details a series of recommendations the applicant will need to implement to ensure this development does not impact on species and habitats identified in the report and these will need to be the subject of a planning condition.
- 8.2 BCC Highways – Several discussions have taken place between the agents and the Highway Authority. The original concerns regarding the right hand turn into the site have been addressed. Previous issues also referred to concerns with respect to the ability for vehicles turning right out of the store given that the access is often blocked by upstream queuing. In order to overcome this concern, rather than implement infrastructure which prevents right turning movements out of the store access, the applicant has agreed to provide a financial contribution towards the Oakfield Road / A41 junction improvements to the south of this development. These works are to be implemented as part of the Hampden Fields and Woodlands development mitigation works and will be secured through a S106 Agreement. The works are of direct benefit to this particular application as the modelling has been shown to reduce southbound queuing along Oakfield Road and should free up the operation of the site access.

The County Council will also require restricted servicing hours (no deliveries shall be taken at or dispatched from the site during store opening hours), in addition to securing the funding and delivery of the Oakfield Road improvements. The justification of the restricted servicing hours is due to the safety implications of HGVs reversing through the site adjacent to parking bays as demonstrated on the tracking drawing (dwg. no. SCP/17410/D01/B). In addition, the tracking drawing clearly shows that the HGV manoeuvre required to access the site effectively obstructs two-way vehicle movements for users of the development. Mindful of the above, the Highway

Authority have no objection to the proposals subject to a Section 106 Agreement to secure the financial contributions and subject to conditions.

- 8.3 Environmental Health – Further details required about deliveries to the store to ensure there is no loss of amenity with regard to noise from deliveries, especially at night time. Acoustic details are also required of any mechanical plant to be installed and these can be secured by condition.
- 8.4 BCC SuDS – Previous concerns raised over the FRA, the exact attenuation volume that is necessary, details of surface water drainage, calculations of critical storm durations, infiltration testing and maintenance plans have been addressed. Objections are removed following receipt of this further information and conditions are recommended.
- 8.5 Environment Agency – No objections subject to the development being carried out in accordance with the FRA and subject to conditions.
- 8.6 Retail consultants – Further detail of other sites is required to properly assess the sequential approach to the development. Whilst the proposal is unlikely to have a significant adverse impact on the trade and turnover of Aylesbury Town Centre, the applicants should clarify the status of the Gatehouse Quarter and its potential to be prejudiced by the development prior to any conclusions being given.

Further comments – Further information has been provided regarding other sites relating to Ardenham House, Gatehouse Quarter and Exchange Street. It is concluded that there are no sequentially preferable sites to accommodate the development and the proposal would not prejudice existing development in the town centre. There is no conflict with paragraph 27 of the NPPF (2011 version) and the proposal should be supported.

9.0 REPRESENTATIONS

- 9.1 Aylesbury Society – Whilst there is no objection in principle, there is an objection to the entrance being located in Oakfield Road as this will cause difficult access and egress and tail backs at the traffic lights. The entrance should be relocated to Stocklake.
- 9.2 Nine representations have been received making the following objections:
- The access on the A4157 in such close proximity to the newly signalised junction and on the inside of a bend is unwise and inappropriate. The access would further aggravate the complexity of this layout.
 - Access should be onto Stocklake
 - Unacceptable increase in traffic generation in this congested area
 - A further supermarket is not required in this location
 - Impact on flooding

10.0 EVALUATION

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

- 10.1 Members are referred to the Overview Report (July 2018) before them in respect of providing the background information to the policy framework when coming to a decision on this application. The starting point for decision making is the Development Plan. For the purposes of this report, the Development Plan consists of the adopted Aylesbury Vale District Local Plan. 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 are both important material considerations in planning decisions. Neither changes 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, PPG and other material considerations. Determination of the application needs to consider whether the proposals constitute sustainable development having regard to Development Plan policy and the NPPF as a whole.

- 10.2 A number of general policies of the AVDLP are considered to be consistent with the Framework 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 Policies GP8, GP24, GP35, GP38 - GP40 and GP45. They all seek to ensure that development meets the three objectives of sustainable development and are otherwise consistent with the objectives set out at paragraph 8 of the NPPF.
- 10.3 The site is allocated within AVDLP under policy AY16 as an employment site. Policy AY27 of the AVDLP defines sites for food retailing (Buckingham Street, High Street and Tring Road) and states that the Council will resist development that prejudices the use of these sites for that purpose. Whilst these
- 10.4 The overview report refers to the emerging VALP, its stage reached and the weight to be applied, together with the evidence that sits behind it can be given weight. It also sets out in detail the policies in the 2018 NPPF which is a material consideration.

Whether the proposal would constitute a sustainable form of development

- 10.5 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. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 10.6 The presumption in favour of sustainable development in decision-taking is explained at paragraph 11 of the NPPF. Plans and decisions should apply a presumption in favour of sustainable development and for decision-taking this means:
- a) approving development proposals that accord with an up-to-date development plan without delay; or
 - b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- ***Sustainable location***

- 10.7 In terms of its broader location the site is located at Aylesbury which is identified in the Settlement Hierarchy Assessment (September 2017) as a sub-regional strategic settlement and as being the primary focus of strategic levels of growth and investment in the District. Proposals should seek to support the revitalisation of the town centre and economic growth

should be accommodated through the effective use of sites such as this application site. In addition Aylesbury was awarded Garden Town status in January 2017, offering a unique chance to ensure that as the town grows, Aylesbury and the surrounding area continues to be the best possible place to live, work and visit and to help build and improve Aylesbury's transport links and infrastructure. The proposed development would complement these aims. Aylesbury is considered to be a sustainable settlement for growth, however, it remains necessary to consider the application against the sustainability tests of the Framework as a whole and not just locational characteristics. This assessment is carried out below.

- 10.8 The Housing and Economic Land Availability Assessment (HELAA) (January 2017) is an important evidence source to inform Plan-making, but does not in itself determine whether a site should be allocated for housing or economic development or whether planning permission should be granted. This site (AYL003) has nonetheless been identified as unsuitable for housing or economic development as the 0.8ha site falls almost entirely within flood zone 2/3. The HELAA comments that a small area of land outside of the flood zone could provide 5 dwellings fronting Oakfield Road however there are access issues, there is no existing residential development in the immediate surroundings and it would be out of character with the industrial activities in the vicinity. These are matters which will be addressed in the sections of the report below.

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

- 10.9 The Government is committed to supporting the aims of securing economic growth and productivity, but also that this should 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.
- 10.10 The site is allocated within AVDLP under policy AY16 as an employment site. The proposed development would introduce a retail unit on the site with the provision of opportunities for employment comprising 20 equivalent full time staff and whilst it would not provide a B1, B2 or B8 use it would still provide employment and it is not considered that there would be a conflict with the aim of this policy. Policy AY27 of the AVDLP defines sites for food retailing (Buckingham Street, High Street and Tring Road) and states that the Council will resist development that prejudices the use of these sites for that purpose. It is not considered that the aims of this policy would be prejudiced and this is discussed later in the report.
- 10.11 It is considered that there would be economic benefits in terms of the construction of the building and the contribution that the development would make to the employment opportunities in the District. In addition the proposed retail use, by complementing the existing uses in the vicinity, would encourage people on this side of the town and using the strategic highway network to spend within this part of the town. This matter should be afforded significant positive weight in the scheme's favour.

- ***Ensuring the vitality of town centres***

- 10.12 The NPPF at paragraph 86 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should 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 states 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.

- 10.13 Policy AY27 (food retailing) of AVLP is relevant to this application and defines sites for food retailing (Buckingham Street, High Street and Tring Road) and states that the Council will resist development that prejudices the use of these sites for that purpose. The sites at High St and Tring Road extension to the retail have been developed since the adoption of AVDLP (2004). The site at Buckingham St also benefits from a mixed use planning permission which is currently being implemented.
- 10.14 This site is considered to be located out of the centre of Aylesbury and therefore it must be considered whether a proposed retail use in this area would be acceptable. The application has been accompanied by a Planning and Retail Statement and this incorporates the consideration of a sequential test for this application. A number of sites were considered within the town centre with regards to vacant shop units but these were too small in scale for the applicant's needs and not of a sufficient floorspace to enable the applicant to operate its business model. Whilst the BHS site was of a sufficient size (over two floors) it did not have sufficient warehousing space available and Lidl's business model operates on a single storey footprint. With regards to edge of centre sites, Buckingham Street, High Street, Exchange Street, Ardenham Lane, Territorial Army Centre and Bearbrook House were all considered. However these sites were discounted for a number of reasons including lack of availability, permission already been granted and implemented, or lack of sufficient floorspace.
- 10.15 The advice of the Council's retail consultants was sought on the acceptability of the sequential test conclusions put forward by the applicants. It is accepted that there are no sequentially preferable sites to accommodate the development proposed, that the sequential test is passed and taken into account the impact individually or cumulatively it would not have a significant adverse impact on the trade and turnover of the town centre. It is considered that the proposal would not prejudice the sites at Buckingham St, High St and Tring Road and would not be in conflict with AY27 of AVDLP and that there is no conflict with the aims of the NPPF to ensure the vitality of town centres. This matter should therefore be afforded neutral weight.

- **Promoting healthy and safe communities**

- 10.16 Planning decisions should aim to achieve healthy, inclusive and safe places in accordance with paragraph 91 of the NPPF and they should provide the social, recreational and cultural facilities and services the community needs.
- 10.17 The development would complement the existing uses in the area and would serve the residents of the nearby residential areas, allowing social interaction between people in an accessible way. The site is in close proximity to the public footpath network and to the canal towpath which leads into the town centre. In terms of safety and designing out crime, generally the scheme employs a public front, to the north and east and private backs to the servicing area and to the west which backs onto the Askeys site in accordance with guidelines for designing out crime. The car parking area would be lit and activity associated with the store would ensure that there is passive surveillance of the public areas. In this regard the development would accord with the aims of the NPPF and this matter should therefore be afforded neutral weight.

- **Promoting Sustainable Transport**

- 10.18 It is necessary to consider whether the development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, 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.

- 10.19 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.
- 10.20 The site is located in an accessible position and is within close proximity to bus stops, the cycle network and footpaths which give access to the town centre and all of its amenities and facilities. Given its location it is not considered that all future users of the store would be reliant on the private car, particularly when bearing in mind the proximity to the Kingsbrook residential development and residential development to the north and south which are within walking distance, however, it is accepted that there would be a significant reliance on the private car. The site is in a location where the use of sustainable transport can be promoted and it can provide people with a choice about how they travel as required by paragraph 108 of the NPPF.
- 10.21 Extensive discussions have taken place between the applicants and the Highway Authority regarding the proposed development given the proximity to the signalised junction to the north and the level of traffic generation from the development entering the Oakfield Road which forms part of the strategic highway network. The site would be accessed from a new 'T' junction onto Oakfield Road. Some site engineering works would be required to ensure an acceptable gradient into the site given the difference in levels with the site being approximately 2m lower than Oakfield Road at the point where the access would be located. From the north, a merge right lane on Oakfield Road is shown and a physical island in the form of a pedestrian refuge is proposed north of the right hand turn lane which will physically segregate the adjacent right hand turn lanes (one going to Kingsbrook and one to the proposed store) and will provide an uncontrolled pedestrian crossing point. A further pedestrian refuge is shown to be provided to the south of the access into the site.
- 10.22 A significant highway concern with the development of the site has related to the ability of vehicles to turn right out of the site going south down Oakfield Road towards the A41 given the impact that this could have on queuing and safety along the strategic network. In order to overcome this concern rather than implement infrastructure that prevents right turn movements out of the access, the applicant has agreed to pay a financial contribution towards the Oakfield Road/A41 junction improvements which are to the south of this development site. These works include revisions to the layout to enable a dedicated right hand turn lane into King Edward Avenue to assist with traffic flow. These works are to be implemented as part of the Hampden Fields and Woodlands development mitigation works but would be required as part of this development to ensure that right turns out of the site are acceptable. These works would be of direct benefit to the application proposed as the modelling undertaken from the junction improvements has been shown to reduce south bound queuing along Oakfield Road and should therefore free up operation of the site access. On the basis that the junction improvements are undertaken and secured by way of a financial contribution set out in a S106 and having regard to the details submitted with the application relating to manoeuvring within the site, including the merge lane, it is considered that the development would have an acceptable impact on the highway network. On this basis this matter should be afforded neutral weight in the planning balance.
- 10.23 With regards to the level of car parking provided, the plans show the provision of 135 car parking spaces which would include six disabled spaces and eight parent spaces. Six Sheffield cycle spaces are also shown. With regards to the adopted Car Parking Standards of the LPA, the development would require 100 car parking spaces and five cycle spaces.

- 10.24 This is considered to be an accessible site located in an area served by buses and within walking and cycling distance of a number of the towns facilities and nearby residential development. Whilst there is a significant overprovision of parking spaces for the development proposed, it is acknowledge that it is likely that there would be a reliance on the private car for the majority of visits to the store and there is no opportunity for on street parking in this location given the restrictions on the highway network in this location. Lidl have advised that they had considered the level of parking and that the number of spaces indicated was the optimal number required for the development.
- 10.25 The application site would result in the loss of some parking currently available to Askeys. In order to ensure that the development does not result in the loss of sufficient car parking for the Askey's site a parking and manoeuvring plan will need to be secured and given that the applicant has no control over the adjacent land this will have to be secured by way of a legal agreement. It is considered that there is sufficient space to accommodate any additional parking within that site.
- 10.26 Overall it is not considered that the level of car parking indicated would be unacceptable and subject to the completion of a legal agreement to secure an acceptable car parking and manoeuvring scheme for the Askeys site it is considered that this matter should be afforded neutral weight in the planning balance.

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

- 10.27 Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. Planning decisions should take into account the identified need for different types of housing and other development, local market conditions and viability, infrastructure requirements, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places.
- 10.28 The proposed development would utilise an area which is currently an under-used space. Although this area does contribute to the open setting of the frontage of the industrial units, given the lower land level the site is not unduly prominent and it is considered that there is an opportunity to put the land to better use. Site specific considerations are discussed elsewhere in this report but the principle of the development of this site in this urban environment and the opportunity to make more effective use of the land without harm to the character of the area is supported and is addressed in more detail below. This matter should therefore be given neutral weight.

- ***Achieving well-designed places***

- 10.29 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. 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, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for

existing and future users. This aim is reflected in Policy GP35 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

- 10.30 The context of the application site is quite mixed with industrial units, residential dwellings and the canal all in close proximity. The scale, height and footprint of the building would be reflective of other development within the Stocklake industrial area and overall it is considered that the development would complement these uses whilst not appearing overly strident in the street scene or from the canal given its position to the rear (west) of the site and the existing vegetation and the lower ground level of the application site. Its appearance would be reflective of a typical retail store in an out of centre location, albeit that the finish and materials comprising glazing, white render and light grey cladding would represent the corporate image of the applicant. The development would be sited to the front, east of the existing Askeys industrial site which is comprised of a number of buildings (mainly single-storey) with differing finishes. On this basis the modern, integrated appearance of the proposed building, with a maximum roof height of 6.7m would screen the adjacent existing development from view which would be a benefit. The servicing of the site would take place to the southern end of the building which benefits from being less apparent in wider views of the site.
- 10.31 The site is accessible to footpaths and cycleways in the vicinity and to the canal towpath leading to the town centre, so there would be adequate linkages to existing development. The front of the unit would face Oakfield Road with the entrance to the store in this elevation and with the access and parking and manoeuvring spaces an active frontage would be secured..
- 10.32 It is considered that the development of this site would not detract from the character of appearance of the street scene or wider area and that it would accord with the aims of the NPPF and policy GP35 of the AVDLP in this regard and attract neutral weight..

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

- 10.33 Paragraph 163 of the NPPF requires new development to ensure that flood risk is not increased elsewhere. Where appropriate applications should be accompanied by a site specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 10.34 The site is within Flood Zone 2 and is considered to be at medium risk of flooding. A flood risk assessment has been submitted and a sequential test was undertaken and is discussed in the Planning and Retail Statement submitted with the application. Other sites within the town centre and edge of town centre were looked at (including as part of the retail assessment and impact on the town centre, as set out in the Planning and Retail Statement) but none were found to be sequentially preferable since they were either not

available or not suitable for the applicant, or they were also within flood zone 2 and therefore not preferable to the application site. Having regard to paragraph 159 of the NPPF and the advice given in the PPG, the retail use is considered to be a less vulnerable use and is considered to be an appropriate form of development in flood zone 2, and therefore it is not necessary to carry out the Exception Test in this instance.

- 10.35 Extensive discussions have taken place between the applicant and BCC SuDS Team to ensure that the development does not increase the risk of flooding elsewhere and that it will be suitably drained in terms of surface water. Surface water runoff will be discharged to a ditch to the north of the site and to a ditch which connects to Bear Brook to the south-west corner of the site and controls will be utilised in respect of the amount and speed of discharge. A detention swale will attenuate roof run-off and will provide a treatment stage along with biodiversity and amenity benefits. Surface water from the parking area to the east of the store will be stored in an attenuation tank and permeable paving will also be used. The 1 in 100 year storm event plus 30% climate change requires an additional storage area and it has been agreed with BCC SuDS that it would be appropriate to allow the northern section of the car park to store the additional surface water run off. Acceptable details have been submitted in respect of the maintenance of the SuDS scheme and Bucks County Council as the Local Lead Flood Authority are satisfied with the scheme submitted overall, subject to the imposition of conditions.
- 10.36 Having regard to the above, it is considered that the development of this site has passed the sequential test (the exception test not being required), that it would not increase flood risk elsewhere and that an appropriate surface water drainage scheme has been submitted. As such the development would accord with the aims of the NPPF and this matter should be afforded neutral weight in the planning balance.

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

- 10.37 Regard must be had as to how the proposed development 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. Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity.
- Landscape
- 10.38 The site is not subject to any special landscape designation. The proposed development would be sited to the front of the existing industrial units off Stocklake. Whilst the building would be visible in the street scene, it would be set at a lower level to Oakfield Road and given the acceptable design and scale of building it is not considered that it would appear unduly intrusive or out of keeping in the wider landscape context of this urban environment. This matter should be afforded neutral weight in the planning balance in this regard.
- Biodiversity
- 10.39 An Ecological Survey has been undertaken which found that in terms of habitats, the site had low potential for ecological habitats and species. Opportunities for biodiversity enhancement are put forward in terms of the landscaping scheme and also with regard to the flood mitigation measures relating to the swale which would enhance habitats but would also provide a treatment stage for the water prior to it being released. No objections have been raised by the Council's Biodiversity Officer who is satisfied with the survey and mitigation measures put forward as part of the application. The development should therefore be afforded neutral weight in the planning balance in this regard.
- Trees and hedgerows

10.40 There are a number of trees along the boundary with the canal to the south, but these would be unaffected by the development. Areas of scrub and bushes fronting Oakfield Road would have to be removed to accommodate the parking areas and the access and there would be encroachment on the root protection area of a mature tree along the Oakfield Road frontage but this shrub and tree are not considered to be significant in terms of the contribution they make to the amenity of the area and the tree is not considered worthy of a TPO. A landscaping scheme has been submitted which proposes new tree planting along the frontage and landscaping within the site which would sufficiently mitigate the development and more than replace that planting lost through the development. On this basis this matter should be afforded neutral weight in the planning balance.

c) *Impact on residential amenities*

10.41 Policy GP8 of AVDLP seeks to protect the residential amenity of nearby residents whilst a core planning principle of the NPPF also seeks to ensure a high standard of amenity for all existing and future users. There are residential properties on the other side of Oakfield Road to the east of the site, residential properties to the north on the other side of the traffic lights with the nearest residential properties being located some 70m to the south of the application site on the other side of the canal.

10.42 Environmental Health have raised no objections to the development subject to the imposition of conditions to address delivery times and noise mitigation measures. The building itself would not result in any loss of light or outlook to nearby residential properties given the distance between and intervening vegetation.

10.43 Overall the impact on residential amenities is considered to be acceptable and in accordance with policy GP8 and with the NPPF and as such this matter is weighed neutrally in the planning balance.

d) *S106/Developer contributions*

10.44 Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development

10.45 In order to ensure that the development does not result in the loss of car parking for the Askey's site a parking and manoeuvring plan will need to be secured and given that the applicant has no control over the adjacent land this will have to be secured by way of a legal agreement. Financial contributions would be sought in respect of off-site highway works in order to address the needs of the development. It is considered that this requirement would accord with The Community Infrastructure Levy (CIL) Regulations 2010. Regulation 122 places into law the Government's policy tests on the use of planning obligations. It is now unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development of this nature if the obligation does not meet all of the following tests; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. From April 2015 there are restrictions on the pooling of planning obligations. Local authorities can no longer pool more than five S106 obligations together (dating back to March 2010) to pay for a single infrastructure project or type of infrastructure.

10.46 In the context of this application the development is in a category to which the regulations apply. The requirement for a financial contribution towards highway improvements, if the proposals were to be supported, would need to be secured through a Planning Obligation Agreement. These are necessary and proportionate obligations that are considered to comply with the tests set by Regulation 122 for which there is clear policy basis either in the form of development plan policy or supplementary planning guidance, and which are directly, fairly and reasonably related to the scale and kind of development.

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