



# Buckinghamshire Council

## Central Buckinghamshire Area Planning Committee

### Agenda

**Date:** Wednesday 28 September 2022

**Time:** 2.30 pm

**Venue:** The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF

**Membership:** M Rand (Chairman), N Brown, M Caffrey, B Chapple OBE, M Collins, P Cooper, P Irwin, R Khan BEM, R Newcombe, G Smith, D Thompson and A Waite

Agenda Item	Time	Page No
1 APOLOGIES		
2 MINUTES To approve as a correct record the minutes of the meeting held 31 August 2022.		3 - 4
3 DECLARATIONS OF INTEREST		
<b>APPLICATIONS</b>		
4 22/02400/APP - LAND OFF SIR HENRY LEE CRESCENT, BERRYFIELDS, AYLESBURY		5 - 34
5 AVAILABILITY OF MEMBERS ATTENDING SITE VISITS (IF REQUIRED) To confirm Members' availability to undertake site visits on [insert date] if required.		
6 DATE OF THE NEXT MEETING 26 October 2022		

---

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

---

For further information please contact: Harry Thomas on 01296 585234, email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).



Agenda Item 2  
**Buckinghamshire Council**  
**Central Buckinghamshire Area**  
**Planning Committee**

## Minutes

**MINUTES OF THE MEETING OF THE CENTRAL BUCKINGHAMSHIRE AREA PLANNING COMMITTEE HELD ON WEDNESDAY 31 AUGUST 2022 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 2.30 PM AND CONCLUDING AT 3.56 PM**

### MEMBERS PRESENT

M Rand (Chairman), N Brown, M Caffrey, B Chapple OBE, M Collins, P Cooper, P Irwin, D Thompson and A Waite

### Agenda Item

#### 1 APOLOGIES

Apologies were received from Councillors R Khan BEM, R Newcombe and G Smith.

#### 2 MINUTES

**Resolved:** That the minutes of the meeting held on Wednesday 3<sup>rd</sup> August 2022 be agreed as a correct record.

#### 3 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 4 22/01925/APP - WESTON LODGE, 39 BROOK END, WESTON TURVILLE, BUCKINGHAMSHIRE, HP22 5RJ

Proposal: Demolition of existing single garage and sheds. Construction of a double garage with ancillary home office.

Speakers

Parish Council: Mr Martin Jarvis, Weston Turville Parish Council

Objector: Mrs Allison Stone

It was proposed by Councillor P Irwin, seconded by Councillor M Caffrey and

### RESOLVED

That application 22/01925/APP be **approved** subject to the conditions specified in the officer report.

**5 21/01689/APP - BEST WESTERN PLUS, HOTEL AND CLUB HOUSE, MAGNOLIA PARK GOLF CLUB, ARNCOTT ROAD, BOARSTALL, BUCKINGHAMSHIRE, HP18 9XX**

Proposal: Demolition of the existing hotel and its replacement with a new 100 bedroom hotel (Class C1) with a new separate golf club house. Provision of 215 car parking spaces and associated landscaping and access.

As this application had been deferred from the meeting held on 6 July 2022, in line with the Council's Constitution there was no further public speaking. A site visit had been undertaken on 3 August 2022.

It was proposed by Councillor P Cooper, seconded by Councillor B Chapple OBE and

**RESOLVED**

That application 21/01689/APP be deferred and delegated to the Director of Planning and Environment for **approval** subject to the satisfactory completion of a S106 agreement to secure the matters set out in the report, subject to the receipt of no new material representations, and the conditions as proposed and any other considered appropriate by Officers, or if these were not achieved for the application to be refused.

**6 AVAILABILITY OF MEMBERS ATTENDING SITE VISITS (IF REQUIRED)**

Details on any site visits deemed appropriate to occur prior to an application's consideration at the next scheduled meeting of the committee would be communicated to members as necessary.

**7 DATE OF THE NEXT MEETING**

Wednesday 28<sup>th</sup> September 2022



## Report to Buckinghamshire Council – Central Planning Committee

---

<b>Application Number:</b>	22/02400/APP
<b>Proposal:</b>	Erection of a new coffee shop with drive through facility along with associated access, parking and signage
<b>Site location:</b>	Land off Sir Henry Lee Crescent, Berryfields, Buckinghamshire
<b>Applicant:</b>	DNL Properties Limited
<b>Case Officer:</b>	Mrs Nina Hewitt-Jones
<b>Ward affected:</b>	STONE AND WADDESDON
<b>Parish-Town Council:</b>	BERRYFIELDS
<b>Valid date:</b>	5 July 2022
<b>Determination date:</b>	31 October 2022
<b>Recommendation:</b>	<b>The recommendation is that the application be deferred and delegated to the Director of Planning and Environment for APPROVAL subject to the satisfactory prior completion of a legal agreement to secure a variation of the original S106 completed on 14 November 2007 so that the provisions restricting the use of the land to B1, B2 &amp; B8 do not apply to the land comprising the application site, a Travel Plan and review fee, a S106 Monitoring fee, maintenance of the sustainable drainage elements for the duration of the development, and with appropriate conditions as considered appropriate by officers, or if this is not achieved for the application to be refused by Officers under delegated authority.</b>

---

### 1.0 Summary and Recommendation

- 1.1 This application seeks full planning permission for the erection of a new coffee shop with drive through facility along with associated access, parking and signage. The key issues are considered to be the principle of the proposed development in this location, impact on the character and appearance of the area, impact on highway safety, and impact on residential amenities.
- 1.2 The application is presented for determination by the Central Planning Committee in line with the Buckinghamshire Council Constitution and Planning Protocol as it has been called in by the three Ward Councillors for this area.
- 1.3 The principle of development on this site has already been accepted through the outline permission 03/02386/AOP where the land was identified and found to be acceptable for

employment uses.

- 1.4 The scheme is acceptable in terms of its design and external appearance, and it would not adversely harm residential amenities. There would be benefits to the scheme in terms of investment in construction and through the provision jobs. The proposal would have a neutral impact upon the character and appearance of the area, highway safety, and, subject to the completion of a Deed of Variation, would be an employment generating use which would be acceptable at this site.
- 1.5 Weighing all the relevant factors into the planning balance and having regard to the Development Plan and the NPPF as a whole, in applying paragraph 11 of the NPPF planning permission should be granted without delay. It is necessary to ensure that a satisfactory legal agreement is completed prior to the granting of permission to satisfactorily mitigate the impact of the proposal and to vary schedule 13 of the original s106 for the Berryfields MDA which was signed in 2007.
- 1.6 Having regard to s38(6) of the PCPA, it is concluded that there are no material considerations that indicate a decision other than in accordance with the Development Plan.
- 1.7 It is recommended that Members grant a resolution to approve, subject to the satisfactory prior completion of a legal agreement to secure a variation of the original S106 completed on 14 November 2007 so that the provisions restricting the use of the land to B1, B2 & B8 do not apply to the land comprising the application site, a Travel Plan and review fee, a S106 Monitoring fee, maintenance of the sustainable drainage elements for the duration of the development, and with appropriate conditions as considered appropriate by officers, or if this is not achieved for the application to be refused by Officers under delegated authority.

## **2.0 Description of Proposed Development**

- 2.1 This application seeks full planning permission for the erection of a new coffee shop with drive through facility along with associated access, parking and signage.
- 2.2 The proposal would comprise a coffee shop building - Class E(b) with a floor space of 167m<sup>2</sup> along with the provision of a drive thru' lane, 18 car parking spaces (2 of which would be blue badge disabled parking bays and 3 bays which would be dedicated EV charging bays), and a bicycle shelter.
- 2.3 A flood attenuation basin is situated to the north of the site and landscaping is to be provided within the site.
- 2.4 The site is to be accessed off Sir Henry Lee Crescent.
- 2.5 Amended plans have been submitted in response to negotiations with Officers, such that the internal vehicle routing within the site would now minimise the risk of queueing on to the highway, and the dimensions of the proposed parking spaces have been enlarged to accord with the Council's current adopted parking standards.
- 2.6 The application is accompanied by:
  - A20-001-SLP001-D Site Location Plan
  - A20-001-SP001-K Proposed Site Layout (received 7/9/2022)
  - A20-001-PL001-B Proposed Floor Plans (received 14/9/2022)
  - A20-001-PL002-B Proposed Elevations sheet 1 of 2

- A20-001-PL003-B Proposed Elevations sheet 2 of 2
- A20-001-PL004-A Proposed Roof Plan
- A20-001-PL005-D Proposed Boundary Treatment (received 14/9/2022)
- AYLESBURY - 02 Proposed External Elevations - Sheet 1
- AYLESBURY - 03 Proposed External Elevations - Sheet 2
- 1979-03-002 Swept Pat Analysis (received 15/9/2022)
- Ecology and Trees Checklist
- Noise Impact Assessment
- Air Quality Assessment
- Flood Risk Assessment
- Site Management Strategy - Rev A
- Design And Access Statement
- Transport Statement
- Berryfields - Sequential Merits Note
- Foul And Surface Water Drainage Strategy

2.7 During the course of the application amended and additional information has been submitted in response to officer and consultee comments.

### **3.0 Relevant Planning History**

3.1 The following planning history is of relevance:

- Reference: 03/02386/AOP

Development: Site for 3000 dwellings, employment (Classes B1, B2 and B8), district centre (comprising a mix of Classes A1, A2, A3, A4 and A5,B1, C3, D1 and D2), two combined schools, a secondary school, public open space and recreation facilities, park and ride and accesses.

Decision: APPROVED                  Decision Date: 14 November 2007

- Reference: 07/00052/ADP

Development: Approval of reserved matters pursuant to outline permission 03/02386/AOP relating to principal infrastructure and earthworks in relation to development for mixed use purposes of Berryfields Major Development Area

Decision: APPROVED                  Decision Date: 14 October 2008

- Reference: 21/00921/APP

Development: Erection of a coffee shop with drive through facility along with associated access, parking and signage

Decision: Withdrawn                  Decision Date: 27 June 2022

- Reference: 21/00922/AAD

Development: Pole sign (Internally Illuminated), Drive Thru directional signage (Internally Illuminated), Menu boards (Internally Illuminated) Exit/ Thank you signs (Internally

Illuminated) 'Starbucks' fascia signage (Internally Illuminated) 'Siren' Starbucks logo fixed to external cladding to building 'Siren' Starbucks logo fixed to signage blade to exterior of building (Internally Illuminated)

Decision: Withdrawn      Decision Date: 27 June 2022

- Reference: 22/02401/AAD

Development: Pole sign (Internally Illuminated), Drive Thru directional signage (Internally Illuminated), Menu boards (Internally Illuminated) Exit/ Thank you signs (Internally Illuminated) 'Starbucks' fascia signage (Internally Illuminated) 'Siren' Starbucks logo fixed to external cladding to building 'Siren' Starbucks logo fixed to signage blade to exterior of building (Internally Illuminated)

Decision: Pending consideration

This application cannot be brought to Committee under the terms of the Council's constitution and will be determined post Committee.

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

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".
- 4.2 The development plan for this area comprises:
  - Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
  - Vale of Aylesbury Local Plan Sept 2021
- 4.3 The following documents are relevant material considerations to the determination of the application:
  - National Planning Policy Framework (NPPF)
  - National Planning Practice Guidance (NPPG)
- 4.4 The issues and policy considerations are the principle of development, design, the amenity of existing residents, highways safety, landscape character and visual impacts.
- 4.5 The following VALP policies are most relevant to the application:
  - S1 Sustainable development for Aylesbury Vale
  - S2 Spatial strategy for growth
  - D1 Delivering Aylesbury Garden Town
  - D-AGT5 Berryfields
  - D6 Provision of employment land
  - BE2 Design of new development
  - BE3 Protection of the amenity of residents
  - T4 Capacity of the transport network to deliver development
  - T5 Delivering transport in new development



- T6 Car Parking
- T7 Footpaths and Cycle Routes
- T8 Electric Vehicle Parking
- E2 Other employment sites
- E5 Development outside town centres
- NE4 Landscape character and locally important landscape
- NE5 Pollution, air quality and contaminated land
- NE8 Trees, hedgerows and woodlands
- I4 Flooding
- I5 Water Resources and Wastewater Infrastructure

4.6 There is no Neighbourhood Plan covering this area.

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

VALP policies: S2 (Spatial strategy for growth), D1 (Aylesbury Garden Town), D-AGT5 (Berryfields), D6 (Employment land), E2 (Other employment sites), and E5 (Development outside town centres)

- 4.7 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 within the vale. The VALP sets out that 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. 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. The proposed development would complement these important strategic aims.
- 4.8 The proposed development is for the creation of a coffee shop (use class E(b)) within part of the allocated employment land of the Berryfields Major Development Area (MDA).
- 4.9 Although this current application has been submitted as an application for full planning permission, it is located within the Berryfields MDA for which outline planning permission (03/02386/AOP) was granted on 14th November 2007. More specifically this site is located within an area of land allocated for employment uses as secured by the Section 106 agreement accompanying the outline application for the MDA (03/02386/AOP).
- 4.10 The Berryfields MDA was allocated within the 2004 Aylesbury Vale District Local Plan (AVDLP) which allocated greenfield land beyond the existing urban edge of Aylesbury to accommodate growth of the town. The policy (AY13) set out a sustainable strategy for the Berryfields site which identified development of a balanced, vibrant community, grouping a mix of uses together and providing for most daily needs in the locality. The allocation of employment land within the Berryfields MDA was created in accordance with the then AVDLP policy AY13(f), the aims of which have now been carried over into the VALP as policy D-AGT5.
- 4.11 In addition to outlining the location of employment land, the Section 106 agreement accompanying the original outline planning permission (03/02386/AOP) signed in 2007 specifies that the allocated employment land should be used only for activities falling

within use classes “B1”, “B2” or “B8” as caveated by Appendix M. The s106 goes onto specify that the allocated employment land may not be used for any other purposes unless it has been marketed in accordance with the requirements of the S106 agreement for a period of not less than 60 months (i.e., 5 years).

- 4.12 Within the VALP, the provision of land for employment uses in Berryfields is specified in policy D6 which allocates 9 ha of land for “B1”, “B2” or “B8” use on the Berryfields Site. In addition, policy D-AGT5 of the VALP requires development proposals within the Berryfields site to comply with specific criteria including an employment allocation of 9ha split on two sites with a range of employment uses and space for start-up units in high quality buildings.
- 4.13 It is further specified within policy D-AGT5 that development on the allocated Berryfields employment sites is to add variety to the portfolio of the employment opportunities within Aylesbury. Employment in the context of D-AGT5 not limited to that falling within use classes “B1”, “B2” or “B8”, though as set out above the expectation of these uses is included in the Section 106 agreement for the Berryfield MDA.
- 4.14 Through the NPPF the Government is committed securing economic growth and productivity in a sustainable way. Paragraph 80 of the NPPF states that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. It further specifies that 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.
- 4.15 Provision is made within the VALP to enable the change of use on existing employment sites provided certain criteria are met. Specifically, policy E2 of the VALP states that outside key employment sites, the re-development or re-use of employment sites to an alternative non-employment use will normally be permitted provided a number of criteria are met, these criteria are set out in policy E2.
- 4.16 The acceptability of a coffee shop on the application site falls on whether the proposed development meets the criteria to facilitate a change from employment land designated for “B1”, “B2” or “B8” uses as specified in policy E2 of the VALP and the Section 106 agreement accompanying the outline application for Berryfields MDA (03/02386/AOP) and whether any potential conflict within these is outweighed by the provision of a coffee shop in this location. As part of this consideration, regard should also be had to other available sites and the sequential test required by VALP policy E5.
- 4.17 Information provided by the applicant demonstrates that employment land within the Berryfields MDA has on balance been compressively marketed by Savills for “B” class employment since 2015. This advertising was not wholly focused on the application site but did encompass it. No interest leading to the actual development of application site for these uses has however come forward in this time. While the level of marketing is considered to satisfy the criteria set out within adopted development plan policy, it does not fully address the marketing requirements outlined within Schedule 13 of the Section 106. Notwithstanding this, it is the Council’s opinion that even if Schedule 13 requirements had been comprehensively met, the result of marketing would not any different, i.e. a lack of market interest would still be the concluded result. An objection on this point is therefore not considered to be sustainable if challenged.
- 4.18 Despite not falling within a “B” use class, the proposed development would provide good employment opportunities for a range of skill levels, from school leavers up to management. It is therefore considered the proposed development would provide

appropriate alternative opportunities for residents. It is important to note that VALP policy E2 categorises employment uses to include Class E uses. This approach is consistent with other decisions made historically by the Council for example Lucas Furniture, a site very close to the application site. While not appropriate on all employment sites, it is considered that the case has been made for such a consideration on this site.

- 4.19 Further, it is noted that while allocated for employment uses and benefitting from outline planning permission for these uses, there is currently no operational development on the application site. It is a vacant and therefore underutilised site within the MDA. As such, the proposed development may be considered to be an improvement compared to the existing situation which is contributing nothing to the local economic or employment environment.
- 4.20 The supporting text within the VALP sets out that *“Promoting healthy, vibrant communities remains a key element of planning policy and in this context the original sustainable concepts behind the allocation of Berryfields remain relevant through to the time the development is completed. It is proposed therefore to retain the original employment and local centre allocations in this Local Plan and remain committed to the original Berryfields concept”*. In this case the proposed coffee shop, whilst not being a strict employment ‘B’ use, would be an employment generating ‘E’ use and such use would accord with the aims of the Local Plan and would be preferable to the site remaining undeveloped or ultimately being developed for housing, which would conflict with policies D-AGT5 and E2.
- 4.21 In accordance with VALP policy E5 the applicant has conducted a sequential test which concludes that the sequential test is satisfied on account of the site-specific characteristics of the drive thru coffee shop unit. Policy E5 of the VALP allows the decision maker to consider viability as part of a consideration of suitability and the NPPG recognises the ability to consider locationally specific requirements. In short, a drive through unit is simply not suitable for a town or district centre location and as such other sites are not a suitable alternative, irrespective of size and availability. The Council does not reach an alternative conclusion and agrees with the sequential test findings.
- 4.22 The application site extends to 0.24ha and the construction of a coffee shop in this location would not prejudice the efficient and effective use of the remainder of the wider employment area (5.96ha) as the remaining part of this employment area would remain accessible as a result of the proposed development, in accordance with VALP policy E2.
- 4.23 To summarise, Aylesbury is a sustainable settlement for growth and the proposal would not harm the revitalisation of the town centre. It is acknowledged that there would be economic benefits in terms of the construction of the building and the contribution that the development would make to the wider employment opportunities within the area, and the Council’s Economic Development Team support the creation of jobs. This matter is afforded positive weight in favour of the scheme.
- 4.24 The proposed development would provide alternative employment opportunities. Overall, on balance the proposed development in this location would not conflict with the aims of policies S2, D1, D-AGT5, D6, E2 and E5 of the VALP, and would support the creation of jobs to which significant benefit is given. The development is therefore considered to be acceptable in principle in this location, subject to the satisfactory completion of a Deed of Variation to the original Section 106 agreement (2007) so that the provisions restricting the use of the land to B1, B2 & B8 do not apply to the land comprising the application site.

### **Transport Matters**

VALP policy: T4 (Capacity of the transport network to deliver development) T5 (Delivering

transport in new development), T6 (Vehicle parking), T7 (Footpaths and Cycle Routes), and T8 (Electric Vehicle Parking)

- 4.25 Policy T4 of the VALP states that new development will be permitted where there is evidence that there is sufficient capacity in the transport network to accommodate the increase in travel demand as a result of the development.
- 4.26 Policy T5 of the VALP states that new development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development.

*Network operation and impact*

- 4.27 There have been extensive discussions between the applicant and Buckinghamshire Council's Highway specialists who have been looking at the LINSIG assessment of the Sir Henry Lee Crescent/A41/Paradise Orchard junction to ensure it functions post development. As a result of these discussions further information has been submitted as follows:
- the 2036 traffic flows from the most up to date strategic transport model were used for the LINSIG assessment.
  - the applicant clarified the trip percentages of the diverted, pass-by and linked trips.
  - full trip distribution methodology and an understanding of how it was assumed where the trips were going from and to on the junction.
  - the applicant specified that Class E (b) – sale of food and drink is the only use applied for and any permission could be conditioned as such, meaning that a retail sensitivity assessment is not required.
  - a sensitivity test was undertaken using fast-food trip rates derived from TRICS to provide a more robust assessment.
  - additional modelling has been provided given that the junction layout will be altered as part of the Primary Public Transport Corridor (PPTC) works. This has been taken into consideration in the latest modelling.
- 4.28 Origin Transport Consultants, on behalf of the Council, have fully assessed the latest LINSIG modelling and confirm that this model incorporates the most up to date 2036 traffic flows. The 2036 flows have been derived from the Council's strategic model. The new 2036 model includes all of the VALP strategic sites and infrastructure in an updated, more accurate model including updated data based on mobile phone usage. The latest modelling has also incorporated the junction layout that will be altered as part of the Primary Public Transport Corridor (PPTC) works.
- 4.29 It is agreed that 60% of total trips to and from the site would be pass-by/diverted trips, with only 40% of the trips being completely new to the network i.e. driving to the site as a destination. These discount levels are consistent with other drive thru facilities in Aylesbury and are deemed robust.
- 4.30 With regards to the trip distribution, it has been confirmed that the distribution of trips to the site is based on the existing proportion of trips at the junction arriving from the north, east and west, and it has been assumed that no trips to the site originate from Sir Henry Lee Crescent itself. This approach is accepted to be reasonable.
- 4.31 Previously, Origin Transport Consultants raised concerns with the use of only one

comparable Starbucks site to determine the trip generation of the site and with the fact that the site would have the potential to be altered in the future to another 'fast-food' drive thru which the use class would allow for. However, this issue has been resolved as the applicant has conducted a sensitivity test using the fast-food trip rates derived from Origin Transport Consultant's TRICS assessment. This trip rate has been derived from the TRICS® database for fast food drive through sites in England. All three sites were McDonalds located in Bristol, Cambridge and Lincoln. The Council Highways Officer is satisfied that the assessment has fully considered this scenario.

- 4.32 The results of the analysis are set out below and Origin Transport Consultants state that: *"whilst the proposal will result in a small increase in queuing on some approaches to the junction, the junction will continue to operate within capacity in both peak periods and the impact of the proposal cannot be considered to be severe."*

Link		AM Peak		PM Peak	
		% Sat	Queue	% Sat	Queue
1/1	A41 E/B Left	8.9	1	17.8	2
½	A41 E/B Ahead	87.8	25	71.7	18
1/3	A41 E/B Right/Ahead	87.9	25	71.7	18
2/1	A41 W/B Left Ahead	57.4	10	75.0	15
2/2	A41 W/B Ahead	59.1	11	76.4	16
2/3	A41 W/B Right	24.2	4	74.7	14
3/1+3/2	WLR N/B	52.1	3	10.5	1
4/2+4/1	WLR S/B Ahead/Left	88.1	17	50.0	7
4/3	WLR S/B Ahead/Right	36.7	3	9.1	1
% PRC		2.2		17.7	
Cycle Time		120		120	

Table 1: 2036 Strategic Model Base

Link		AM Peak		PM Peak	
		% Sat	Queue	% Sat	Queue
1/1	A41 E/B Left	8.9	1	17.8	2
½	A41 E/B Ahead	88.2	26	72.0	18
1/3	A41 E/B Right/Ahead	88.1	26	71.9	18
2/1	A41 W/B Left Ahead	57.7	10	75.3	15
2/2	A41 W/B Ahead	59.3	11	76.7	16
2/3	A41 W/B Right	24.2	4	74.5	14
3/1+3/2	WLR N/B	59.7	4	15.8	1

4/2+4/1	WLR S/B Ahead/Left	87.6	17	50.0	7
4/3	WLR S/B Ahead/Right	38.3	4	9.1	1
% PRC		2.1		17.3	
Cycle Time		120		120	

Table 2: 2036 Strategic Model with Starbucks

4.33 As can be seen from the tables above, when the Starbucks development is added on top of the 2036 strategic model there is an imperceptible increase in the percentage of saturation in the AM peak and PM peaks. For example, in the AM peak on the 'A41 E/B Ahead' arm the percentage of saturation rises from 87.8% to 88.2%. This represents one additional vehicle queuing on this approach from 25 to 26 vehicles and this cannot be considered a severe impact. The most notable rise in the percentage of saturation in the AM peak is on the 'WLR N/B' arm where this increases from 52.1% for the 2036 strategic model to 59.7% for the strategic model with Starbucks. However, this only represents one additional vehicle queuing on this approach from 3 to 4 vehicles and the Council Highways Officer is satisfied that the junction will still be able to operate within capacity.

Link		AM Peak		PM Peak	
		% Sat	Queue	% Sat	Queue
1/1	A41 E/B Left	8.9	1	17.4	2
½	A41 E/B Ahead	88.2	26	70.5	18
1/3	A41 E/B Right/Ahead	88.1	26	70.2	17
2/1	A41 W/B Left Ahead	57.6	10	75.5	15
2/2	A41 W/B Ahead	59.3	11	76.9	17
2/3	A41 W/B Right	24.2	4	76.7	14
3/1+3/2	WLR N/B	57.5	3	19.5	1
4/2+4/1	WLR S/B Ahead/Left	87.6	17	51.4	7
4/3	WLR S/B Ahead/Right	37.9	3	9.1	1
% PRC		2.1		17.0	
Cycle Time		120		120	

Table 3: 2036 Strategic Model with Fast Food

Link		AM Peak		PM Peak	
		% Sat	Queue	% Sat	Queue
1/1	A41 E/B Left	8.9	1	17.2	2
½	A41 E/B Ahead	88.4	26	70.8	18
1/3	A41 E/B Right/Ahead	88.3	26	70.6	18

2/1	A41 W/B Left Ahead	57.8	10	76.1	15
2/2	A41 W/B Ahead	59.5	11	77.4	17
2/3	A41 W/B Right	24.2	4	76.1	14
3/1+3/2	WLR N/B	64.3	4	29.4	2
4/2+4/1	WLR S/B Ahead/Left	87.4	17	51.4	7
4/3	WLR S/B Ahead/Right	38.7	4	9.1	1
% PRC		1.8		16.3	
Cycle Time		120		120	

Table 4: 2036 Strategic Model with Fast Food \* 2

4.34 The applicant was asked to use the fast-food trip rates that Origin Transport Consultants had derived in a further assessment as it included multiple McDonald's drive-thru's which have a higher trip rate than Starbucks. If we consider the more robust 2036 strategic model with fast food use, there is again an imperceptible increase in the percentage of saturation in the AM peak. For example, in the AM peak the percentage of saturation on the 'A41 E/B Ahead' arm rises from 87.8% to 88.2%. This represents one additional vehicle queuing on this approach from 25 to 26 vehicles and this cannot be considered a severe impact. The most notable rise in the percentage of saturation in the AM peak is on the 'WLR N/B' arm from 52.1% for the 2036 strategic model to 57.5% for the strategic model with fast food. However, this does not represent any additional queuing on this approach, and the Council Highways Officer is satisfied that that the proposal will have minimal impact on the junction.

4.35 Even when the fast-food trip rates in Table 4 are doubled there is still no tangible increase in either the percentage of saturation or the queuing on the approaches to the junction in either the AM or PM peaks. It is considered that this proposal has been put through the most thorough of assessments and the tables above clearly demonstrate that it cannot be considered to have a severe impact and that the junction will still operate within capacity, in accordance with policy T4 of the VALP and the guidance set out in the NPPF. In light of this robust data, it is considered that an objection on this point would not be sustainable if challenged.

*Public Transport*

4.36 The site is located in a sustainable location, approximately 0.3 miles away from the nearest bus stop and regular bus services connect to Aylesbury Town Centre. Furthermore, Aylesbury Vale Parkway is located only 0.5 miles away with train services to London. Footways connect to the nearby bus stop and train station making the site very accessible to pedestrians.

*Site Access*

4.37 The proposed site access has been positioned further north to allow an increased buffer zone when turning off Sir Henry Lee Crescent. A 2m wide pedestrian link has been added from the main footway along Sir Henry Lee Crescent at the east of the site and this has been accommodated to the south of the cycle stands. The Council Highways Officer is satisfied with this arrangement.

- 4.38 Internally within the site the drive thru lane has capacity for 8 car lengths up to the collection stop line and a further 2 car lengths from the back end of the drive thru lane to the entry give way line at the main access point. Another 3 car lengths could be accommodated before there was any stacking onto Sir Henry Lee Crescent. Therefore, there is a drive thru capacity of 10 cars before there is any backing up onto the access road.
- 4.39 By its very nature there may be potential at peak times where queuing may extend out of the site and onto the access road and Sir Henry Lee Crescent causing problems on the highway network. The applicant has provided an updated Site Management Strategy which addresses these concerns.

#### *Site Management Strategy*

- 4.40 Following negotiations an amended Site Management Strategy has been received, and this document would be secured by condition.
- 4.41 The strategy sets out that there is a waiting bay past the collection window where a vehicle can wait for their order during busy periods and alternatively vehicles will be directed into the car park to wait for their order which will further reduce queues at the drive thru. As discussed in the parking section below, there would be an overprovision of car parking spaces within the site. As such the Council Highways Officer is satisfied that the car park would have sufficient capacity to allow customers to pull clear of the drive-thru lane, park up and have their order delivered to them and avoid backing up issues.
- 4.42 The Strategy states that a member of staff will be designated to act as a marshal directing cars to the car park and ensuring that no backing up occurs which might spill onto the highway. It is further stated that a marshal would be able to 'cone' off the access to stop cars entering the drive thru if necessary. This is welcomed as it will stop vehicles overspilling out of the site and would direct users to the car park instead.

#### *Parking*

- 4.43 The proposed use as a coffee shop (Class E(b)) does not fit neatly into any of the categories within the recently adopted VALP parking standards, however, basing the calculations on the 'worst-case-scenario' a former 'A3' use (restaurants, public houses etc) would be required to be served by one space per 17sqm. As the proposed coffee shop building would have a gross floor space of 167sqm, a maximum quantum of 10 parking spaces would be required. A total of 16 car parking spaces are proposed within the site which equates to a significant overprovision of 6 spaces above the already generous 10 spaces required for the worst case scenario. Officers are therefore more than satisfied that the proposed parking area could be utilised to allow for additional queuing from the drive-thru during peak periods.
- 4.44 The parking spaces have been revised to ensure that they meet the correct dimensions set out in Appendix B of the VALP (2.8m x 5m). Two of the proposed car parking spaces would be larger blue badge spaces, and three of the spaces would be electric vehicle charging bays (3m x 6m) which is 1 space more than the amount required by policy T8 of the VALP.
- 4.45 Additionally, there is 6m of turning area behind each space which would allow vehicles to safely manoeuvre and leave the site in a forward's gear.

#### *Cycling*

- 4.46 The proposed development seeks to introduce cycle parking facilities. Four covered cycle parking spaces are to be provided which exceeds the requirements contained within the adopted VALP Parking Standards.



### *Refuse Collection/Deliveries*

- 4.47 The applicant states that refuse collection is to be carried out by private contract and will use smaller vehicles than the Council's normal specification. Tracking has been provided of a 9.75m long refuse vehicle manoeuvring within the site and leaving within a forward gear. The Highways Officer is satisfied with the tracking and for two parking spaces to be coned off during servicing to allow the vehicle to complete this manoeuvre.
- 4.48 Tracking has also been provided of the largest used delivery vehicle which is 11.3m long. The applicant states that deliveries are anticipated to be in a rigid delivery vehicle. Due to constraints, it would be necessary for such a vehicle to enter via the exit point (then to turn within the Site and leave via the exit, again subject to some coning off of parking spaces during manoeuvrings). A swept path analysis has also been provided of an articulated delivery vehicle which is more manoeuvrable and would be able to enter the site conventionally.
- 4.49 The Site Management Strategy states that all refuse collections and deliveries will be under "banksman" control to avoid conflicts with other uses of the site. Deliveries will be timed to avoid peak periods and four waste collections per week could be expected. It may be necessary to perform these deliveries when the site is closed to reduce the possibility of conflict with other users. As indicated above, the Site Management Strategy is to be secured by condition.

### *S106 Obligations/Contributions*

- 4.50 The Passenger Transport Team have not requested any contributions to improve public transport in the area as a result of this proposal.
- 4.51 Appropriate signage and lining have been shown on the most recent revised site plan. As these would be completely within the site a Traffic Regulation Order (TRO) is not applicable in this instance and therefore no financial contribution is required.
- 4.52 In order to influence modal choice and to reduce single occupancy private car journeys the proposed s106 agreement will secure that prior to the commencement of the development a Travel Plan Framework shall be submitted to and be agreed by the Local Planning Authority. Following which a Full Travel Plan shall then be submitted to and approved by the Local Planning Authority to be in general accordance with the '*Buckinghamshire County Council Travel Plan Good Practice Guidance*'. The approved Travel Plan shall be implemented upon occupation of the development and subject to annual review thereafter. A financial contribution of £1,000 per annum for 5 years for the monitoring of the Travel Plan (£5,000 in total from this site) is to be secured by the s106.

### *Transport conclusion*

- 4.53 Having regard to the above matters it is considered that, subject to appropriate conditions and the completion of a satisfactory s106, the proposal would not have a significant impact upon highways safety and would accord with policies T4, T5, T6, T7, and T8 of the VALP and with the guidance set out in the NPPF.

### **Place making and design**

VALP policies: D-AGT5 (Berryfields), BE2 (Design of new development), NE4 (Landscape character and locally important landscape), and NE8 (Trees, hedgerows and woodlands)

- 4.54 Policy BE2 of the VALP requires all new development proposals to respect and complement the physical characteristics of the site and its surroundings and local distinctiveness and

vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials, the natural qualities and features of the area, and the effect on important public views and skylines.

4.55 Policy NE4 of the VALP seeks to ensure that scheme respects the local context and landscape character of the area.

4.56 Policy D-AGT5 states that the Design Code should be followed.

#### *Layout and Appearance*

4.57 The application site falls within the area covered by the Berryfields Design Code for Phase 1 (July 2008).

4.58 As previously discussed, this site forms part of the Employment Land allocated as part of the Berryfields MDA. The landscape impact of the proposed single storey development would not be substantially different, albeit of a potential smaller scale, than any employment buildings which could come forward in accordance with the outline planning permission for the Berryfields MDA.

4.59 As part of the land allocated for employment within the outline planning permission for the MDA the site itself has not been specifically commented on within the Design Code document.

4.60 Visually it is considered that the external appearance of the proposed development would not be incongruous in appearance for the proposed location. The proposed building would be single storey in height with a mono-pitched roof. To the front and centre of the roof a decorative clay brick slip fin will be provided which would incorporate the corporate logo signage. The principal elevation would mainly be formed by a full height glazing system with a feature panel faced in Accoya vertical cladding. The rear and side elevations will be finished in 600mm high horizontal cladding panels. The collection window/pod is located within the rear elevation of the building and would be finished in Accoya vertical cladding with a glazed serving hatch.

4.61 The proposed design palette of materials would sit comfortably within its setting given the character of the wider site and would accord with the relevant Design Code. The design theme of the building is broadly in accordance with both this chains and other coffee chain drive through offerings in the UK. The general proportionality of the building is deemed acceptable.

#### *Landscape Impact*

4.62 The site is not subject to any special landscape designation.

4.63 The principle of built development on this site has already been accepted through the outline planning permission for the MDA and the landscape impact on local and wider views were fully assessed at that stage.

4.64 Whilst the building would be visible within the street scene, 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 and would comply with policy NE4 of the VALP and the guidance set out in the approved Berryfields Design Code.

#### *Landscaping*

4.65 The proposed scheme would provide a low-profile soft landscaping scheme round the site to maintain visibility. The proposal currently provides for indicative soft planting areas

which would be developed in full and details submitted in order to discharge an appropriate planning condition. Also, to ensure the long-term success of the soft landscaping scheme a condition to ensure the replacement of any tree or shrub that may fail with the first five years of planting is considered necessary.

- 4.66 The hard landscaping within the site would comprise a patio area around the building to ensure easier access for pedestrians, and tanked permeable paving is proposed to hard standing pedestrian areas with tanked permeable paving to parking areas. Tanked permeable tarmac is proposed to the access road, car parking area, and the drive thru lane.
- 4.67 Around the western, northern and north-eastern boundary of the site it is proposed to provide 1.2m high timber post and rail fencing, with a 400mm high timber knee-rail along the eastern boundary with Sir Henry Lee Crescent.
- 4.68 In accordance with the mitigation measures recommended within the Noise Impact Assessment an acoustic barrier would be provided along the western boundary of the proposed drive thru lane and details of this barrier are to be provided by condition.
- 4.69 An enclosed refuse area would be provided adjacent to the western elevation of the proposed building which would screen this facility from public views.
- 4.70 Overall, the proposed layout and appearance of the development is considered acceptable, and subject to the conditions recommended above, the proposed development is considered to accord with policies D-AGT5, BE2, NE4, and NE8 of the VALP and the guidance set out in the NPPF.

#### **Amenity of nearby residents**

VALP policies: BE3 (Protection of the amenity of residents) and NE5 (Pollution, air quality and contaminated land)

- 4.71 Policy BE3 of the VALP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of existing residents and would not achieve a satisfactory level of amenity for future residents.
- 4.72 Policy NE5 of the VALP seeks to protect existing or proposed and sensitive human and animal receptors from significant levels of noise, light spill and potential glare, and poor air quality. Where necessary, planning conditions will be imposed.
- 4.73 The closest dwellings to the site are Billingsfield Cottages which are located adjacent to the north-western boundary of the site. The residential dwellings to the east of the site are located on the other side of the main highway through the development (Sir Henry Lee Crescent) and are some 29m away at the closest point.
- 4.74 The proposed building would not result in any loss of light or loss of privacy to nearby residential properties given the separation distance between it and the nearest neighbouring dwellings. It is however considered appropriate to restrict the hours of opening to ensure that the amenities of residents in the vicinity are not adversely affected by the operation during unsocial hours.

#### *Noise*

- 4.75 A Noise Impact Assessment (NIA) has been submitted which details that an environmental noise survey has been completed to monitor the existing sound levels at the boundary of the proposed development site and then the various phases of operation have been considered. The assumed associated sound sources are the delivery and patron Vehicles and external plant equipment.

### *Delivery and Patron Vehicles*

- 4.76 In relation to noise from delivery and patron vehicles the report recommends the construction of a tall sound barrier along the northern boundary of the drive-through roadway for vehicles collecting their purchases. It is considered this barrier would offer a high degree of screening to residents at low level ( $\approx >10\text{dB}$ ). Provided the barrier is at least 1.8mtrs high, solid and imperforate with a surface density  $\geq 12\text{kg/m}^2$ , there can be a high degree of reduction. In order to ensure that details of this barrier are acceptable to the LPA it is proposed to condition the submission and agreement of the proposed barrier prior to the first use of the drive thru element of the development.
- 4.77 In addition, the submission and agreement of a noise management plan (NMP) would be conditioned. The NMP shall include delivery times, site etiquette and staff training in respect to the various issues that might arise due to operational noise.
- 4.78 In Summary, through implementation of the above measures, the amenity of the surrounding residences can be protected from sounds arising from vehicular movements and parking events at the proposed site.

### *Plant noise*

- 4.79 The NIA assesses the potential noise impact that any external plant could have on nearby residents. As the development is not considered to be 24hr (opening times have been indicated by the applicant and would be controlled by condition), only the hours from 6am – 10pm have been considered in the NIA.
- 4.80 The NIA recommends that the externally mounted plant should be placed such as to break the direct line of sight to the residential receptors by using the building structure as a natural barrier. Details of any proposed external plant shall be secured by condition prior to the commencement of construction above slab-level.
- 4.81 In summary the NIA shows through recommendations and calculation that the development should have no adverse acoustical impact on the surrounding residents through proper design and consideration, and that the planning application should not be delayed or impeded on the basis of noise.

### *Air quality*

- 4.82 An Air Quality Assessment (AQA) has been submitted. The AQA considers the key air quality issues at the site and sets out the necessary measures that are required to ensure that the amenity of the surrounding receptors is adequate during the construction and operation of the facility.
- 4.83 The AQA concludes that the additional traffic generated by the proposed development will result in negligible impacts on local air quality.
- 4.84 During the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. Although by introducing good practice of dust control mitigation methods, the AQA concludes that the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities is predicted to be negligible.
- 4.85 Traffic generated during the operation of the development will give rise to emissions which could have the potential to affect local air quality. However, the number of Annual Average Daily Traffic movements generated during the operation of the development is predicted to be below the threshold for triggering a detailed air quality assessment, as prescribed by

the IAQM Guidance and therefore considered acceptable.

- 4.86 Based on the AQA results, the site is considered suitable for development with inclusion of best practice measures during construction, and this mitigation would be secured by condition.

#### *Lighting*

- 4.87 Recessed downlights are proposed to be fitted below the drive thru canopy by the proposed service window on the north-western side of the building, recessed downlights would also be used to illuminate the front south-eastern elevation of the building.
- 4.88 Given the location and design of the proposed lighting scheme it is considered that there would be no adverse impact to residential amenities.
- 4.89 A condition would be imposed in order to ensure that any further external lighting would be required to be submitted for approval prior to installation to ensure that the details would be acceptable to the Local Planning Authority.

#### *Residential Amenity Conclusion*

- 4.90 The Council's Environmental Health Officer has considered the details submitted and raises no objections to the development.
- 4.91 Having regard to the above matters, and subject to conditions requiring satisfactory mitigation measures, it is considered that there would be no adverse impact upon neighbouring residential amenity in accordance with policies BE3 and NE5 of the VALP and with the guidance set out in the NPPF.

#### **Heritage Impact**

VALP policy: BE1 (Heritage assets)

- 4.92 The site does not fall within a conservation area, nor would it affect the setting of any nearby conservation areas. There are also no listed buildings in the vicinity of the site.
- 4.93 To the north-east of the proposed development on the far side of Martin Dalby Way is a Scheduled Monument for "Deserted villages and Civil War earthwork". Due to the location of the site and the intervening land, development and the main road, it is considered that the development would have no impact on this feature.
- 4.94 As such it is considered that the local authority has discharged their statutory duty to pay special regard and attention to the desirability of preserving the setting of nearby listed buildings and the desirability of preserving or enhancing the character or appearance of the conservation area, as required by section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and have met the requirements of paragraph 189 of the NPPF.
- 4.95 Archaeological evaluation in the form of field walking and trial trenching has taken place in the vicinity and excavation has taken place adjacent to the proposed development. The Berryfields MDA Aylesbury Buckinghamshire: Aylesbury Vale Parkway Post Excavation Assessment report by Oxford Archaeology South Summary includes:

*Excavations were undertaken in 2007 and 2008 by Oxford Archaeology (OA) at the site of Aylesbury Vale Parkway 9AVP) to the north-west of Aylesbury and within the Berryfields major development area (MDA).*

*Finds retrieved from the excavation provided an indication of Bronze Age occupation in the area, although the focus of this activity is likely to have been located away from the*

*site. The first significant period of activity dated to the roman period. The site was situated immediately north of Akeman Street. Indeed, a ditch recorded in the southern part of the site may be an outer roadside ditch. Early and mid-Roman ditches and pits were uncovered, and a cremation burial was tentatively assigned to the early Roman period. The landscape in the later 3rd or 4th century was marked by a system of enclosures and boundaries. A possible timber structure may have been associated with the enclosures but is currently undated. Hammerscale and a concentration of mainly late Roman coins hint at a significant roadside activity. Two late Roman inhumation graves were also recorded. Two phases of post-Roman agriculture were uncovered. The first, a series of furrows heralded apparently by a period of tree clearance, was concentrated in the southern part of the site. This was replaced by ridge and furrow sometime between the 10th and 16th centuries.*

- 4.96 The Berryfields MDA: Archaeological Mitigation Zone Plan indicates that this area requires 'strip, map and sample' excavation prior to development.
- 4.97 As such a condition would be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with VALP policy BE1 and NPPF paragraph 205.

### **Flooding and Climate Change**

VALP policies: I4 (Flooding) and I5 (Water Resources and Wastewater Infrastructure)

- 4.98 A Flood Risk Assessment (FRA) has been prepared by Create Consultant Engineers in support of this application. The Environmental Agency Flood Map (Fig.5) confirms that the application site is located outside of flood zones 2 and 3, and the submitted FRA concludes that there is a low risk of flooding.
- 4.99 A foul and surface water drainage proposal has been prepared by Create Consulting Engineers and has been submitted to support this application. The proposed surface water drainage strategy provides that surface water flows are attenuated using SuDS to restrict flows from the site. The foul and surface water drainage strategy shows that it would ensure flood risk to surrounding areas are not increased as a result of the proposed development.
- 4.100 The applicant has provided details of permission to connect to the private surface water sewer network from 'Independent Water Networks Ltd', along with details of the wider connectivity of this network. The provision of this information demonstrates the viability of the proposed scheme. An updated water quality assessment has also been provided; this demonstrates that the mitigation indices associated with the proposed SuDS component(s) equals/exceeds the pollution hazard index (for each contaminant type) associated within the proposed development.
- 4.101 Sections 3.5-3.7 of the Foul and Surface Water Drainage Strategy discuss local ground conditions (based upon local borehole logs) however details of site-specific ground conditions have not been provided. Site specific information is required to inform surface water drainage schemes. As such, in order to demonstrate compliance with the drainage hierarchy outlined within Paragraph 080 of the Planning Practice Guidance, site specific ground investigations must be undertaken at the detailed design stage to determine the infiltration potential of the underlying geology on site. This must include infiltration rate testing in accordance with BRE365 and groundwater monitoring over the winter period (November-March). If infiltration is deemed viable, the scheme must be updated accordingly.

- 4.102 Due to the anticipated high groundwater levels, floatation calculations will be required where an attenuation-based scheme is pursued. These should be based upon groundwater levels observed during monitoring over the winter period (November-March) or based on the worst-case scenario of groundwater being at surface level.
- 4.103 The applicant must investigate viability of including small above ground SuDS components, such as rain gardens, tree pits and a green roof within the surface water drainage scheme. The incorporation of an active rainwater harvesting system should also be investigated; this would allow rainwater to be re-used within the building for toilet flushing. Where additional components are able to be incorporated within the scheme, all relevant documents must be updated accordingly to show how the full system will function when carried out on site (i.e. an updated water quality assessment, drainage layout and calculations). Where necessary, justification for exclusion must be provided.
- 4.104 Construction drawings of all SuDS and drainage components are required; these must be shown in the form of cross-section drawings and be inclusive of cover and invert levels along with details of construction materials.
- 4.105 An indicative maintenance plan has been provided, although a detailed whole-life maintenance plan is required at the detailed design stage and will be secured through the s106. The detailed maintenance plan shall include details of the maintenance tasks required for all SuDS and drainage components included within the scheme, along with details of the frequency by which these tasks are to be undertaken. Details of the persons responsible for undertaking the required maintenance must also be included within this plan.
- 4.106 Subject to the above measures which would be secured by condition/s106 obligation, it is considered that the proposal would accord with policy I4 of the VALP and the guidance set out in the NPPF.

## **Biodiversity**

VALP policy: NE1 (Biodiversity and Geodiversity)

- 4.107 Although this site (and the wider MDA) is located within a red zone for Great Crested Newts (GCNs) satisfactory GCN mitigation was implemented as part of the MDA scheme and with the current site conditions it is now not considered necessary to submit a to submit a Preliminary Ecological Appraisal (PEA) on this matter. Reasonable avoidance measures are to be employed on site to reduce any potential impact and an informative is to be attached to any planning consent that may be granted.
- 4.108 Recent surveys confirm GCNs are not present in the ponds closest to the development so no District Licence application for this species is necessary.
- 4.109 A condition would be imposed to secure details and the provision of biodiversity enhancement measures within the scheme to ensure a biodiversity net gain on site.
- 4.110 It is therefore considered that the proposal would accord with policy NE1 of the VALP and with the guidance set out in the NPPF.

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

- 5.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.2 In determining the planning application, section 38(6) of the Planning and Compulsory

Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

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

- 5.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or 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 the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 5.4 As set out above it is considered that the proposed development would provide employment opportunities which are a positive benefit in the overall planning balance. No negative impacts have been identified that cannot be mitigated satisfactorily. The proposal would accord with the relevant development plan policies D-AGT5, D6, E2, E5, BE1, BE2, BE3, T4, T5, T6, T7, T8 and NE1 of the VALP, and with the guidance set out in the NPPF.
- 5.5 In line with the Public Sector Equality Duty the LPA must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010 (as amended). In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). It is not considered that discrimination or inequality would arise from the proposal.
- 5.6 The Human Rights Act 1998 Article 1 the protection of property and the peaceful enjoyment of possessions and Article 8 the right to respect for private and family life, have been taken into account in considering any impact of the development on residential amenity and the measures to avoid and mitigate impacts. It is not considered that the development would infringe these rights.

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

- 6.1 In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application. In this case, further information was sought to overcome matters relating to the acceptability of the development. Further information was submitted and found to be acceptable, therefore the application recommended for approval.



## 7.0 Recommendation

- 7.1 The principle of built development on this site has already been accepted through the outline permission 03/02386/AOP where the land was identified and found to be acceptable for employment uses.
- 7.2 The proposed development would comply with the Development Plan and the NPPF as a whole. It would provide employment during operation and other jobs would be provided during the construction period. There are no material considerations that indicate a decision otherwise than in accordance with the development plan.
- 7.3 It is therefore recommended that Members grant a resolution to approve, subject to the satisfactory prior completion of a legal agreement to secure a variation of the original S106 completed on 14 November 2007 so that the provisions restricting the use of the land to B1, B2 & B8 do not apply to the land comprising the application site, a Travel Plan and review fee, a S106 Monitoring fee, maintenance of the sustainable drainage elements for the duration of the development, and with appropriate conditions as considered appropriate by officers, or if this is not achieved for the application to be refused by Officers under delegated authority.

### 7.4 Proposed 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. Approved Drawings

- 2) The development hereby permitted shall be carried out in accordance with the details contained in the planning application hereby approved and plan numbers as listed below and in accordance with any other conditions imposed by this planning permission:

A20-001-SLP001-D Site Location Plan

A20-001-SP001-K Proposed Site Layout (received 7/9/2022)

A20-001-PL001-B Proposed Floor Plans (received 14/9/2022)

A20-001-PL005-D Proposed Boundary Treatment (received 14/9/2022)

A20-001-PL002-B Proposed Elevations sheet 1 of 2

A20-001-PL003-B Proposed Elevations sheet 2 of 2

A20-001-PL004-A Proposed Roof Plan

AYLESBURY - 02 Proposed External Elevations - Sheet 1

AYLESBURY - 03 Proposed External Elevations - Sheet 2

1979-03-002 Swept Pat Analysis (received 15/9/2022)

Reason: To define the development which has been permitted and to comply with the VALP and the NPPF.

- 3) The materials to be used in the development shall be as indicated on the approved drawings AYLESBURY - 02 Proposed External Elevations - Sheet 1 and AYLESBURY - 03 Proposed External Elevations - Sheet 2.

Reason: To ensure a satisfactory appearance to the development and to comply with policy BE2 of the VALP, and the National Planning Policy Framework.

- 4) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, 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:
- Discharge rate limited to 1l/s
  - Demonstrate that water quality, ecological and amenity benefits have been considered
  - An investigation into the viability of including additional SuDS components, including but not limited to, rain gardens, tree pits, green roofs and active rainwater harvesting. Where necessary, justification for exclusion will be provided
  - Updated water quality assessment (where applicable) demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index
  - Ground investigations including:
    - Infiltration in accordance with BRE365
    - Groundwater level monitoring over the winter period (November-March)
  - Subject to infiltration being viable, the scheme shall be updated to pursue an infiltration-based approach to surface water disposal
  - Where applicable, floatation calculations based on groundwater levels encountered during winter monitoring (November-March) or based on the worst case scenario of groundwater at surface level
  - 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 climate change storm event should be safely contained on site.
  - Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
  - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
  - Full construction details of all SuDS and drainage components

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 167 and 169 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk, and to comply with policy I4 of the VALP.

- 5) Prior to the first use of the development hereby permitted all mitigation measures identified in the Noise Impact Assessment Revision A (Create Consulting Engineers Ltd, dated April 2020) and the Air Quality Statement (Create Consulting Engineers Ltd, dated May 2020) shall be incorporated within the development of this site and shall thereafter be maintained as such in perpetuity.

Reason: To protect users of the site and neighbouring residential properties from the impacts of noise and air quality arising from the development and to accord with policies BE2, BE3 and NE5 of the Vale of Aylesbury Local Plan and with the guidance set out in the NPPF.

- 6) Notwithstanding the details shown on the proposed boundary treatments plan ref: A20-001-PL005-D, prior to first use of the drive thru lane hereby permitted, full details of the proposed acoustic barrier fencing to be installed along the western edge of the drive thru lane shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic barrier shall then be constructed in accordance with the approved details prior to the first use of the drive thru lane and shall be retained as such in perpetuity.

Reason: To ensure the details of the proposed acoustic barrier are acceptable to the Local Planning Authority and to protect the amenity of the neighbouring dwellings in accordance with policies BE2, BE3 and NE5 of the VALP, and the guidance set out in the NPPF.

- 7) No floodlighting or other form of external lighting, other than that shown on the approved drawings and details, shall be installed unless it is in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: To protect the character of the area and neighbouring residential amenities and to accord with policies BE2, BE3 and NE5 of the Vale of Aylesbury Local Plan and with the guidance set out in the NPPF.

- 8) Prior to the commencement of any works on the site, a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide for the following:

- The routing of construction vehicles.
- Construction access details, temporary or otherwise.
- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials storage of plant and materials used in constructing the development.
- Operating hours.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.

The approved CTMP shall be adhered to throughout the construction period.

Reason: To ensure that highway safety is fully taken into account in the movement of construction vehicles from the site and that the potential for associated congestion during the construction is minimised, thereby protecting the amenity of local residents

in accordance with policies T5 and BE3 of the VALP, and the guidance set out in the NPPF.

- 9) Prior to the first use of the development hereby permitted the new means of access shall be constructed in general accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note *“Commercial Vehicular Access within the Public Highway”*.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to accord with policy T5 of the VALP and the guidance set out in the NPPF.

- 10) Prior to the first use of the development hereby permitted a Servicing Management Plan (SMP) which fully details the 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 for the lifetime of the development.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to accord with policy T5 of the VALP and the guidance set out in the NPPF.

- 11) Prior to the occupation of the development minimum vehicular visibility splays of 43 metres from 2.4 metres back from the edge of the carriageway to the north of the new access and minimum visibility splays of 16 metres from 2.4 metres back from the edge of the carriageway to the south of the new access shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level thereafter.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access and to accord with policy T5 of the VALP and the guidance set out in the NPPF.

- 12) The development hereby permitted shall only be operated in accordance with the approved Site Management Strategy (Revision A – August 2022) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To manage the operation of the site and 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 accord with policy T5 of the VALP and the guidance set out in the NPPF.

- 13) Prior to the first use of the development hereby permitted the scheme for parking and manoeuvring, as shown on plan ref: A20-001-SP001-K Proposed Site Layout (received 7/9/2022), shall be laid out in accordance with the approved plan and those areas shall not thereafter be used for any other 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 policies T5 and T6 of the VALP, and the guidance set out in the NPPF.

- 14) Details of the secure cycle storage enclosure shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage enclosure shall then be implemented prior to the first use of the development in accordance with the approved details and shall thereafter be retained and be available for use for the lifetime of the

development for the storage of bicycles.

Reason: To ensure a satisfactory appearance and secure bicycle storage in accordance with policies BE2, T6 and T7 of the VALP, and with the guidance set out in the National Planning Policy Framework.

- 15) The electric vehicle parking bays shown on the approved plan ref: A20-001-SP001-K Proposed Site Layout (received 7/9/2022) shall each be served by a dedicated freestanding weatherproof 'rapid' electrical vehicle charging point (at least 43kW / 63A with a normal charge time of 30-60 minutes for an 80% charge). The electric charging points and bays shall be provided prior to the first use of the development hereby permitted and shall thereafter be retained as approved and be available for use for the lifetime of the development.

Reason: To ensure adequate provision is made for electric vehicles and to accord with the NPPF, and policy T8 of the Vale of Aylesbury Local Plan.

- 16) No development shall take place on site until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved scheme.

- 17) Reason: To safeguard any archaeological evidence that may be present at the site and to comply with policy BE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework.

- 18) Notwithstanding the indicative soft landscaping shown on the approved plans, no development shall take place above slab-level of the building(s) hereby permitted until full details of the proposed soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans and schedules of trees and plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment). These landscaping 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: In the interests of the visual amenities of the locality and to comply with policies BE2 and NE8 of the VALP and the National Planning Policy Framework.

- 19) 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 policies BE2 and NE8 of the VALP and the National Planning Policy Framework.

- 20) The premises shall not be used for the purposes hereby permitted except between the hours of 06:00 and 22:00 Monday to Sunday.

Reason: To protect the amenity of nearby residents in accordance with policy BE3 of the VALP, and the guidance set out in the NPPF.

- 21) The building(s) hereby approved shall only be used as a coffee shop (Class E(b)) and for no other purpose(s) whatsoever including any other purpose in Use Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

Reason: To ensure that inappropriate uses do not take place in this locality, and to comply with policies D-AGT5, T4, T5 and T6 of the VALP and the guidance set out in the National Planning Policy Framework.

- 22) No goods, plant or materials shall be deposited or stored outside the buildings or designated encloses on the site at any time.

Reason: In the interests of the visual amenities of the locality and to comply with policy BE2 of the VALP and the National Planning Policy Framework.

- 23) Prior to any works above the slab level of the building hereby permitted, full details of the provision for wildlife to be built into the development shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as approved and maintained as such thereafter for the lifetime of the development.

Reason: To ensure a biodiversity net gain and comply with the requirements of the National Planning Policy Framework, Office of the Deputy Prime Minister Circular 05/2006, The Conservation of Habitats and Species Regulations 2017 (as amended), and the Wildlife and Countryside Act 1981 (as amended), and policy NE1 of the VALP.

- 24) Prior to the first use of the development hereby permitted, a noise management plan (NMP) shall be submitted to and agreed in writing by the Local Planning Authority. The NMP shall include delivery times, site etiquette and details of staff training in respect to the various issues that might arise due to operational noise. The scheme shall subsequently be implemented in accordance with the approved NMP and shall be maintained as such thereafter for the lifetime of the development.

Reason: To protect the residential amenities of nearby residents, and to comply with policy BE3 of the VALP, and the National Planning Policy Framework.

- 25) Prior to the commencement of construction above slab level of the building hereby permitted, full details of any proposed external plant and any required mitigation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and the agreed plant shall be installed prior to the first use of the development hereby permitted and shall thereafter be maintained as such for the lifetime of the use.

Reason: To ensure a satisfactory appearance to the development and to protect the residential amenities of nearby dwellings, and to comply with policies BE2 and BE3 of the VALP, and the National Planning Policy Framework.

## **INFORMATIVES**

- 1) The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must

be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:

Development Management

6<sup>th</sup> Floor, County Hall,

Walton Street, Aylesbury,

Buckinghamshire,

HP20 1UY

Telephone: 0845 2302882

Email: [highwaysdm@buckinghamshire.gov.uk](mailto:highwaysdm@buckinghamshire.gov.uk)

- 2) No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
- 3) It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 4) The applicant is advised that Planning Obligations have been entered into in connection with this permission.
- 5) Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required if protected habitats or species are affected by development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England.
- 6) In accordance with paragraph 38 of the NPPF the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application. In this case, the applicant/agent was informed of the issues arising from the proposal and given the opportunity to submit amendments/additional information in order to address those issues prior to determination. The applicant/agent responded by submitting amended plans/additional information which were found to be acceptable.

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

## **Appendix B: Site Location plan**

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

### Councillor Comments

Cllr M Caffrey - I would like the suitability of the location considered in that it site on the only entrance to a busy residential access which could have a significant impact on the adjacent residents.

Cllr A Waite - I request that [this] applications are called into Central Planning Scrutiny on the basis of suitability of location.

Cllr P Irwin – Please call into Committee on the basis of suitability of location.

### Parish/Town Council Comments

None received.

### Consultation Responses (Summarise)

*Economic Development* – (commented on the previous proposal) ED welcomes this application for the proposal to create 15 full-time and 30 part-time jobs from this application and the creation of 167sq. m of A3 (now Eb) use.

*Highways* – No objections to this proposal subject to appropriate conditions, and the following S106 obligations: A financial contribution of £1,000 per annum for 5 years for the monitoring of the Travel Plan (£5,000 in total from this site)

*Archaeological Service* - notes that the above proposal may impact buried archaeological remains. If planning permission is granted for this development, then it is likely to harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205. The archaeological investigation should be undertaken by a professionally qualified archaeologist working to the agreed written scheme of investigation based on our on-line template briefs and take the form of a strip map and sample excavation.

*Environmental Health* – the application has been assessed for noise and air quality issues. There is no objection.

*Ecology* – Within red zone for GCNs however GCN mitigation was implemented on the original MDA scheme and with the current site conditions it is now not considered necessary to submit a full PEA on this matter. Reasonable avoidance measures are to be employed to reduce any potential impact.

*SuDS* – no objection subject to appropriate condition/obligation

### Representations



**36 public representations** have been received which raise material planning **objections** in relation to the following matters:

- Noise and smells
- Light pollution
- Anti-social opening hours
- Traffic generation, highway safety and network impacts
- Sir Henry Lee Crescent not yet connected
- Unnecessary development/no demand
- Unsuitable location – residential area
- Detrimental to character of the area
- Alternative development (pharmacy or dentist) would be better
- Wildlife impact

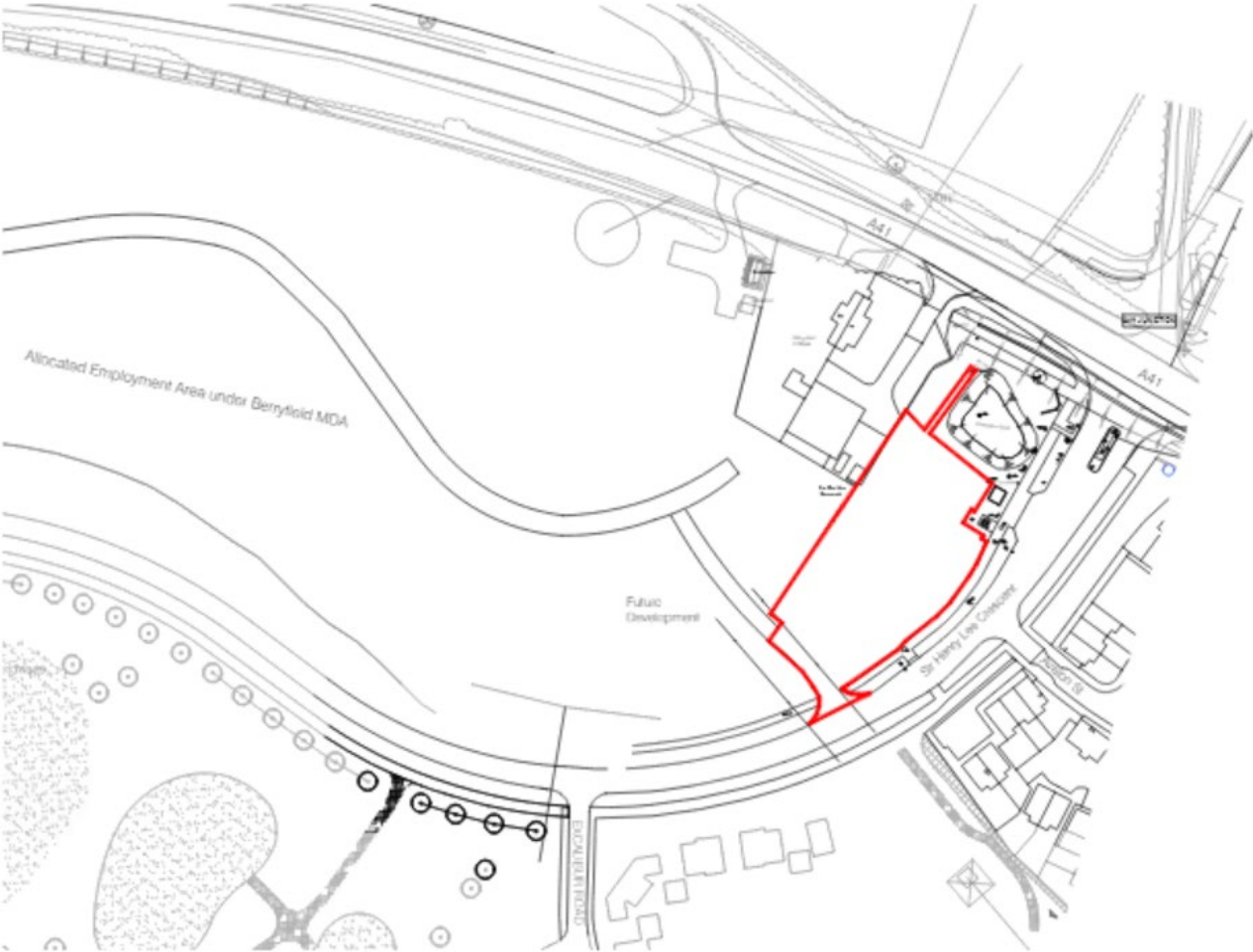
Other non-material planning objections raised:

- Litter and anti-social behaviour
- Decreasing house prices
- Competition to local providers
- Applicant is a faceless American chain and not environmentally friendly

**11 public representations** have been received which make **supporting comments** on the following grounds:

- Job creation and investment
- Provide greater choice of facilities
- Great location to support a drive through – close to A41
- Site is allocated for commercial usage
- Coffee shop preferable to other potential commercial uses

**APPENDIX B: Site Location Plan**



Location Plan