



Report to Buckinghamshire Council – Central Area Planning Committee Report

Application Number:	21/01247/APP
Proposal:	Erection of eleven commercial units (Use Class B2/B8) and a drive-thru restaurant (Use Class E and Sui Generis), together with access, car parking, landscaping and associated works
Site location:	Former Askeys Factory, Stocklake, Aylesbury, Buckinghamshire, HP20 1DS
Applicant:	Aylesbury Vale Estates LLP
Case Officer:	Mrs Nina Hewitt-Jones
Ward affected:	AYLESBURY EAST
Parish-Town Council:	AYLESBURY
Valid date:	24 March 2021
Determination date:	30 December 2022 (EOT agreed)
Recommendation:	The recommendation is that the application 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 others considered appropriate by Officers, or if this is not achieved for the application to be refused

1.0 SUMMARY & RECOMMENDATION

- 1.1 This application has been evaluated against the extant Development Plan and the National Planning Policy Framework (NPPF) and the report has assessed the application against the overarching objectives of the NPPF and whether the proposals deliver sustainable development.
- 1.2 In this case the Vale of Aylesbury Local Plan (VALP) is an up-to-date plan that contains policies relevant to the determination of this application. It is part of the development plan, and S38(6) requires that the development plan is the starting point in decision making, where applicable.
- 1.3 The application site is sequentially preferable for the proposed development. Furthermore, in accordance with paragraph 87 of the NPPF, the site is considered preferable as it is well

connected and accessible: the development would be complementary in form with the surrounding land uses; it is situated on the strategic highway network; and is highly accessible to the town centre. The principle of development is acceptable.

- 1.4 Whilst it is acknowledged that the proposal results in an over-provision of off-road parking, it is considered that this would in fact have a positive impact upon highway safety and convenience on the adjoining highway. Officers do not consider that a reason for refusal could be sustained on this reason alone.
- 1.5 The proposed development would achieve safe and suitable access, minimising any potential conflict between highway users. The proposal is sited within an area of Aylesbury which is predominately commercial in nature, the scale, height and design of the building would not appear at odds with the surrounding area. Adequate spacing and separation distances are retained between the proposed development and any nearby residential dwellings to ensure the proposal does not result in any significant harm in respect of residential amenity, and acceptable ecological buffer zones would be provided to the adjacent watercourses.
- 1.6 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, though it will be necessary to ensure that a satisfactory s106 agreement is completed first to satisfactorily mitigate the impact of the proposal. 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 Therefore, it is recommended that the application 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 in section 8 below and any others considered appropriate by Officers, or if this is not achieved for the application to be refused**

2.0 INTRODUCTION

- 2.1 This application is required to be determined by committee for transparency purposes, in line with the Council's Constitution. The applicant Aylesbury Vale Estates LLP (AVE), whilst a separate entity to Buckinghamshire Council, is 50% owned by the Council. Considering amendments to the Constitution (in August 2021) and Government Guidance on transparency, the Director of Legal and Democratic Services has come to a view that a 50% interest is significant and the same factors militating in favour of bringing an application submitted by the Council to committee are present here where AVE is 50% Council owned.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The application site is located approximately 1.2km northeast of Aylesbury town centre,

accessed directly from Stocklake. The site is located approximately 50m west of the signal-controlled junction connecting Stocklake to Bellingham Way and the A4157 and is within an area predominantly occupied by commercial and industrial uses.

- 3.2 The site forms part of a cluster of commercial and industrial units located to the south of Stocklake and is in a prominent location that is readily accessible to other areas of Aylesbury. The application site has an area of approximately 1.85 ha and partially encompasses Stocklake to the north.
- 3.3 There is an established culvert running between the site and the Highway connected only by the access road/bridge. To the east, the site boundary is shared with the recently constructed Lidl food store with Oakfield Road beyond this. To the west the site is bound by other commercial and industrial uses of a similar scale to that proposed. The Grand Union Canal runs to the south of the site and beyond the Canal is an area of public open space known as Denby Walk Park and Playground, and suburban housing (Denby Walk and Wingate Walk).
- 3.4 Until recently, the site was occupied by the Askeys factory which operated a food manufacturing business from the site. Askeys vacated the site in March 2020 when production relocated elsewhere in the UK. The empty 10,900m² industrial unit was subject to regular vandalism and it is acknowledged that the building would have required extensive refurbishment to bring it up to modern standards. A decision was subsequently made by the applicant to clear the site in March 2021.
- 3.5 The site is not located within a Conservation Area and does not contain any listed buildings. On the frontage with Stocklake there is a modest belt of existing vegetation and trees. There is also a band of mature trees to the south, located just outside the application site, adjacent to the Grand Union Canal beyond.
- 3.6 A detailed assessment with reference to Environment Agency (EA) data and site topography has found that the site lies within Flood Zone 1, at the lowest risk of flooding.
- 3.7 The nearest public transport to the site is a bus stop located on Stocklake, 240 metres to the west (approximately 3 minutes' walk) and Aylesbury Town railway station is 1.8km southwest of the site, within comfortable distance for walking and cycling.

4.0 PROPOSAL

- 4.1 This application seeks full planning permission for the retention of the site for employment by providing a mixed-use scheme consisting of a drive-thru restaurant (use class E and Sui Generis) and 11 new industrial (Class B2/B8) units. While this is not a personal permission, and the owner/operator of the restaurant is not a material consideration for this application, supporting documentation highlights McDonalds as the likely occupier. New modern industrial units (Use Class B2/B8), of varying sizes to better cater for businesses in and around Aylesbury are proposed to the rear of the site with a drive-thru restaurant proposed (use class E and sui generis) to the front of the site.

4.2 The site would be split between the drive-thru restaurant and 11 industrial units - The following schedule provides a summary of the areas to be provided on site:

Drive-thru restaurant:

- 426m² Restaurant (Gross External Area)
- 49 parking spaces, including the following:
 - 2 disabled parking bays
 - 43 standard parking bays
 - 2 EV (Electric Vehicles) charging bays
 - 2 reserve bays for drive through customers
- External patio and play area
- External cycle storage area

Industrial units:

5,758m² industrial floor area (Gross Internal Area) split over the following 11 units:

Unit 1 - 161.9m²

Unit 2 - 165.3m²

Unit 3 - 161.9m²

Unit 4 - 1,254m²

Unit 5 - 735.5m²

Unit 6 - 744.1m²

Unit 7 - 744.1m²

Unit 8 - 735.5m²

Unit 9 - 638.7m²

Unit 10 - 208.5m²

Unit 11 - 208.5m²

- 98 parking spaces, including the following:
 - 69 standard parking bays
 - 5 disabled parking bays (5%)
 - 4 electric vehicle charging bays (4%)
 - 20 visitor bays
- External bin store
- Covered bike storage area

4.3 The applicant advises that the proposed layout has been informed by the site constraints

and opportunities combined with the requirements of the intended future occupiers. The current proposed layout provides a great degree of flexibility whilst also offering a sustainable site by offering a wider range of unit sizes for perspective businesses.

- 4.4 Careful consideration has been given to the locations of proposed units within the site to enable the restaurant to benefit from visible frontages along Stocklake and the roads that utilise the adjacent junction. The drive-thru will attract the greater levels of vehicle movements onto site, so the proposed location along the northern boundary benefits from being within close proximity to the site entrance. The siting would provide quick and convenient access to the restaurant and drive-thru whilst diverting unnecessary levels of vehicle movement away from the industrial units on the remaining site.
- 4.5 The proposed industrial units are located to the south of the proposed drive-thru restaurant, utilising a central access road providing access to the proposed parking and delivery bays. The proposed access road would terminate at the service yard designated for unit 4 which would also contain a new attenuation feature, landscaping along the southern boundary and additional parking spaces.
- 4.6 The proposed layout has been designed to accommodate cars and articulated vehicle movements around the site. Adequate road widths, turning radii and parking spaces are incorporated to ensure efficient and safe service and use of the site.
- 4.7 The existing site is predominantly flat; however, it is proposed to raise the levels in some areas to utilise existing foul and surface water connections.

5.0 RELEVANT PLANNING HISTORY

- 5.1 There is no planning history for the site which is of relevance to the consideration of this application.
- 5.2 The following signage applications relate to the proposed development:

Reference: 21/01269/AAD

Development: Installation of 6 no. fascia signs, 3 no. booth lettering and 1 no. 15" digital booth screen

Decision: Pending Decision Date:

Reference: 21/01270/AAD

Development: Installation of freestanding totem sign at north of the site

Decision: Pending Decision Date:

Reference: 21/01271/AAD

Development: Installation of a freestanding totem sign at the northwest of the site

Decision: Pending Decision Date:

Reference: 21/01272/AAD

Development: Various site signage including 4 no. free standing signs, 2 no. banner units, 1 no. play land sign and 23 no. dot signs

Decision: Pending Decision Date:

6.0 POLICY CONSIDERATIONS AND EVALUATION

Introduction

6.1 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".

6.2 The development plan for this area comprises:

- Buckinghamshire Minerals and Waste Local Plan 2019 (BMWLP)
- Vale of Aylesbury Local Plan (VALP) (15th September 2021)
 - S1 Sustainable development for Aylesbury Vale
 - S2 Spatial strategy for growth
 - S3 Settlement hierarchy and cohesive development
 - S5 Infrastructure
 - S7 Previously developed land
 - C3 Renewable Energy
 - D1 Delivering Aylesbury Garden Town
 - D6 Provision of employment land
 - BE2 Design of new development
 - BE3 Protection of the amenity of residents
 - BE4 Density of new development
 - E2 Other employment sites
 - E3 Ancillary uses on employment land
 - E5 Development outside town centres
 - T1 Delivering the Sustainable Transport Vision
 - T4 Capacity of the transport network to deliver development
 - T5 Delivery transport in new development
 - T6 Vehicle Parking
 - T7 Footpaths and cycle routes

- T8 Electric vehicle parking
- NE1 Biodiversity and Geodiversity
- NE2 Rivers and stream corridors
- NE4 Landscape character and locally important landscapes
- NE5 Pollution, air quality and contaminated land
- NE8 Trees, hedgerows and woodlands
- I1 Green Infrastructure
- I4 Flooding
- I5 Water resources and Wastewater Infrastructure

- There is currently no made Neighbourhood Plan for Aylesbury

6.3 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (PPG) are material considerations.

6.4 The Aylesbury Garden Town Masterplan was adopted by Buckinghamshire Council on 16th June 2020. Whilst not a formal Supplementary Planning Document, it has been prepared with the benefit of public consultation and is therefore a material consideration in decision making. The Vision sets out high level aspirations and principles for what Aylesbury should look like as a Garden Town by 2020; while the Masterplan sets out how the Vision will be delivered through a town-wide plan.

6.4 The main issues to consider are the principle of development in this location, building a strong competitive economy, conserving and enhancing the natural environment, the impact on the transport network and whether it will promote sustainable transport modes, environmental issues including the impact on climate change, flooding and drainage, ecology, use of natural resources and building sustainability, and provision for infrastructure contributions to mitigate impacts.

Principle and Location of Development

- Sustainable Location

6.5 The Government's view of what "sustainable development" means in practice is set out in the NPPF. In the Settlement Hierarchy Assessment 2017, Aylesbury is identified as a 'strategic settlement'. Strategic Settlements each have population of above 4,000 which is considerably more than the remaining settlements. They have the greatest range of services and facilities in the district, playing an important role supporting smaller rural settlements. These settlements typically offer a choice of shops, post office, a fire and/ or police station, a library, and a range of employment opportunities. They are also well served by public transport with hourly or more bus services. These settlements have all of the key services. Aylesbury itself is therefore considered to be a highly sustainable location and should be a focus for growth.

6.6 VALP policy D1 sets out that Aylesbury Garden Town is the focus for Aylesbury Vale's

growth. It should develop in accordance with the vision for Aylesbury Garden Town and deliver key infrastructure requirements (in accordance with Policy S5). Criterion e) of policy D1 sets the principle that developments shall provide and promote opportunities for local employment for new and existing residents, both within and alongside new garden communities, to support and enhance the overall economic viability of Aylesbury Garden Town (in line with policies E1, E2, E3, E4 and E5). In addition, VALP policy D6 states that employment development will generally be supported in sustainable locations, including through the intensification or extension of existing premises.

- 6.7 The Aylesbury Garden Town Masterplan (AGTM) identifies the application site as being within an existing employment area. The wider employment area along Stocklake is identified in the Masterplan as an 'Employment-led mixed-use neighbourhood' (Figure 1.4; page 21). There are four priority employment locations within the AGTM that could act as catalysts to drive job growth and wider economic specialisms and long-term opportunities. This site is located within the 'Central Area appropriate for employment intensification' (Fig 3.2: page 37). The Central Area incorporates the town centre and surrounding industrial estates and provides a primary opportunity for long-term transformation and employment intensification to 2050. The Central Area is home to employment space for the public sector, business support and financial services, which have opportunities to grow with Aylesbury's population and economy.
- 6.8 In terms of its location the proposals accord with the overarching aims of the NPPF (including paragraphs 38, 80 and 81) and with the specific objectives of the VALP to focus growth at Aylesbury, in particular policies S1, S2, D1 and D6.
- Principle of Development
- 6.9 Paragraph 81 of the NPPF states 'planning policies and decisions should help 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'.
- 6.10 The site represents previously developed land and was last used for employment purposes. The proposed industrial units would continue the lawful use and such would be acceptable in the context of the site and its adjoining uses.
- 6.11 The proposed redevelopment of the site for employment use would also help to deliver the aims of Policy D6 of the VALP, which particularly supports the intensification and provision of new employment development in sustainable locations; and with Policy S7 which focuses on the reuse of brownfield sites to make effective and efficient use of land.
- 6.12 The proposed development of a drive-thru restaurant is a use which is defined within the NPPF as 'main town centre uses'. It is acknowledged that the siting of such uses within town centres would support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 6.13 The proposed location of the new drive-thru restaurant falls outside of Aylesbury's defined town centre. Paragraph 87 of the NPPF requires a sequential test to undertaken. The

sequential test requires main

town centre uses to be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Paragraph 88 of the NPPF advises that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

- 6.14 Policy E5 of the VALP (Development outside town centres) states: Proposals for main town centre uses that do not comprise small scale rural development and are not within defined town centres will undergo a sequential test, thereby mirroring the advice contained within the NPPF. In addition to a sequential test, proposals for retail and leisure on sites not allocated in plans and located outside defined town centres will be granted subject to compliance with all the following criteria: a. The proposal would not have a significant adverse impact on the vitality and viability of the defined town centres, either as an individual development or cumulatively with similar existing or proposed developments. This would be carried out by way of an Impact Assessment the relevance of which is determined by Policy E5, and criteria set out within.
- 6.15 In this case, the site clearly lies outside of Aylesbury town centre and therefore is not suitable without a sequential test being undertaken. However, as the proposal would only affect the Aylesbury Town Centre, and the proposed GIA (Gross Internal floor Area) would be 402sqm, which sits below the local impact assessment threshold of 1500sqm as set out in Policy E5 and the national threshold of 2500sqm, an impact assessment is on this occasion not required, and requesting one be submitted would be deemed unreasonable.
- 6.16 This application is supported by a Sequential Test, prepared for the applicant by Planware Ltd. This supporting document advises that the amount of development proposed relates directly to the operational requirements of the end user and is the minimum necessary to deliver the proposed operation.
- 6.17 The sequential test sets out that the proposal comprises a complimentary retail use to the existing adjacent supermarket and the new employment uses as part of the wider development, benefiting from the number of joint and linked trips. The proposed site has been selected as an appropriate out of centre location because of its complimentary form with the surrounding uses, its strategic location on the road network and its highly accessible location to the east of Aylesbury. The sequential test considers that given the proposals intention of serving for a high number of joint and linked trips and the existing provision of two McDonald's Restaurants within Aylesbury (to the northwest at Broadfields Retail Park and within the town centre on the High Street) the impact of the proposal will be negligible.
- 6.18 The sequential test document explains that the end user typically requires approximately 0.3ha of available space to viably support an independent freestanding proposed restaurant, drive-thru lane and associated parking. As such the assessment of alternative sites needs to consider the operation of the proposed restaurant and the space required to successfully operate including sufficient parking to meet the operational needs of the

proposal.

- 6.19 The submitted sequential assessment considers sites within a 800m search area of the designated town centre (which is the distance, as the crow flies, of the proposed site from the eastern edge of the designated Aylesbury Town Centre) and takes in to account that, generally speaking, a drive-thru requires significant passing traffic movements for a roadside location or other 'attractors'. The proposed site would provide a significant amount of passing trade supported by a mix of operators in the immediate area.
- 6.20 Within the supporting Sequential Test, a number of potential sites were identified although were considered not to be suitable alternatives to the application site, on the basis of the sites being unviable or unavailable, the requirement for comprehensive development, traffic implications and the proximity of existing drive-thru restaurants.
- 6.21 The Sequential Test concludes *"The location of the proposed development is not only sequentially the most appropriate, but also the optimum location for the proposed use. It also provides an opportunity to take advantage of passing traffic and linked trips. It accords with the National Planning Policy Guidance. The proposed McDonald's is designed to appeal to customers already passing the site. It is predominantly a roadside restaurant. This makes the proposed site an appropriate and sustainable location in the east of Aylesbury. The proposal will have no significant adverse effect on any town centre, therefore accords with the Framework."*
- 6.22 In light of the assessment provided which is supported by Officers, it is concluded that there are no alternative sites which are suitable and available which could be considered sequentially preferable to the proposed application site. It is officers opinion that the sequential test is both robust and a fair assessment of the planning situation.
- 6.23 The provision of a Class E/Sui Generis use on an existing employment site also falls to be considered under Policy E3 of the VALP. This provides that non-employment uses on such sites will be permitted where they are considered 'ancillary' to nearby employment uses. The proposal is designed to cater to uses of the employment site, and the sequential test for town centre uses has been satisfied. The reasoned justification to the policy includes food and drink as an example of ancillary uses which might support employment uses within employment, industrial and commercial developments. As set out above, it has been demonstrated via application of the sequential test that the proposals would not adversely affect the vitality or viability of Aylesbury town centre, and that the application site is in the most sequentially preferable location. The proposed restaurant would provide ancillary food and drink services to support the proposed industrial units as well as the existing industrial and commercial development in the area; and the provision would accord with the vision in the Aylesbury Garden Town Masterplan for an employment-led mixed-use regeneration of the area and is consistent with other decisions recently made by this Council thus ensuring a consistency of decision making.
- 6.24 Overall, it is considered that the principle and location of the development would accord with policies S1, S2, S3, S5, S7, D1, D6, E2, E3, and E5 of the VALP and the guidance set out in the NPPF.

Building a strong, competitive economy

- 6.25 Central Government is committed to securing and supporting sustainable economic growth and productivity. In accordance with paragraph 80 of the NPPF, significant weight should be placed on the support for local economic growth and productivity that the proposals would facilitate.
- 6.26 There would be economic benefits derived from the proposal in terms of the construction of the development itself and the creation of jobs.
- 6.27 The provision of modern and flexible commercial buildings on this previously developed site will support in bringing inward investment into the area, contributing to the creation of a prosperous local economy.
- 6.28 As outlined above within the principle of development section, a sequential test has been undertaken to ensure the proposed development would not undermine the viability of the town centre.
- 6.29 The Council's Economic Development Team (ED) have raised queries in relation to the proposed scheme, the response is supportive of the proposed new employment floorspace but did not welcome the loss of the former factory on site. This report has already covered reasons as to why it was demolished.
- 6.30 The former factory, due to its age, was no longer fit for purpose and indeed the former occupier was finding it difficult to meet the requisite food safety standards on account of the condition of the building. For this reason and due to business re-organisation rendering the facility surplus to requirements, the occupier vacated the factory in 2020. There is no qualitative benefit to retaining the former factory and its replacement with new, modern, efficient industrial units weighs heavily in favour of the scheme.
- 6.31 The ED welcome the size of the units, although there is a query over the provision of B2/B8 use rather than B1(c)/B2. The applicant has clarified that the use classes sought reflect the nature of local demand in terms of enquiries made to the applicant who manage a great deal of local commercial and employment stock in the local area. Whilst no specific tenants have yet been identified for the units, the proposed uses are expected to generate in the region of 35-80 jobs. Added to the 65 jobs expected to be created by the Class E / Sui Generis unit at the front of the site, this creates an overall job generation of 100-180 across the site.
- 6.32 The current site provides no jobs but for comparison purposes it has been estimated that at the height of the Askeys' (the former occupant) operation around 70 people would have been employed at the site, many of which were seasonal workers only. The application proposes a significant intensification of jobs which weighs in its favour.
- 6.33 The ED consultation response refers to Policy E5 of the VALP, which contains a requirement for an impact assessment (as well as a sequential test) for retail and leisure developments outside of defined town centres. However, as explained an impact assessment is not required under the terms of adopted policy.
- 6.34 Overall, the proposed development will result in economic benefits which is a positive factor in the planning balance, would support the Government's objective of supporting sustainable economic development, and accord with policies D1, D6, E2, E3, and E5.

Conserving and enhancing the natural environment

- 6.35 In terms of impact on the landscape, proposals should use land efficiently and create a well-defined boundary between the settlement and countryside. Regard must be had as to how the development proposed contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible and preventing any adverse effects of pollution, as required by the NPPF.
- 6.36 Policy BE2 of the VALP requires new development to respect and complement the physical characteristics of the site and surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines. Policy NE4 states that development must recognise the individual character and distinctiveness of landscape character areas, their sensitivity to change and contribution to a sense of place. Development should minimise impact on visual amenity be located to avoid the loss of important on-site views and off-site views towards important landscape features, respect local character and distinctiveness in terms of settlement form, consider spacing, height, scale, plot shape and size, elevations, roofline and pitch, overall colour palette, texture and boundary treatment (walls, hedges, fences and gates), minimise the impact of lighting, ensure that the development is not visually prominent in the landscape, and not generate an unacceptable level and/or frequency of noise in areas relatively undisturbed by noise and valued for their recreational or amenity value. VALP policy NE8 seeks to enhance and protect trees, hedges and woodlands.
- 6.37 A Landscape Briefing Note accompanies the application which provides an overview of the baseline situation and potential landscape and visual effects arising from the proposed development and how the proposals can mitigate these effects. It explains that the immediate context for the site is characterised by the two adjacent highways (which contain the site to the immediate north and east, and which form major routes into and around the Aylesbury settlement) and the surrounding industrial/commercial buildings which are of large scale and therefore also serve to contain the site.
- 6.38 The scheme would retain the key hedgerows and hedgerow trees that front onto Stocklake Road, with new high-quality planting introduced to establish a sensitive interface with the surrounding townscape environment, situated around the busy junction point to the immediate northeast.
- 6.39 It is considered that the proposals would enhance this key nodal point through the introduction of higher quality contemporary built form and an enhanced landscaped setting and have a positive influence on the approach to the site from the north and east.
- 6.40 The proposed scale, orientation, massing and choice of materials would ensure that the proposals can sit comfortably within the context of this site and the existing urban grain. The height of the proposals, as single storey commercial units, reflects the properties previously located on site and those adjacent to it. This ensures that the proposals would not break the important tree line, established along the adjacent section of the Grand Union Canal, and that the visual environment and overall amenity of the neighbouring residential settings and the canal itself to the south would not be harmed.
- 6.41 The positioning of the drive-thru restaurant pushes this more prominent built component

away from the more sensitive canal-side setting, and whilst the proposals would increase lighting levels and create a more diverse and active frontage to the development site, it is considered that this would not appear out of place with the prevailing character of the existing townscape setting. Indeed, it is considered that a more active frontage to the site, set within an enhanced, higher quality landscaped setting, would represent a positive introduction to the existing street scene.

6.42 The Landscape Briefing Note concludes that the proposals can be integrated without detriment to the localised or wider visual amenity and the integrity of the receiving landscape and townscape character, which will be preserved. It is considered by officers that the proposal would meet the requirements of VALP policies NE4, NE8, I1, and BE2 through the retention and provision of green infrastructure which will make an important contribution to the character and amenity of the area. The proposals would also conserve the existing area of landscape value along the Great Union Canal, to the south, in accordance with the objectives of VALP policy NE2.

- Ecology

6.43 Policy NE1 of the VALP seeks to protect and enhance biodiversity and geodiversity. Policy NE2 seeks to protect the functions and setting of any watercourse and its associated corridor. Developments should conserve and enhance the biodiversity, landscape and consider the recreational value of the watercourse and its corridor through good design.

6.44 There are no statutory or non-statutory nature conservation designations within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals.

6.45 The Phase 1 habitat survey has established that the site is dominated by habitats not considered to be of ecological importance. Whilst there are interfaces with habitats of higher value (specifically the Grand Union Canal which is located immediately to the south of the site), new habitat is proposed in the form of native tree and scrub planting which will buffer and enhance this existing wildlife corridor.

6.46 Habitats for protected species within the site are extremely limited, being restricted to areas of hardstanding and buildings. A ditch, which is connected to the Grand Union Canal, is located along the northern boundary of the site, which together with a hedgerow and associated trees, forms the existing frontage on to Stocklake. The ditch is culverted beneath the existing site entrance.

Ecological buffer zones

6.47 Policy NE2 of the VALP sets out that proposals adjacent to or containing a watercourse shall provide or retain a 10m ecological buffer (unless existing physical constraints prevent) from the top of the watercourse bank and the development and include a long-term landscape and ecological management plan for this buffer. Policy NE2 provides an exception where a buffer of less than 10m may be appropriate; namely where there are physical constraints which prevent this.

6.48 In this instance there is an existing UKPN overhead power line which crosses the site which effectively creates a 'no build' zone. Not only can no built development be located under the power line, UKPN requires new development to be located certain distances from it: requiring a minimum clearance distance (which includes any part of a structure or

maintenance zone) of 5.3metres. This remains a significant site constraint. The only way to provide a 10m buffer to the wet ditch along the northern frontage of the site would be to shift the building further south; but this would not provide the minimum clearance distances that UKPN require. The building can therefore not be located further south for this reason i.e., the existing physical constraint of the UKPN lines means that a full 10m buffer cannot be provided. As such there is no conflict with Policy NE2 which provides for an exception in such circumstances. Notwithstanding this, the scheme proposals provide the maximum buffer than can be achieved (9m) and would provide a significant enhancement to biodiversity and landscaping in comparison with the existing site.

6.49 The reason for not being able to establish the full 10m buffer next to the water course is accepted by the Environment Agency and the Council's Ecologist. The additional details provided are considered satisfactory though confirmation on the planting scheme along the water course is to be secured by condition.

6.50 In relation to the south of the site there is an existing embankment from the top of the watercourse to the site boundary. The site plan shows the proposed distances from the edge of unit 5 and the edge of the proposed car parking areas for unit 4 to the canal bank, which are all in excess of 10 metres required by the VALP policy.

Grand Union Canal

6.51 As set out above, the site itself is not subject to any non-statutory nature conservation designations. The Aylesbury Arm BNS (Grand Union Canal) lies immediately adjacent to the south of the site, with the canal and associated vegetation providing a linear wildlife corridor. It is possible that this corridor may be used by riparian mammals such as Otter *Lutra lutra* (although no records were returned from the immediate vicinity) and as well as a range of bird species.

6.52 The Canal and Rivers Trust have raised some issues in respect of the existing and proposed landscape screening along the southern boundary of the site, with the canal. These matters are addressed in the Landscape Report that accompanied the application, which sets out why the proposed landscape approach is acceptable and indeed would have a positive impact on the character of the locality, it is not agreed that an active frontage should be provided along the southern boundary of the site as this would result in an inefficient site layout and would compromise security for the future occupiers. It is noted that there are no other units which front the canal within the wider Stocklake employment area, to the east (Lidl) or west (various units).

6.53 The previous building was circa 4.5 metres at the closest point from the boundary of the red line of this site and a distance of 16 metres to the boundary of the canal. The proposed buildings would generally be situated further from the site boundary with Unit 4 (the closest to the canal) maintaining a distance of 4.6m to the site boundary at its closest point.

6.54 The red line for the proposed development does not include any land within the canal embankment which consists of a dense boundary of trees and planting. This would continue to act as a visual and physical buffer between the canal and the site. In accordance with VALP policy requirements, a planting scheme has been produced for the entirety of the site. The proposed planting to the south of the site has been subject to

consultation with the Council's landscape and tree officers who have raised no objections to the proposals. It is noted that the proposed landscaping would be solely within the applicants demise and as such would not obstruct inspections to the canal or the embankment.

- 6.55 While it is noted the Canals and Rivers Trust is a statutory consultee officers are of the opinion that for the reasons set out their concerns should not form an objection to the scheme layout. In accordance with the Town and Country Planning (Consultation) (England) Direction 2021, the LPA (Local Planning Authority) might still issue a decision without first going to the Secretary of State even if the decision would go against certain statutory consultee advice, in this case the Canals and Rivers Trust.
- 6.56 Provision is made to strengthen the existing corridor by reverting an area of existing hard standing to planting beds, and to provide a swathe of new native planting, which will strengthen and buffer the habitats along the existing canal corridor.
- 6.57 As well as providing additional habitat, the planting will screen the proposed development from users of the canal. Lighting proposals have been developed so that the area immediately adjacent to the canal would remain unlit.
- 6.58 Due to the proximity of the Grand Union Canal, together with the other watercourses in the vicinity, some standard pollution prevention measures are also recommended and are to be controlled by condition. Provided these measures are followed, the likelihood of any adverse effects occurring to the canal during construction, is considered very low.
- 6.59 In terms of construction methodology, a Construction Management Plan would be conditioned as part of any planning consent which will set out the proposed methods of construction, excavation, and other building operations. The applicant advises that piles will be used for the industrial units with pile caps and ground beams. Any ground level changes to the perimeter of the site will be developed as part of the package of works for the construction operations.

Biodiversity net gain

- 6.60 A Biodiversity net gain assessment has been carried out using the DEFRA (Department for Environment, Food and Rural Affairs) metric 2.0, and this demonstrates that the project would deliver a 412% increase in habitats, together with a 99.6% increase in linear habitats.
- 6.61 Following a request from the Environment Agency a separate Biodiversity impact assessment has been prepared with respect to watercourses. In this case the new DEFRA v3.0 metric has been used (having been released since the original submission). The DEFRA v.3.0 metric offers a simplified method for treatment of watercourse. This demonstrates that there will be a 1.35% net gain in riparian habitats, after considering the loss of a section of the Broughton Lane Drain, and the creation of short section following removal of the existing site access.
- Ecology conclusion
- 6.62 Overall, it is considered that the proposals would accord with the aims of policies NE1 and NE2 of the VALP and paragraph 170 of the NPPF; the proposals seek to minimise impacts on biodiversity and, subject to the implementation of appropriate avoidance, mitigation and compensation measures, there is opportunity to provide net gains for biodiversity and

this could be controlled by condition.

Achieving well-designed places

- 6.63 The NPPF in section 12 states that the creation of high quality, beautiful and sustainable 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
- 6.64 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- 6.65 Permission should be refused for developments exhibiting poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments comply with key criteria.
- 6.66 Policy BE2 of the VALP requires development to respect and complement the physical characteristics of the site and the surroundings, the building tradition, ordering, form and materials of the locality, the historic scale and context of the setting, the natural qualities and features of the area and the effect on important public views and skylines. Policy BE4 sets out that proposed densities of developments should constitute effective use of the land and reflect the densities of their surroundings.
- 6.67 The design options for development on this site are constrained by physical factors, namely the overhead lines and the need for ecology buffers to the north and south of the site. Furthermore, the proposal needs to be assessed in the context of the mixed-use character of the area, with the built development in the vicinity of the site being mixed in respect of quality, scale and appearance, and in relation to the operational model of the end-users which drive a particular approach to the size, configuration and internal layout of the proposed drive-thru restaurant. The development must be fit for purpose for modern day commercial purposes.
- 6.68 The elevations that form part of the submission provide details of form and materials to indicate the appearance of the proposed buildings. Further the application is supported by a Design and Access Statement prepared by B3 Architects which provides a detailed rationale for the proposed design and layout.

- 6.69 The eleven proposed employment units would be split between a single unit to the south of the site and two terraces split between ten small and medium sized units. The design of the drive-thru restaurant has been driven by the operational requirements of the intended future occupier.
- 6.70 The proposed layout, unit sizes, and heights of the employment units is consistent with the context of the site and existing industrial character of the area. The design, materials, and colour scheme for the proposals would create a contemporary appearance: utilising simple modern detailing and a sensitive palate of materials. In combination this provides the units with a high-quality appearance.
- 6.71 The proposed industrial units would utilise a simple and well-proportioned built form that maximises the amount of internal space available, making these units attractive to tenants and allowing flexibility for future users. The units are designed to be efficient for commercial purposes, providing large open volumes and the clear heights expected for commercial uses. The large elevations of the industrial units are broken up through the use of coloured cladding and areas of curtain walling. This helps to define individual units from the exterior whilst reducing the visual scale of the buildings themselves.

Crime Prevention

- 6.72 It is also relevant that any new development is required to provide a safe and secure environment for future occupiers of the site. In this case, the Crime Prevention Design Advisor (CPDA) has been consulted. In general, much of the detail requested (e.g. relating to roller shutters, CCTV (Closed Circuit Television), standards for doors and windows etc) fall outside the remit of planning and are operational/management considerations. In some instances, these are in excess of industry standards, and so would only be provided at the specific request of tenants (who are not yet known). Therefore, it is considered that these matters would not meet the policy tests for conditions.
- 6.73 Similarly, the request for a security strategy (which is aimed at the Class E/Sui Generis unit, not the industrial units) is an operational matter. It is noted that McDonalds (for example) have strong strategies in place, but it is not considered appropriate to condition these given that the proposed unit is not occupier specific.
- 6.74 Proposed boundary treatments are shown on the submitted plans. A knee-high fence and soft landscaping are proposed between the parking for the Class E / Sui Generis unit and the parking for the industrial units.
- 6.75 It is noted that the CPDA also raised concerns relating to potential queuing, as did the Fire and Rescue Authority, and this matter is addressed within the Highways matters section of this report below.
- Design conclusion
- 6.76 Given the building seeks to be sited on a brownfield site within an area of Aylesbury which is commercial in nature, the scale, height, and design of the proposed buildings would not appear at odds with the surrounding area. Overall, it is considered that the proposed layout and design of the buildings would be acceptable in accordance with the

requirements of the VALP in reflecting the character of the locality, the context of the setting for the site, taking account of the natural qualities and features of the area, as well as ensuring the development is safe, and the proposed density and layout of the development would make efficient use of land in accordance with policies BE2 and BE4 of the VALP and the advice within the NPPF.

Highways Matters

- 6.77 The NPPF advises that it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and 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 111 sets out 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.
- 6.78 Policy T1 of the VALP seek to ensure that development proposals will deliver highway and transport improvements to ensure new housing and employment development identified in the Local Plan period does not create a severe impact on the highway and public transportation network. 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. Policy T5 of the VALP seeks to ensure that the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development.
- Access
- 6.79 The proposed development is located along Stocklake, a classified C-road which is subject to a 30mph speed limit. A new access is proposed approximately 20m west of the existing access which served the former Askeys Factory. This proposed access would be further away from the Stocklake Junction and would be an acceptable distance from the existing pedestrian crossing to the west. Visibility splays of at least 2.4m by 43m can be achieved in either direction of the access, in line with the requirements for a 30mph speed limit road. The proposed access would cater for two-way traffic, and large delivery vehicles accessing the site, as demonstrated by vehicle tracking. Footways are proposed to either side of the new access to tie-in with the existing footway / cycleway across the Stocklake frontage. The Highway Authority has been consulted and considers the proposed access acceptable.
- 6.80 A Transport Assessment (TA) has been submitted in support of the proposals. The TA includes a capacity assessment of the new site access which confirms that it would operate satisfactory in both the opening year and 2036, with no queuing anticipated. There have been no recorded collisions along Stocklake in the vicinity of the proposed development, in recent years. This supports the Highway Authority conclusion that the proposed access is

considered acceptable.

- 6.81 The new access, in accordance with Buckinghamshire Council's highway standards, associated visibility splays and the closure of the existing access would be secured by planning condition, and these highway works will need to be undertaken via a section 184 / 278 of the Highways Act legal agreement which is to be secured by condition.
- Trips and Traffic Impacts
- 6.82 The submitted TA identifies the potential traffic generation of the existing site and proposed uses. This includes a review of TRICS® to understand the likely permitted traffic generation of the existing site. The 'Industrial Unit' category for sites between 1,000m² and 15,000m² in suburban and edge of town locations has been used and having reviewed the sites the Highway Authority are satisfied that these are comparable. Had the former factory not been demolished, the existing site could generate in the region of 63 two-way vehicle movements in the weekday morning peak and 70 two-way vehicle movements in the weekday evening peak.
- 6.83 The applicant has used the 'Industrial Estate' category within TRICS® to identify the potential traffic generation of this proposed use. Again, the Highway Authority are satisfied with the sites selected, and the commercial units are likely to generate in the region of 47 two-way vehicle movements in the weekday morning peak and 34 two-way vehicle movements in the weekday evening peak.
- 6.84 As the intended potential occupier of the proposed drive-thru restaurant is McDonalds, the use of McDonalds' traffic surveys rather than TRICS® is considered appropriate, and it is noted that McDonalds tends to have a higher trip rate than its competitors, Burger King and KFC, so this would offer a worst-case scenario thereby ensuring a robust assessment has taken place.
- 6.85 The proposed trip rates for this McDonalds site are considered acceptable, as they are based on trip rates obtained from surveys of two comparable sites in suburban / edge of town locations at Darlington and Wolverton. The trips rates are also similar to those used in the assessment of a recent planning permission for a new McDonalds' drive-thru at London Road, Buckingham (application reference: 18/02959/APP). The trip rates for the Buckingham site were based on survey data from sites at Arnold, Nottingham, and the West Farm Retail Park, Folkestone, which are within food superstore car parks or adjacent to food superstores. This gives the Highway Authority confidence with the data and the proposed trip rates, given the Stocklake site is adjacent to a Lidl food store.
- 6.86 The proposed drive-thru restaurant could generate in the region of 149 two-way vehicle movements in the weekday morning peak and 181 two-way vehicle movements in the weekday evening peak.
- 6.87 Overall, the proposed development could generate in the region 196 two-way vehicle movements in the weekday morning peak and 215 two-way vehicle movements in the weekday evening peak.
- 6.88 In considering the proposed drive-thru restaurant not all the trips will be new trips. The

Council is content with the suggested McDonalds trip distribution of 39% new trips, 42% pass-by or diverted trips and 19% linked trips with the adjacent food store, based on survey data from the similar sites in Darlington and Wolverton. For the purposes of this assessment, it is assumed that 50% of the pass-by and diverted trips are passing by along Stocklake and the other 50% are diverted from the A4157 or Bellingham Way. The distribution by arm is based on traffic surveys at the Stocklake Junction as these provide details of the traffic distribution locally and the Highways Authority are satisfied with this approach.

- 6.89 The traffic generation of the proposed commercial use and the permitted traffic generation of the existing site has been distributed around the highway network based on Census employment data.
- 6.90 Considering the net traffic generation and the trip distribution, the proposed development could result in an additional 62 vehicle movements during the morning peak and an additional 63 vehicle movements during the evening peak passing through the Stocklake Junction.
- 6.91 Whilst a drive-thru would generate a number of trips on a weekend, the number of traffic movements to and from the industrial estate are likely to be low, and traffic flows on the road network around the site would also be lower on weekends. It is not therefore considered necessary to undertake an assessment of the traffic impact on a weekend. In addition, whilst the drive-thru may well generate greater volumes of traffic during weekday lunchtime and evening periods than in weekday morning and evening peaks, traffic assessments are focused on these weekday morning and evening highway network peak periods.
- Stocklake Signalised Junction – Re-introduction of the right-turn
- 6.92 The proposals include the re-introduction of the right-turn at the nearby Stocklake / Douglas Road / Bellingham Way / Oakfield Road Signalised Junction. This would enable vehicles to turn right from Douglas Road into Stocklake at the Junction. The revised layout would provide an unopposed right-turn movement, i.e. the right-turn movement would have its own green time / signal and improved alignment within the centre of the junction for vehicles undertaking right-turn movements.
- 6.93 This new layout has been developed using the LinSig signalised junction modelling tool and traffic flows from the Aylesbury transport model. These flows take account of future developments, and the changes in traffic flows once the Eastern Link Road (ELR) has been completed and opened, thus ensuring a very robust assessment has taken place. The proposed junction layout has been the subject of an independent Road Safety Audit (RSA), and further refinements have been made to the layout based on the outcomes of the RSA. In addition, detailed discussions have taken place between the applicant's transport consultant and the Highway Authority, including the Traffic Signals Team via the pre-application process. This has resulted in the proposed layout shown on drawing: 2750.13.C which is considered satisfactory from both an operational and safety perspective.

- 6.94 The proposed junction layout re-introduces the right-turn and allows for an all-movement junction, which is one of the key requirements of McDonalds, and in this respect the right-turn is required to support the development. The new layout also addresses existing safety issues at the junction, which were identified from the Road Safety Audit (RSA) carried out following the construction of the junction, and which are currently mitigated via the temporary right-turn ban and associated lane closures. In this regard, it is acknowledged that the applicant has worked with the Highway Authority to address existing safety issues. The junction improvement works would be carried out under a s278 highways agreement, and the applicant has agreed to the use of a Grampian style planning condition to ensure that the proposed drive-thru would not be occupied until the junction work has first been completed.
- Sustainability and Travel Plan
- 6.95 Whilst it is acknowledged that a drive-thru by its very nature will generate vehicle movements, the site is in an accessible location for walking, cycling, and public transport, certainly for drive-thru staff. The applicant prepared a Measures Only Travel Plan for the McDonalds based on the typical requirements of McDonald's restaurants elsewhere, and a Framework Travel Plan for the proposed commercial units, and the Council's Travel Plan Officer provided some comments for the applicant to address.. The implementation and monitoring fees for travel plans will need to be secured via section 106 obligation to promote and maximise the use of sustainable modes of transport and reduce single occupancy car journeys in accordance with National and Local Transport Policy.
- 6.96 A revised Employment Travel Plan for the commercial units and revised Measures Only Travel Plan for the McDonalds drive-thru restaurant was been submitted to address the initial requests of the Council's Travel Plan Officer. Whilst the Council's Travel Plan Officer would like the commercial car parking provision to be reduced, as it exceeds the parking standards for an industrial estate and reduced parking provision would assist the travel plan aspirations, the level of car parking proposed is in line with the Council's parking standards for industrial units. The Employment Travel Plan is to be appended to a s106 as the approved Travel Plan, and a monitoring fee of £5,000 secured via s106 obligation.
- 6.97 With respect to the Measures Only Travel Plan, the Council's Travel Plan Officer raised concerns that too much car parking was proposed, and the applicant has reduced the level of parking from 49 spaces to 45 spaces accordingly. Whilst this is a modest reduction, and the parking provision is still on the high side for the McDonalds, the applicant argues that this overprovision would assist in reducing any potential for indiscriminate over-spill parking on the surrounding highways, and for this reason it is considered that it would be difficult to sustain a highways objection to this level of parking over-provision.
- Site Layout and queueing
- 6.98 The Highway Authority initially raised concern regarding potential queuing at the proposed drive-thru and sought clarity on the traffic throughput of the drive-thru, and potential measures to manage queuing and layout adjustments to increase the queuing capacity within the site.

- 6.99 The applicant submitted a Transport Assessment Addendum dated July 2021. This explains that firstly, a key determinant of drive-thru capacity is the order point, and that two order points are proposed at the Stocklake site which increases capacity inside the site. Secondly, taking payment is typically a quick process and does not affect drive-thru capacity. Thirdly, once drivers reach the collection point, and if at this point the order is identified as a larger or more difficult order, the customer would be directed to the large order / reserve parking bays provided at the end of the drive-thru. In addition, the potential peak hour vehicle arrivals at this McDonalds would be around 115 vehicles on Saturday lunchtime and not all these arrivals would use the drive-thru. Furthermore, the drive-thru lane can accommodate up-to around seven cars prior to the order speaker posts, and a further 11 cars along the site access road. Given the operation of the drive-thru, the traffic throughput and the stacking space, the Highways Authority are satisfied that there would be sufficient stacking space to accommodate the likely drive-thru demand and that queuing is unlikely to result in an adverse highway safety impact.
- 6.100 With regards to the impact of queueing on the nearby Fire Station, the proposed access to the site is around 120m east of the access to the fire station, and the Highway Authority do not envisage blocking of the fire station access arising.
- 6.101 Notwithstanding the above, the applicant proposes to fund the replacement of the keep clear zigzag marking across the fire station access, with a yellow box marking to address the comments from the Fire Brigade. Whilst the Highways Authority will not insist on this as a planning condition, as the blocking of the fire station access is not envisaged arising, the Council are supportive of the applicant's proposal. The applicant should undertake these highway works, rather than fund them, and this would be undertaken via a section 184 / 278 of the Highways Act legal agreement, again, this can be secured by condition.
- Deliveries and Servicing
- 6.102 Deliveries and servicing of the drive-thru restaurant would take place using the parking spaces in the north of the car park, and prior to servicing some spaces would be cordoned off. Vehicle tracking for a maximum legal 16.5m articulated vehicle has been undertaken for the restaurant and confirms that servicing can satisfactorily take place from within the car park with service vehicles able to arrive, turn, and leave in a forward gear. Servicing of drive-thru restaurants takes place at agreed times outside of peak operating hours of the restaurant, as staff are required to assist with the delivery, and this also minimises customer / service vehicle conflict. Servicing is proposed to place approximately three times per week and can last between 15 – 60 minutes depending on the size of the delivery. In addition, a refuse collection is anticipated to be undertaken around three times a week, also outside of peak times. A delivery and servicing management plan would be secured by planning condition.
- 6.103 Vehicle tracking for maximum 16.5m articulated vehicles and 10m rigid vehicles has been undertaken for the commercial units. The analysis confirms that service vehicles would be able to enter the site in a forward gear, reverse back to each of the proposed roller shutter doors of the industrial units, and then also leave in a forward gear.

- Parking

6.104 The proposed parking provision for the commercial units is in line with the adopted standards set out in the VALP. However, a total of 47 car parking spaces (including 2 disabled spaces and 2 EV (Electric Vehicles) charging bays) are shown to be provided for the drive-thru restaurant, which exceeds the 27 parking spaces required by the adopted parking standards. Also, two waiting bays are proposed adjacent to the end of the drive thru' for vehicles to wait for larger orders to be prepared. Whilst this over provision would help to avoid over-spill parking on the highway, given the location's good accessibility and sustainable location, and that it will have similar staff numbers to the Buckingham drive-thru site which has 28 parking spaces, the proposed level of parking provision seems excessive. Consideration has been given to reducing the parking provision within the drive-thru section of the site, and 2 spaces have been removed from the initial site plan (49 spaces to 47 spaces) and this has created more space in the car park for queuing from the drive-thru and access and circulation. Over provision of parking would assist during busy periods at the drive-thru as customers may well park and go into the restaurant.

6.105 Within the site dedicated parking areas are provided for both the fast service restaurant and industrial estate. This is so that vehicles visiting each use on the site do not overspill and impact on the operation of the other site uses. The Council is satisfied that the proposed parking spaces are of adequate size and with adequate access and manoeuvring space. The proposed disabled parking bays and electric vehicle charging provision would be policy compliant. Covered and secure cycle parking shall be provided.

- Transport conclusion

6.106 Overall, it is considered that the proposals would accord with the aims of policies T1, T4, T5, T6, T7 and T8 of the VALP and the guidance set out in the NPPF; the proposals seek to ensure that appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved for all users, and 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, the residual cumulative impacts on the road network would not be severe. The layout and design of the parking areas would be acceptable, with the parking bays, secure cycle storage, and electric charging being controlled by planning condition.

Amenity impact (including air quality and noise)

6.107 Paragraph 180 of the NPPF states that planning decisions should "ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development". This includes mitigating and reducing to minimum potential adverse impacts resulting from noise and identifying opportunities to improve air quality or mitigate impacts.

- 6.108 An air quality impact assessment has been undertaken and is submitted in support of the planning application. For the construction phase of the development, the risk of dust soiling effects is classed as high for demolition, medium for earthworks and construction activities and low for trackout; while the risk of human health effects is classed as low for demolition, earthworks, construction and trackout. As such mitigation measures are proposed in line with best practice guidance to reduce any potential impacts during construction. For the operational phase of the development, annual mean NO₂, PM10 and PM2.5 concentrations have been modelled at six existing receptor locations and a sensitivity analysis has also been undertaken for NO₂ concentrations in which base year background pollutant concentrations and vehicle emission factors have been applied to the opening/future years. This has enabled comparison of predicted annual mean pollutant concentrations with the relevant air quality objectives and target levels. The impact of the development during the operational phase is predicted to be negligible at all six existing sensitive receptors that have been considered. There is one exception relating to the receptor near the Oakfield Road/A41 junction which indicates a 'slight' impact on NO₂ concentrations for the opening year, but this measurement does not exceed the objective level. Further the scheme proposals incorporate measures which would further reduce emissions e.g. electric vehicle charging bays and the provision of Travel Plans for the future occupiers.
- 6.109 The proposed development would not lead to an unacceptable risk from air pollution or to any breach of national air quality objectives and the Council's Environmental Health Officer raises no objection.
- 6.110 In respect of noise impacts, the submitted Noise Impact Assessment has assessed the noise break-out, external plant, and vehicle movements of the proposed development. The Assessment concludes that the proposed activities associated with the proposed industrial development and the drive-thru restaurant are likely to be below existing background noise levels. On this basis the existing residential receptors located on Denby Walk to the south and Haddington Way to the north would not experience any adverse effect due to development related noise. Overall, the predicted noise impact is below the Lowest Observed Adverse Effect Level.
- 6.111 The Applicant has confirmed that the proposed hours of operation of the Class E/Sui Generis unit would be 24hr. Given the context of the site and its separation distance from any nearby residential units this 24hr use is considered acceptable and would not have an adverse impact upon residential amenity. An objection based on opening hours would not be sustainable if challenged at appeal.
- 6.112 The above demonstrates that the impact of the proposals would be acceptable for existing and future occupiers, as required by paragraph 180 of the NPPF and in accordance with policies BE3 and NE5 of the VALP.

Building sustainability

- 6.113 Policy C3 of the VALP requires that all development schemes should look to

achieve greater efficiency in the use of natural resources including measures to minimise energy use, improve water efficiency and promote waste minimisation and recycling.

- 6.114 A Sustainability and Energy Statement prepared by Cudd Bentley details of the way in which relevant local planning policies concerning sustainability will be satisfied.
- 6.115 The Sustainability and Energy Statement details that energy and carbon savings are to be achieved through passive design and energy efficient design features, such as: energy efficient lighting; sub-metering of relevant areas; upgrading of 'U' values; and occupancy sensing in relative areas. It is anticipated that a 12.48% saving in the development's annual CO2 emissions, which is 19.74 tonnes reduction (from a Part L baseline), will be achieved after the proposed passive and energy efficient measures and the incorporation of ASHP (Air Source Heat Pump). The energy generated by the Air Source Heat Pumps for heating and cooling for this development contributes 10.54% of the actual regulated energy of the development which exceeds the minimum 10% target set by Buckinghamshire Council. It is anticipated further measures will be adopted as a means of reducing carbon emissions associated with the development such as using construction materials that will be responsibly and legally sourced.
- 6.116 In addition to this, it is anticipated any new insulation materials specified will be responsibly sourced.
- 6.117 To reduce the energy demand of the development as well as help to conserve water resources within the local area, it is anticipated that the fit-out works will provide for sanitary fittings which will be water efficient through measures such as dual flush toilets and low flow taps.
- 6.118 The development is located within Aylesbury, and is in proximity to public transport nodes, footpaths and cycleways, as well as a range of primary local amenities such as cash points and food outlets. These features allow for the reduction of car-based travel and transport related pollution. Work undertaken by the applicant's consultant team indicates that the development is located within Flood Zone 1 and is not at risk of flooding from fluvial, reservoir sources and surface water flooding.
- 6.119 The incorporation of these sustainability measures, including passive design and energy efficient design features, such as: energy efficient lighting; sub-metering of relevant areas; upgrading of 'U' values; and occupancy sensing in relative areas, allows for the proposed development to be deemed sustainable whilst achieving compliance with local and national policy.
- 6.120 Therefore, the proposal would accord with VALP policy C3 and the guidance set out in the NPPF.

Flooding and drainage

- 6.121 Buckinghamshire Council as the Lead Local Flood Authority (LLFA) raises no objection to the proposed development subject to appropriate planning conditions to ensure that a

sustainable drainage strategy has been agreed prior to construction in accordance with VALP policy I4 and Paragraphs 167 and 169 of the NPPF and to ensure that maintenance arrangements are agreed before any works commence on site.

- 6.122 The Risk of Flooding from Surface Water map provided by the Environment Agency shows that the site lies in an area of low to high risk of surface water flooding. The Flood Map for Planning indicates that the site is in Flood Zone 2 and 3. It is understood that the Environment Agency has now agreed the fluvial flood extents for the site and the open surface water drainage features lie outside of these areas. Therefore, the LLFAs (Lead Local Flood Authority) previous concerns on this matter have been resolved.
- 6.123 The Infiltration SuDS (Sustainable Urban Drainage Systems) Map provided by the British Geological Survey 2016, indicates that the water table is anticipated to be within 3m of the ground surface. The FRA refers to two British Geological Survey borehole records which identified groundwater to a depth of approximately 0.50m to 2.15m. High groundwater levels can influence the design of the surface water drainage scheme as it can decrease the potential for infiltration and groundwater ingress into below ground components can compromise the storage capacity. In response to the potential for groundwater ingress, the FRA proposes that all underground attenuation to be lined as per Drawing no. BM11940-006.
- 6.124 The FRA suggests that infiltration as a means of surface water is not viable due to the anticipated high groundwater levels. Therefore, the proposal is to discharge surface water runoff from the development to the Stocklake Brook, following the existing drainage arrangements. This approach is in line with the drainage hierarchy. The proposals include a reduction in the surface water runoff rate from the site, providing betterment on existing brownfield rates, reducing the discharge rate from 204l/s to 122 l/s. Surface water runoff will be attenuated on site up to the 1 in 100 year plus 40% climate change allowance storm event. The drainage strategy is split into two catchments, Catchment A which includes the highway and drivethru restaurant and Catchment B which includes the commercial units to the rear of the site. Both catchments include sustainable drainage measures as shown on drawing 4210127-1200 Rev. P1 and drawing no. BM11940-003 Rev. A. Drawing BM11940-003 Rev. A show that anticipated alignment of the culverted watercourse on the south of the site, it is proposed to open the culverted watercourse at the location of the attenuation basin serving Catchment B. These works would be subject to Land Drainage Consent. It is understood that the flows in the existing watercourse are generated from adjacent site for which there is a surface water drainage scheme in place with a controlled outfall at 2.5l/s. The flow will be conveyed through the proposed attenuation basin and the proposed control structure will be amended accordingly to accommodate the offsite flows. Catchment A discharges to the north of the site to the watercourse, it is not clear what the invert level of the watercourse is and whether a gravity connection can be achieved. The detailed drainage design should also consider the possibility of a submerged outfall in the event of high flows in the watercourse.
- 6.125 The existing site levels adjacent to the canal range from 78.96 to 79.20mAOD, with canal

bank levels between 80.6 and 80.9mAOD. It is proposed to raise ground levels within the site to achieve a proposed building finished floor level (FFL) ranging from 79.8mAOD to 80.0mAOD, except for the proposed drive through restaurant which is set at 79.52mAOD and located along the northern boundary near to Node SL.023. Typically, new building FFLs should be set at a minimum of 600mm above the predicted 100yrCC flood level. The levels proposed for the whole development significantly exceed this criterion.

- 6.126 As set out in the FRA the underground attenuation and basin will be lined to prevent seepage toward the canal.
- 6.127 The Environment Agency have reviewed the Flood Risk Technical Note produced by Wardell Armstrong, dated 16 December 2021 and confirm that the site is not impacted by the 1 in 100, 1 in 1000 or 1 in 100 plus Climate Change flood events from the Bear Brook or the Stocklake Brook. There is therefore no requirement for compensation or no need for a condition on Finished Floor Levels. The alteration to the culverting arrangements of the Stocklake Brook and the proposed culverting of the Broughton Lane Drain will require a flood risk activity permit (FRAP) under the Environmental Permitting (England and Wales) Regulations 2016.
- 6.128 As such the proposal would accord with policy I4 of the VALP and the guidance set out in the NPPF.

Infrastructure and Developer Contributions

- 6.129 It is considered that there would not be other types of infrastructure, other than the provision of sustainable transport that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.
- 6.130 The proposed highway works are to be covered by a s278 agreement, rather than included in the s106
- 6.131 Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured within a section 106 agreement:
- Travel plan (including monitoring fee), and
 - Measures Only Travel Plan
- 6.132 Monitoring fees are not required for the Measures Only Travel Plan, though surveys and monitoring are referred to within the updated Travel Plan, and this Measures Only Travel Plan will be appended to the s106 as an approved Travel Plan.
- 6.133 The applicant has confirmed that they are willing to enter into a legal agreement and work drafting has begun.

Other Matters

- 6.134 The remaining matters raised by third party representations fall outside of the planning remit and therefore cannot be considered in the determination of this application:

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

7.0 Overall Assessment

- 7.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL (Community Infrastructure Levy) if applicable), and,
 - c. Any other material considerations

- 7.2 As set out in section 1 above it is considered that the proposed development would accord with the relevant up-to-date development plan policies, and the recommendation is set out in paragraph 1.7 above.

Equalities Act

- 7.3 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 7.4 The concerns and objections of the Members, Town and Parish Councils, Fire and Rescue Service, and members of the public have been noted and considered and addressed within this report.

Human Rights Act 1998

- 7.5 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

8.0 Proposed Conditions

Whole Site

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

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

2. The development hereby permitted shall not be carried out except in accordance with the following approved plans unless otherwise first approved in writing by the Local Planning Authority:

- 6097 / P01 rev A – Site Location Plan
- 6097 / P02 – Existing Site Plan
- 6097 / P03 – Existing Site Cross Sections
- 6097 / P04 Rev J – Proposed Site Plan
- 6097 / P05 – Proposed Site Roof Plan
- 6097 / P06 rev A – Proposed McDonalds Unit Plans, Section and Elevations
- 6097 / P07 rev A – Proposed Units 1 to 3
- 6097 / P08 rev A – Proposed Unit 4
- 6097 / P09 rev A – Proposed Units 5 – 11 Floor Plans
- 6097 / P10 rev A – Proposed Units 5 – 11 Sections and Elevations
- 6097 / P11 – Proposed Bin Store
- 6097 / P14 – Proposed Bike Store
- 7119.PP1.0 rev B – Planting Plan Overview
- 7119.PP1.1 rev B – Planting Plan 1 of 2
- 7119.PP1.2 rev B – Planting Plan 2 of 2

Reason: To secure the proper planning of the area and by virtue of Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3. No commencement of any development hereby permitted shall take place (including, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include but is not limited to the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of “biodiversity protection zones”.
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.

- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and times and activities during construction when they will need to be present to oversee works.
- h. Use of protective fences, exclusion barriers and warning signs.
- i. Contingency/emergency measures for accidents and unexpected events, along with remedial measures.
- j. Measures for removal of any invasive species within the site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: The reason for this pre-commencement condition is to ensure that a suitable CEMP has been agreed in advance of works commencing to minimise the construction impacts on biodiversity and to comply with VALP policy NE1 and the NPPF.

4. Prior to the commencement of any development 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:
 - a. Construction traffic routing details.
 - b. Construction access details, temporary or otherwise.
 - c. The parking of vehicles of site operatives and visitors off the highway.
 - d. Loading and unloading of plant and materials and storage of plant and materials used in constructing the development off the highway.
 - e. Operating and delivery hours.
 - f. The erection and maintenance of security hoarding.
 - g. Wheel washing facilities.
 - h. Before and after construction condition surveys of the highway and a commitment to rectify and repair any damage caused.

The approved CTMP shall be adhered to throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise danger, obstruction, and inconvenience to users of the highway during the construction of the development and to comply with policy T5 of the VALP and the NPPF.

5. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenity and biodiversity enhancements and to comply with VALP policies BE2, NE1 and NE8, and the NPPF.

6. Prior to the first occupation of any of the buildings hereby permitted full details of the seed mix to be used in the proposed planting scheme along the water course shall be submitted to and approved in writing by the Local Planning Authority. The planting scheme shall thereafter be carried out in accordance with the agreed details in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; and shall be retained as such thereafter.

Reason: To ensure that an acceptable seed mix is used in the interest of biodiversity enhancements and to comply with VALP policies NE1 and NE2, and the guidance set out in the NPPF.
7. Prior to any construction above the slab levels of the buildings hereby permitted full details of the proposed materials to be used within the hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall then be carried out in accordance with the approved details prior to the first occupation of the building(s) and shall be retained as such thereafter.

Reason: To ensure that the details are acceptable and in the interests of visual amenity and to comply with VALP policy BE2, and and the guidance set out in the NPPF.
8. No other part of the development shall be occupied, until the new site access has been sited and laid out in general accordance with the approved planning drawings, and constructed in accordance with Buckinghamshire Council's guidance note, '*Commercial Vehicular Access within Highway Limits*'.

Reason: To minimise danger, obstruction, and inconvenience to users of the highway and of the development and to comply with policy T5 of the VALP and the NPPF.
9. Prior to the occupation of the development, the existing site access not required to serve the development shall be closed off by raising the existing dropped kerb and reinstating the footway / cycleway, verge and highway boundary to the same line, level and detail as the adjoining footway / cycleway, verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of highway users and to comply with policies T5 and T7 of the VALP and the NPPF.
10. Prior to the occupation of the development, space shall be laid out within the site for parking and manoeuvring in accordance with the approved plans. This area shall thereafter be permanently maintained for this purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction, and inconvenience to users of the adjoining highway and to comply with policies T5 and T6 of the VALP and the NPPF.
11. Prior to the occupation of the development, minimum vehicular visibility splays of 2.4m by 43m shall be provided in either direction of the proposed site access, and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level and maintained thereafter.

Reason: To provide acceptable visibility between the access and the highway for the safety and convenience of users of the highway and of the development and to comply with policy T5 of the VALP and the NPPF.

12. Prior to the occupation of the development, covered and secure cycle parking shall be provided as shown on approved planning drawings, and the approved cycle parking shall thereafter be retained for that purpose.

Reason: To provide safe and suitable cycle parking to encourage sustainable travel to and from the development and to comply with policy T6 of the VALP and the NPPF.

13. Prior to the occupation of the development, active electric vehicle charging spaces shall be provided in accordance with the approved planning drawings and those spaces and the charging points shall thereafter be retained for that purpose.

Reason: To ensure adequate provision is made for electric vehicles and to accord with policies T6 and T8 of the Vale of Aylesbury Local Plan and the NPPF.

14. Prior to occupation of the development hereby permitted, the agreed approved contamination remediation strategy shall be carried out in full and a validation report including details of the completed remediation works and quality assurance certificates shall be submitted to and approved in writing by the Local Planning Authority.

If during the works contamination is encountered which has not previously been identified, then this additional contamination shall be fully assessed in accordance with the requirements of the above and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the potential contamination of the site is properly dealt with and the risks to the planned end user group(s) minimised in accordance with policy NE5 of the VALP and the NPPF.

15. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan (in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. The Method Statement and Protection Plans shall provide, as required, details of methods of construction within root protection areas and details showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. This shall comprise a barrier complying with Figure 2 of British Standard 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan.

The protective fencing shall be erected in accordance with the agreed details prior to the commencement of development on the site. The protective fencing shall be retained and maintained until all building, engineering or other operations have been completed on site. No work shall be carried out or materials stored within the fenced area without prior written agreement from the Local Planning Authority. The development shall be carried out in accordance with the approved Tree Protection Plan and Method Statement.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and of the development and to comply with policy NE8 of the VALP, and the NPPF.

16. No development shall take place until detailed drawings for:

- The proposed culvert showing the overall dimensions, earth base and levels in relation to the existing watercourse
- The proposed compensatory wetland/attenuation basin showing levels and how excess water will be released have been submitted to, and agreed in writing by, the local planning authority and implemented as approved.

Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason: Development that encroaches on the Broughton Lane Drain and Bear Brook may severely affect their ecological value. Details of the culvert and wetland basin are required to be secured to demonstrate that the ecological value of Broughton Lane Drain and Bear Brook will not be adversely affected, in line with policies NE1 and NE2 of the VALP and paragraph 180 of the National Planning Policy Framework

17. No development shall commence unless and until a Construction Methodology has first been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that any proposed earthmoving, excavations, foundation construction or other building operations can be safely carried out without adversely affecting the stability of the adjacent canal embankment. The Methodology shall specifically include proposed foundation details, cross sections to the canal and method statement for plant use. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: The detail is required prior to commencement to ensure that the proposed works do not have any adverse impact on the stability of the canal embankment and therefore protect the integrity of the Aylesbury Arm of the Grand Union Canal in accordance with policy NE2 of the VALP and paragraphs 170 & 178-179 of the NPPF.

18. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on Flood Risk Assessment and Drainage Strategy (ref. BM11940 V2.0, March 2021, Wardell Armstrong) 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:

- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS (Sustainable Urban Drainage Systems) components
- Total combined discharge rate is limited to 122 l/s or less
- Groundwater level monitoring over the winter period
- Flootation calculations based on groundwater levels encountered during winter monitoring (November-March)
- SuDS components as set out in 4.9.5-4.9.7 of the FRA • Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete,

together with storage volumes of all SuDS components

- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- 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.

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

19. Prior to occupation a “whole-life” maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this condition is to ensure that maintenance arrangements have been arranged and agreed before any works commence on site that might otherwise be left unaccounted for. In accordance with policy I4 of the VALP and the guidance set out in the NPPF.

Employment Phase (Zone 2)

20. The zone 2 employment buildings hereby permitted (as shown on the attached plan no: 6097/SK09 rev B) are to be used for either Class B2 or Class B8 purposes only and for no other use.

Reason: For the avoidance of doubt and to enable a flexible employment use to continue at the site in accordance with VALP policies E2 and E5 and the guidance set out in the NPPF

21. No development above ground shall take place on the zone 2 employment buildings hereby permitted (as shown on the attached plan no: 6097/SK09 rev B) until full details and sample panels of all the external surface materials proposed to be used on the surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Sample panels shall be made available on site, for inspection by the Local Planning Authority, which shall be notified in writing of their availability. Thereafter the development shall be carried out using the approved materials.

Reason: In the interests of the visual appearance of the development in accordance with VALP policy BE2 and the NPF.

22. The lighting scheme hereby permitted shall be installed and maintained in accordance with the specifications set out in the external lighting assessment document (produced by Cudd Bentley Consulting Ltd, report reference 5675/12 revision 2). No subsequent changes or lighting shall be installed other than in accordance with details previously agreed in writing with the Local Planning Authority

Reason: In the interests of the amenity of the area, to ensure that the details of the development are acceptable to the Local Planning Authority, and to accord with policies BE3, NE1 and NE2 of the VALP, and the guidance set out in the NPPF.

Drive-Thru Phase (Zone 1)

23. No extractor ventilation system shall be used at the proposed restaurant until a scheme which specifies the provisions to be made for the control of noise from the extractor ventilation system has been submitted to and approved by the Local Planning Authority. The extractor ventilation system shall incorporate a suitable and sufficient silencer for the fan. Noise data for the extraction system must be provided. Any scheme of work shall be fully implemented and completed in accordance with the approved details before any business operations within the premises commence, and the ventilation system shall be retained as such.

Reason: In the interests of the amenities of the area in accordance with policy BE3 of the VALP and the NPPF.

24. A scheme of works indicating measures that are to be adopted to suppress and disperse fumes or smell produced by the cooking and preparation of food in the restaurant hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the restaurant, and the scheme shall be fully implemented in accordance with the approved details prior to the first use of the restaurant and shall thereafter be retained as such.

Reason: In the interests of the amenities of the area in accordance with policy BE3 of the VALP and the NPPF.

25. Prior to first occupation of the drive-thru restaurant hereby permitted (as shown as zone 1 on the attached plan no: 6097/SK09 rev B) the off-site highway works shall be laid out as shown in principle on drawing no: 2750.13.C, to include an unopposed right-turn from Douglas Road into Stocklake and all-movement Stocklake / Douglas Road / Bellingham Way / Oakfield Road Signalised Junction and the yellow box markings to the front of the fire station shall have been laid out and completed .

Reason: To minimise danger, obstruction, and inconvenience to users of the highway and of the development in accordance with policies T4 and T5 of the VALP and the NPPF.

26. Prior to the first use of the drive-thru restaurant hereby permitted, a delivery and servicing management plan for the drive-thru restaurant shall be submitted to and approved in writing by the Local Planning Authority. Deliveries and servicing of the drive-thru restaurant shall be carried out in accordance with the approved delivery and serving management plan thereafter.

Reason: To ensure adequate delivery and servicing provision and minimise danger, obstruction, and inconvenience to users of the highway and of the development in accordance with policies T4 and T5 of the VALP and the NPPF.

27. The drive-thru restaurant unit hereby permitted shall be implemented in accordance with the external materials as shown on approved plan 6097/P06 rev A.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with policy BE2 of the VALP and the NPPF.

Informative(s)

- 1) If during the development works contamination is encountered which has not been previously identified the Environmental Health department must be contacted immediately at envhealth@aylesburyvaldc.gov.uk. Works must cease on site until an appropriate remediation scheme is submitted to and agreed in writing by the local planning authority. Failure to remediate site contamination during development could result in serious long-term health impacts to future users of the development.
- 2) The developer is advised that there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or activities or inhibit the services we provide in any other way. The applicant is advised to read the Thames Water guide "working near or diverting our pipes".
- 3) the developer is advised that if they are planning on using mains water for construction purposes, it's important to let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
- 4) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5) The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".
- 6) The applicant is advised that highway works will need to be constructed under a Section 184 / 278 of the Highways Act legal agreement. This agreement must be obtained from the Highway Authority before any works are carried out on footway, carriageway, verge, or any land forming part of the highway. Please contact the Highways Development Management Delivery Team via: highwaysdm@buckinghamshire.gov.uk
- 7) For the avoidance of doubt, details relating to advertisement and their location do not form part of this application. Advertisements are subject to separate legislation and where appropriate, advertisement consent will be required.
- 8) the developer is advised that any proposed culverting of a watercourse will require a flood risk activity permit (FRAP) under the Environmental Permitting (England and Wales) Regulations 2016. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit [Flood risk activities: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/flood-risk-management) or contact the Environment Agency National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted and are advised to consult with the EA at the earliest opportunity.

9) The applicant is advised that crime prevention advice and best practice guidance can be found within the document 'Commercial Developments 2015' by Secured By Design. To ensure the applicant has considered the potential for crime and anti-social behaviour within this development, they are urged to achieve this accreditation.

<https://www.securedbydesign.com>

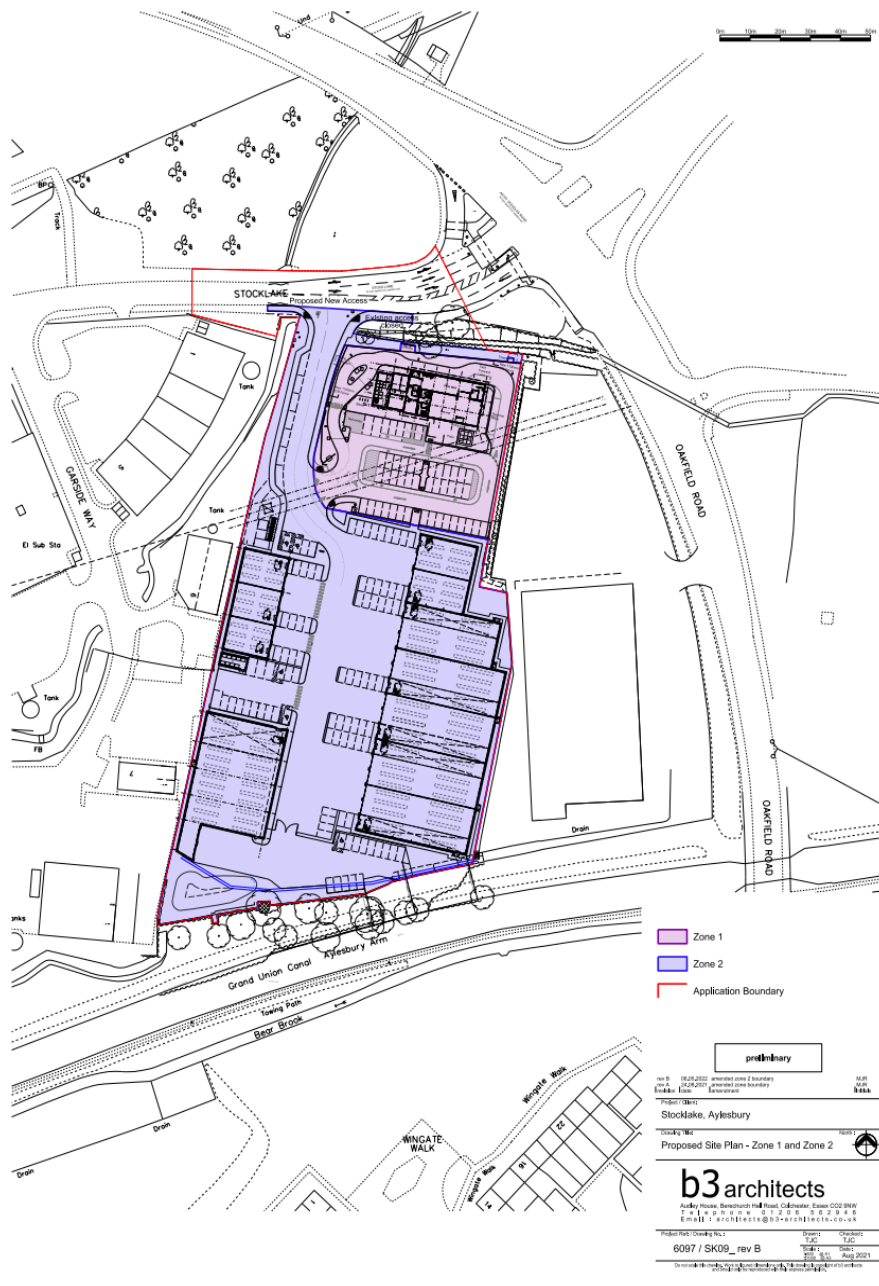
10) Working with the Applicant/Agent

In accordance with 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 instance the applicant/agent was updated of any issues and provided the opportunity to submit amendments to the scheme/address issues. The applicant/agent responded by submitting amended plans and additional information which were found to be acceptable, and the application recommended for approval. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

11) Plan no: 6097/SK09 rev B



Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Councillor Comments (verbatim)

Cllr Mark Winn has made comments neither objecting to nor supporting the Planning Application.

Comment Reasons:

- Residential Amenity
- Traffic or Highways

Comment:

"As one of the local wards Cllrs I believe considering the status of AVE who are the developer, and this is a company 50% owned by Buckinghamshire Council this one will come forward to the relevant Planning committee. If that were not the case, I would like to call this application into committee anyway as there are a number of issues which if the case officer was minded to recommend approval that would benefit from being examined in public. These relate to the possible effect on highways from the drive through restaurant proposal and the effect on public amenity from the siting of a fast-food restaurant at this location. which could if not properly managed through certain conditions or agreements placed on this application cause litter issues for the local residents I represent and the local environment, in particular the Bearbrook which has in the past be subject to flooding."

Parish/Town Council Comments (verbatim)

Aylesbury Town Council

"Aylesbury Town Council welcome the addition of industrial units within this application and the employment opportunities they bring to the Town.

However, Aylesbury Town Council Object to the to a new drive-thru restaurant in its current form. The Fire Station adjacent to the proposed site indicates a blue light route that needs to be kept free of stationary traffic to allow easy ingress/egress.

There is clear evidence from a drive thru restaurant at Broadfields how this impacts and causes chaos on Bicester Road. This development only has a one lane road going in and out. Highlighting that the users of the industrial unit will have to navigate the same route suggesting that on busy times this will create problems for those trying to reach their destination. Within the traffic management plan is a dependency on a junction alteration being provided by the Kingsbrook development which that might not even go ahead, this plan should stand up in its own right. Should the planning authority be minded to approve the application the Town Council would suggest that the applicants seek to adjust the layout to better manage the traffic, perhaps by passing the drive through along a longer route and not shared with the industrial units.

The current plan for an orbital route around Aylesbury risks traffic, particularly HGVs being mis directed into Town thus not alleviating the existing traffic issues on the Aylesbury Road Network. Should HGV drives seek to use the restaurant it is not clear where they are intended to park thus also potentially aggravating the vital blue light route out of the Fire Station.

There is a serious flooding management issue with this land, the committee feel that this should be a major concern to the developers. The residents along the entire stretch of Stocklake suffer with water ingress to the gardens and rear of their properties. If the planning authority are minded to approve this application, then the Town Council would like to see a condition that the drainage is improved for all residents and properties on Stocklake.

The Committee have serious concerns about the additional levels of litter that could be generated at this site and adding to an existing rodent issue in the area. Any development needs to take proper account of these concerns.

The Committee have also noted that there will be limited electric points available at the industrial units (4% electric charging points only gives 3 points). The committee feel that this development should be future proofed by providing at least 1 electric charging point per industrial unit, this would allow each unit to run their operations using electric vehicles.

Aylesbury Town Council request the right to speak at Committee to raise their concerns at the appropriate time."

Bierton with Broughton Parish Council

Stance: comments neither objecting to nor supporting the Planning Application

Comment Reasons:

- Traffic or Highways

Comment:

"Planning Application 21/01247/APP, Erection of Industrial Units and a MacDonald's restaurant, Stocklake Aylesbury HP20 1DS

Bierton Parish council, at its meeting on 26th April resolved to make the following comments.

The layout of the site raises concerns for two reasons: -

1) The area for lorries and delivery vehicles to turn and manoeuvre safely appears to be limited. The safety of on-site pedestrians and efficiency of the site will be compromised. Emissions from lorries (both noise and fumes) will inevitably increase as they try to turn, reverse etc into an appropriate space.

2) The design of the "drive-thru" restaurant seems to allow little room for queueing, which we know from the existing MacDonald's at Broadfields and in other areas is highly likely to occur at popular times when the level of traffic is high anyway. Queueing cars will, very probably, back up onto Stocklake and ultimately onto Oakfield Road junction causing delays, frustration and, again, increased emissions.

It is felt that if the whole restaurant area site (building and carpark) was rotated through 180 degrees. This would allow for a great deal more on-site queueing around the edge of the site, instead of on the road, and pedestrians moving to and from parked cars will still remain separated from drive-thru traffic.

A further improvement to the area would be if the right turn for vehicles travelling in a SE direction along Douglas Road (A4157) onto Stocklake was reinstated. Vehicles will inevitably want to turn here when the MacDonald's comes into view. There is no safe turning area past this junction and it is highly likely the existing Lidl carpark will become the unofficial U-turn area or the "No Right" turn signs ignored, as they sometimes are now.

This junction was originally intended to allow this. Some minor reconfiguring of the junction islands and re-sequencing of the lights would make this both safe and convenient for motorists, cyclists and pedestrians"

Kingsbrook Parish Council

Stance: Comments neither objecting to nor supporting the Planning Application

Comment Reasons:

- Residential Amenity
- Traffic or Highways

Comment:

"Further to your recent submission of documents relating to the above development, the Parish Council's comments and observations are outlined below.

- The parking facilities proposed are limited, Stocklake Road, the junction at Stocklake/Douglas Road/Bellingham Way and Bellingham Way are key routes into Aylesbury particularly in light of the soon to be open ELR. Concerns are raised that without sufficient parking this key route into and out of Aylesbury could become bottle necked as a result of cars being unable to park or gain

access into the area.

- The Parish Council is concerned about the potential impact on the blue light services (fires station) and the ability to get through what will be a very congested junction. Also, the blue light services (ambulance) use the SLR to access Kingsbrook and there are concerns about how response times will be affected. Particular attention must be given to the impact on the ability of the emergency services to exit and respond to emergencies.

- The Parish Council is concerned that limited consideration has been given to the traffic use in the area. Since the initial traffic assessment was completed in June 2017, Kingsbrook has grown from 200 dwellings to 750 and a Lidl has been opened on Oakfield Road. Whilst we acknowledge that a study was undertaken in March 2020 this was just as the Covid pandemic hit and traffic was considerably reduced. Concerns are raised about excessive traffic queuing from the restaurant obstructing the junction, particularly during peak times. A further assessment of the traffic is required considering:

o The new Lidl store and the impact that this has on traffic over busy periods, including major holidays.

o School rush hour period at 3-4pm which will have a significant impact on the area.

o Lunchtime rush hour given a restaurant peak hours between 12-2.

o The current numbers of dwellings within Kingsbrook, as well as the future confirmed dwellings (a total of 2,450 dwellings) to be built that will use this junction.

- The Parish Council is concerned about the environmental impact. The proposed site is opposite from ecological mitigation areas and next to the canal. Consideration needs to be given to the local bat corridor on Bellingham Way and the impact of any lighting on this, particularly a fluorescent drive thru sign.

- Consideration needs to be given to the additional litter that will be created because of the drive thru and the litter spread up Bellingham Way and into Kingsbrook. Kingsbrook is privately owned land and therefore any additional litter will come at a personal financial cost to all residents within Kingsbrook as they will have to pay for it to be removed.

- In 2020 a Public Health and Safety report cited that 1 in 18 deaths of the over 30's in Buckinghamshire was due to Air Pollution; consideration needs to be given to the impact of a drive thru, where car engines will be left running, on public health and safety."

Consultation Responses (Summarised)

Ecology

- The additional details provided are considered satisfactory though confirmation on the planting scheme along the water course is requested. The reason for not being able to establish the full 10m buffer next to the water course is accepted. This buffer will need to be more than amenity grass and within the current plan a seed mix such as Emorsgate flowering lawn mixture or a grass only mix which they can supply. The buffer to the rear of the site adjacent to that canal has been clarified and is more than the 10m threshold.

Environmental Health

- No objection subject to conditions

Economic Development

- ED welcomes 5758 sq. m of new B2/B8 use and the new units with the size being identified in the HEDNA (Housing and Economic Development Needs Assessment) as being in demand. ED does not welcome the loss of 6124 of B2 use. ED has concerns about the effect of opening the drive through and its effect on town centre fast food outlets.

Environment Agency

- Flood risk – the EA have reviewed the Flood Risk Technical Note produced by Wardell Armstrong, dated 16 December 2021 and confirm that the site is not impacted by the 1 in 100, 1 in 1000 or 1 in 100 plus Climate Change flood events from the Bear Brook or the Stocklake Brook. There is therefore no requirement for compensation or no need for a condition on Finished Floor Levels.
- The amended ecological report and additional information is sufficient to address the EAs (Environment Agency) previous concerns. However, the proposed development will only be acceptable if a condition requiring the submission and approval of detailed drawings for the proposed culvert and the proposed compensatory wetland/attenuation basin is included.
- The alteration to the culverting arrangements of the Stocklake Brook and the proposed culverting of the Broughton Lane Drain will require a flood risk activity permit (FRAP) under the Environmental Permitting (England and Wales) Regulations 2016.

Landscape

- No objection to soft landscaping following the submission of amended details. Hard landscaping to be conditioned

Recycling and Waste

- Development should comply the Council Recycling and Waste: Advice note for developers 2019

CPDA

- object, specifically in relation to the proposal for the fast food 'drive-thru' eatery.
- Concern regarding the potential for traffic congestion within the site and out onto Stocklake Road.
- no details relating to the proposed hours of operation for the restaurant and its 'drive-thru' facilities.
- No information has been provided regarding the security procedures for the proposed restaurant.
- Boundary Treatment – no details relating to the proposed boundary treatments
- There should be clear separation between the parking area of McDonalds and the parking for the subsequent commercial units
- The rear service areas and pathways serving the emergency egress doors for the commercial units should be robustly secured to prevent unauthorised access into this narrow path.
- Appropriate boundary treatments and defensive space needs to be provided between the parked vehicles to the front of unit 11 and the pedestrian path providing access to the south of McDonalds' car park.
- Roller Shutters – no details relating to the security of the proposed rollers shutters for 'goods and vehicular access.
- Doors and windows – should meet the minimum standards of LPS 1175 Issue 7 SR2.
- Postal services – outside of operational hours these should be catered for either with a robust external post box or, where through the wall delivery is proposed, into a secure internal letter box with fire retardation and anti-fishing attributes.

- Cycle storage for the industrial units is positioned close to the high level of activity and anonymity of the drive thru restaurant and is not obviously associated with the commercial area.
- areas of the development lack surveillance or clear lines of sightlines

LLFA

- No objection to the proposed development subject to appropriate conditions/obligation

Canals and Rivers Trust

Structural integrity

- The proposed development, in particular Unit 5 and the proposed attenuation feature, would be in very close proximity to the toe of the embankment slope.
- The proposal includes the provision of additional planting to the site boundary with the canal. However, this would make inspecting the condition of the existing wall difficult and any landscaping proposals would need to consider the impact on the existing wall and embankment slope.
- Considering the proximity of the proposed development to the toe of the embankment, initial details on the proposed foundations and construction methodology should be submitted for consideration prior to determination. Details of the attenuation feature, including cross sections, would also be required to demonstrate that its design would not result in the local ground becoming saturated, as this could be detrimental to the stability of the canal embankment. Full and final design and construction details to be required by condition.

Flood Risk

- The original Flood Risk Assessment (FRA) did not assess the potential impacts of a breach of the canal. This is required prior to determination as it may be that finished floor levels would need to be reviewed (lifting by 0.3 m and positioning of doors may be sufficient) to ensure that if a breach were to occur, the buildings would not be adversely affected.

Character, appearance and biodiversity

- The proposed development would be in very close proximity to the waterway and the proposed buildings would overall be higher than the existing, thus have the potential to be more dominant, especially in the winter months when the deciduous screen planting has lost its leaves. There is also a break in the existing canalside planting which affords views onto the site, and this has a negative impact upon the canal environment. Although additional planting is proposed, this would be in very close proximity to the embankment slope and the proposed development. There would therefore appear to be limited space for any new planting to mature and provide a meaningful screen to the waterway. Any landscaping proposed to the canal boundary should be appropriate for this waterside location and incorporate sufficient space to ensure the stability and inspection regimes for the embankment slope are not adversely affected.
- The buildings proposed adjacent to the canal present broad, shallow-pitched blank gables to the canal, providing no sense of engagement nor providing any passive surveillance of the towing path. Unit 4 has a flat-roofed loading bay 'extension' extending close to the canal, and the area immediately adjacent is occupied by an HGV service yard and car parking.
- The Trust wish to be re-consulted on any amendments submitted.
- The Trust advise that waterside lighting affects how the waterway corridor is perceived,

particularly when viewed from the water, the towpath and neighbouring land, for example waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed. Any external lighting should be angled downwards, and light directed into the site, and it should not provide flood lighting to the canal corridor to show consideration for bats. Full details on the lighting proposals should be required by condition.

Thames Water

- Waste Comments – No objection regarding foul water or surface water drainage. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions, although the scale of the proposed development doesn't materially affect the sewer network.
- Water Comments – No objection regarding water network and water treatment infrastructure capacity.

Highways

- The Highway Authority has no objection, subject to appropriate s106 obligations, planning conditions and an informative.

S106 Obligations

- Secure the provision of:
 - The implementation upon occupation of the commercial units hereby permitted of the approved Employment Travel Plan, and annual review thereafter including £1,000 per annum for 5 years for monitoring of the Employment Travel Plan (£5,000 in total from this site). This is required to promote and maximise the use of sustainable modes of transport and reduce single occupancy car journeys in accordance with National and Local Transport Policy.
 - The implementation upon occupation of the drive-thru restaurant hereby permitted of the approved Measures Only Travel Plan, and surveys, monitoring and maintenance of the Measures Only Travel Plan thereafter.

Representations

Buckinghamshire Fire and Rescue Service

object to the plan for the drive thru restaurant on this plot.

1. The authority is concerned with excessive traffic queuing for the restaurant obstructing the mobilisation of emergency vehicles from the fire station
2. The authority is concerned with excessive traffic queuing for the restaurant obstructing the mobilisation of emergency vehicles from the Urban Search and Rescue unit located at Unit 8 Garside Way
3. The authority is concerned with excessive traffic queuing for the restaurant delaying the fire crews retuning to base, replenishing the vehicles, and making themselves available for the next job
4. The authority is concerned with the potential for antisocial parking in Stocklake and Garside Way obstructing the mobilisation of emergency vehicles

In relation to the remaining proposal for the 11 light industrial units to the rear of the plot the following comments and observations are provided:

- The applicant must give due consideration to Approved Document B, Section 15 (Vehicle Access & Turning) and Section 16 (Fire Mains & Hydrants)
- Particular attention must be given to the chronic problems associated with limited parking facilities which could affect the access and response time of the emergency

services

Further comments will be made via Building Control as and when detailed plans are submitted.

Other Representations

As part of this application several third-party representations were received raising the following material considerations:

Objections:

- Eyesore to the area.
- Wrong location.
- Noise and pollution to the area and the canal.
- Residential amenity.
- Limited parking available.
- Increased traffic and highways safety issues.
- Junction is currently over capacity and inadequate.
- Pressure on drainage.
- Land subject to flooding.
- Impact on access for emergency services.
- Destroy wildlife/ environmental impact.
- Not supporting local enterprises.
- Traffic survey is out of date.
- Litter and vermin.
- Anti-social behaviours.
- Not encouraging healthy eating/obesity.
- Too near schools.
- Needs alternative to fast food chains.
- Do not need another drive-thru restaurant.
- No requirement for another set of industrial units.

Support:

- Support development on this brownfield site.
- No concerns about the commercial units.
- Will reduce traffic at other fast-food sites.
- Provide some amenities to the Kingsbrook area.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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