



## Report to Buckinghamshire Council – Central Area Planning Committee

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<b>Application Number:</b>	24/02612/APP
<b>Proposal:</b>	Erection of 4.8 metre high fence to provide external garden centre including external lighting and pedestrian access from the store, provision of storage compound in rear service yard, external alterations to the building and reconfiguration of customer car parking spaces including the provision of 3No. electric vehicle charging spaces together with associated charging infrastructure and the provision of a cycle shelter.
<b>Site Location:</b>	Units 1-3 Vale Retail Park, Vale Park Drive, Aylesbury, Buckinghamshire HP20 1DH
<b>Applicant:</b>	Mr Andrew Wells, B&M Retail Ltd
<b>Case Officer:</b>	Bibi Motuel
<b>Ward(s) affected:</b>	Aylesbury North
<b>Parish-Town Council:</b>	Aylesbury Town Council
<b>Date valid application received:</b>	27.09.2024
<b>Statutory determination date:</b>	22.11.2024 (EOT agreed until 23.12.2024)
<b>Recommendation</b>	Approval subject to conditions

### 1.0 Summary & Recommendation

- 1.1 The application seeks planning permission for an external garden centre, changes to the external appearance, car park alterations, and associated landscaping works at the Vale Retail Park in Aylesbury.
- 2.1 The application is referred to the Planning Committee due to Vale Retail Park being owned and maintained by Buckinghamshire Council and in accordance with the Council's Scheme of Delegation, such planning applications must be determined at the relevant Area Planning Committee to ensure openness and transparency.
- 3.1 The scheme is considered to be acceptable in principle, with economic benefits and is acceptable in terms of its impact to impact to design, transport and parking,

residential amenity, flooding and drainage, landscaping and trees, ecology and the historic environment.

- 4.1 Taking all the relevant factors into account and having regard to all relevant policies of the VALP and NPPF, it is considered that proposal would accord with an up to date development plan and is therefore recommended for approval.

## **2.0 Description of Proposed Development**

### SITE

- 2.1 The site relates to Units 1, 2 and 3 within the Vale Retail Park which is located off of Vale Park Drive in Aylesbury. Units 1, 2 and 3 are all currently vacant but were previously occupied by Mothercare, Furniture Republic and The Original Factory Shop. Unit 4 is currently occupied by Pets at Home and Unit 5 is occupied by Benson for Beds.
- 2.2 The combined floorspace of Units 1, 2 and 3 amounts to 3,045 sqm with a net sales floor area of 2,310 sqm. The main access to the retail park is Vale Park Drive but there is a secondary access from Park Street. To the south lies Aqua Vale Swimming and Fitness Centre. The site is surrounded by a mix of uses including retail, commercial and residential uses. The car park area adjacent to Units 1, 2 and 3 comprises 92 car parking spaces with approximately 100 further car parking spaces to the west of the Park servicing Units 4 and 5.

### PROPOSAL

- 2.3 This application seeks planning permission for the erection of a 4.8 metre high fence to provide an external garden centre including external lighting and pedestrian access from the store, provision of storage compound in rear service yard, external alterations to the building and the reconfiguration of customer car parking spaces including the provision of 3 No. electric vehicle charging spaces together with associated charging infrastructure and the provision of a cycle shelter.
- 2.4 The garden centre extension would extend to 465 sqm (with a 4.8m high fence) and the external storage compound would extend to 101 sqm (with a 3m high fence). The external changes to the elevations of the building would include the Installation of automated sliding entrance and exit doors and enlarging the existing side door opening to enable access into the garden centre. The garden centre and external compound fencing would be constructed of steel with a galvanised finish. 12 car parking spaces would be lost at the side of the unit.
- 2.5 A separate application (24/02590/VRC) has been submitted to vary the terms of condition 5 imposed on planning permission No. 93/1756/AOP to permit the sale of food and drink goods from up to 574 sq.m. net to allow the occupation of 'B&M' into the Units.

2.6 The application is accompanied by drawings and supporting documents received on 4.9.2024:

- 1 Planning Application Form.
  - 2 Drawing No. RB-1727-01 Rev A – Site Location Plan.
  - 3 Drawing No. RB-1727-02 Rev A – Existing Block Plan.
  - 4 Drawing No. RB-1727-04 – Existing Elevations.
  - 5 Drawing No. RB-1727-05 Rev E – Proposed Elevations.
  - 6 Drawing No. RB-1727-06 – Existing First Floor Plan.
  - 7 Drawing No. RB-1727-07 Rev A – Proposed Ground Floor Plan.
  - 8 Drawing No. RB-1727-08 – Garden Centre Fence Details.
  - 9 Arboricultural Impact Assessment and Method Assessment Ref: 81-554-R1-5 date August 2024 prepared by E3P
  - 10 Planning and Sustainable Appraisal prepared by MWA date August 2024.
  - 11 Flood Risk Assessment prepared by MWA dated August 2024.
  - 12 Transport Technical Note Rev 5 date August 2024 ref SLR Project No 237789 prepared by SLR.
  - 13 Drawing No. AC – External Lighting Spillage.
  - 14 Obtrusive Light Summary Report prepared by Thorn Lighting.
- AMENDED DRAWING received on 28.11.2024.**
- 15 Drawing No. 55.010 Rev 1 Site Plan Proposed.

### 3.0 Relevant Planning History

- 2.1 94/01843/AOP – Non-food retail warehousing and associated car parking -Outline permission refused – allowed on appeal in 1995.
- 2.2 96/00883/AAD - 2 No. Illuminated totem signs – Approved.
- 2.3 12/00553/AAD - Non-illuminated car park signage comprising 9 wall mounted signs and 10 pole mounted signs (retrospective) – Approved.
- 2.4 12/00554/APP - Installation of two 6m column for Automatic Number Plate Recognition Camera System to car park with associated base cabinet (retrospective) – Approved.
- 2.5 22/02771/VRC - Variation of condition 2 to allow occupation of a foodstore in Unit 1, Unit 2 and part Unit 3 relating to 13/02178/APP – Withdrawn.
- 2.6 22/02846/APP - Changes to the external appearance, car park alterations, and associated landscaping works – Approved.

- 2.7 22/03371/VRC - Variation of condition 5 relating to 93/01756/AOP (Retail Warehousing) to allow the occupation of a foodstore in Units 1, 2 and part of 3 – Approved.
- 2.8 24/02590/VRC - Variation of condition 5 (sale of food) relating to application 93/01756/AOP (retail warehousing). – Pending consideration

#### **4.0 Ward Councillor (s) and Parish/Town Council comments (*Verbatim*)**

##### **4.1 AYLESBURY NORTH**

- Raj Khan
- Susan Morgan
- Tim Dixon

No comments were received from Ward Councillors.

- 4.2 Aylesbury Town Council commented as follows: *“Aylesbury Town Council have no objection but would support comments made by Highways. Aylesbury Town Council would also highlight the potential overbearing effect of the fence to the residents directly opposite on Park Street and what mitigation for this there may be.”*

#### **5.0 Consultee Comments – please refer to Appendix A below**

#### **6.0 Representations**

- 7.1 No third party comments were received.
- 7.2 The application has been the subject of site publicity.

#### **7.0 Policy Considerations and Evaluation**

- 7.3 There is no Neighbourhood Plan either ‘made’ or in preparation for Aylesbury.
- 7.4 Vale of Aylesbury District Local Plan (VALP) was adopted on 15/9/2021 and therefore full weight can now be afforded to it
- 7.5 Aylesbury Garden Town Masterplan
- 7.6 The National Planning Policy Framework (NPPF) December 2023.
- 7.7 National Planning Practice Guidance (NPPG)
- 7.8 Buckinghamshire Minerals and Waste Local Plan (July 2019) - Policy 1: Safeguarding Mineral Resources – Not within a Mineral Safeguarding Area.
- 7.9 Supplementary Planning and other Guidance
- Recycling and Waste: Advice note for developers 2019

- Copies of these documents and a copy of the adopted VALP are available at [www.buckinghamshire.gov.uk](http://www.buckinghamshire.gov.uk)

### **Principle of Development, including impact on vitality of the town centre**

VALP policies E5 (Development outside town centres), D8 (Town centre redevelopment) and D9 (Aylesbury town centre)

- 8.1 Vale Retail Park comprises five retail units, along with associated car parking and landscaping. The application site lies within Aylesbury Town Centre, about 250 metres from the Primary Shopping Area (PSA). Consequently, the application site is edge of centre having regard to Annex 2 of the NPPF.
- 8.2 The principle of the change of use of the site from a former highways depot to a retail park was established under application 93/01756/AOP. A variation of condition application was submitted under 22/03371/VRC in order to allow the retail sale of food goods of up to 1,954 sqm within Units 1, 2 and 3. This was approved in February 2023 and has not yet been implemented but remains extant.
- 8.3 A concurrent application has been made to the current application to vary the terms of condition 5 imposed on planning permission No. 93/1756/AOP to permit the sale of food and drink goods from up to 574 sq.m. net to allow the occupation of 'B&M' into the Units.
- 8.4 The Planning Statement states that the proposal is directly linked to the existing permitted retail use of the site and is therefore 'locationally specific' as confirmed within paragraph 012 of the PPG 'Town Centres and Retail'. It adds that the company would not seek to relocate the entire store as proposed based on a request to provide an external garden centre. It is argued that the company therefore has an established locational requirement for the application site.
- 8.5 It also states that the company wishes to secure a long-term viable use of the retail units, and the provision of a complementary garden centre is part of its business model and operating requirements in this location. Furthermore, the agent states that the external garden centre does not comprise built retail floorspace and therefore is not a form of development which would operate from within a town centre shop.
- 8.6 It is also argued that it would be impractical and commercially unrealistic to operate an external garden centre within a vacant shop or other unit within Aylesbury town centre.
- 8.7 There would be economic benefits from the proposal, with 4 part time jobs being created directly related to the garden centre, together with other full and part time jobs created as a consequence of the applicant occupying the vacant units.
- 8.8 As such, it is concluded that the additional 465sqm for a garden centre would be accepted in principle and would not have any impact upon the vitality and viability of the town centre. There would be economic benefits. The proposal is therefore

considered to be acceptable and complies with policies E5, D8 and D9 of VALP and also accords with the NPPF.

## **9.0 Transport matters and parking**

VALP policies T5 (Delivering transport in new development), T6 (Vehicle parking), Appendix B (Parking Standards)

- 8.9 The application was accompanied by a Transport Technical Note. The Council's Highways Officer was consulted and stated that the proposed garden centre will take up 465 sqm of floor space to the east of the units. Given what has already been permitted, the Highways Officer has no concerns with the trip generation or traffic impact on the local highway network.
- 8.10 The Highways Officer added that the applicant states that 75% of the new B&M store will be non-food retail which amounts to 2,075 sqm of non-food retail use. All three units have non-food retail consent totalling 3,045 sqm so therefore, these vehicular movements are not new, they could already occur under the existing consent and do not need to be considered.
- 8.11 The new garden centre would have a low trip generation of approximately one trip in the AM peak and two trips in the PM peak. In total, the store could generate an extra 34 trips in the AM peak and 66 trips in the PM peak. The Highways Officer raises no objections to the level of increase shown in this application.
- 8.12 The site would use the two existing accesses from Vale Park Drive and Park Street. These accesses need to comply with the visibility requirements stated by Manual for Streets of 2.4m x 43m from both directions to the near side carriageway. After assessing the site, the Highways Officer is satisfied that this level of visibility can be achieved.
- 8.13 Furthermore, the Highways Officer is satisfied that the internal access roads are wide enough to support two-way vehicular flow and for vehicles to pull clear of the highway. The internal layout and road markings through the car parks are being altered, as the route from the northern car park to the southern access is being stopped-up, as the garden centre will be erected in this area. Nonetheless, the same one-way system will be in place for the northern car park and vehicles will be directed back out onto Vale Park Drive to the north, which is considered acceptable.
- 8.14 Turning on the on-site parking provision, VALP Policy T6 states that all development must provide an appropriate level of car parking, in accordance with the standards set out in Appendix B.
- 8.15 The Highways Officer noted that the applicant has provided a parking accumulation assessment that sets out that the peak hour in terms of parking demand is likely to be 14:00 – 15:00 on a Saturday, with a total of 79 cars parked. Given this, he requested that 79 parking spaces are provided across the site which are each 2.5m x 5.0m. Furthermore, the Highways Officer request that three rapid Electric Vehicle (EV) bays

are provided in accordance with VALP Policy T8as well as four blue badge spaces, all located near the front of the store.

- 8.16 Given the greater amount of total floor space the Highways Officer requested that 26 covered cycle spaces be provided on site.
- 8.17 The existing servicing area at the rear of the units will be used by delivery HGVs of up to 16.5m, these can use this space safely.
- 8.18 The applicant has provided an entrance to the garden centre at the south east of the building and a new section of footway has been installed along the eastern side of the south eastern access integrating into the existing footway / cycleway along Park Street, from there an existing footpath access is provided to the front of the store. If this is not a customer entrance this would not be ideal for customers who are parking in the south eastern car park as they will have to walk out of the site and around, however it is not considered that an objection could be sustained on this point alone.
- 8.19 The applicant has upgraded the car parks to provide 88 spaces that are each 2.5m x 5m. This is an improvement over the existing layout as the enlarged spaces will better cater for modern vehicles. The Highways Officer is satisfied that 88 spaces are a suitable provision and is satisfied with 3 EV spaces and 4 Blue Badge spaces. Whilst it would have been preferable for the EV spaces to be situated at the front of the store, he does not consider that an objection could be sustained on this reason and the spaces will be accessible, involving a short walk around to the store front.
- 8.20 The applicant has provided 24 cycle spaces at the front of the store. This is four spaces above the amount provided by LIDL in the previous application and it is considered that this is a suitable provision.
- 8.21 A 16.5m long HGV can enter the site from Park Street, turn around in the service yard and leave in a forward gear, and the Highways Officer is satisfied with this arrangement.
- 8.22 With regards to the frequency of deliveries, articulated vehicle deliveries will be 3-4 per week. The applicant has confirmed that there would be no overlap with deliveries which are pre-planned and confirmed with the store in advance. The Highways Officer is satisfied that the propensity for conflicting deliveries is low.
- 8.23 In terms of refuse collection, recycling will be loaded onto delivery vehicles after they have been unloaded and the Highways Officer is satisfied with this arrangement.
- 8.24 As such, there are no highways objections, subject to conditions. The proposal would therefore accord with VALP policies T5, T6 and NPPF.
- 8.25 A public right of way (AYL/26/1) runs along the southern boundary of the retail park. The Strategic Access Officer was consulted but raised no objection from a rights of way perspective. As such the proposal accords with Policy C4 of VALP in this regard.

### **Raising the quality of place making and design**

VALP policy BE2 (Design of new development).

- 8.1 The proposed changes to the appearance of the existing units would be relatively minor. The central door on the front elevation would be removed and replaced with glazing. Several fire doors on the front and rear elevations would be renewed. At the rear, there would be a compound (with an area of 101 sqm) with a 3m steel fence. The most significant proposed change is the garden centre extension which would have an area of 465 sqm and be contained within a 4.8m high steel fence.
- 8.2 Other than set out above, there would be no change to size of units or to the roof profile. The current appearance of the units is tired and dated so these changes are welcome. The compound would be at the rear of the building and so would not be visible from the public realm. The proposed changes to the fascia signage will be subject to a separate advertisement application.
- 8.3 The external garden centre would be positioned at the eastern side of the building, facing Park Street and it would be uncovered. Although it would be visible from the public domain, it would remain ancillary to the retail units in terms of scale and would be viewed in the context of the larger structures behind it. The surrounding fence would be fairly tall and prominent, but it is recognised that security is an important factor for garden centres given the potential for theft. The agent has explained that the 4.8m high fencing is the minimum required to ensure the security of the products, particularly during non-daylight hours. The agent added that typically, fence panels are painted black or grey and has agreed that the final colour of the fencing can be agreed via a suitable condition. The fencing would be mitigated by landscaping, although it would continue to be visible, however on balance the fencing is considered to be acceptable.
- 8.4 Therefore, it is considered that the proposal would not have an unacceptable visual impact upon the character and appearance of the area. It would therefore accord with VALP policy BE2 and guidance in the NPPF.

### **Amenity of existing and future residents**

VALP policy BE3 (Protection of the amenity of residents).

- 8.5 The site is surrounded by a mix of uses including residential uses on the eastern side of Park Street. However, the proposed external changes to the existing units and changes to parking and landscaping would have no material impact on nearby residents.
- 8.6 However, the proposed garden centre would be visible to residents on the east side of Park Street, in particular No. 81-91. The Town Council has raised some concerns over the proposed security fence, stating that this could be overbearing to residents. Although the fence would be visible, there would be a separation distance of over 20m between the fence and these dwellings. The agent has stated that the two trees would be retained, and these would assist in screening and mitigating the visual impact associated with the proposed fence. The agent added that the trees are sited along the



garden centre elevation (north-east) closest to the houses on the opposite side of Park Street and will be also viewed in the context of the lower level landscaping along this part of the site. The agent also pointed out that these residents already face towards the retail park, a well established shopping destination. Therefore, it is considered that the garden centre and fence would on balance not be so overbearing, while there would be impact, it is not considered to be so significant as to justify a refusal on this basis. As stated above, the final colour of the fencing can be agreed via a suitable condition.

- 8.7 With regard to light impacts, a lighting scheme has been provided as part of the planning application and the agent has stated that this has been designed to ensure minimum light spillage with illumination concentrated within the garden centre area. An Obtrusive Light report has been submitted and this states that light spill would be an average of 1.63 lux, compared to 0 to 1 Lux across the road. All lights would be turned off by 10pm. The Environmental Health officer was consulted and raised no objections. Lighting is to be controlled by condition.
- 8.8 No other neighbours would be affected by the proposal. It is therefore considered that the proposal accords with Policy BE3 of the VALP, and guidance set out in the NPPF.

### **Flooding and drainage**

#### VALP policy I4 (Flooding)

- 8.9 Most of the site is within Flood Zone 1 (low risk of fluvial flooding) although a small part, where the service yard and car park lie, is within Flood Zone 2 (medium risk). A small part of the site lies within an area least susceptible to surface water flooding. A Flood Risk Assessment (FRA) was submitted, and this states that the proposal does not involve any increase in built floorspace or increase in ground levels and that the sequential test does not need to be applied. It adds that buildings used for shops and car parks are classed as less vulnerable to flooding and as such the development is appropriate in this location, which comprises an existing retail park.
- 8.10 There is a safe access/egress route within Flood zone 1 to the north. The garden centre would be on existing hardstanding and would not increase the impermeable surface area of the site. As such, the FRA concludes that the development would be safe and would not increase flood risk elsewhere. The FRA adds that it is impractical to make any changes to the existing drainage arrangements for the building.
- 8.11 The Environment Agency were consulted and stated that they have no objection to the proposal, subject to a condition requiring that the development be carried out in accordance with the submitted FRA and its mitigation measures.
- 8.12 As such, it is considered the proposed development would be resilient to climate change and flooding and would not increase flood risk elsewhere in accordance with Policy I4 of the VALP and the Framework.

## **Landscape Issues, including trees and hedgerows**

VALP policies NE4 (Landscape character and locally important landscape) and NE8 (Trees, hedgerows and woodlands)

- 8.13 The site lies within Aylesbury Town Centre and so there are no wider landscape issues.
- 8.14 Turning to trees and hedgerows, the proposal involves the removal of 2 trees (T2 and T3) as detailed in the Arboricultural Impact Assessment and Method Statement in order to accommodate the garden centre. One further tree (T1) would be removed due to its poor condition. However, the removal of the trees would be mitigated by replacement tree elsewhere in the car park.
- 8.15 In relation to Trees T4 and T5, the proposed garden centre would encroach into their root protection areas as a consequence of the construction of a concrete slab onto which the fencing post would be attached. However, the agent states that with suitable mitigation the impact on these trees would be minimal.
- 8.16 The Tree Officer was consulted and initially requested further information and alterations. The officer raised concerns over aspects of the scheme, including the crowning of the retained trees, and asked where the replacement trees would be located. The Tree officer also requested that the extent of the proposed garden centre be reduced to provide a sustainable long-term relationship with the retained trees.
- 8.17 The agent responded to these comments by explaining that the size of the garden centre at 465 sq.m. is at the lower end of the company's normal requirements and there is no scope to reduce it since this would compromise the ability to sell even the minimum range of garden centre products. The agent added that the 4.8m high fencing is the minimum required to ensure the security of the products.
- 8.18 With regards to the crown lifting of the trees, the agent argued that this would not have a materially harmful impact on these trees which would lead to their demise.
- 8.19 Following discussions between the agent and the Tree Officer, the latter agreed that the inclusion of five new trees would be acceptable and requested an updated AIA. The Tree officer reviewed this and confirmed that this reflects the latest layout proposals and as such raised no objections, subject to conditions.
- 8.20 Therefore, it is considered that the proposal would comply with policies NE4 and NE8 of the VALP and the NPPF in this regard.

## **Ecology**

VALP policy NE1 (Biodiversity and geodiversity)

- 8.21 Regard must be had as to how the proposed development contributes to the natural and local environment through protecting and enhancing valued landscapes and geological interests, minimising impacts on biodiversity and providing net gains where possible.

- 8.22 The agent, within the Planning Statement, claims that the proposed external garden centre is exempt from Biodiversity Net Gain requirements as it is constructed on previously developed land, does not impact any on-site biodiversity value greater than zero and does not involve the loss of any linear habitat. The Council agrees that this would be BNG exempt.
- 8.23 The Council's Ecologist was consulted and stated that there is not a reasonable likelihood of protected species or priority habitats being affected by this application. The proposed works are on existing hard standing as such Biodiversity Net Gain is not a material consideration in this instance.
- 8.24 As such, no further supporting ecological information is required and there is no objection towards this application from the Ecologist.
- 8.25 The site lies in Great Crested Newt Green and Amber impact zones, where great crested newt may be present. As a precautionary measure, an informative will be added to any permission setting out the actions to take if a GCN is encountered during the construction.
- 8.26 Overall, it is considered that in terms of impact upon the natural environment, the proposal would have an acceptable impact on protected species and their habitats and would therefore comply with VALP policy NE1 and relevant NPPF advice.

### **Historic environment**

VALP policies BE1 (Heritage Assets)

- 8.27 The site is not in a conservation area, and there are no listed buildings near the site.
- 8.28 As such there would be no impact on heritage assets and proposal accords with guidance contained within the NPPF and with the aims of policies BE1 of VALP.

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

- 9.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 9.2 The scheme is considered to be acceptable in principle, with economic benefits. It has been considered acceptable in terms of its impact to design, transport and parking, residential amenity, flooding and drainage, landscaping and trees, ecology and the historic environment.
- 9.3 Taking all the relevant factors into account, and having regard to the NPPF as a whole, all relevant policies of the VALP and NPPF, it is considered that proposal would accord with an up to date development plan and is therefore recommended for approval.

## 11.0 Working with the applicant / agent

- 10.1 In accordance with paragraph 38 of the NPPF (Dec. 2023) 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.
- 10.2 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.
- 10.3 In this case, the agent was informed of the issues arising from the proposal and given the opportunity to submit additional information in order to address those issues prior to determination. The agent responded by submitting additional information which were found to be acceptable, so the application has been approved.

## 12.0 Recommendation

- 1.1 The officer recommendation is that the application be **APPROVED** subject to the following conditions:
  1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 (1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  2. The development hereby permitted shall only be carried out in accordance with drawings RB-1727-01, RB-1727-05 Rev E, RB-1727-07 Rev A and RB-1727-08 all received on 4.09.2024 and 22.102.55.010 Rev 1 received on 28.11.2024.

**Reason:** For the avoidance of doubt and to ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.
  3. Other than fencing, the materials to be used in the development shall be as indicated on the approved plans and/or application form.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy BE2 Vale of Aylesbury Local Plan and NPPF.
  4. Notwithstanding Condition 3, prior to installation of fencing details of its colour and final design shall be provided and approved in writing by the Local Planning Authority. The development shall be carried out using the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that materials are in keeping with the character of the area and are not visually obtrusive to local residents in order to comply with policies BE2 and BE3 of Vale of Aylesbury Local Plan, and the National Planning Policy Framework December 2023.

5. The scheme for parking and manoeuvring (including EV and Blue Badge bays) indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

**Reason:** To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to accord with the National Planning Policy Framework and policies T6 and T8 of the Vale of Aylesbury Local Plan.

6. Prior to the commencement of any works on the site, a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide for the following
  - The routing of construction vehicles.
  - Construction access details, temporary or otherwise.
  - The parking of vehicles of site operatives and visitors.
  - Loading and unloading of plant and materials storage of plant and materials used in constructing the development.
  - Operating hours.
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
  - Wheel washing facilities.
  - Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused.

The approved CTMP shall be adhered to throughout the construction period

**Reason:** In order to mitigate any unacceptable transport impacts arising during construction and comply with Policy T5 of the Vale of Aylesbury Local Plan, and National and Local Transport Policy.

7. Notwithstanding any detail already submitted no development above slab level shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority.

Landscape details shall include

- 1) a scaled plan (1:200) showing all plants to be planted;
- 2) a schedule detailing species and sizes of all five proposed trees and other plants; including support measures, guards or other protective measures; biosecurity procedures including best working practices to reduce the spread of pests and disease. Species selected must be suitable to the soil and climate resilience;
- 3) the type and dimension of the proposed planting pits of all new trees;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practice; methods to improve the

rooting environment for retained and proposed trees and landscaping including watering, weed control, pruning, etc.;

The development thereafter shall be implemented in strict accordance with the approved details

**Reason:** To ensure satisfactory landscaping of the site in the interests of amenity, to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, in accordance with policies NE4 and NE8 of Vale of Aylesbury Local Plan and the National Planning Policy Framework.

8. All planting, seeding and turfing included in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the development hereby permitted. Any retained trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of 10 years from the occupation of the development, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season and shall be in accordance with the previously approved details.

**Reason:** To ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development and to comply with policy NE8 of the Vale of Aylesbury Local Plan, and the National Planning Policy Framework.

9. No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include technical details, location, height, type and direction of light sources, shielding and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details. Floodlights associated with the Garden Centre are not to be used later than 10pm and shall only be turned on in the mornings upon store opening unless otherwise agreed in writing.

**Reason:** In the interests of the visual amenity and/or highway safety and openness of the Green Belt and to comply with policies BE2, BE3, NE3 of Vale of Aylesbury Local Plan, and advice within the National Planning Policy Framework (December 2023).

10. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated August 2024 and the following mitigation measures it details:

- There shall be no built development within the 1% AEP flood extent in accordance with the submitted FRA.
- There shall be no raising of existing ground levels on the site, in accordance with the submitted FRA.

Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water, in accordance with the submitted FRA and drawing no. RB-1727-08 Garden Centre Fence Details.

**Reason:** To prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded, and the proposed development does not cause a loss of floodplain storage. This is in line with paragraph 173 of the National Planning Policy Framework, and Policy I4 Flooding of the Vale of Aylesbury Local Plan 2013-2033 (adopted September 2021).

#### **Informatives:**

1. For avoidance of doubt, this permission solely relates to external alterations to the existing Units, provision of an external garden centre, layout of the car park and associated landscaping. It does not allow occupation of units for the sale of food and drink goods.
2. For avoidance of doubt, the signage shown on elevation drawing no. RB-1727-05 Rev E is subject to a separate application under an Advertisement consent which need to be assessed under Town and County Planning (Control of Advertisement Regulations 2007).  
<https://www.legislation.gov.uk/uksi/2007/783/introduction/made>
3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
4. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
5. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees such as those indicated in the report that need to be removed may contain nesting birds between 1st March and 31st August inclusive, therefore removal of the trees during this period could lead to an offence under the Act. Likely nesting habitat must not be removed during the nesting period unless a survey has been

undertaken by a competent ecologist, immediately prior to the works commencing and it has been established that bird nesting is not taking place.

6. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England or opt into Buckinghamshire Council's District Licence. If a great crested newt is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.



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

## Councillor Comments

- None

## **Parish/Town Council Comments (*verbatim*)**

- Aylesbury Town Council have no objection but would support comments made by Highways. Aylesbury Town Council would also highlight the potential overbearing effect of the fence to the residents directly opposite on Park Street and what mitigation for this there may be.

## **Consultation Responses**

### Environment Agency

- No objection subject to condition. (28.10.2024)

### Highway Officer

- First response – further information required to address concerns (21.10.2024)
- Second response – no objections subject to conditions and informatives (2.12.2024)

### Rights of Way

- No objection, received on 01.10.2024.

### Ecology

- No objections, received on 30.09.2024.

### Environmental Health

- No objections, received on 03.10.2024

### Tree Officer

- First response – not acceptable, further information and alterations required (3.10.2024)
- Second response – Five new trees acceptable. Updated AIA requested. (28.10.2024)
- Final response – AIA reflects latest layout. Previous conditions apply. (3.12.2024)

## Representations

- None received at time of writing.

# APPENDIX B: Site Location Plan



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