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App No : 17/08265/FUL App Type : FUL

Application for : Erection of 8 x 2 bedroom and 3 x 3 bedroom houses with car parking courts, garden sheds and associated landscaping

At Former Garage Site off Chiltern Avenue/Rutland Avenue, High Wycombe, Buckinghamshire

Date Received : 14/02/18 Applicant : Mr Finley Wood

Target date for decision: 16/05/18

1. **Summary**

- 1.1. This application has been submitted by Wycombe District Council seeking full planning permission to redevelop the former garage site to the rear of Nos 126-164 Chiltern Avenue and 187-233 Rutland Avenue, High Wycombe.
- 1.2. The application site is within an established residential area and as such the principle of residential development on the site is considered to be acceptable. Furthermore, a scheme for 10 units was permitted at the site in 2009, although the scheme was never implemented.
- 1.3. The proposed redevelopment of the garage site, in terms of its design, appearance and layout would comply with the Council's local planning policy. The provision of 11 dwellings (5 detached and 6 terraced) would respect the character and appearance of the area and safeguard the privacy and amenity of the immediate neighbours. There would be adequate on-site parking to meet the demands of the development as well as ensuring access to those dwellings benefiting from easements over the land (to properties on Chiltern Avenue and Rutland Avenue) is retained.
- 1.4. The proposal is therefore recommended for approval subject to the imposition of appropriate conditions.

2. **The Application**

- 2.1. The site measures approximately 185 metres in length and is approximately 18 metres wide and is gently sloping from north to south. The original use of the site was for Council owned garages used in connection with the adjoining dwellings. The majority of the dwellings have subsequently been sold and the land subject of the application is within the ownership of Red Kite.
- 2.2. The site is adjoined to the west by Rutland Avenue, to the east by Chiltern Avenue and to the south by Chairborough Road. The surrounding properties are primarily two-storey semi-detached houses with pitched roofs. There are also some flats. Some of the surrounding houses have vehicular access from the application site into their rear gardens.
- 2.3. The development would be served by the two existing access roads. Two terraced blocks would be located centrally within the site and back onto each other. The detached dwellings would be located to each end of the site. Access is shown to be provided to dwellings which benefit from easement rights over the land to their properties; access however is not shown for all the properties that benefit only from licences to cross the land.
- 2.4. The proposed dwellings would be of a similar scale, bulk and mass to the existing dwellings in Chiltern and Rutland Avenue. The houses would be approximately 7.6 metres to the roof ridge and 5 metres to the eaves, with the exception of plot 1 which

would be of a chalet bungalow style with a lower eaves and ridge height than the rest of the properties on site and would include a pitched roof dormer in the front elevation.

- 2.5. Each of the new dwellings would have off street parking provision for two cars.
- 2.6. The application states that the scheme would provide 100% affordable housing.
- 2.7. The application is accompanied by:
 - a) Design and Access Statement
 - b) Wildlife Checklist
 - c) SuDS Report
 - d) Arboricultural Impact Assessment
- 2.8. Amended plans have been received during the course of the application amending the design and siting of plot, in the interests of the amenities of neighbours.
- 2.9. The Council has widely consulted on the planning application and the responses are summarised in Appendix A of this report and are available in full on our web site.

3. Working with the applicant/agent

- 3.1. In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by:
 - offering a pre-application advice service,
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
 - by adhering to the requirements of the Planning & Sustainability Customer Charter
- 3.2. In this instance the applicant/agent was updated of any issues after the initial site visit, resulting in amended plans being submitted for plot 1.
- 3.3. Furthermore, the application is to be considered by the Planning Committee where the applicant/agent has the opportunity to speak to the committee in response to any objectors who may speak.

4. Relevant Planning History

- 4.1. 09/06369/R4FUL- Erection of 10 x 2 bed dwellings (4 detached & 6 terraced) with associated parking and landscaping works. Permitted, not implemented. This was a similar scheme to the current application however did not include a dwelling house where plot 1 is located.

5. Issues and Policy considerations

Principle and Location of Development

CSDPD: CS1 (Overarching principles - sustainable development), CS2 (Main principles for location of development), CS12 (Housing provision)

DSA: DM1 (Presumption in favour of sustainable development)

Draft New Local Plan: CP1 (Sustainable Development), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions: Transport and Energy Generation)

- 5.1. The site is considered to be previously developed land and is surrounded by residential properties. Furthermore, permission has previously been given for the redevelopment of the land for residential purposes, providing a similar number of units. On this basis, the principle of the redevelopment of the land for residential purposes to provide 2 and 3 bed detached and terraces houses, is considered acceptable in principle and compatible with the general character of the surrounding area.

Affordable Housing and Housing Mix

ALP: H9 (Creating balanced communities)

CSDPD: CS13 (Affordable housing and housing mix), CS21 (Contribution of development to community infrastructure)

Draft New Local Plan: DM22 (Housing Mix), DM24 (Affordable Housing)

Planning Obligations Supplementary Planning Document (POSPD)

- 5.2. Whilst plans indicate that the scheme will be 100% affordable housing, the site falls below the Council's threshold for requiring affordable housing. On this basis it has been agreed that no legal agreement will be entered into to ensure affordable housing is provided, with Red Kite able to provide it at their discretion. Therefore, this application should be assessed on the basis of no affordable housing being provided (as there is no guarantee that it will), but this is in conformity with local plan policy.

Transport matters and parking

ALP: T2 (On – site parking and servicing)

CSDPD: CS16 (Transport)

DSA: DM2 (Transport requirements of development sites)

Draft New Local Plan: DM33 (Managing Carbon Emissions: Transport and Energy Generation)

- 5.3. The County Highways Authority has stated that the highway impact of this development is not materially different to the previous (approved) application. They are satisfied that the proposed traffic impact can be safely accommodated on the local highway network. The proposed accesses off both Chiltern Avenue and Rutland Avenue benefit from adequate visibility and despite the accesses falling below the preferable width of 4.8m for shared space roads, given the historical use of the site and the expected decrease in vehicle movements generated as a result of the proposed scheme, this is considered acceptable. The scheme would also provide sufficient off-street parking at 2 parking spaces (2.8m x 5m each) per unit.
- 5.4. It should be noted that whilst the site was formerly for garages, limited parking occurs on the site as both entrances have locked gates, only accessible to those benefiting from easements or licences to cross the land. Therefore the redevelopment of the site is only likely to lead to limited displaced parking in the surrounding area, which is not subject to any particular parking restrictions.
- 5.5. Therefore subject to conditions (including improving the visibility splays at the access points to Chiltern Avenue and Rutland Avenue) the scheme is considered acceptable with regards to highway safety and convenience.

Raising the quality of place making and design

ALP: G3 (General design policy), G8 (Detailed Design Guidance and Local Amenity), G10 (Landscaping), G11 (Trees), G26 (Designing for safer communities), Appendix 1

CSDPD: CS19 (Raising the quality of place shaping and design)

Housing intensification SPD

Draft New Local Plan: CP9 (Sense of place), DM34 (Delivering green infrastructure and biodiversity in development), DM35 (Placemaking and Design Quality)

- 5.6. The site is a former garage complex, now neglected, overgrown and with fly tipping. The site is quite constrained in size and shape, and in relation to adjoining properties and their access rights to rear gardens. The proposal is based around the creation of two cul-de-sacs, accessed via the original entrances, into the former garage complex. The proposed buildings would be similar in size, scale, bulk and mass to those in the surrounding area although the scheme is not designed to mimic the character of the existing area and rather is designed to create an appropriate and distinctive character which complements the area more widely. The proposed materials include red brick and grey weatherboarding with grey cement tiles. A landscaping plan has been submitted which shows that significant soft landscaping can be incorporated into the

scheme which would help visually soften the impact of the scheme on the surrounding area, whilst also making the scheme more attractive.

- 5.7. A previous permission, now expired, represents an acceptable starting point for the approach to this site. The current proposal represents some improvement over the previously permitted scheme due to the improved surveillance it would offer over the access to the rear of 204-206 Chairborough Road. The design of the parking is improved, ensuring that is more convenient to use, and capable of being shared flexibly between residents and visitors to the site.
- 5.8. The tree officer has no objection in principle to the scheme but given the proximity of the development to trees on neighbouring land, an Arboricultural Method Statement and Tree Protection Plan including any 'no dig' surfaces will be required.

Amenity of existing and future residents

ALP: G8 (Detailed design guidance and local amenity), H19 (Residents amenity space and gardens) Appendix 1

CSDPD: CS19 (Raising the quality of place shaping and design)

Housing intensification SPD

Draft New Local Plan: DM35 (Placemaking and design quality), DM40 (Internal space standards)

- 5.9. Considering the amenities of future residents, the units would be of a sufficient size to provide a good quality living environment, along with gardens that are of a good size, relatively flat and mainly rectangular in shape. Separation distances between facing properties is considered sufficient (at around 30m). It is noted that there is some potential for overlooking between the first floor rear windows of plots 2 and 3 and the ground floor windows of plot 1. However, the separation is still around 19m, they are not on the same level and all of these windows are visible from the public domain in any case. Convenient and sufficient parking spaces are shown, of an adequate size, locations for the storage of waste are shown and sheds are shown for the storage of bicycles etc. in gardens.
- 5.10. Considering the amenities of existing residents, the majority of properties proposed would be located at the end of existing gardens, mostly around 20m in length. The proposed properties would all be side on to the gardens (with the exception of plot 1 and properties on Chairborough Road) and therefore would have limited fenestration in facing elevations, with any fenestration proposed at first floor level obscurely glazed. Whilst plot 1 would have its rear elevation facing rear elevations on Chairborough Road, the amended plans ensure that the separation distance would be at least 14m. Furthermore the dwelling would be of a chalet bungalow style with a reduced eaves and ridge height and the rear roof slope (facing Chairborough Road properties) would only be lit by roof lights which could be conditioned to be high level.
- 5.11. Therefore it is not considered that plot 1 would be detrimental to the residential amenities of existing residents by overlooking, overbearingness or loss of light and similarly neither would plots 2-11. The scheme is also considered to result in a good quality level of amenity for future residents of the development.

Environmental issues

ALP: G15 (Noise)

CSDPD: CS18 (Waste, natural resources and pollution)

Draft New Local Plan: CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

- 5.12. Given that the development would be residential in nature, in an existing residential area, the use is considered compatible with the surrounding area.
- 5.13. Considering waste management, both accesses are considered to provide sufficient space for waste management vehicles to drive in and turn. Whilst most units would comply with the guidance regarding carry distances, unit 1 is located around 35m

from the edge of the 't' junction, potentially resulting in a greater carry distance than the 30m recommended for residents, but this depends on where the bins are left to be collected. It is considered that this is an issue that could be clarified through condition and therefore on this basis and on balance, this is not considered to be detrimental to the overall acceptability of the scheme.

- 5.14. It is noted that the Environmental Services team has raised an objection unless a condition requiring electric charging points are provided in the scheme. Given that we do not have planning policy to support this, it would be unreasonable for this to be conditioned.

Flooding and drainage

CSDPD: CS1 (Overarching principles - sustainable development), CS18 (Waste, natural resources and pollution)

DSA: DM17 (Planning for flood risk management)

Draft New Local Plan: DM39 (Managing flood risk and sustainable drainage systems)

- 5.15. The site is in flood zone 1. Whilst we are still awaiting final comments from the County SuDS team on the scheme, it is considered unlikely that there would be SuDS issues that would not be able to be overcome, but additional information and evidence is required in order to develop a suitable SuDS scheme.

Ecology

CSDPD: CS17 (Environmental assets)

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance)

- 5.16. The applicant has submitted a wildlife checklist for the site and it is not considered that further action needs to be taken in this regard.

Building sustainability

CSDPD: CS18 (Waste, natural resources and pollution)

DSA: DM18 (Carbon reduction and water efficiency)

Draft New Local Plan: DM41 (Optional technical standards for Building Regulation approval)

- 5.17. Following the Adoption of the Delivery and Site Allocations Plan (July 2013) and in particular policy DM18 (Carbon Reduction and Water Efficiency) it would have previously been necessary to impose a condition to secure the required 15% reduction in carbon emissions as well as reducing future demand for water associated with the proposed dwelling. However, this was superseded in October 2016 by ministerial policy to transfer the issue to Building Regulations. It is now only considered necessary to condition water efficiency.

Infrastructure and Developer Contributions

CSDPD: CS21 (Contribution of development to community infrastructure)

DSA: DM19 (Infrastructure and delivery)

Draft New Local Plan: CP7 (Delivering the infrastructure to support growth)

- 5.18. The development is a type of development where CIL would be chargeable.
- 5.19. It is considered that there would not be other types of infrastructure put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure. Furthermore, it is not considered reasonable to condition the provision of affordable housing, as whilst it has been offered, the scheme does not meet the Council's threshold for providing it. It could still be provided, but this would be at the applicant's discretion.

Weighing and balancing of issues – overall assessment

- 5.20. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

- 5.21. 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 (in this case, CIL)
 - (c) Any other material considerations
- 5.22. As set out above it is considered that the proposed development would accord with development plan policies and is similar to a scheme previously approved (but not implemented) in 2009. Notwithstanding this, the scheme would have an acceptable impact on the character and appearance of the surrounding area and residential amenities of existing neighbours and future residents. The scheme is also considered to incorporate sufficient off street parking. It is noted that there has been significant neighbour objections to the scheme, which have been noted and considered. However, on balance, the proposal is considered acceptable and recommended for approval, subject to conditions.

Other matters

Equalities Act

- 5.23. 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. The land is disused, with its main purpose currently being to provide access to those properties benefitting from easements or licences over the land (controlled with the use of locked gates). Whilst most accesses to those only benefitting from licences to cross the land will be lost, this is not considered to unfairly disadvantage these licence holders given that licences are issued annually and clearly include a notice period to halt consent to cross the land. Furthermore, it is understood those that would lose access to a garage have been offered alternative garage options and there is also on-street parking in the area.
- 5.24. It has been raised by objectors that it is already difficult to get into local schools for existing residents and therefore this scheme would exacerbate this issue. In terms of primary age, the local catchment school (Castlefield) was able to offer all applicants a place in 2017. For entry to secondary school, the catchment secondary (Cressex) took applicants within 1.9 miles and the application site and its neighbours is less than 1 mile from the school.
- 5.25. On this basis it is considered that having given due regard to the Equalities Act, the proposal is considered acceptable in relation to it.

Recommendation: Application Permitted

- 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 of the Town and Country Planning Act 1990 (As amended).

- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers A001A, A002A, A010G, A015A, A020E, A021H, A025B, A026D, A030A, A031C, A035A, A036C, A040B, A041B, A045A, WDC1, F12-17, 205803, 205802C, 205801C unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 3 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory external appearance.
- 4 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory appearance.
- 5 Drawings of the site identifying the following shall be submitted to and approved in writing by the Local Planning Authority before any development takes place;
- (a) Existing ground levels on site (spot heights) including a datum point that is located off site. Levels should be Above Ordnance Datum (AOD).
 - (b) The level of the road outside the site. (AOD).
 - (c) The proposed levels on site following completion of the development (for each existing height a proposed height should be identified).
 - (d) The location and type of any retaining structures needed to support ground level changes.
 - (e) The Finished Floor Level for every building that is proposed.
 - (f) Cross sections within the site taken up to the site boundaries. The information supplied should clearly identify if land levels are being raised or lowered.
 - (g) In the case of residential development, sections showing the level of the proposed garden(s) and retaining structures.
- The development shall be carried out only in accordance with the approved details.
Reason: To ensure that the work is carried out at suitable levels in relation to adjoining properties and highways.
- 6 The scheme for parking and manoeuvring 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.
- 7 No part of the development shall be occupied until the areas have been laid out within the site for refuse/delivery vehicles to turn in accordance with the approved plans and that area shall not thereafter be used for any other purpose.
Reason: To enable service vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway.
- 8 Prior to the occupation of the development minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the accesses onto Chiltern Avenue and Rutland Avenue shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority. The visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

- 9 Prior to the occupation of the development the existing accesses to Chiltern Avenue and Rutland Avenue shall be designed/constructed in accordance with the approved plans. The accesses shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Commercial Vehicular Access Within Highway Limits" 2013.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

- 10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 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 first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

- 11 An Arboricultural Method Statement (AMS) including a Tree Protection Plan (TPP) in accordance with the British Standard 5837:2005 Trees in relation to construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority before any development or other site clearance works take place.

The AMS shall include:

- a) Detailed plans showing location of the protective fencing including any additional ground protection whether temporary or permanent;
- b) Details as to the location of proposed and existing services and utilities including drainage, where these are close to Root Protection Areas (RPAs);
- c) Details as to the method, specification and materials to be used for any "no dig" surfacing, and; (and the area within the development to which it applies).
- d) All phases and timing of the project in relation to arboricultural matters and details of supervision by a qualified arboriculturist.

Unless otherwise first agreed in writing by the Local Planning Authority, the development shall thereafter be carried out strictly in accordance with the AMS.

Reason: To ensure the satisfactory protection of retained trees in the interests of visual amenity.

- 12 Prior to the occupation of the development, details of bin storage facilities shall be provided and thereafter the facilities shall be permanently retained, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of appropriate waste storage in the interests of the amenities of the occupiers.

- 13 Notwithstanding any other details shown on the plans hereby approved, the windows proposed in the flank elevations of plots 2, 3, 4, 6, 7, 9, 10 and 11 at first floor level or above, shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass. The window shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties and future residents.

- 14 Notwithstanding any other details shown on the plans hereby approved, the windows proposed in the flank elevations and rear roof slope of plot 1 at first floor level, shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass. The window shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties and future residents.

- 15 The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.
Reason: In the interests of water efficiency as required by Policy CS18 of the Adopted Core Strategy and Policy DM18 of the Adopted Delivery and Site Allocations Plan (July 2013).

INFORMATIVE(S)

- 1 It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
- 2 The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the appropriate Water Authority may be necessary.
- 3 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 4 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.
- 5 In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service,
 - as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and
 - by adhering to the requirements of the Planning & Sustainability Customer Charter.

In this instance amended plans and additional information was requested from the applicant to overcome concerns.