

App No : 18/05695/FUL App Type: Full Application

Application for : Demolition of existing building and erection of replacement building for vehicle maintenance, together with closure of existing access from West Wycombe Road, boundary fencing, bin storage and use of land in connection motor vehicle rental business

At 316 West Wycombe Road, High Wycombe, Buckinghamshire, HP12 4AB

Date Received : 14/03/18 Applicant : Rentavan 365 Ltd

09/05/18

Target date for Decision

1. **Summary**

- 1.1. This application seeks full planning permission to demolish an existing building and to erect a replacement building for vehicular maintenance, together with the closure of an existing access from West Wycombe Road, boundary fencing, bin storage and use of the land in connection with an existing motor rental business.
- 1.2. It is considered that this proposal is an appropriate development for this location and will have no adverse effect upon the character of the surrounding area, the amenities of adjacent residential; properties or highway safety. This proposal accords with the policies of the Development Plan and therefore is recommended for approval.

2. **The Application**

- 2.1. The application site is a parcel of land, approximately 20 metres in width by 12 metres in depth, and is situated on the north eastern side of West Wycombe Road, High Wycombe, opposite the junction with Chapel Lane. A single storey, concrete garage structure is currently sited in the north western corner of the site. The application site is bounded to the north and west by the railway line and an existing motor rental business. To the east of the site, No. 314 West Wycombe Road is a residential property, converted into 4 flats and is in the ownership of the applicant for this current application. On the opposite side of West Wycombe Road, to the south west and south east, are residential properties.
- 2.2. It is proposed to demolish the existing concrete garage structure and to erect a new, larger building in its place. The submitted plans show that the proposed building will measure approximately 11 metres by 9.2 metres in size and will be constructed in a metal finish (colour unspecified at present) with a shallow double pitched roof. The new building will be erected with its flank elevation facing onto West Wycombe Road and the main entrance facing towards the boundary with the adjacent motor rental business. Vehicular access to the building will be via the adjacent commercial site and the proposed building will be incorporated into the existing commercial motor rental activities. The details submitted with this application also show that the existing vehicular access opposite Chapel Lane junction will be stopped up and that a new green mesh fence line will be extended across the opening, to match the existing fence.
- 2.3. The application is accompanied by:
 - Plans and elevations
 - Applicants supporting statement
 - Cil application form
- 2.4. From 31 March 2018 the emerging policies of the New Wycombe Local Plan Submission Version are material. The weight to be given to individual policies will be assessed in accordance with paragraph 48 of the NPPF.

2.5. Weight is of course a matter for the decision maker but the NPPF says:

Para 48. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

3. Working with the applicant/agent

In accordance with paragraphs 38 of the NPPF Wycombe District Council (WDC) take a positive and creative 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 the applicant was requested to confirm that sufficient off street car parking provision and private amenity space would be retained for the residents at No. 314 West Wycombe Road. The applicant/agent complied and the application was subsequently recommended for approval.

4. Relevant Planning History

4.1. 01/07520/FUL Conversion and extension to existing house to form 4 x 1-bed flats. Permitted 21.12.2001.

4.2. However, the land to the west of the application site has a long and varied planning history, including enforcement action, as follows:

00/07159/FUL Change of use of part of garden to car sales court at No. 314. Refused 22/02/2001.

09/06361/FUL Change of use to storage of motor vehicles. Permitted 09/19/2009.

09/06264/CLE Use of detached timber building for storage purposes. Refused 21/08/2009.

11/05521/FUL Erection of 2 m high fence to boundary with planting behind (retrospective) Permitted 13/10/2011.

11/06556/FUL Use of land for motor vehicle storage and erection of 2 m high fence with planting behind (part retrospective). Permitted 13/10/2011.

13/06367/FUL Change of use to allow rental of motor vehicles with associated booking office. Permitted 30/07/2013

15/05595/FUL Change of use of part of land to form parking area (part retrospective). Permitted 01/05/2015.

15/07214/FUL Change of use of residential garage to storage and maintenance building ancillary use to the rental site at No. 316. Permitted 28/10/2015

17/06959/VCDN Variation of condition 2 of pp 11/05521/FUL (Erection of 2 metre high fence to boundary with planting behind (retrospective) to allow hedge to retain height of not less than 1 metre from ground level. Refused 20/09/2017.

5. Issues and Policy considerations

Principle and Location

Adopted Local Plan (ALP): G3, G8;

Core Strategy Development Planning Document (CSDPD): CS19;

Adopted Delivery and Site allocations Plan July 2013: HW1

New Local Plan Submission Version: Policies CP1 (Sustainable Development), CP3 (Settlement Hierarchy), CP9 (Sense of Place), DM20 (Matters to be determined in accordance with the NPPF)

- 5.1. The application site is situated, in part, within an area of Desborough identified by the adopted Delivery and Site Allocations Plan as a Key Area of Change in the Core Strategy. Policy HW1 of the DSA recognises that the surrounding area is “diverse culturally and in terms of land use, mixing local shops, residential, industrial and other employment uses”.
- 5.2. Although, on the edge of the identified Key Area of Change, the application site is surrounded by both residential and commercial uses, with the railway line lying directly to the north. Given the mix of uses in the area, it is considered that the extension of the existing motor vehicle hire business is an appropriate form of development, in principle, in this location.

Impact of the development on the residential amenities of the neighbouring dwellings

Adopted Local Plan (ALP): G3, G8;

Core Strategy Development Planning Document (CSDPD): CS19;

New Local Plan Submission Version: Policies DM35 (Placemaking and Design Quality)

- 5.3. A number of objections have been received regarding this proposal on the grounds that the application site lies within a residential area and that the amenities of neighbouring residential properties will be adversely affected. However, it has been established that the application site lies within a mixed area, and also lies adjacent to the existing motor rental business. Given the limited scale of the development now proposed, it is considered that this proposal will not be distinguishable from the activity of the adjacent site and will have no adverse effect upon the amenities of the neighbouring residents.
- 5.4. This application does involve a change of use of land that was previously part of the residential curtilage for No. 314 West Wycombe Road. However, the details approved under planning permission 01/07520/FUL for the change of use of the property into 4 flats, clearly show that an area to the west of the building itself is to be retained for future highway improvement works and would not form part of the private amenity space or parking area for the residents at No. 314. The applicant has demonstrated that sufficient space is available at No. 314 to provide satisfactory off street car parking and private amenity space for the flats and therefore it is considered that no undue loss of residential amenity will occur.
- 5.5. Concern has also been raised regarding the applicants previous disregard for the planning system and questions over why a large commercial activity has been allowed to extend within a residential area, through the granting of retrospective planning permissions. The fact that previous developments have taken place without seeking planning permission first is not relevant to the consideration of this application. The site has always had a commercial use and the area is considered to be mixed with commercial activity adjacent to the railway in a number of locations.
- 5.6. It has also been highlighted that previous permissions specifically prohibited the maintenance of vehicles on this site and it is not understood why this should change. A review of the planning records reveals that Condition 4 of planning permission 15/07214/FUL limited the use of a former residential garage for storage in connection with and ancillary to occupation the existing premises at No. 316. The reason for this condition was to prevent the establishment of a separate independent unit and to

protect the amenities of the adjacent residential properties. However, each planning application must be considered on its own merit, the current proposal turns its back on the residential site and provides a barrier to from the commercial use. It and would be built for purpose rather than a conversion. Furthermore, the Council's Environmental Health Officer has been consulted on this current application and has raised no objection.

- 5.7. With regard to the proposed effect the use of the new building for vehicular repairs may have upon residential amenity, it is accepted that such an activity could be undertaken during anti-social hours and therefore could disturb neighbouring residents. This is a valid concern and therefore it is considered necessary to impose a planning condition restricting the hours of use of the building.

Impact of the development on parking and highway safety

Adopted Local Plan (ALP): T2, Appendix 9;

Core Strategy Development Planning Document (CSDPD): CS20;

Buckinghamshire County Council Parking Guidance

New Local Plan Submission Version: Policies DM33 (Managing Carbon Emissions: Transport and Energy Generation), DM35 (Placemaking and Design Quality)

- 5.8. The County Highways Authority has considered the details of this application and has raised no objections. In forming their considerations, it has been noted that the site falls within a road widening line and may be required at a later date for further highway improvement works. However this was not considered to be a reason to object to the current proposal. No concerns have been raised to support the views of the Parish Council and local residents that this development will be detrimental to highway safety.
- 5.9. The County Highways Authority do require that the existing access should be stopped up and request that a planning condition is imposed to this effect.

Impact of the development on the character and appearance of the surrounding area.

Adopted Local Plan (ALP): G3; G8;

Core Strategy Development Planning Document (CSDPD): CS19;

Developer Contribution Supplementary Planning Document (DCSPD)

New Local Plan Submission Version: DM35 (Placemaking and Design Quality).

- 5.10. The proposed building and ancillary bin store have a commercial appearance, which is considered appropriate in this location. At present, the application site has a somewhat rundown appearance and it is therefore considered that the new structures should improve its immediate appearance. The closure of the existing vehicular access and the extension of the green mesh boundary fence is to be welcomed, although it is noted that this was also a requirement under previous permissions that has yet to be adhered to. It is also considered that the site would benefit from additional planting behind the fence line, in order to soften the appearance of the commercial activity when viewed from neighbouring dwellings. A planning condition should be imposed to this effect.
- 5.11. It is accepted that the appearance of the application site has altered over the past few years. However, the current commercial activity has the benefit of planning permission and is therefore authorised. This application must be determined on the basis of the current character of the surrounding area and not how it appeared in the past. It should also be noted that this application has not proposed any additional advertisement material. Such a proposal would need to be considered under an application for advertisement consent and judged on its own merits.

Sustainable Drainage.

Adopted Local Plan (ALP):

Core Strategy Development planning Document (CSDPD): Policy CS 18 (Waste/ Natural Resources and Pollution).

New Local Plan Submission Version March 2018: Policy DM39 (Managing Flood Risk and Sustainable Drainage Systems).

- 5.12. Following a change in government policy, Local Planning Authorities are now required to take into account the effect of a development upon the risk of flooding and surface water drainage. However, given that this proposal involves the erection of a replacement building on an existing commercial site, together with the fact that there is less than a 3.3% chance of flooding from a high rainfall occurring within a year, no details of a surface water management plan are required, in this instance. The Strategic Flood Management Team at Buckinghamshire County Council have been consulted on this application, but no response has been received.

Weighing and balancing of issues – overall assessment

- 5.13. 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.
- 5.14. 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
- 5.15. As set out above it is considered that the proposed development would accord with the development plan policies.

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 J1158/P100; 101A; 102; 103 and 104, 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, including the use of colour, 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 Within one month of the change of use being brought into operation, the existing vehicular access opposite No. 325 West Wycombe Road shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.
Reason: To limit the number of access points along the site boundary in proximity to the A40/A4010 junction for the safety and convenience of all highway users.
- 5 The use of the building, hereby permitted, shall be restricted to the hours of 07:00 hours to 18:00 hours; Mondays to Saturdays, and the premises shall not be used at any time on Sundays and Bank or Statutory Holidays.
Reason: In the interests of the amenities of adjoining residents.
- 6 Notwithstanding the details specified in the application, hereby permitted, full details of a planting scheme along the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority before any development, above damp proof course, takes place.
The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.
- 7 All planting, seeding or turfing comprised in the approved details, the subject of Condition 6, 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.

INFORMATIVE(S)

- 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 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 the applicant was requested to confirm that sufficient off street car parking provision and private amenity space would be retained for the residents at No. 314 West Wycombe Road. The applicant/agent complied and the application was subsequently recommended for approval.
- 2 The applicant is advised that an area of land within the curtilage of the application site may be required for future highway purposes, the details of which may be obtained from the Head of Transportation.