



## Planning Committee

Date: 3 April 2019  
Time: 6.30 pm  
Venue: Council Chamber  
District Council Offices, Queen Victoria Road, High Wycombe Bucks

### Membership

Chairman: Councillor P R Turner  
Vice Chairman: Councillor A Turner

Councillors: Mrs J A Adey, M Asif, Ms A Baughan, S Graham, C B Harriss, A E Hill, D A Johncock, A Lee, N B Marshall, H L McCarthy, Ms C J Oliver, S K Raja, N J B Teesdale and C Whitehead

### Standing Deputies

Councillors H Bull, D J Carroll, G C Hall, M Hanif, M A Hashmi, A Hussain, M E Knight, Mrs W J Mallen and L Wood

**Fire Alarm** - In the event of the fire alarm sounding, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Please congregate at the Assembly Point at the corner of Queen Victoria Road and the River Wye, and do not re-enter the building until told to do so by a member of staff.

**Filming/Recording/Photographing at Meetings** – please note that this may take place during the public part of the meeting in accordance with Standing Orders. Notices are displayed within meeting rooms.

## Agenda

Item		Page
1.	<b>Apologies for Absence</b> To receive apologies for absence.	
2.	<b>Minutes of the Previous Meeting</b> To confirm the Minutes of the meeting of the Planning Committee held on 6 March 2019 (attached).	1 - 4
3.	<b>Declarations of Interest</b> To receive any disclosure of disclosable pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting.	

Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.

**Planning Applications**

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|----|--|---------|
| 4. | <b>Planning Applications</b>   |         |
| 5. | <b>18/07066/FUL - Land Rear of Clifton Lodge Hotel, 210 West Wycombe Road, High Wycombe</b>          | 5 - 29  |
| 6. | <b>18/07538/FUL - Downley Lodge, Plomer Green Lane, Downley, Buckinghamshire, HP13 5XN</b>           | 30 - 66 |
| 7. | <b>18/06705/FUL - Frank Hudson and Son, Rosebery Avenue, High Wycombe, Buckinghamshire, HP13 7AH</b> | 67 - 91 |

**Other items**

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| 8.  | <b>Pre-Planning Committee Training / Information Session</b>   | 92 |
| 9.  | <b>Appointment of Members for Site Visits</b><br>To appoint Members to undertake site visits on Tuesday 23 April 2019 should the need arise.         |    |
| 10. | <b>Delegated Action Undertaken by Planning Enforcement Team</b>  | 93 |
| 11. | <b>File on Actions Taken under Delegated Authority</b><br>Submission of the file of actions taken under delegated powers since the previous meeting. |    |
| 12. | <b>Supplementary Items (if any)</b><br>If circulated in accordance with the five clear days' notice provision.                                       |    |
| 13. | <b>Urgent items (if any)</b><br>Any urgent items of business as agreed by the Chairman.  |    |

**For further information, please contact Liz Hornby (01494) 421261, [committeeservices@wycombe.gov.uk](mailto:committeeservices@wycombe.gov.uk)**

## Planning Committee Mission Statement

The Planning Committee will only determine the matters before it in accordance with current legislation, appropriate development plan policies in force at the time and other material planning considerations.

Through its decisions it will:

- Promote sustainable development;
- Ensure high quality development through good and inclusive design and the efficient use of resources;
- Promote the achievement of the approved spatial plans for the area; and
- Seek to improve the quality of the environment of the District.

(As agreed by the Development Control Committee on 7 January 2009).

### Mandatory Planning Training for Planning and Regulatory & Appeals Committee Members

A new Member (or Standing Deputy) to either the Planning or Regulatory & Appeals Committees is required to take part in a compulsory introductory planning training session.

These sessions are carried out at the start of each New Municipal Year usually with a number of 'new Planning & R&A Members/Standing Deputies' attending at the same time.

All Members and Standing Deputies of the Planning and Regulatory & Appeals Committee are then, during the municipal year, invited to at least two further training sessions (one of these will be compulsory and will be specified as such).

Where a new Member/Standing Deputy comes onto these committees mid-year, an individual 'one to one' introductory training session may be given.

No Member or Standing Deputy is permitted to make a decision on any planning decision before their Committee until their introductory training session has been completed.

Members or Standing Deputies on the Committees not attending the specified compulsory session will be immediately disqualified from making any planning decisions whilst sitting on the Committees.

This compulsory training session is usually held on two occasions in quick succession so that as many members can attend as possible.

Please note the pre planning committee training / information session held on the evening of Planning Committee do NOT constitute any qualification towards decision making status.

Though of course these sessions are much recommended to all Planning Members in respect of keeping abreast of Planning matters.

Note this summary is compiled consulting the following documents:

- Members Planning Code of Good Practice in the Council Constitution;
- The Member Training Notes in Planning Protocol as resolved by Planning Committee 28/8/13; and
- Changes to the Constitution as recommended by Regulatory & Appeals Committee.

## Planning Committee Minutes

Date: 6 March 2019

Time: 6.35 - 7.10 pm

**PRESENT:** Councillor P R Turner (in the Chair)

Councillors Mrs J A Adey, M Asif, Ms A Baughan, S Graham, C B Harriss, A E Hill, D A Johncock, N B Marshall, S K Raja, N J B Teesdale, A Turner and C Whitehead.

Standing Deputies present: Councillors G C Hall.

Apologies for absence were received from Councillors: A Lee, H L McCarthy and Ms C J Oliver.

### 99 MINUTES OF THE PREVIOUS MEETING

**RESOLVED:** That the minutes of the Planning Committee meeting held on 13 February 2019 be approved as a true record and signed by the Chairman.

### 100 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 101 PLANNING APPLICATIONS

**RESOLVED:** that the reports be received and the recommendations contained in the reports, as amended by the update sheet where appropriate, be adopted, subject to any deletions, updates or alterations set out in the minutes below.

### 102 17/06648/FUL - LAND ADJOINING SADDLEBACK BARN, CHADWELL HILL FARM, LOWER ICKNIELD WAY, LONGWICK, HP27 9RL

Members noted that there was no Update Sheet but that this application had been the subject of a site visit.

Members voted in favour of the motion to refuse the application for the following reasons:

1. The proposed chapel would be located in an isolated rural location which was not within or adjacent to an identified settlement, it was not served by public transport and was therefore car dependant, with poor pedestrian links. The proposed development was therefore considered to be unacceptable in principle in such an unsustainable rural location and insufficient justification had been advanced or was apparent which would overcome the harm arising from the development.

It was therefore contrary to Policy C10 of the adopted Wycombe District Local Plan to 2011 (as saved, extended and partially replaced), Policies CS2 (Main Principles for the Location of Development), CS7 (Rural Settlements and the Rural Areas) and CS15 (Community Facilities and Built Sports Facilities) of the adopted Wycombe Development Framework Core Strategy DPD, Policy DM1 (Presumption in Favour of Sustainable Development) of the adopted Delivery and Site Allocations Plan and Policy DM44 (Development in the Countryside Outside of the Green Belt of the submission version of the New Wycombe District Local Plan.

2. The proposed building design failed to reflect the surrounding rural context and would have an incongruous appearance in this exposed rural landscape to the detriment of the rural character, appearance and visual amenities of the surrounding area.

It was therefore contrary to Policies G3 (General Design Policy) and C10 (Development in the Countryside Beyond the Green Belt) of the adopted Wycombe District Local Plan (as saved, extended and partially replaced) and CS19 (Raising the Quality of Place Shaping and Design) of the adopted Wycombe Development Framework Core Strategy DPD and Policy DM35 (Placemaking and Design Quality) of the submission version of the New Wycombe District Local Plan.

**RESOLVED:** that the application be refused for the reasons outlined above.

The Committee was addressed by Councillor C Harriss, the local Ward Member.

### **103 PRE-PLANNING COMMITTEE TRAINING / INFORMATION SESSION**

Members noted that there was no presentation booked for the next Pre-Planning Committee training / Information Session on Wednesday 3 April 2019 at 6.00pm. It was therefore agreed that should no presentation be scheduled in the meantime then the next Planning Committee meeting would start at 6.30pm.

**RESOLVED:** That there was no information session scheduled for Wednesday 3 April 2019 and there being no presentation scheduled in the meantime, the next Committee meeting would start at 6.30pm.

### **104 APPOINTMENT OF MEMBERS FOR SITE VISITS**

**RESOLVED:** That in the event that it was necessary to arrange site visits on Tuesday 2 April 2019 in respect of the agenda for the meeting on Wednesday 3 April 2019, the following Members be invited to attend with the relevant local Members:

Councillors: S Graham, C B Harriss, D A Johncock, N B Marshall, N J B Teesdale, P R Turner and C Whitehead.

### **105 DELEGATED ACTION UNDERTAKEN BY PLANNING ENFORCEMENT TEAM**

Members noted the Delegated Actions authorised by the Planning Enforcement Team.

**106 FILE ON ACTIONS TAKEN UNDER DELEGATED AUTHORITY**

The file on actions taken under delegated authority since the previous meeting was circulated for the Committee's attention.

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Chairman

**The following officers were in attendance at the meeting:**

Mrs L Hornby	Senior Democratic Services Officer
Mr P Miller	Technical Officer
Mr A Nicholson	Development Manager
Ms R Steele	Assistant Solicitor

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# Agenda Item 5.

Contact: Emma Crotty DDI No. 01494 421822

App No : 18/07066/FUL App Type : FUL

Application for : Erection of 4 x 3 bed semi-detached dwellings, 2 x 1 bed and 4 x 2 bed flats, formation of new access, parking bays, external bin stores, landscaping and associated works, together with change of use of land from hotel (use class C1) to residential (use class C3)

At Land Rear of Clifton Lodge Hotel, 210 West Wycombe Road, High Wycombe, Buckinghamshire

Date Received : 06/08/18 Applicant : Esant Limited

Target date for decision: 05/11/18

## 1. **Summary**

- 1.1. Permission is sought for the erection of two pairs of 3-bed semi-detached houses and a block of 6 flats.
- 1.2. The scheme would extend (and be accessed from) Templestide Gardens and would be located between properties on the northern side of West Wycombe Road and the railway line.
- 1.3. The proposal is considered to be acceptable with regards to its impact on the character and appearance of the area, highway conditions and residential amenities.
- 1.4. The scheme would result in the requirement for one home to be provided for affordable home ownership. This would need to be secured by a planning obligation and the applicant is in the process of making this undertaking.
- 1.5. On this basis, the planning officer recommends to Planning Committee that a 'minded to grant' decision is made, to defer for a planning obligation to secure one unit for affordable home ownership.

## 2. **The Application**

- 2.1. Permission is sought for the erection of 2 pairs of semi-detached, 3 bedroom houses and a block of 6 flats, on land formerly part of the amenity space to the rear of Clifton Lodge Hotel on West Wycombe Road. The site is bound to the south by the hotel, to the north by the railway line (with residential properties beyond), to the west by rear gardens serving properties on West Wycombe Road; properties within Templestide Gardens are located to the east.
- 2.2. The new development would be accessed from Templestide Gardens, a residential cul-de-sac serving a small number of houses and flats. The existing Templestide Gardens highway would be extended westwards, to the rear of properties along West Wycombe Road, resulting in a continuation of the back-to-back residential development in the area.
- 2.3. The houses would consist of three storeys, although given the difference in land levels, the properties would appear two storeys from the front elevation and the basement levels would be naturally lit at the rear.
- 2.4. Similarly, the block of flats would be three levels, with the basement level naturally lit at the rear.
- 2.5. The houses and flats have been designed to be in keeping with the existing properties on Templestide Gardens. They would all sit under hipped pitched roofs,



- with similar eaves and ridge heights, windows breaking through the eaves of similar proportions and projecting gables of a similar size and style.
- 2.6. Each dwellinghouse would be served by side access to the rear gardens and plans show bins can be stored at the side of the properties, on level ground with the highway.
  - 2.7. The block of flats would consist of 2 x 1 bed units and 4 x 2 bed units. All flats would be served by balconies or patio areas to the rear (south facing). All units, with the exception of the basement units, would be served by windows on three sides; the basement units would be lit via windows to the rear and side. All units could be accessed from a door in the front elevation. There would also be a door in the rear elevation, providing access to the communal amenity space.
  - 2.8. The flats would benefit from a cycle store for 8 bicycles to the front and separate bin store.
  - 2.9. 17 parking spaces are shown to be provided throughout the development. Whilst none are shown to be allocated, two parking spaces are located in front of each dwellinghouse, which naturally would become the likely parking spaces to serve these units.
  - 2.10. A TPO'd ash on the west boundary line is proposed to be removed to enable the development. A number of soft landscaped areas are shown throughout the development, including at the front, with plans indicating that these areas could support larger species of plants (i.e. trees etc.).
  - 2.11. The application is accompanied by:
    - a) Design and Access Statement
    - b) Transport Assessment
    - c) Daylight/Sunlight assessment
    - d) Part G Assessment Sustainability Statement
    - e) Phase 1 Habitat Survey
    - f) Statement of Community Involvement
    - g) Noise and Vibration Assessment
    - h) Flood Risk Assessment
    - i) Tree Survey and Impact Assessment
  - 2.12. Amended plans and additional information was received during the course of the application, to overcome concerns raised by the Local Planning Authority/ consultees.
  - 2.13. The applicant has carried out a community consultation exercise which has included an exhibition, leafleting around 100 local homes and the displaying of posers. The Council has also 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 paragraph 38 of the NPPF Wycombe District Council (WDC) 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. WDC 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.
- 3.2. In this instance the applicant was provided with pre-application advice and the applicant/agent was updated of any issues after the initial site visit.

### **4. Relevant Planning History**

- 4.1. There is no planning history for the application site. However, nearby applications include:

4.2. Latest relevant application at Clifton Lodge Hotel:  
09/07432/FUL- Change of use from offices to annexe accommodation for Clifton Lodge Hotel (retrospective). Permitted.

4.3. Latest relevant application at nearby land:

08/07415/FUL- Demolition of 216 West Wycombe Road and erection of 2 x 3 bed semi-detached dwellings and 1 block comprising of 9 x 2 bed flats. Refused and dismissed at Appeal.

Dismissed by reason of:

- Lack of high standard of design and harm to character and appearance of area.
- Materially affect the free flow of traffic and highway safety.
- Lack of amenity areas for a number of the flats
- Unsatisfactory arrangements for the collection of waste
- Lack of a legal agreement to secure developer contributions

Permission for Temple Side Gardens:

07/07817/FUL- Demolition of 194,196 and 198 and erection of 23 dwellings comprising 4 pairs of 3-bed semi-detached dwellings, 1 terrace of 3 x 3-bed dwellings, one block of 7 x 2-bed flats and one block of 5 x 1-bed flats with associated parking. Permitted and implemented.

## **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)

New Local Plan (Submission Version): CP1 (Sustainable Development), CP3 (Settlement Hierarchy), CP4 (Delivering Homes), DM32 (Accessible locations, sustainable transport and parking)

5.1. The site is in an existing residential area where the principle of residential development is accepted.

### **Affordable Housing and Housing Mix**

ALP: H9 (Creating balanced communities)

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

New Local Plan (Submission Version): DM22 (Housing Mix), DM24 (Affordable Housing), Planning Obligations Supplementary Planning Document (POSPD)

5.2. Local planning policy in relation to affordable housing consists of:

- Core Strategy Policy CS13: Affordable Housing and Housing Mix:

5.3. This policy includes a threshold of 15 dwellings in the urban areas of High Wycombe, Marlow and Princes Risborough and 5 or more in the rest of the District. At least 40% of the 'bedspaces' for greenfield sites or sites last used for employment or a similar sui generis use and 30% of the 'bedspaces' for all other sites.

- Emerging policy as set out in the Proposed Main Modifications to the regulation 19 publication version of the Wycombe District Local Plan (submitted - March

2018):

- 5.4. The new Local Plan (Policy DM24) sets a threshold of 10 dwellings for all of the District outside the Chilterns AONB. This threshold was based on 'floor space' (in the publication version of the emerging Local Plan). However, the Main Modifications version, which is currently out for consultation, proposes an amendment of this to number of units (and a requirement of 48% of units to be affordable on greenfield and business sites, 35% on all other sites).
- 5.5. The NPPF, states at para 64. "Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups." The policy continues to specify exemptions to this policy:
  - a) Provides solely for Build to Rent homes;
  - b) Provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
  - c) Is proposed to be developed by people who wish to build or commission their own homes; or
  - d) Is exclusively for affordable housing, an entry-level exception site or a rural exception site.
- 5.6. It is considered that none of the exemptions apply to this development.
- 5.7. A development of this size does not trigger adopted local planning policy thresholds for affordable housing and therefore there is not a requirement to provide 30% / 40% affordable housing, as per local plan policy (therefore this is not a departure from local planning policy). Whilst the emerging plan policy may require this, limited weight can be given to this requirement presently, as per NPPF policy 48. For clarity, this states:

"48. Local planning authorities may give weight to relevant policies in emerging plans according to:

  - a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) 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
  - c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."
- 5.8. Given that the (amended) policy is still subject to public consultation, it is not considered substantial weight can be given to this policy.
- 5.9. Therefore following paragraph 64 of the NPPF it is considered that at least one unit in this scheme should be provided for affordable home ownership.
- 5.10. The applicant has agreed to provide 1 x 2 bed flat as a unit for affordable home ownership and is in the process of making and agreeing a legal agreement to secure this.

### **Transport matters and parking**

ALP: T2 (On – site parking and servicing), T4 (Pedestrian movement and provision), T5 and T6 (Cycling), T13 (Traffic management and calming),

CSDPD: CS16 (Transport), CS21 (Contribution of development to community infrastructure)

DSA: DM2 (Transport requirements of development sites)

New Local Plan (Submission Version): CP7 (Delivering the infrastructure to support growth), DM32 (Accessible locations, sustainable transport and parking)

- 5.11. The site is located in Residential parking zone A. 17 parking spaces are identified in the scheme. According to the Buckinghamshire Countywide Parking Standards, 14 car parking spaces would be required for a development of this size. An additional three spaces are shown to be provided. This over-provision is considered acceptable particularly given that it has been raised that there are parking difficulties in the area.
- 5.12. The County Highways Authority has been consulted on the application. It is satisfied that the additional vehicle movements generated by the development could be accommodated on the local highway network, and it is noted that waiting restrictions at the junction of Templeside Gardens with A40 are in the process of being implemented, to protect intervisibility at this junction (this is an existing issue, albeit the issue at this junction could have been exacerbated by the development).
- 5.13. It is also considered that sufficient on-site turning space would be available for large turning vehicles, such as bin lorries.
- 5.14. Cycle storage is shown for the flats at the same level as the highway - the bike store could accommodate 8 bicycles. Sheds are also shown to the rear of the dwellinghouses which could accommodate bikes.
- 5.15. It is noted that there are concerns by local residents that vehicles would be unable to pass easily on Templeside Gardens, especially when the visitor bays are in use. This is an existing situation that is managed. The development should not need to utilise these parking bays (which are noted to be on a private road in any case), especially given that there would be over-provision on the site. There is also considered to be a clear line of sight, at least eastwards, to allow vehicles to assess the situation early and vehicles turning the corner from the entrance of Templeside Gardens should take this slowly in any case, given the reduced visibility around the corner. Therefore it is not considered the development would significantly worsen this existing situation, to the detriment of highway safety or inconvenience.
- 5.16. Similarly, concern is raised that Templeside Gardens is lacking a footpath in part, and therefore the scheme, by increasing the frequency of use of this highway, would be detrimental to highway (and pedestrian) safety and inconvenience. This concern is acknowledged. The additional trip rate is predicted to be 40 additional vehicles daily. It is also noted that the scheme would likely result in additional pedestrians using this stretch of highway (70m) without a footpath. This weighs against the development, but given the number of additional trips, likely frequency and length of affected roadway, this weight is limited.

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

ALP: G3 (General design policy), G7 (Development in relation to topography), G8 (Detailed Design Guidance and Local Amenities), G10 (Landscaping), G11 (Trees), G26 (Designing for safer communities), Appendix 1

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

DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)  
Housing intensification SPD

New Local Plan (Submission Version): CP8 (Sense of place), DM33 (Delivering green infrastructure in development), DM34 (Placemaking and design quality)

- 5.17. The scheme has been amended so that it is now considered to better reflect the style design characteristics and layout of the nearby Templeside Gardens, utilising the topography of the site in a similar fashion. The properties are laid out with separation distances of over 1.6m each and bin and cycle storage areas are shown, along with several areas for soft landscaping, including to the front. This would help soften the appearance of the development,

- 5.18. It is unfortunate plans show the removal of a TPO'd tree. This was one of a pair of trees to the rear that were TPO'd, one of which has already been removed. The arboricultural assessment submitted stated that the condition of the tree is poor and it suffers from an ash dieback disease, common in the area. The Council's Arboricultural Officer has also assessed the tree. Whilst it was unclear whether or not the tree has got this Ash disease, it is considered likely that if it does not, it would likely succumb to it in the future. In order to mitigate for the loss of this tree, the applicant is proposing the inclusion of a number of trees throughout the site, including to the front. Whilst tree pits may be needed in some cases, the size of the soft landscaped areas are considered to be sufficient to give this mitigation planting a reasonable chance of survival. It would be reasonable to condition details of landscaping, including tree pits, and their retention until established (usually 5 years).

### **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

New Local Plan (Submission Version): DM34 (Placemaking and design quality), DM38 (Internal space standards)

- 5.19. Both the flat and house units proposed are considered to be of a reasonable size and layout. All the flats, with the exception of the basement flats, would be triple aspect. The basement units would be served by windows at the rear and an additional window on the side. All units would be served by south facing amenity spaces of sufficient size and it is noted that the block of flats would also be served by communal amenity space of an appropriate size, aspect and level of privacy.
- 5.20. The scheme is considered to be able to take into account 'designing out crime' principles, but it is considered reasonable to condition that details of these are submitted and implemented.
- 5.21. The scheme is also considered to provide sufficient car parking, cycle storage and bin storage.
- 5.22. Considering the amenities of neighbouring properties, whilst it is noted that the proposal would result in development projecting further back towards West Wycombe Road, than the rear of the neighbouring property on Templeside Gardens, the proposal would comply with the 45 degree light angle guidance and would be located at least 1.6m from this boundary line. Therefore the scheme is not considered to have a detrimental impact on the light levels serving this neighbouring property, nor would it be detrimentally overbearing or result in a detrimental impact on the privacy levels enjoyed by this neighbour, although it would be reasonable to condition side windows are obscurely glazed and top-light opening only.

The proposed buildings are also considered to be an acceptable with regards to privacy and overlooking with regards to other neighbour properties also, including the hotel and comply with the Council's back-to-back distance Standards.

- 5.23. It is noted objections have been raised in relation to the impact of the scheme on the character of Templeside Gardens and the amenities of residents living in this small development, given that it is a quiet cul-de-sac and as such it enables children to play in the road and street parties to be held. This is not a characteristic that can be protected by planning policy.

### **Environmental issues**

ALP: G15 (Noise), G16 (Light pollution)

CSDPD: CS18 (Waste, natural resources and pollution)

- 5.24. The site is alongside the railway line and therefore, there will be some noise and vibration disturbance as a result. However the applicant has submitted a report to demonstrate that these could be managed by appropriate building practices, so as to reduce these impacts to an appropriate level. It is reasonable to condition that these are incorporated into the scheme.
- 5.25. The Environmental Health Officer has also commented that the scheme is nearby to the Air Quality Management Area of West Wycombe Road. Therefore it is recommended that all 17 parking spaces benefit from electric charging points. No charging points are shown however and, while it is recommended that the EHO's advice is followed as best practice, there is no policy requirement for these charging points to be provided.
- 5.26. The proposed bin storage area is considered to be of a sufficient size and in an appropriate, convenient location. The design/security features of the bin store are unclear however, but this could be dealt with by condition.
- 5.27. There is no information on proposed exterior lighting for the development. This would require a formal planning application however.

### **Flooding and drainage**

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

DSA: DM17 (Planning for flood risk management)

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

- 5.28. The LLFA is content with the tanked permeable paving solution proposed by the applicant to attenuate water on site before discharging via an outfall to the public surface water sewer at a restricted rate of 1 l/s. Permeable paving will provide benefits of water quality and water quantity management. The applicant proposes to make a connection to the surface water sewer within West Wycombe Road, and permission to utilise this network from Thames Water has been provided in support of this application. However, further detailed information is requested (through a post-decision condition), to demonstrate that the proposed drainage system is sufficient (and that infiltration is not possible, otherwise this should be reflected in the drainage scheme). Furthermore, additional investigation is required to demonstrate that the proposed scheme sufficiently takes into account surface water flooding risks and if not, should require resistance and resilience methods to be utilised. It is considered that these issues can reasonably be dealt with through conditions.

### **Ecology**

CSDPD: CS17 (Environmental assets)

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

New Local Plan (Submission Version): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

- 5.29. A Phase 1 Habitat Survey has been submitted which states no bats or any other protected wildlife were found to be present on the site. However some recommendations were made in the reports to bring about biodiversity improvements.

### **Building sustainability**

CSDPD: CS18 (Waste, natural resources and pollution)

DSA: DM18 (Carbon reduction and water efficiency)

New Local Plan (Submission Version): DM41 (Optional Technical Standards for Building Regulations Approval)

- 5.30. 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 issue has since transferred to Building Regulations and it is only considered necessary to condition water usage. The submitted Part G Assessment states that a water rate of 105 litres/person/day could be achieved, which exceeds standards.

### **Infrastructure and Developer Contributions**

CSDPD: CS21 (Contribution of development to community infrastructure)

DSA: DM19 (Infrastructure and delivery)

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

- 5.31. The development is a type of development where CIL would be chargeable.
- 5.32. It is considered that there would not be other types of infrastructure that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure. However, the development is one that is considered to require affordable housing, as per the NPPF.
- 5.33. The Planning Obligations SPD sets out the Local planning Authority's approach to when planning obligations are to be used in new developments.
- 5.34. As stated above, the applicant has agreed to enter into a legal agreement to secure a unit for affordable home ownership.

### **Weighing and balancing of issues – overall assessment**

- 5.35. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations to reach a conclusion on the application.
- 5.36. 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
- 5.37. The scheme is considered to be well designed and in keeping with the character and appearance of the area. It takes into account the slope of the site and nearby residential properties ensuring acceptable levels of residential amenity for future residents and neighbours. There would be an over-provision of parking compared with County Standards, but it is considered the additional spaces can be justified in this area. The scheme would result in one unit for affordable home ownership which is of some weight.
- 5.38. Whilst it is recognised that the scheme would result in the removal of a TPO'd tree, this is reported to be in poor condition and replacement planting is proposed to mitigate for the loss.
- 5.39. The scheme would result in more vehicles using Templeside Gardens. It is noted the estate does not benefit from a footpath in places and, if visitors park on the highway, would result in narrow/ reduced passing places. Furthermore, the junction with West Wycombe Road is often difficult (and dangerous) due to poor parking of vehicles close to this junction. However, the increase in trip rate using this highway is considered to be such that it would not put highway users including pedestrians at a significantly greater risk and proposed improvements to the junction (to related to this scheme) are noted.

5.40. Objections to the scheme by neighbours and other interested parties have been noted. Planning matters have been taken into consideration, but it is judged that the scheme would be acceptable and comply with planning policy. A number of non-planning matters were also raised, such as upkeep/ damage of private road. These are considered to be civil matters or controlled by non-planning legislation and do not form part of the consideration process for planning applications.

5.41. In summary the scheme is considered acceptable and complies with planning policy.

## 6. Other matters

### Equalities Act Duties

6.1. 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.

<b>Recommendation: Minded to grant permission subject to completion of a Planning Obligation or other agreement</b>
---

That the Head of Planning and Sustainability be given delegated authority to grant Conditional Permission provided that a Planning Obligation is made to secure the following matters:

01 provision of a unit for affordable home ownership

or to refuse planning permission if an Obligation cannot be secured

It is anticipated that any permission would be 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 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 01/D; 19717CV-01; 02/E; 11/C; 10/C; 03/C; 12/D; 4/F; 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 construction works take 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 A scheme to protect the proposed development from traffic noise from West Wycombe Road and noise and vibration from the railway and shall be implemented before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014 for the appropriate time period. Unless otherwise agreed in writing with the Local Planning Authority it shall be assumed that the existing noise level at the façades of the proposed development is 72dB LAeq16 hour and 66dB LAeq, 8 hour. The scheme shall include mechanical ventilation to meet the requirements of the Noise Insulation Regulations 1975 as amended 1988.

Reason: To protect the occupants of the new development from noise and vibration disturbance

- 8 Development shall not begin until a "whole-life" maintenance plan for the site has been 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) during and following construction, 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 being a pre-start 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.

- 9 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary, demonstrating that water quality, ecological and amenity benefits have been considered
- Ground investigations including:
- Infiltration in accordance with BRE365
- Groundwater level monitoring over the winter period

- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the hierarchy listed in the informative below.
- 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.
- 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
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction
- Details of flood resistance and resilience measures to alleviate the risk of flooding from existing sources

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

- 10 A fully detailed landscaping scheme for 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 scheme shall include provision for

- \* Additional planting to compensate for the loss of some of the existing trees
- \* Native trees to reflect the rural context of the site
- \* Tree pit design if appropriate

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.

- 11 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.

- 12 The development shall take place in accordance with the arboricultural method statement (AMS) and tree protection plan submitted as part of the planning application. Any permitted works, Construction Exclusion Zone, and other works which are specified in the AMS will take place under the supervision of a retained arboricultural specialist. A single page report and photographic record showing the supervised works will be submitted to the Local Planning Authority within 7 days of each supervised event which will result in a certificate being issued by the planning authority upon completion.

Reason: To ensure that the retained trees, shrubs and hedgerows are not damaged during the construction process and in the long term interests of local amenity value.

- 13 Windows to be inserted into the side flanks of the building shall be obscurely glazed and non-opening to height of 1.7m above finished floor level. No further windows, doors or openings of any kind shall be inserted in the flank elevations of the development hereby permitted without the prior, express planning permission of the Local Planning Authority.

Reason: To safeguard the privacy of occupiers of the adjoining properties.

- 14 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).

- 15 Details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. This includes boundaries to private amenity spaces. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. The screen and boundary walls, fences and any other means of enclosure which are part of the approved scheme shall thereafter be retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development and in the interests of crime prevention.

- 16 Cycle storage details for the flats shall be submitted and approved in writing by the Local Planning Authority before any works above damp-proof course takes place. The approved details shall be installed prior to occupation and thereafter the facilities shall be permanently retained, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the continued provision of cycle parking and waste storage and in the interests of the amenities of the occupiers and adjacent residents.

- 17 Details of facilities to be provided for the storage of refuse bins for the flats shall be submitted to and approved in writing by the Local Planning Authority before any works above damp-proof course takes place. The facilities shall be provided in accordance with the approved details before the development that they relate to is first occupied and thereafter the facilities shall be permanently retained.

Reason: To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents.

#### INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF Wycombe District Council (WDC) 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. WDC 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 pre-application advice was given and concerns raised following the site visit were shared with the applicant.

- 2 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.

- 3 The attention of the applicant is drawn to the requirements of section 60 of the control of pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to the environmental Services Division of the Council.

- 4 To comply with paragraph 080 of the Planning Practice Guidance (PPG) 'the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
- into the ground (infiltration);
  - to a surface water body;
  - to a surface water sewer, highway drain, or another drainage system;
  - to a combined sewer.'

18/07066/FUL

## **Consultations and Notification Responses**

### Ward Councillor Preliminary Comments

#### **Councillor Zia Ahmed**

Comments: As local ward member I want this application go to planning committee.

### Parish/Town Council Comments/Internal and External Consultees

#### **High Wycombe Town Unparished – Sands Ward**

#### **Community Housing**

Comments: I can find no mention in the application of an intention to provide affordable housing but I understand that for proposals above the applicable threshold, the Council is now applying the National Planning Policy Framework (NPPF) of at least 10% of the homes to be available for affordable home ownership.

If the application meets all of the planning requirements then I am in support of the Council seeking homes for affordable home ownership in accordance with the NPPF.

#### **Control of Pollution Environmental Health**

Comments: Identified Environmental Services issues relevant to Planning:

Noise from traffic on railway affecting future residents

Air quality implications in adjacent Air Quality Management Area

Conclusion:

Noise readings have been taken alongside the railway, and levels have shown that the site falls within an area exposed to railway noise.

The internal noise levels should adhere to the levels as stated in BS8233:2014 and all habitable rooms fronting, or that have direct exposure to the railway will need to include acoustic glazing and mechanical ventilation.

- Air Quality is of significant concern along the neighbouring West Wycombe Road, as well as all arterial roads within High Wycombe, as monitoring found that the area has persistently exceeded national air quality objectives for a number of years. In December 2018 the whole of West Wycombe Road was included within a wider High Wycombe Air Quality Management Area (AQMA). Wycombe District Council, along with other key stakeholders, have a duty to ensure that Nitrogen Dioxide levels within this area are reduced to acceptable levels within the national air quality objectives. It is currently estimated that 144 excess deaths each year within Wycombe District area are caused by poor air quality, with the expectation that the majority of those deaths will be caused along the arterial roads of High Wycombe and Marlow. The application includes 17 parking spaces all vehicles movements must pass through the West Wycombe Road section of the High Wycombe AQMA. I would therefore recommend that the following principle is followed; Active provision of 1 electric vehicle charging unit for each dedicated parking space and at least 1 charging point per 10 unallocated spaces. With the spaces appearing to be allocated, I would recommend that all parking spaces (17 in total) are provided with an Electric Vehicle Charging Point and that such a point is maintained in working order thereafter.

Objection, unless conditions imposed.

#### **Arboricultural Officer**

Comments: WDC are aware of ash dieback in the area and the removal of the TPO'd ash is acceptable if its condition is as poor as described in the arb report. As of 05.10.18 the crown vitality was considered normal and the form typical for species. The arb officer could see no obvious lesions on the bark or a particularly large amount of deadwood as you may expect with ash die back. No obvious signs of the disease were noted on neighbouring younger ash (which one might expect to see affected first). However, there were a number of dead branch tips on the ground, also a proliferation of internal growth which can be an indicator that that tree is trying to

produce more leaves to support itself during a time of stress. The arb officer could not say with 100% certainty whether or not the tree is currently affected by *Hymenoscyphus fraxineus* (ash die-back). Long-term, ash dieback is known to be present in the district and it is likely that the tree will become affected within the next few years. Removal of T1 should require replacement planting and there is a need for more significant tree planting on the site in general. There is ample space within the parking area subject to suitable tree pit design and species selection.

### **Buckinghamshire County Council (Major SuDS)**

Comments: The LLFA has no objection to the proposed development subject conditions.

#### **Surface Water Drainage Strategy:**

The applicant is proposing to use tanked permeable paving to attenuate water on site before discharging via an outfall to the public surface water sewer at a restricted rate of 1 l/s. Permeable paving will provide benefits of water quality and water quantity management. A connection will be made to the surface water sewer within West Wycombe Road, and permission to utilise this network from Thames Water has been provided in support of this application.

The calculation detail provided utilises an estimation tool, whilst this is acceptable for the initial design stage; for a development of this proportion we require detailed 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 40% climate change storm event should be safely contained on site. These calculations must include details of critical storm durations, and demonstrate how the proposed system as a whole will function during different storm events. If any flooding occurs for the 1 in 100 year plus 40% climate change event, then we require details of where this flooding will occur and the volume of the flooding.

The applicant should be made aware that ground investigations including infiltration rate test (in accordance with BRE 365) and groundwater level monitoring are required. If results show that infiltration is possible the surface water drainage scheme should be redesigned to incorporate this. It is noted in the Flood Risk Assessment and SuDS Strategy for Planning that the feasibility for further SuDS components will be assessed at detailed design stage; we expect this assessment to be carried out should this application be granted approval. The applicant should consider the ecological, amenity and water quality benefits to be provided by the proposals; this is in line with paragraph 165 Part d of the National Planning Policy Framework (2018).

Lastly, a maintenance schedule for the surface water drainage system needs to be provided; it should include what maintenance tasks will be completed, who will be responsible for undertaking maintenance and how often the maintenance tasks will be completed.

#### **Existing Surface Water Flood Risk:**

As raised in our previous consultation response (dated: 10th September 2018) the proposed block of flats is at risk of surface water flooding. According to the updated Flood Map for Surface water depths of up to 0.3m are anticipated for events between a 1% and 0.1% Annual Exceedance Probability (AEP). The applicant has noted that the permeable paving (designed for a 1% AEP event with a 40% Climate Change Allowance) will manage the existing surface water flood risk; we request the calculations to demonstrate the proposed system can account for both the external surface water flood risk and the surface water flood risk generated as a result of development. If the existing surface water flood risk is unable to be accommodated in the system then appropriate resistance and resilience measures will need to be provided such as (but not limited to) the implementation of flood doors, locating sockets with a suitable freeboard above the designed flood level, the installation of airbrick ventilation systems above flood level. The application should also consider fitting the property with a damp proof membrane and using water resistant materials for the flooring. Further information can be found in Improving the Flood Performance of new buildings, Flood Resilient Construction (May 2007, Department for Communities and Local Government). Provisions should also be made to divert the flow route around the proposed dwellings to ensure no displacement of the existing surface water flood risk. This request is in line with paragraphs 157 and 163 of the National Planning Policy Framework (2018).

We would request conditions be placed on the approval of the application, should this be granted by the LPA.

### **County Highway Authority**

Comments: The Highway Authority has previously provided comments on this application in a consultation dated 25<sup>th</sup> September 2018, for simplicity comments are repeated below.

The proposed development, although to the rear of No.210 West Wycombe Road, will utilise the existing Templestone Gardens estate road. Given that it is privately maintained, one assumes that the applicant either has a historical right of access across it or has negotiated one that will allow the traversal of vehicular and pedestrian traffic over it.

Upon comparing the featured level of parking with the optimum standards contained within the County Council's Buckinghamshire Countywide Parking Guidance policy document, they accord with the optimum provision based upon the amount of habitable accommodation proposed.

In terms of trip generation, and aside from some minor issues in the submitted interrogation of the TRICS (Trip Rate Information Computer System) database relating to the site perimeter selections, the site will generate around 40 additional vehicle movements per day. I am satisfied that this can be accommodated on the local network.

Templestone Gardens' junction with West Wycombe Road is anomalous in a local context in that it does not benefit from double-yellow line waiting restrictions to protect vehicular intervisibility as is the case with the respective A40 junctions at Desborough Park Road, Mill End Road and The Birches. Nonetheless, I have been informed by Transport for Buckinghamshire that there are plans to introduce waiting restrictions at this junction, whereby the formal/statutory consultation stage is imminent and will last for a period of 4 weeks. Should there be no relevant objections to the scheme, and subject to a report to the County Council's Cabinet Member for Transportation, implementation of the restrictions may take place in late 2018/early 2019.

Mindful of these comments, I do not have any objections to this application with regard to highway issues subject to the following condition:

**Condition 1:** 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.

Having assessed the amended plans provided I note that the same number of parking spaces have been demonstrated, and are afforded sufficient manoeuvring space within the site curtilage. I therefore have no objections in this regard to the amended proposals.

The amended proposals have not altered the quantum of proposed development on the site, I therefore still consider the Transport Assessment submitted and assessed previously to apply to the current proposals.

Mindful of the above, I do not consider the amended proposals to materially alter the impact of the development upon the publically maintained highway, therefore I have no objections to the proposed development subject to the condition above.

### **Thames Water**

Comments: Applicant advised to read guides on sewers.

Advise that if a sequential test is taken with regards to surface water drainage, there is no objection.

Advised there is no objection in relation to the waste water network or infrastructure capacity, nor water treatment infrastructure capacity.  
Informative recommended.

### Representations:

#### **County Cllr Darren Hayday:**

I have concerns about this application. This will increase traffic flow at the current junction at Temple Side Gardens. I have been working on a project to fund double yellow lines to make the junction safer, but they don't extend all that far on either side which means it still won't be completely safe to use. I have been working with the local residents for the last 12 months to make this junction safer and the last thing that I need now is to have an application such as present itself. We have a problem that vehicles park on the main road obstructing the vision when you leave this junction, it is very dangerous. I fully object on these grounds as the local County Cllr.

#### **Additional Letters:**

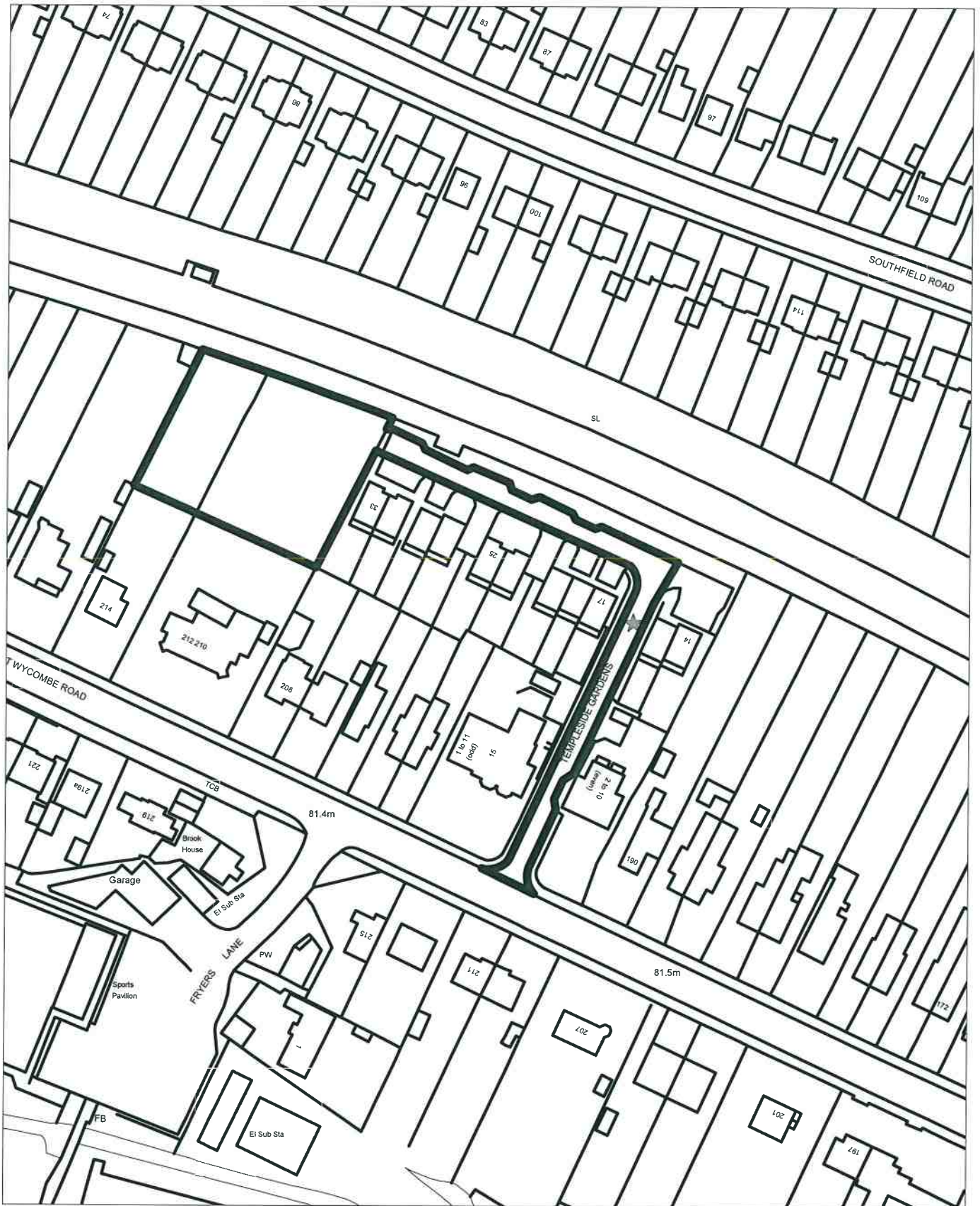
Objections have been received from 23 parties, on the following grounds:

- Use of Templeside Gardens as a main thoroughfare for proposed development is unacceptable.
- There are already problems accessing West Wycombe Rd from Templeside Gardens.
- Very limited parking in Templeside Gardens and inadequate parking proposed, leading to dangerous conditions
- No footpath on Templeside Gardens
- Poor drainage in area
- Unclear how drainage/ utilities would work/ would add strain
- Would lead to further re-development of gardens/ sets precedent
- Health and safety concerns during construction
- Clifton Lodge has an access that could be utilised during construction and for future residents
- Traffic problems in area already
- Refuse turning would only work if remains free from parked cars
- Would impede quality of life for Templeside Gardens residents.
- Templeside Residents pay for upkeep of road. Potential future occupiers should share responsibility.
- Increased traffic would make it difficult for 2 vehicles to pass on Templeside Gardens/ if visitor bays are being used, 2 vehicles cannot pass. Especially bad on bin day.
- Inadequate garden sizes
- Plans don't show full extent of Templeside Gardens
- Out of keeping with Templeside Gardens. Will change nature of road.
- Children play on road in Templeside Gardens
- Would result in wear and tear of highway of Templeside Gardens
- No road lighting on Templeside Gardens
- Templeside Garden is a well-kept road. Adding more traffic will degrade this.
- Residents have street parties on Templeside Gardens- this would make it more difficult to hold them.
- Poor air quality in area
- Daylight sunlight report skewed in favour of developer. Would impact on light serving neighbours.
- Have not taken into account difference in land levels with Templeside Gardens.
- Clifton Lodge may further develop, resulting in overdevelopment
- Is Templeside Gardens highway strong enough for construction traffic?
- Double yellow lines to be added on A40 by junction as very dangerous currently.
- 90 degree corner in Templeside gardens is dangerous
- Bizarre that amenity of a couple of dwellings alongside the hotel outweighs amenity of residents on Templeside Gardens
- Amended plans would result in overbearing impact on neighbouring property and greater



impact on light levels.

18/07066/FUL  
Scale 1/1250



**SCHEDULE OF ACCOMMODATION**

**HOUSES**  
 4 Houses - 4 x 3 Bed  
 TOTAL GEA - 307m<sup>2</sup> (3,457 ft<sup>2</sup>)  
 BUILDING FOOTPRINT 169m<sup>2</sup> (1,819 ft<sup>2</sup>)

**FLATS**  
 6 Flats - 4 x 1 Bed and 2 x 2 Bed  
 TOTAL GEA - 494m<sup>2</sup> (5,317 ft<sup>2</sup>)  
 BUILDING FOOTPRINT 170m<sup>2</sup> (1,830 ft<sup>2</sup>)

CAR PARKING 17 SPACES (Houses 4, Flats 6, Visitors 7)  
 SITE AREA 0.163 Ha (0.40 acres)

--- OUTLINE OF THE BUILDINGS AS PER DRAWING SUBMITTED WITH THE ORIGINAL APPLICATION IN AUGUST 2018

● NEW PROPOSED TREE

○ EXISTING TREE TO BE REMOVED



WEST WYCOMBE ROAD

CHECKED FOR COMMENTS		DATE	BY
A	PLANNING APPLICATION	14/02/2019	JK
B	REVISION	14/02/2017	MA
			Gravit
			Checked



Client: ANTHONY WINGROVE  
 Project: PROPOSED NEW HOUSES  
 Location: 210 WEST WYCOMBE ROAD, HIGH WYCOMBE  
 Title: OVERALL SITE PLAN

Scale: A1 @ 1:200	Date: AUGUST 2016	Drawn: MA	Checked:
File No: B-2620	Drawn No: 03	Revision	





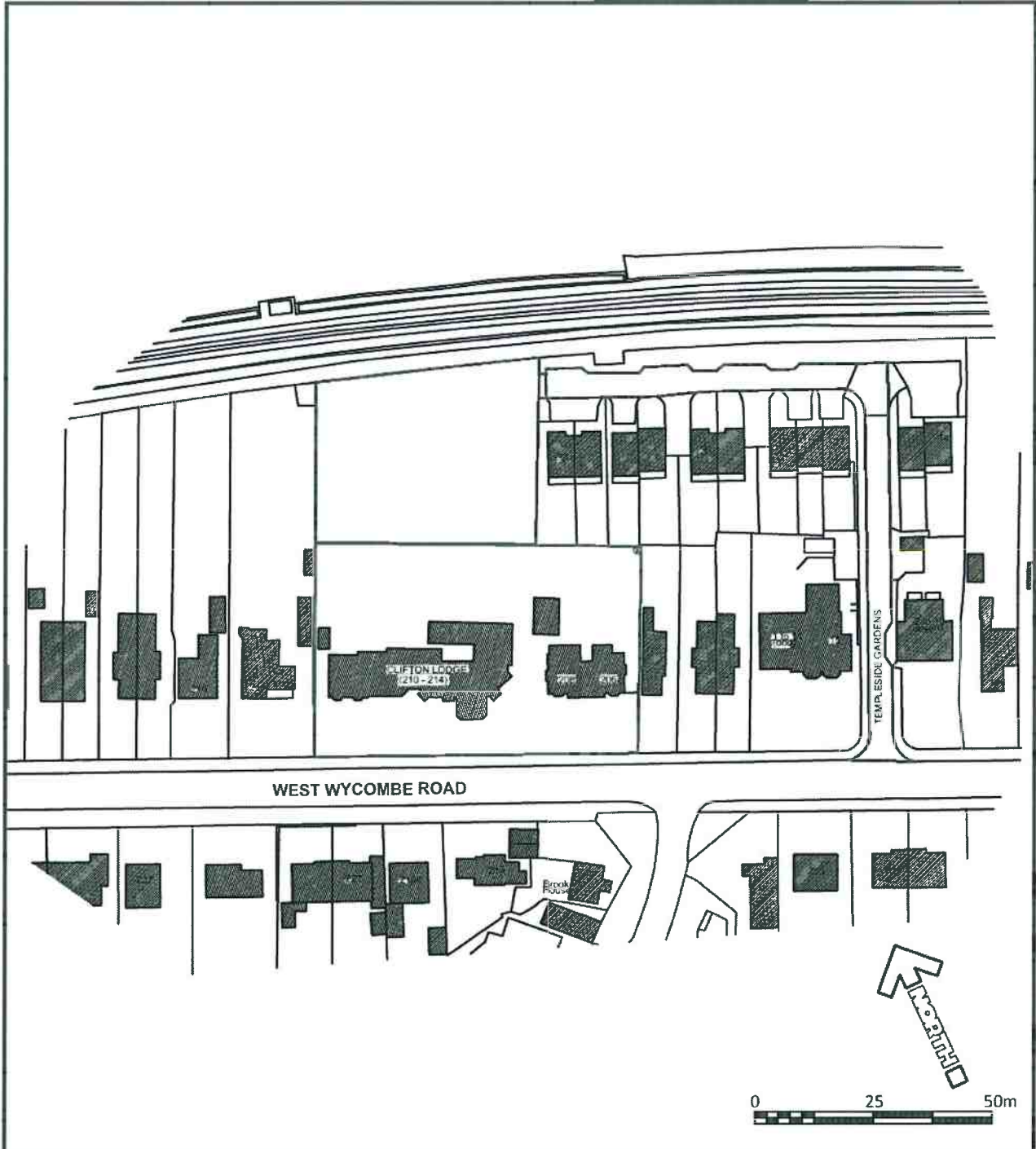
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Architects  
Building Surveyors  
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Project Managers  
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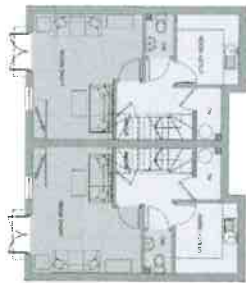


Project Location	PROPOSED NEW HOUSES 210 WEST WYCOMBE ROAD, HIGH WYCOMBE	Title	LOCATION PLAN
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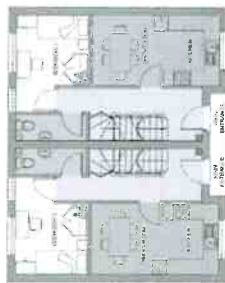
Scale	1:1250@A4	Date	DEC 17	Drawn	MA	Checked	
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Reproduced for the purpose of identifying the location of the site based upon the ordnance survey with the permission of Her Majesty's Stationary Office. Crown Copyright reserved Licence No. AR10007606	Job No. B - 2620	Drawing No. 01	Revision D
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HOUSE



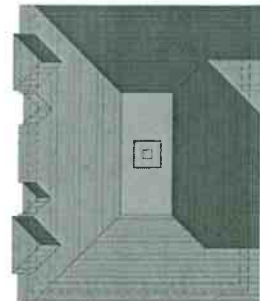
LOWER GROUND FLOOR



GROUND FLOOR



FIRST FLOOR



ROOF PLAN

FLATS



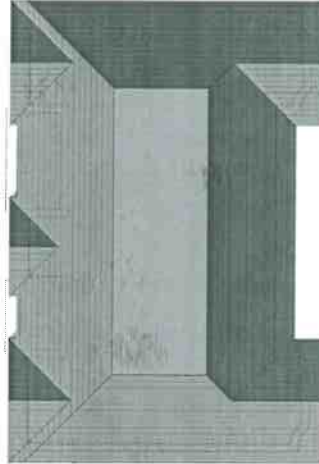
LOWER GROUND FLOOR



FIRST FLOOR



GROUND FLOOR



ROOF PLAN

FLATS SCHEDULE:

- Type 1 - 1 BED 2 PERSON: 48m<sup>2</sup>
- Type 2 - 1 BED 2 PERSON: 52m<sup>2</sup>
- Type 3 - 1 BED 2 PERSON: 58m<sup>2</sup>
- Type 4 - 2 BED 3 PERSON: 70m<sup>2</sup>
- Type 5 - 2 BED 4 PERSON: 78m<sup>2</sup>

TOTAL: 361m<sup>2</sup>

TOTAL GIA: 433m<sup>2</sup> (5,188ft<sup>2</sup>)

HOUSE SCHEDULE:

TOTAL GIA PER HOUSE: 113m<sup>2</sup> (1,216ft<sup>2</sup>)

TOTAL GIA FOR ALL HOUSES: 455m<sup>2</sup> (4,898ft<sup>2</sup>)

KEY:

- BEDROOMS
- KITCHEN/ DINNING/ LIVING
- BATHROOM/ ENSUITE/ WC
- CIRCULATION/ STORAGE

Rev.	Description	Date	Drawn	Checked
1	FLANK WINDOWS ADDED TO THE EDGE OF FLATS	15/01/2016	PK	MM
2	FLOOR LAYOUTS REVISED TO REFLECT AMENDED SITE PLAN	15/01/2016	PK	MM
3	ADJUSTMENT TO BUILDING LAYOUT AMENDED	20/01/2016	PK	MM
4	REVISIONS TO FLOOR PLAN	24/01/2016	PK	MM
5	REVISIONS TO FLOOR PLAN	24/01/2016	PK	MM
6	REVISIONS TO FLOOR PLAN	24/01/2016	PK	MM
7	REVISIONS TO FLOOR PLAN	24/01/2016	PK	MM
8	REVISIONS TO FLOOR PLAN	24/01/2016	PK	MM
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CLIENT: ANTHONY WINGROVE

PROJECT: PROPOSED NEW HOUSES

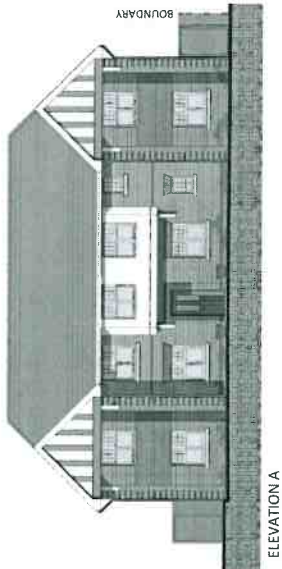
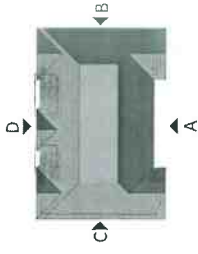
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TITLE: HOUSES & FLATS FLOOR & ROOF PLANS

Scale: A1@1:100 Date: SEPT 2016 Drawn: MA Checked:

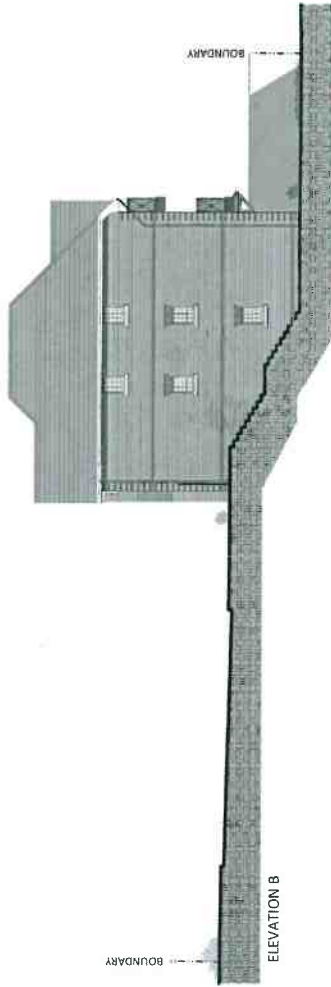
Job No: B-2620 Revision: F

KEY PLAN



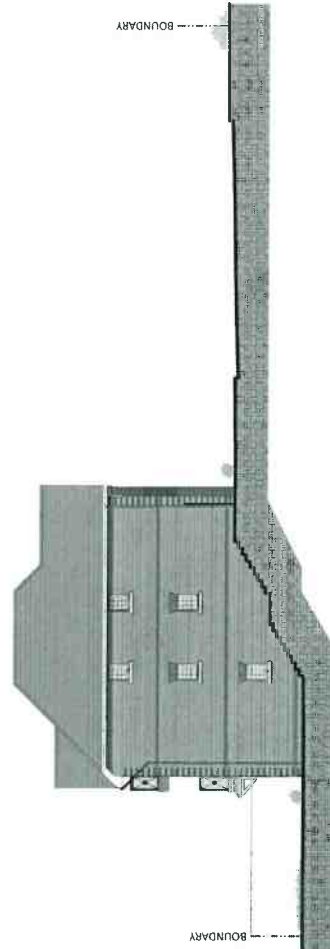
ELEVATION A

BOUNDARY



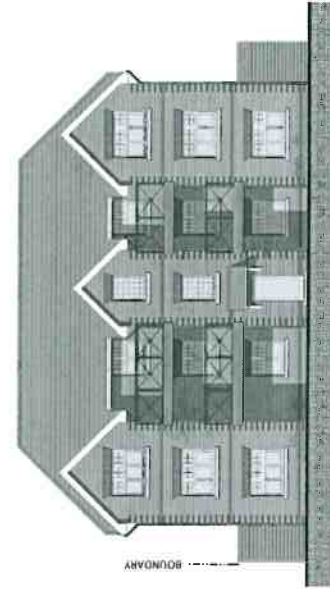
ELEVATION B

BOUNDARY



ELEVATION C

BOUNDARY



ELEVATION D

BOUNDARY

Rev	Revision	Date	Drawn	Checked
D	FLANK WALLS	15/11/2015	PK	MM
C	ELEVATION UPDATES TO FACULTY APPROVED PLAN	24/10/2015	PK	MM
B	PLANNING APPLICATION	06/07/2015	PK	MM
A	PLANNING APPLICATION	15/07/2015	SA	MM

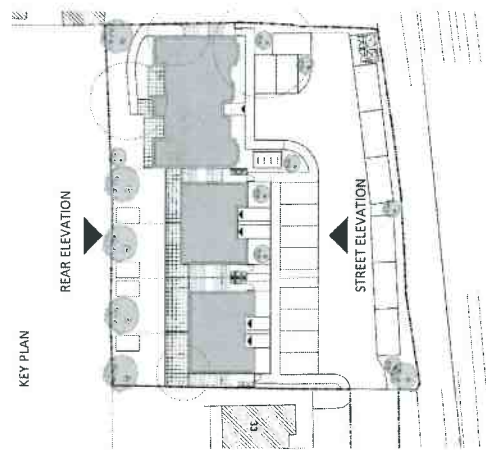
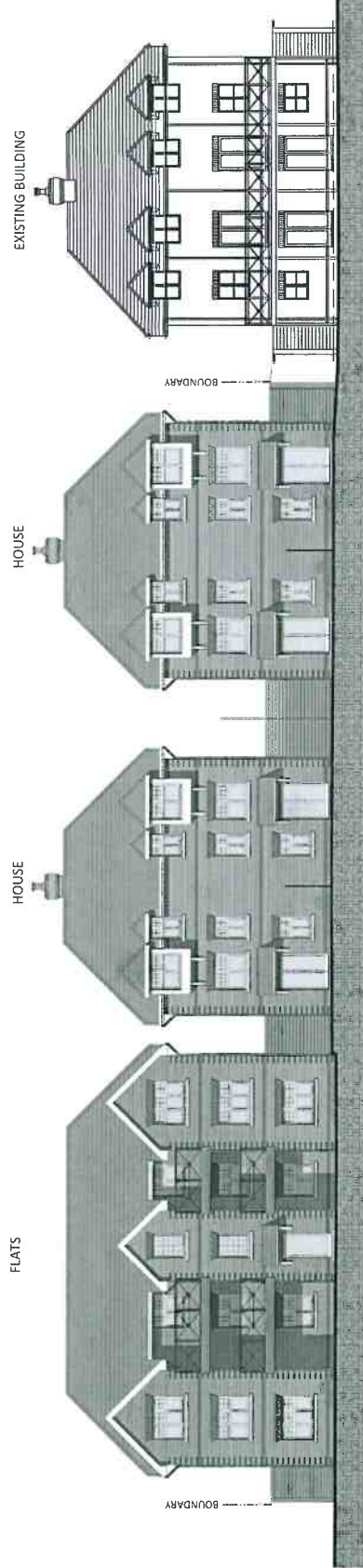
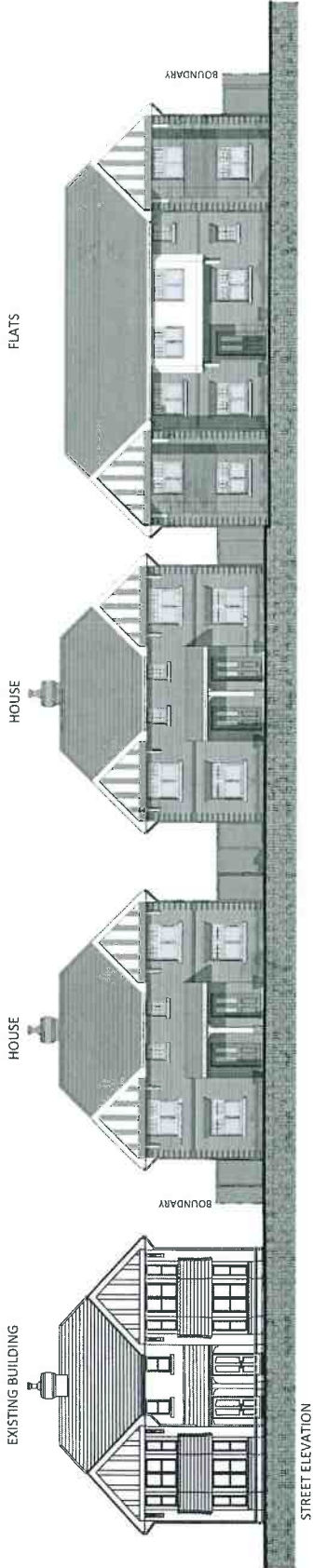


Client: ANTHONY WINGROVE  
 Project: PROPOSED NEW HOUSES  
 Location: 210 WEST WYCOMBE ROAD, HIGH WYCOMBE  
 Title: PROPOSED FLATS ELEVATIONS

Scale: A1@1:100	Date: DEC 17	Drawn: MA	Checked:
Job No: B-2620	Drawn No: 12	Revision:	D

For control of documents, please refer to the project file on the project server. All drawings are subject to the terms and conditions of the contract.



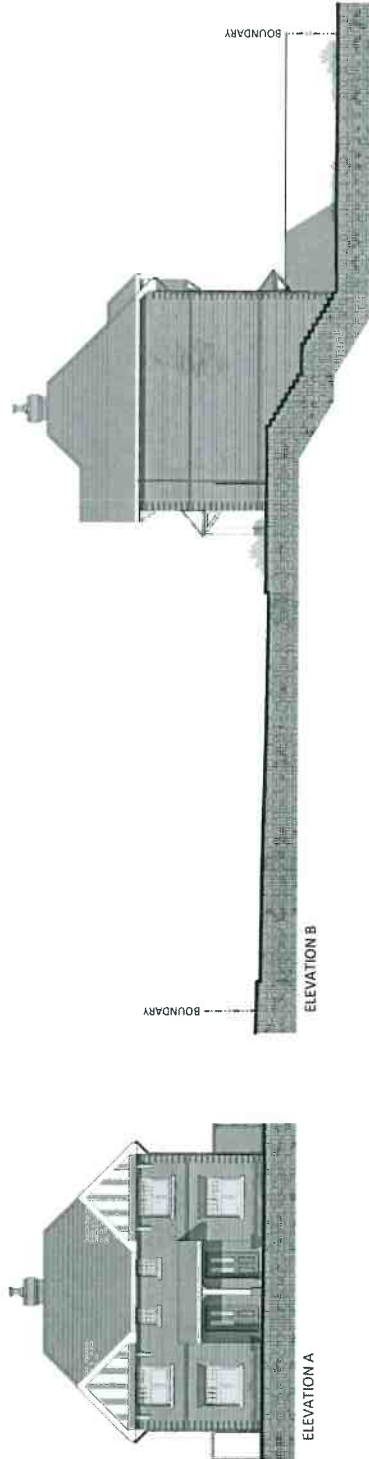
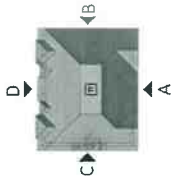


C	ELEVATIONS RELATED TO SELECT MAIN/3RD FLY PLAN	31/03/2016	PK	
B	PLANNING APPLICATION	06/07/2016	PK	
A	PLANNING APPLICATION	12/02/2017	N/A	
Rev.	Revision	Date	Drawn	Checked

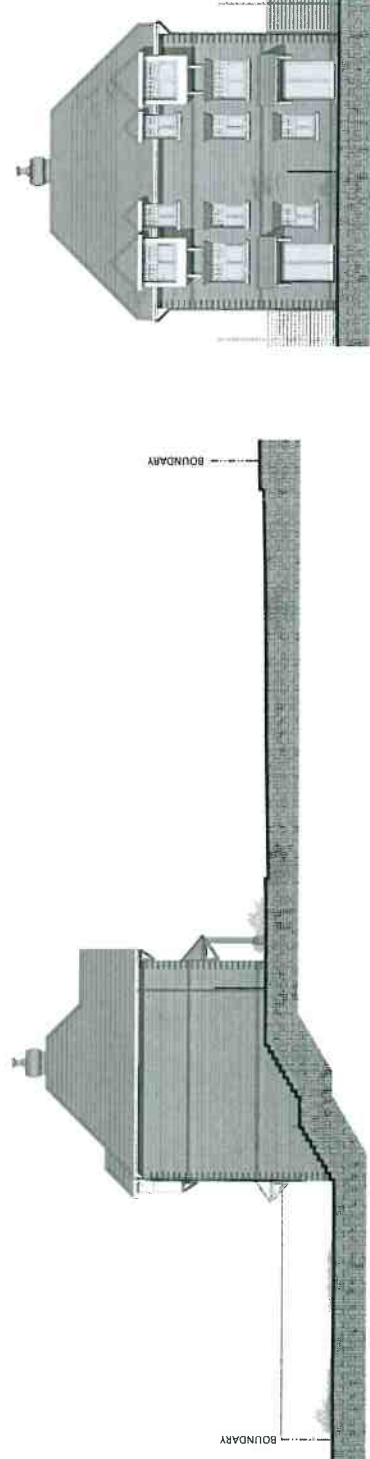
Client:	ANTHONY WINGROVE
Project:	PROPOSED NEW HOUSES
Location:	210 WEST WYCOMBE ROAD, HIGH WYCOMBE
Title:	PROPOSED STREET ELEVATIONS
Scale:	A1 @ 1:100
Date:	DEC 2017
Drawn:	MA
Checked:	
Job No.:	B - 2620
Drawn No.:	10
Revision:	C

KEY PLAN



ELEVATION A

ELEVATION B



ELEVATION C

ELEVATION D

C	ELEVATIONS PREPARED TO SELECT AMENDED B/L PLAN	DATE	PK	CHK
B	PLANNING APPLICATION	06/07/2018	PK	
A	PLANNING APPLICATION	12/22/2017	USA	
No.	Revisions	Date	Drawn	Checked

**Carless & Partnership**
  
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Client **ANTHONY WINGROVE**  
 Project **PROPOSED NEW HOUSES**  
 Location **210 WEST WYCOMBE ROAD, HIGH WYCOMBE**  
 Title **PROPOSED HOUSES ELEVATIONS**

Scale	A1@1:100	Date	DEC 17	Drawn	MA	Checked	
For circulation purposes only. This drawing is not to be used for construction without the written approval of the architect.							Revision
Drawing No. <b>B-2620</b>							<b>11</b>
							<b>C</b>



# Agenda Item 6.

Contact: Valerie Bailey DDI No. 01494 421548

App No : 18/07538/FUL App Type : FUL

Application for : Householder application for reconfiguration of front entrance gates to improved visibility by removing part of the front entrance wall

At Downley Lodge, Plomer Green Lane, Downley, Buckinghamshire, HP13 5XN

Date Received : 27/09/18 Applicant : Ramon Santos

Target date for decision: 22/11/18

## 1. **Summary**

- 1.1. The proposed development, with its revised design and siting, maintains the rural character and appearance of the area and does not adversely impact on the special character and appearance of the Downley Conservation Area and the Chilterns Area of Outstanding Natural Beauty. No issue has been raised in terms of visibility or to the safety and convenience of users of the highway. Thus the proposed development is in accordance with planning policy and is therefore recommended for approval

## 2. **The Application**

- 2.1. Downley Lodge is a detached dwelling set in relatively extensive grounds, on a rural country lane on the fringes of Downley village. The property is situated within the Downley Common Conservation Area, in the Chilterns Area of Outstanding Natural Beauty, bounded by Downley Common and the Green Belt to the north.
- 2.2. Permission was previously granted under 15/05062/FUL for closure of the existing vehicular access, the construction of a new vehicular access, the erection of a new 2m high gate with brick piers, and the refurbishment of the existing driveway to tie up with the new access point.
- 2.3. The creation of the new access, stopping up of the old access and driveway modifications have been implemented. However, instead of the gate and railings agreed under planning permission 15/05062/FUL, the applicant has erected a different gate, larger finial caps above the brick piers, and sweeping brick walls in place of the approved railings.
- 2.4. Application 17/06516/FUL sought to regularise the situation, but this was refused and dismissed at appeal. Notwithstanding the differences between the scheme as built and the scheme as detailed on the application drawings, it was considered that the 'proposals' were substantially similar enough that either development would raise the same issues, as detailed in the refusal decision notice and appeal decision. A copy of both of these documents is attached as Appendix B
- 2.5. The current proposal, drawing 102 dated 15.01.18 shows 2m of curved walls, either side of the driveway, from brick built columns, leading to taller brick piers with ball capped detail. These are adjacent an ornate black metal gate between 1.4m and mainly 1.8m in height. From the smaller brick piers is park railing fencing at a height of 1.2m (annotated on the drawing from road level). This fencing would extend along the roadside verge and have planting behind that would grow through.

## 3. **Working with the applicant/agent**

- 3.1. In accordance with paragraph 38 of the NPPF2 Wycombe District Council (WDC) 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. WDC 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 after the initial site visit. The applicant/ agent responded by submitting amended plans, which were found to be acceptable. However, the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

#### **4. Relevant Planning History**

- 4.1. 15/05062/FUL – Householder application for construction of new access including new 2m high gate and refurbishment of existing driveway – Approved and partially implemented
- 4.2. PI17/00272/ADRC – Application for approval of details subject to condition 3 (landscaping) of planning approval 15/05062/FUL
- 4.3. 17/06516/FUL – Householder application for construction of new wall and piers leading from Plomer Green Lane to the gates of Downley Lodge (retrospective). Refused and dismissed at appeal. (See Appendix C for decision notice and appeal decision)
- 4.4. 17/00030/OP – Alleged siting of 2 fences. This notice has been served and as yet has not been complied with. A copy of the notice is attached at Appendix D

#### **5. Issues and Policy considerations**

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

ALP: G8 (Detailed Design Guidance and Local Amenity), HE6 (New Development in Conservation Areas and Conservation Area Character Surveys), L1 (The Chilterns Area of Outstanding Natural Beauty) G11 (Trees and Hedgerows) and T2 (On-Site Parking and Servicing).

CSDPD: CS17 (Environmental Assets), CS19 (Raising the Quality of Place-Shaping and Design), CS20 (Transport and Infrastructure).

New Local Plan (Submission Version): DM30 (The Chilterns Area of Outstanding Natural Beauty), DM31 (Development Affecting the Historic Environment), CP11 (Historic Environment)

- 5.1. Downley Lodge is located within the Downley Conservation Area and the Chilterns Area of Outstanding Natural Beauty, bounded by Downley Common and the Green Belt to the north.
- 5.2. Policy HE6 of the Adopted Local Plan stipulates that within Conservation Areas the District Council will require proposals to preserve or enhance the special character and appearance of the area, having special regard to the Character Survey for that area. With regards to the impact on the special character and appearance of the Chilterns Area of Outstanding Natural Beauty (AONB) the application is assessed against Policy L1 of the Adopted Local Plan. In considering proposals for any development within the AONB, special attention will be paid to the conservation of its scenic beauty. Development will not be permitted if it is likely to damage the special character, appearance, or natural beauty of the landscape.
- 5.3. The essential character of the area arises from the long views across the common which is lined typically with Victorian artisan's cottages on the main road, and which provide an attractive back drop. Small groups of historic vernacular cottages and 1930s houses have evolved incrementally over time in woodland and alongside the informal tracks. Entrances are simple and low key with typically visually permeable timber gates. Boundary vegetation, trees, hedges and traditional materials contribute to the rural character.

- 5.4. The current proposal, drawing 102 dated 15.01.18 shows 2m of curved walls, either side of the driveway, from brick built columns, leading to taller brick piers with ball capped detail. These are adjacent an ornate black metal gate between 1.4m and mainly 1.8m in height. From the smaller brick piers is park railing fencing at a height of 1.2m (annotated on the drawing from road level). This fencing would extend along the roadside verge and have planting behind that would grow through. Thus the proposed development would blend in with its rural setting on the outskirts of the village. It is considered that the proposed development has now taken into account the site's sensitive location and the established character of its surroundings.
- 5.5. This revised proposal would therefore preserve the special character and appearance of the Downley Conservation Area, and would be considered not to have detrimental impact upon the special character and appearance the Chilterns Area of Outstanding Natural Beauty.

### **Transport matters and parking**

ALP: T2 (On – site parking and servicing),  
 CSDPD: CS16 (Transport),  
 DSA: DM2 (Transport requirements of development sites)  
 New Local Plan (Submission Version): CP7 (Delivering the infrastructure to support growth),  
 DM33 (Managing Carbon Emissions, Transport and Energy Generation)

#### Highway Impact

- 5.6. The County Highway Authority have raised no objection to the proposed development given that the Inspector in reaching his decision on the appeal for 17/06516/FUL did not refuse the development on highway safety grounds. They did request that a condition be placed on any decision issued regarding all other existing access points and that these should be stopped up.
- 5.7. The appeal decision is very much a material consideration of this planning application and as the Inspector found no harm in respect to highway safety and this current application is considered to improve site visibility a refusal on these grounds could not be sustained.

#### Parking

- 5.8. Having regards to the size and layout of the application site, the proposed works would not be considered to raise any issues in respect of the level of on-site parking available to the occupiers of the dwelling.

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

- 5.9. The proposed gate, walls and railings would not be considered to raise any concerns in respect of the residential amenities of the adjacent property or the occupiers of Downley Lodge itself.

### **Ecology/Trees**

ALP: G11 (Trees and Hedgerows),  
 CSDPD: CS17 (Environmental assets)  
 DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)  
 New Local Plan (Submission Version): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

- 5.10. There would be an extension to the existing railings towards the entrance gates but these would replace the existing brick wall. Taking into account confirmation from the agent that the proposed railings would be suspended on posts and would not require any underground works such as foundations the Council's Tree Officer raised no objections in principle

### **Historic environment (or Conservation Area or Listed Building Issues)**

ALP: HE6 (Conservation areas),

CSDPD: CS17 (Environmental assets)

New Local Plan (Submission Version): CP9 (Sense of place), CP11 (Historic Environment),

DM20 (Matters to be determined in accordance with the NPPF), DM31 (Development

Affecting the Historic Environment)

- 5.11. The Council's Conservation Officer requested that the proposal as submitted be amended to over-come the reasons for refusal. Whilst this application had gone some way to addressing these they had not been fully dealt with.
- 5.12. The amended proposals reduce the length of the flanking walls and the ornate finials/gate piers have reverted to the approved design. These amendments mitigate rather than overcome the impact on the conservation area's character and appearance. The application would now be difficult to justify a refusal so, on balance, there is no further objection on heritage grounds.

### **Recommendation: Application Permitted**

- 1 Within 3 months of the grant of this permission the existing gates and walls shall be removed from the site and the new wall, gates and railings erected in accordance with details shown on the drawing hereby approved.  
Reason: To ensure a satisfactory development of the site and to preserve the special character and appearance of the Downley Conservation Area, and the Chilterns Area of Outstanding Natural Beauty.
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 203, 202, 101 and 102B dated 15.01.2018 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 All other existing access points not incorporated in the development hereby permitted shall be stopped up by removing the existing bellmouth 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 for the safety and convenience of the highway user.

### **INFORMATIVE(S)**

- 1 In accordance with paragraph 38 of the NPPF2 Wycombe District Council (WDC) 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. WDC 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 after the initial site visit. The applicant/ agent responded by submitting amended plans, which were found to be acceptable. However, the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

# Agenda Item 6. Appendix A

18/07538/FUL

## Consultations and Notification Responses

### Ward Councillor Preliminary Comments

**Councillor Paul Turner** - I note that this has been called to Committee by Cllr Mallen. If you are minded to approve, I would like the opportunity to review your recommendation prior to a final decision being made.

**Councillor Mrs Wendy J Mallen** - Please can this application be brought to the Planning Committee if you are minded to approve, as I have received emails from residents objecting to this application on the grounds of Road Safety and protecting the Conservation area from over urbanisation.

### Parish/Town Council Comments/Internal and External Consultees

#### **Downley Parish Council (original plans)**

Comments: Customer objects to the Planning Application

A previous planning application for the same property (17/06516/FUL) was rejected, with the decision being upheld on appeal, citing poor visibility splays that left it unsuitable for a road with a 60mph limit. The splays have been improved with this proposal, but still fail to meet national standards.

Furthermore, prior to installation of these gates (Mar 2016) the original entrance was smaller and more discrete. The current and proposed entrance is excessively large, representing an unsuitable suburbanisation of Downley Conservation area.

The proposed designs reflect what the Chilterns Conservation Board "Buildings Design Guide" refer to as an unfortunate trend of the dominant & large driveways.

It is for these reasons that Downley Parish Council strongly object to this application.

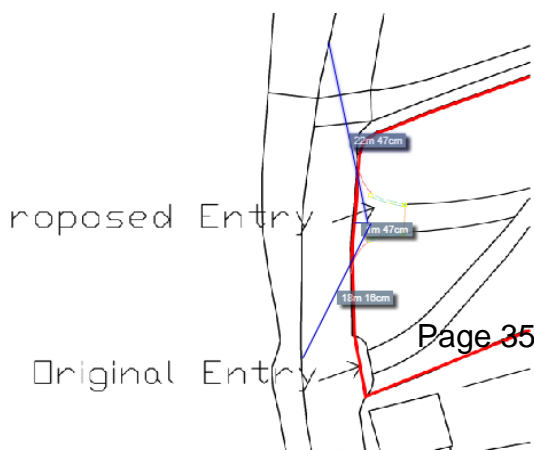
#### **(Amended plans)**

The Parish Council would like the following objection considered when deciding this application –

The note of 30<sup>th</sup> Oct from Highways Development Management states that that the appeal decision notice for application 17/06516/FUL "the gates and front entrance wall would not be detrimental to highway safety". This missed a key element of the Appeal document relating to 17/06516/FUL (Ref: APP/K0425/D/18/3193279) that clearly states in point 12 "The visibility splays do not meet the standards for a road subject to the national speed limit."

Downley Parish Council feel that any application that fails to meet the standards crucial for road safety cannot be approved by Council as it will leave the Parishioners of Downley worse off and with sub-standard safety.

This is backed up by Bucks CC Manual for Streets that is clear on these matters. In "Visibility splays at junctions" (7.7) clearly defines the expectations that on a road subject to national speed limit, the stopping sight distance (SSD) is 56 metres (ref table 7.1, p91). Using the requirements outlined in 7.7 of MfS for splays on a bend, the proposed plans fail to meet the required 1.5m x



56m, as the splays are 1.5m x 22m (north) and 1.5m x 18m (south).

Given that the objections in point 12 of the Appeal document (“The visibility splays do not meet the standards for a road subject to the national speed limit”) and the expectations set out in MfS are similarly not met, it feels unsuitable that these matters are overlooked.

The MfS foreword outlines “the value of a clear and well-connected street network, well defined public and private spaces, and **streets that can be used in safety by a wide range of people.**” As such, the planning issue should focus on the safety and corresponding duty of care owed to wider community of road users and the safety of the community, rather than trying to work with the applicant in isolation.

DPC are also keen to stress that whilst road safety is important, this property sits within Chilterns AONB. DPC would like it noted that under Wycombe District Local Plan to 2011 (the local plan), Policy L1 states that development in the Chilterns AONB will not be permitted if is likely to damage the special character, appearance or natural beauty of the area.

The Chiltern Conservation Board publication the Chilterns Buildings Design Guide states in 3.89 that “Entrance gates should be simple and visibly permeable and ornamental railings should be avoided” and goes on to state that elaborate entrances should be avoided. Given this, the proposed design is overly elaborate when compared to the original gates and also contains ornamental railings that, in the words of CCB “should be avoided”.

The small number of properties in Plomer Green Lane with curved brick walls at their entrances are not on the same scale as those proposed and the suggested design is not typical of the area or desirable within AONB. The Downley Village Design Statement contains a clear recommendation that “Whilst there is no cohesive style, there is a distinct character in the village of ‘understatement’.” The walls, piers and large finials, are not understated but overly ornate and jar with immediate surroundings of the conservation area and the wider rural area of the AONB.

The proposed plans do not meet with the principles for road splays laid out in the MfS, the design principles of the Chilterns Buildings Design Guide (and WDC’s own Local Plan) or the Downley Village Design Statement and clearly have a harmful impact on the AONB and conservation area. There is no public benefit and serve to damage the special character and appearance of the conservation area and AONB.

#### **Further comments –**

A previous planning application for the same property (17/06516/FUL) was rejected, with the decision being upheld on appeal, citing poor visibility splays that left it unsuitable for a road with a 60mph limit. The splays have been improved with this proposal, but still fail to meet national standards.

Furthermore, prior to installation of these gates (Mar 2016) the original entrance was smaller and more discrete. The current and proposed entrance is excessively large, representing an unsuitable suburbanisation of Downley Conservation area.

The proposed designs reflect what the Chilterns Conservation Board "Buildings Design Guide" refer to as an unfortunate trend of the dominant & large driveways

#### **County Highway Authority (original plans)**

Comments: I note that the Highway Authority has provided previous comments for this site, most recently for application no. 17/06516/FUL, which in a response dated 18th July 2017; the Highway Authority raised objection to the proposals.

The Highway Authority previously had concerns regarding the visibility from the access point and the annexation of highway land. When assessing the plans submitted I note that the entrance wall

has been moved back from the carriageway edge by 1.5m. Therefore, visibility would be improved in comparison to the current situation.

In light of previous comments provided by the Planning Inspector in the appeal decision notice for application no. 17/06516/FUL; where it was deemed by the Planning Inspector that the gates and front entrance wall would not be detrimental to highway safety, I would not be in a position to recommend refusal in this instance given that this application proposes an improvement in visibility to that of the previous application and current situation.

Notwithstanding this, as previously noted by the Highway Authority, the highway boundary was not reinstated after the closing up of the previous access and instead a section of highway has been annexed with hedging and fencing. This situation should be addressed by cleared and returning the land in question to verge, or the applicant should apply for a stopping up order via Section 247/248 of the Town and Country Act 1990 or seek extinguishment of highway rights via a magistrate's court. In terms of the latter, only if the Highway Authority is satisfied that the land is not required to form part of the maintained network will the highway rights be extinguished upon it. As for the former, I am satisfied that this can be secured by way of condition.

Mindful of the above, the Highway Authority raises no objections to this application, subject to the following condition being included on any planning consent that you may grant:

Condition: All other existing access points not incorporated in the development hereby permitted shall be stopped up by removing the existing bellmouth 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 for the safety and convenience of the highway user.

**(Amended plan)**

Comments: I write further to my comments dated 30th October 2018. Since my last response the applicant has submitted amended plans. My comments are given in reference to the information provided and should be read in conjunction with my aforementioned previous comments for this application.

The Highway Authority previously had concerns regarding the visibility from the access point and the annexation of highway land. When assessing the amended plans submitted I note that the entrance wall is proposed to be moved back a further 1.5m from the carriageway edge to that of the previous proposal. Therefore, visibility would be improved in comparison to the current situation and as such, I would like to reiterate comments made in my previous response:

In light of previous comments provided by the Planning Inspector in the appeal decision notice for application no. 17/06516/FUL; where it was deemed by the Planning Inspector that the gates and front entrance wall would not be detrimental to highway safety, I would not be in a position to recommend refusal in this instance given that this application proposes an improvement in visibility to that of the previous application and current situation.

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Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

### **Conservation Officer Spatial Planning (original plans)**

Comments: The existing gates and flanking brick walls were considered at appeal. The Inspector noted: "the walls and piers, together with the large ball finials, are overly grand and ornate and present an incongruous suburban appearance in the immediate surroundings of the conservation area and the wider rural area of the AONB. On the basis of the information before me, it seems to me that they are higher than the ones serving the previous entrance. They have a harmful impact on the modest scale of the conservation area and there is no public benefit which weighs against this harm". The current proposals set the gate piers back from the road but otherwise does not overcome the issues previously raised. Consequently, the application must be amended to address the previous reasons for refusal before it can be supported in heritage terms.

### **Arboriculture Spatial Planning**

Comments: From the plans/officer photos the re-sited iron fence appears to be closer to a roadside yew. Details as to how the construction can be achieved without harming the tree may be required. Please feel free to discuss.

### **(amended plans)**

I have no objections in principle

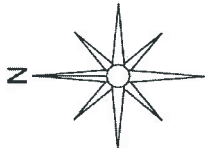
### Representations

One letter received on the original plans that stated they were not objecting to the application just to the way the grounds are maintained

18/07538/FUL

Scale 1/2500





Location Plan 1:1250



**NOTES:**

This drawing is to be read in conjunction with all relevant Architects and Engineers drawings. Only figured dimensions are to be used. For construction, all dimensions are to be verified on site prior to work commencing.

REV	AMENDMENT	DATE
-----	-----------	------

TITLE  
**Downley Lodge  
HP13 5XN**

**Location Plan**

DATE	26.09.18	SCALE	1:1250 @ A3
DRAWN	BS	APPROVED	

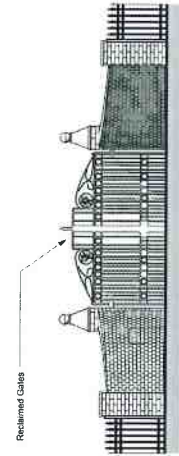
**Home Counties  
Architectural  
Services**

DRAWING STATUS  
**APPROVAL**

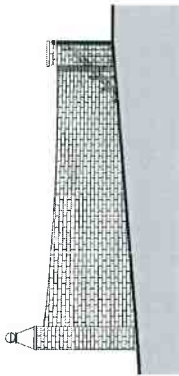
REV	203
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**NOTES:**

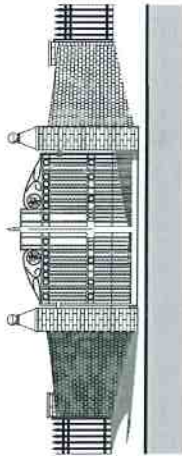
This drawing is to be read in conjunction with all relevant Architects and Engineers drawings.  
Only figured dimensions are to be used for construction.  
All dimensions are to be verified on site prior to work commencing.



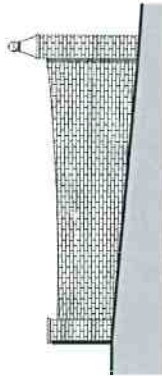
1 **Front Elevation**  
1 : 50



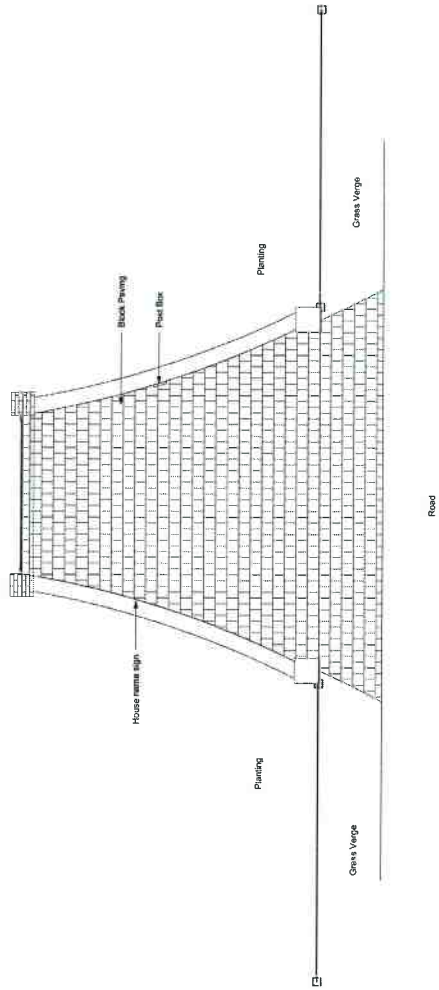
2 **LH Elevation**  
1 : 50



3 **Rear Elevation**  
1 : 50



4 **RH Elevation**  
1 : 50



5 **Plan View**  
1 : 50

Downley Lodge  
HP13 5XN

Existing

Project number 024

Date 26.09.18

Drawn by Brian Strong

101

Scale @ A1 1 : 50

**NOTES:**  
This drawing is to be read in conjunction with all relevant Architects and Engineers drawings  
Only fixed dimensions are to be used for construction  
All dimensions are to be verified on site prior to work commencing

No.	Description	Date

**Downley Lodge**  
**HP13 5XN**

**Proposed B**

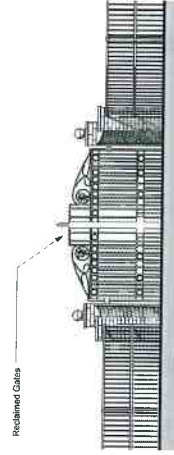
Project number: 024

Date: 15.01.18

Drawn by: Brien Strong

102

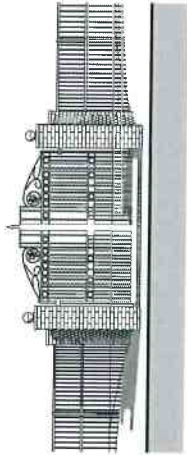
Scale @ A1: 1 : 50



**1**  
**Front Elevation**  
1 : 50



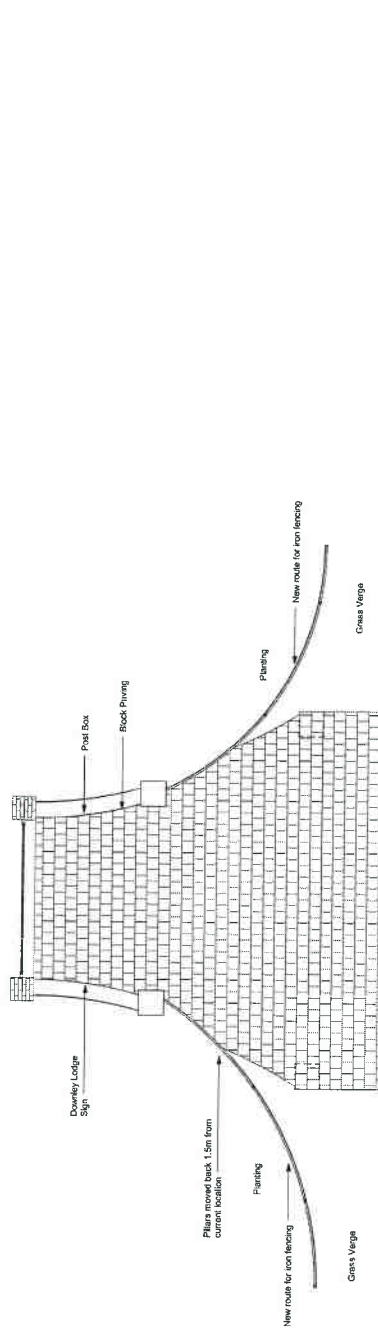
**2**  
**LH Elevation**  
1 : 50



**3**  
**Rear Elevation**  
1 : 50

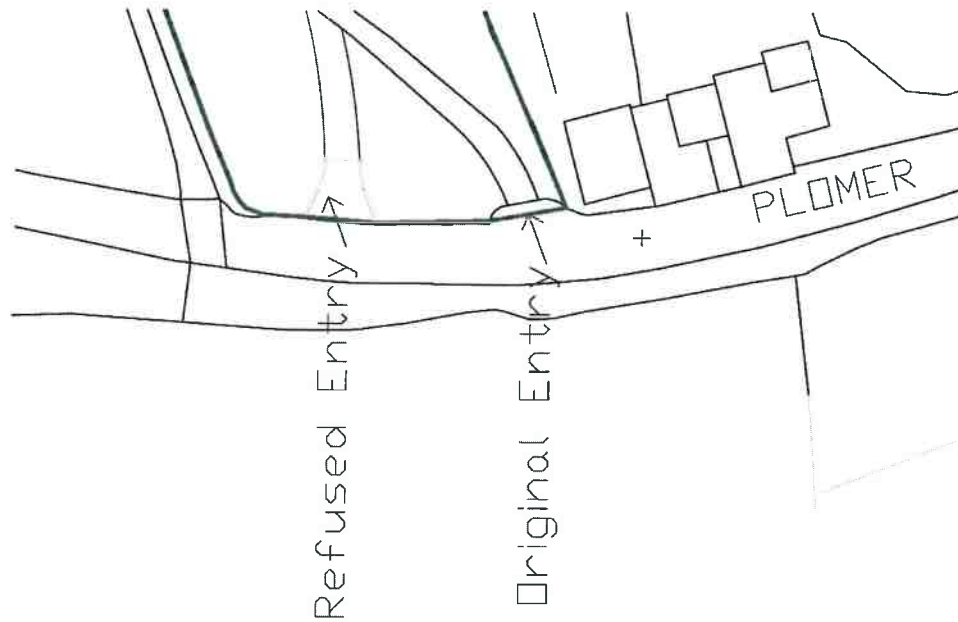
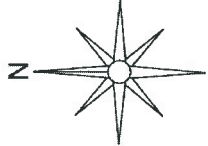


**4**  
**RH Elevation**  
1 : 50

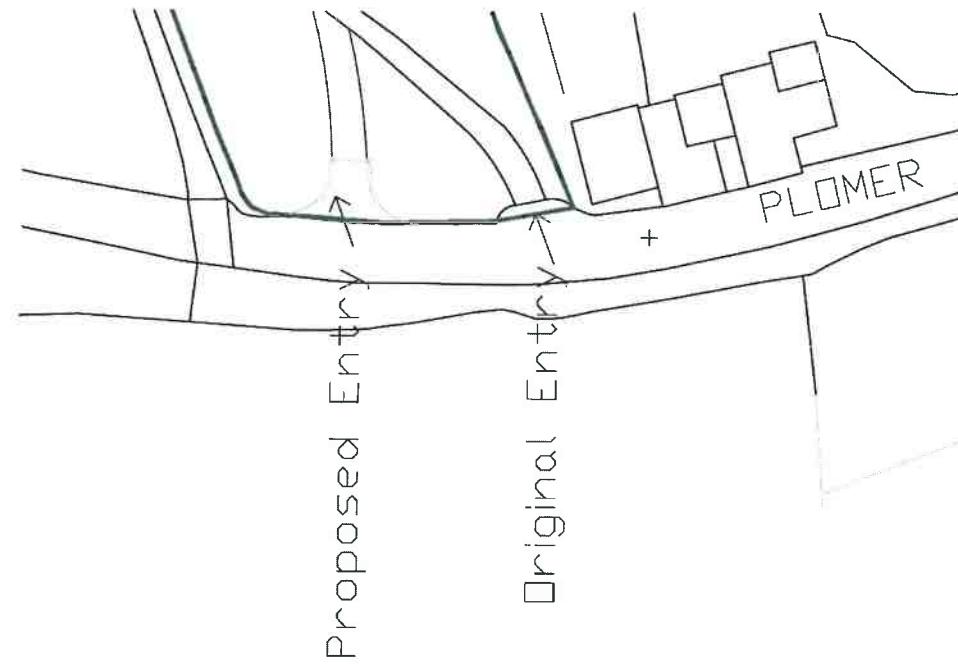


**5**  
**Plan View**  
1 : 50





Existing Block Plan 1:500



Proposed Block Plan 1:500



**NOTES:**

This drawing is to be read in conjunction with all relevant Architects and Engineers drawings. Only figured dimensions are to be used, for construction, all dimensions are to be verified on site prior to work commencing.

REV	AMENDMENT	DATE

TITLE  
**Downley Lodge  
 HP13 5XN**

**Existing & Proposed  
 Block Plans**

DATE	26.09.18	SCALE	1:500 @ A3
DRAWN	BS	APPROVED	

**Home Counties  
 Architectural  
 Services**

DRAWING STATUS  
**APPROVAL**

DRAWING No	<b>202</b>	REV	
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## Appeal Decision

Site visit made on 4 April 2018

**by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: Wednesday 18<sup>th</sup> April 2018.**

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**Appeal Ref: APP/K0425/D/18/3193279**

**Downley Lodge, Plomer Green Lane, Downley, HP13 5XN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr R Santos against the decision of Wycombe District Council.
  - The application Ref 17/06516/FUL, dated 5 June 2017, was refused by notice dated 10 November 2017.
  - The development proposed is new wall and piers leading from Plomer Green Lane to the gates of Downley Lodge.
- 

### Decision

1. The appeal is dismissed.

### Main issue

2. The main issues are the effect of the proposal on the character and appearance of the area and on highway safety.

### Reasons

3. The appeal site is a large detached house located on the northern edge of Downley within the Chilterns AONB. It is on the western edge of the Downley Common Conservation Area which is characterised partly by open common land and partly by a mix of housing, ranging from small Victorian cottages through larger 1930s houses to more modern houses. The pattern of development also varies from close knit terraced houses to wider spaced semi-detached and detached properties, from houses close to the road to those set further back.
3. There is a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework (the Framework) states that in the consideration of development proposals weight should be given to the conservation of heritage assets in accordance with the significance of the asset.
4. Planning policies relevant in this case include policy G3 of the Wycombe District Local Plan to 2011 (the local plan) which, among other things, requires development to be of a high standard of design which is sympathetic to the local surroundings. Policy HE6 requires development in conservation areas to preserve or enhance the special character or appearance of the area. Policy L1 states that development in the Chilterns AONB will not be permitted if it is likely to damage the special character, appearance or natural beauty of the area.

5. Policies CS17 and CS19 of the Wycombe Development Framework Core Strategy 2008 (the Core Strategy) relate to the conservation and enhancement of environmental assets, including the AONB and historic environments, and design standards.
6. The appeal relates to new brick walls and piers associated with new entrance gates. It follows a scheme for the creation of a new access, the stopping up of the old access and modifications to the entrance driveway permitted in 2015. That scheme included brick piers and 2m high metal gates. The brick walls and piers the subject of this appeal have been constructed and are not in accordance with the permitted scheme. They also differ from the scheme shown on the plans submitted with the application. Their scale and design are broadly similar in each case and raise the same issues.
7. I consider that the size, scale and design of the walls and piers as built and as shown on the submitted plans are such that they are out of keeping with the prevailing pattern of development in the conservation area and the character and appearance of the rural setting of the village within the wider area of the AONB. Front boundary and entrance details throughout the area are a wide mix of hedges and trees with some instances of low brick walls, and low brick piers marking both pedestrian and vehicular entrances and some with open frontages.
8. I saw during my site visit that there are a small number of properties in Plomer Green Lane with curved brick walls at their entrances. However, they are not on the same grand scale as the appeal scheme and are not typical of the area. Where there are brick walls and/or piers, they are lower and less ornate, for example in Commonsides, fronting terraced brick houses.
9. In my opinion, the walls and piers, together with the large ball finials, are overly grand and ornate and present an incongruous suburban appearance in the immediate surroundings of the conservation area and the wider rural area of the AONB. On the basis of the information before me, it seems to me that they are higher than the ones serving the previous entrance. They have a harmful impact on the modest scale of the conservation area and there is no public benefit which weighs against this harm.
10. I conclude that they fail to preserve or enhance the character and appearance of the conservation area, contrary to local plan policies G3 and HE6 and CS17 and CS19 of the Core Strategy. They fail to conserve the character of the AONB contrary to local plan policies G3 and L1 and CS17 and CS19 of the Core Strategy.
11. The walls and piers serve a new entrance to the property. They replace a previous one which was located closer to Downley Lodge Cottage immediately to the south. There is some disagreement between the Council and the appellant regarding the dimensions of the visibility splays in that the Council maintains that they do not meet the requirements of the original planning permission granted for the relocation of the entrance.
12. I saw during my site visit that the brick piers closest to the road are the lowest part of the walls, at approximately one metre high, and they are set back from the carriageway. The visibility splays do not meet the standards for a road subject to the national speed limit. However, it seems to me, on the basis of the information before me, that they are a significant improvement over the



previous entrance and I consider that the discrepancy between the scheme as built and that permitted would not be sufficient on its own to dismiss the appeal. The gates are set at an adequate distance from the highway to allow vehicles to pull off the highway before opening them.

13. I consider that the development would provide satisfactory access to and from the property and in this respect would be consistent with Core Strategy policy CS20 which relates to transport and infrastructure. I conclude that it would not be detrimental to highway safety.
14. I have found that the scheme is acceptable in terms of highway safety, but this does not outweigh my finding on the other main issue that it is out of keeping with the character and appearance of the conservation area and the AONB.
15. For the reasons given above, the appeal is dismissed.

*PAG Metcalfe*

INSPECTOR

APPLICATION NO: 17/06516/FUL

Town and Country Planning Act 1990

Town and Country Planning  
(Development Management Procedure) (England) Order 2015



Agent :

Prizepalm Ltd  
1 The Queensway  
Gerrards Cross  
SL9 8NF

Applicants Details :

Mr R Santos  
Downley Lodge  
Plomer Green Lane  
Downley  
Buckinghamshire  
HP13 5XN

In pursuance of its powers under the above-mentioned Act and Orders the Wycombe District Council as Local Planning Authority hereby REFUSE PERMISSION for:-

**Proposal: Householder application for construction of new wall and piers leading from Plomer Green Lane to the gates of Downley Lodge (retrospective)**

**At: Downley Lodge  
Plomer Green Lane  
Downley  
Buckinghamshire  
HP13 5XN**

In accordance with your application received on 06.06.2017 and the plans and particulars accompanying it.

The reason(s) for refusing your application are:

- 1 In the opinion of the Local Planning Authority the proposed development would represent an incongruous feature, at odds with the rural character and appearance of the area, to the detriment of the special character and appearance of the Downley Conservation Area and the Chilterns Area of Outstanding Natural Beauty. The development is therefore contrary to Policies G3 (General Design Policy), H17 (Extensions and Other Developments Within Residential Curtilages), HE6 (New Development in Conservation Areas and Conservation Area Character Surveys), and L1 (The Chilterns Area of Outstanding Natural Beauty) of the Adopted Wycombe District Local Plan to 2011 (as saved, extended and partially replaced), and Policies CS17 (Environmental Assets), CS19 (Raising the Quality of Place-Shaping and Design) of the Core Strategy DPD (Adopted July 2008). The above policies are considered to accord with the National Planning Policy Framework (NPPF).

- 2 In the opinion of the Local Planning Authority the proposed development would, by virtue of its layout and design, design impinge upon vehicular intervisibility and involves the annexation of highway land maintained at public expense, to the detriment of the safety and convenience of users of the highway. The development is therefore contrary to Policy T2 (On-Site Parking and Servicing) of the Adopted Wycombe District Local Plan to 2011 (as saved, extended and partially replaced), and Policy CS20 (Transport and Infrastructure) of the Core Strategy DPD (Adopted July 2008).  
The above policies are considered to accord with the National Planning Policy Framework (NPPF).

#### 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 agent was advised that the submitted scheme did not match the development as built, that neither the proposal nor the built development were in accordance with the development plan, and that no material considerations were apparent to outweigh these matters. The agent was provided the opportunity to amend the application to replace the walls with low metal railings along the trajectory of the original application, however amendments were not received. The application was subsequently refused.

Dated: 10 November 2017

*Penelope Tollitt*

PENELOPE TOLLITT  
Head of Planning and Sustainability  
For and on behalf of the Council

#### **FURTHER INFORMATION:**

**The plans & details considered include:**  
P.01/01; P.02/01; P.03/01; P.04/01

#### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN . Tel: 0303 444 5000, e-mail: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.



**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**(as amended)**

# **ENFORCEMENT NOTICE**

**ISSUED BY: Wycombe District Council (the "Council")**

**1. THIS NOTICE** is issued by the Council because it appears to it that there has been a breach of planning control within paragraph (a) of Section 171A(1) of the above Act, at the land described below. The Council considers that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the Notice contains important additional information.

## **2. THE LAND TO WHICH THE NOTICE RELATES**

Land at: **Downley Lodge (also known as "The Lodge"), Plomer Green Lane, Downley, Buckinghamshire HP13 5XN**, shown edged red on the attached plan (the "Land").

## **3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the erection of brick piers, metal entrance gates and sweeping brick walls all exceeding 1 metre in height and adjacent to a highway used by vehicular traffic

## **4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last **FOUR** years.

1. In the opinion of the Local Planning Authority, the development represents an incongruous feature, at odds with the rural character and appearance of the area, to the detriment of the special character and appearance of the Downley Conservation Area and the Chilterns Area of Outstanding Natural Beauty. The development is therefore contrary to Policies G3 (General Design Policy), H17 (Extensions and Other Developments Within Residential Curtilages), HE6 (New Development in Conservation Areas and Conservation Area Character Surveys), and L1 (The Chilterns Area of Outstanding Natural Beauty) of the Adopted Wycombe District Local Plan to 2011 (as saved, extended and partially replaced), and Policies CS17 (Environmental Assets), CS19 (Raising the Quality of Place-Shaping and Design) of the Core Strategy DPD (Adopted July 2008).

The above policies are considered to accord with the National Planning Policy Framework

(NPPF).

2. In the opinion of the Local Planning Authority the development, by virtue of its layout and design, impinges upon vehicular intervisibility and involves the annexation of highway land maintained at public expense, to the detriment of the safety and convenience of users of the highway. The development is therefore contrary to Policy T2 (On-Site Parking and Servicing) of the Adopted Wycombe District Local Plan to 2011 (as saved, extended and partially replaced), and Policy CS20 (Transport and Infrastructure) of the Core Strategy DPD (Adopted July 2008).

The above policies are considered to accord with the National Planning Policy Framework (NPPF).

The Council does not consider that planning permission should be given, because conditions could not overcome these objections to the development.

## 5. WHAT YOU ARE REQUIRED TO DO

1. Demolish the sweeping brick walls (shown as blue lines on the attached plan); and
2. Demolish the brick piers and the metal entrance gates (shown as a green line on the attached plan); and
3. Remove all materials and debris resulting from complying with Steps 1 and 2 of this Notice from the Land shown outlined in red on the attached plan.

OR

4. Demolish the sweeping brick walls (shown as blue lines on the attached plan); and
5. Alter the brick piers and the metal entrance gates (shown as a green line on the attached plan) so that they match the gate and the piers approved by the planning permission that was granted under reference number 15/05062/FUL (a copy of the plans are attached to this Notice); and
6. Remove all materials and debris resulting from complying with Steps 4 and 5 of this Notice from the Land shown outlined in red on the attached plan.

## 6. TIME FOR COMPLIANCE


Within 4 months of this Notice taking effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the 1<sup>st</sup> April 2018 unless an appeal is made against it prior to that date.

Dated: 01/02/18

Signed

  
District Solicitor  
Democratic, Legal and Policy Services

On behalf of

WYCOMBE DISTRICT COUNCIL  
Queen Victoria Road

High Wycombe  
Bucks HP11 1BB

Enforcement case file - 17/00030/OP

## **LIST OF THOSE SERVED WITH A COPY OF THE ENFORCEMENT NOTICE**

Ramon Santos  
Downley Lodge, Plomer Green Lane,  
Downley, Buckinghamshire HP13 5XN

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Stacy Romano  
Downley Lodge, Plomer Green Lane,  
Downley, Buckinghamshire HP13 5XN

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The Owner(s)  
Downley Lodge, Plomer Green Lane,  
Downley, Buckinghamshire HP13 5XN

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The Occupier(s)  
Downley Lodge, Plomer Green Lane,  
Downley, Buckinghamshire HP13 5XN

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Stacey Maria Santos  
Downley Lodge, Plomer Green Lane,  
Downley, Buckinghamshire HP13 5XN

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The Company Secretary/Clerk  
Coventry Building Society, Economic House,  
P.O. Box 9, High Street, Coventry CV1 5QN

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Legal Department  
Buckinghamshire County Council, County Hall, Walton Street,  
Aylesbury HP20 1UA

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Transport For Buckinghamshire  
Buckinghamshire County Council, County Hall,  
Walton Street, Aylesbury HP20 1UA

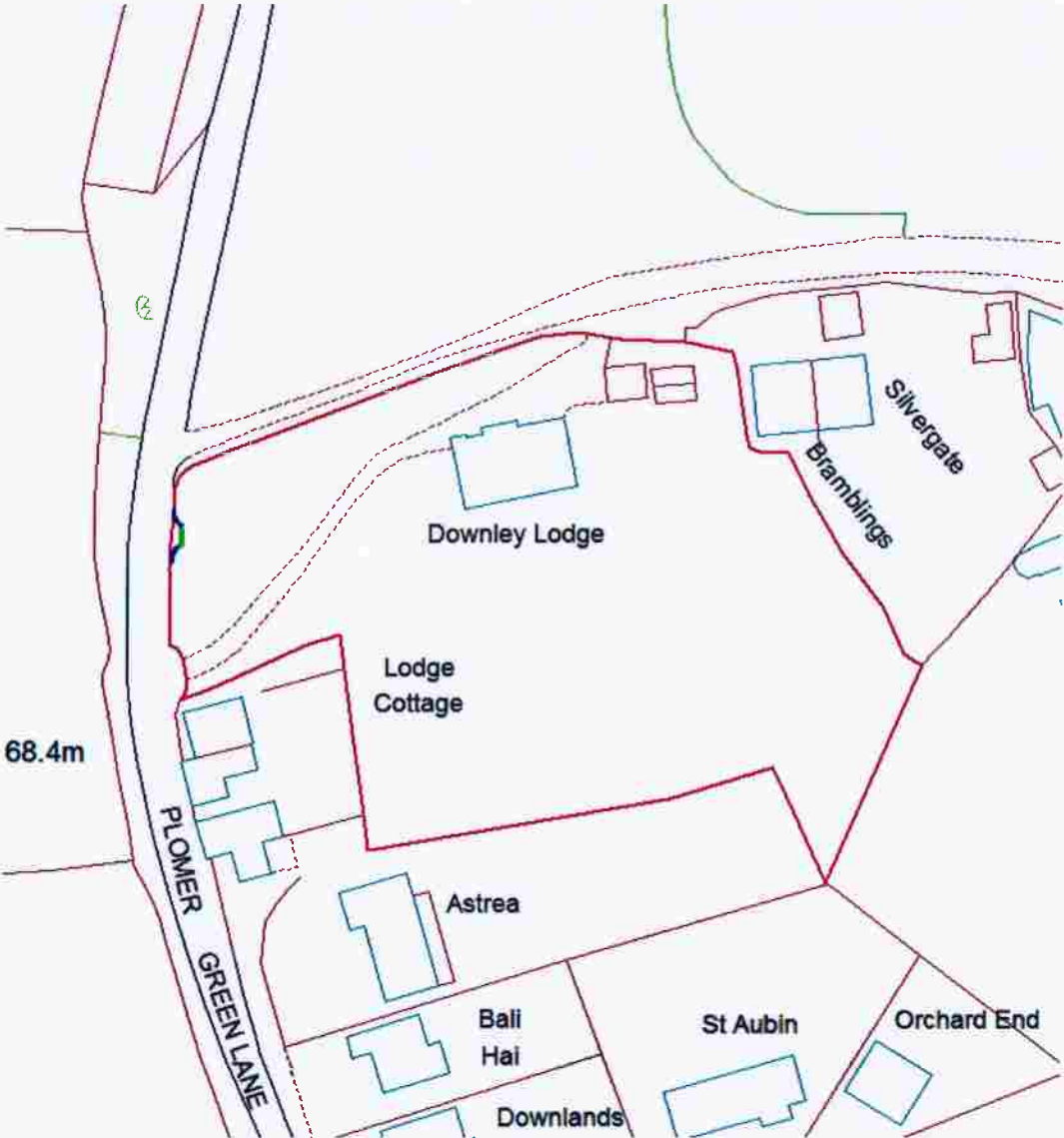
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Highways Development Management  
Buckinghamshire County Council, County Hall,  
Walton Street, Aylesbury HP20 1UA

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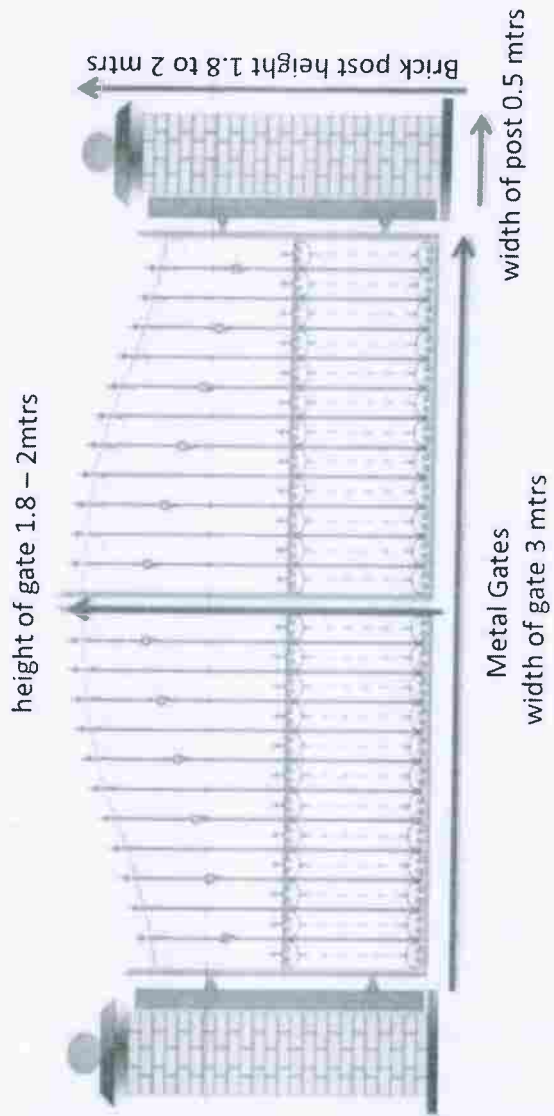
# Location Plan



**Proposed gate entrance**  
(revised on council recommendation)

**Downley Lodge**

**Elevations**



19 JAN 2013

WYCOMBE DISTRICT

Ref: 15 / CS062 / F01 /

AMENDED

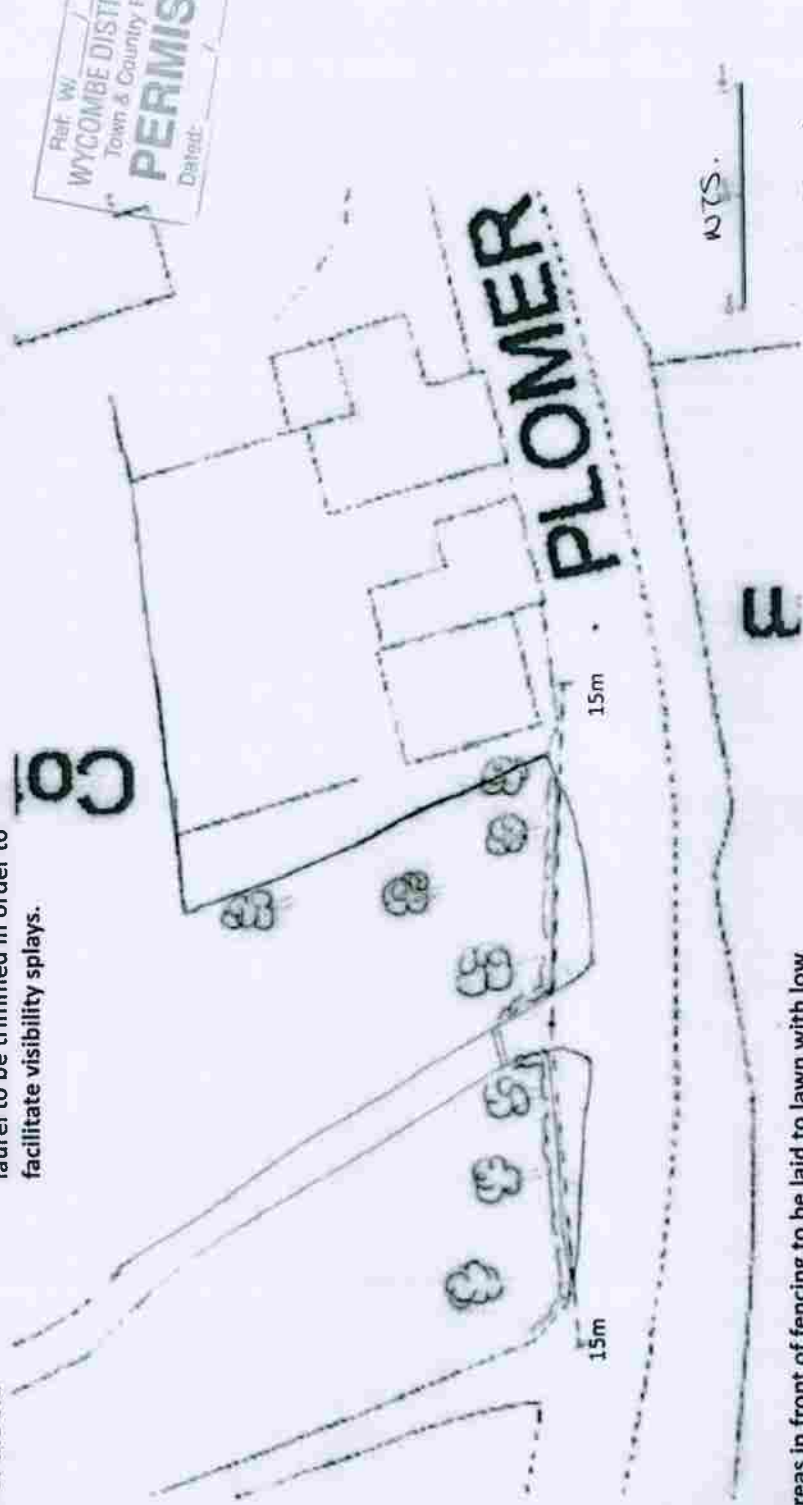
WDC 3A

Two trees to be removed which are currently sited in centre of proposed access point to driveway (trees to be replaced with 'like-for-like' to close the gap of the old entrance )

Existing 0.8m iron fencing to be moved back in line with visibility splays (max 2m movement, decreasing in line with visibility splays). Some shrubs and laurel to be trimmed in order to facilitate visibility splays.

Laurel and shrubs to be planted behind fencing matching the existing perimeter and in keeping with the area.

3



Ref: W/  
WYCOMBE DISTRICT COUNCIL  
Town & Country Planning Acts  
**PERMISSION**  
Date:

5m from highway,  
tarmacadam surface

Small areas in front of fencing to be laid to lawn with low level flower beds and shrubs (under 0.6m)

2.4 x 15m vision splay

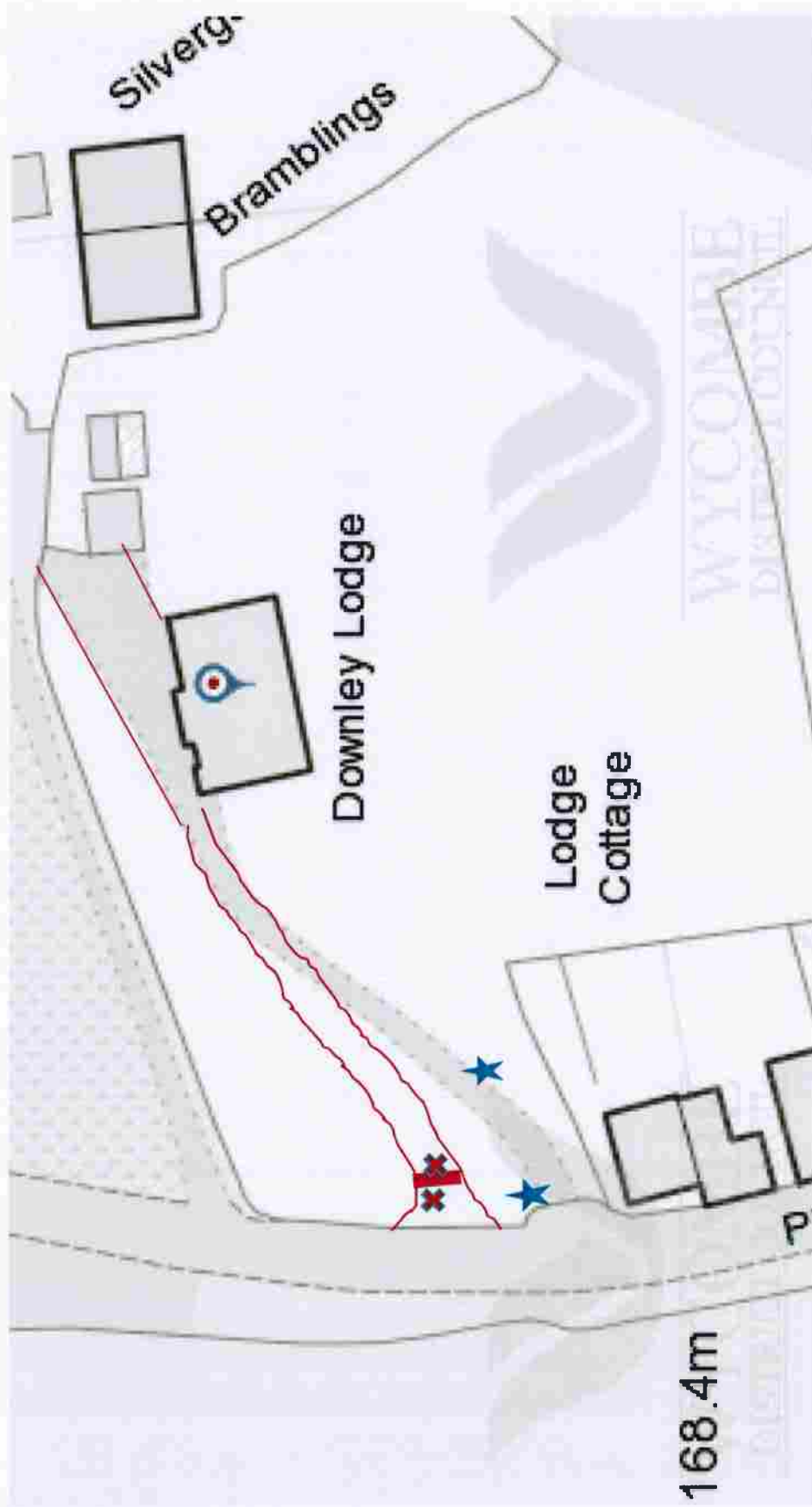
REF: 15/15002/PL

PLANNING  
12 MAR 2015  
WYCOMBE DISTRICT

ADDITIONAL PLANS

Downley Lodge ✖ : Current location of trees to be removed.

★ : Site of replacement trees



## **YOUR RIGHT OF APPEAL**

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 7 of the notice. The enclosed Information Sheet explains how to appeal against this enforcement notice.

## **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

### **The legislative provisions for enforcement notices and appeals**

The powers of local planning authorities to issue enforcement notices, expressions used in the enforcement of planning control and the right of appeal to the Secretary of State against enforcement notices are in sections 171A, 171B, and 172 to 177 of the Town and Country Planning Act 1990 (as amended). These provisions are stated in full below.

#### **Section 171A – Expressions used in connection with enforcement**

- (1) For the purposes of this Act—
  - (a) carrying out development without the required planning permission; or
  - (b) failing to comply with any condition or limitation subject to which planning permission has been granted,constitutes a breach of planning control.
- (2) For the purposes of this Act—
  - (a) the issue of an enforcement notice (defined in section 172); or
  - (b) the service of a breach of condition notice (defined in section 187A),constitutes taking enforcement action.
- (3) In this Part “planning permission” includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

#### **Section 171B – Time limits**

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
- (2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).
- (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.



- (4) The preceding subsections do not prevent—
  - (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
  - (b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.

#### **Section 172 – Issue of enforcement notice**

- (1) The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them—
  - (a) that there has been a breach of planning control; and
  - (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- (2) A copy of an enforcement notice shall be served—
  - (a) on the owner and on the occupier of the land to which it relates; and
  - (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
- (3) The service of the notice shall take place—
  - (a) not more than twenty-eight days after its date of issue; and
  - (b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

#### **172A Assurance as regards prosecution for person served with notice**

- (1) When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter—
  - (a) explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,
  - (b) giving the person one of the following assurances—
    - (i) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or
    - (ii) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,
  - (c) explaining, where the person is given the assurance under paragraph (b)(ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and
  - (d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- (2) At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.
- (3) The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- (4) Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being

- a time before the withdrawal when steps had not been taken or an activity had not ceased.
- (5) An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.

### **Section 173 – Contents and effect of notice**

- (1) An enforcement notice shall state—
- (a) the matters which appear to the local planning authority to constitute the breach of planning control; and
  - (b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.
- (2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
- (3) An enforcement notice shall specify the steps which the authority requires to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
- (4) Those purposes are—
- (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
  - (b) remedying any injury to amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require—
- (a) the alteration or removal of any buildings or works;
  - (b) the carrying out of any building or other operations;
  - (c) any activity on the land not to be carried on except to the extent specified in the notice; or
  - (d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.
- (6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a “replacement building”) which, subject to subsection (7), is as similar as possible to the demolished building.
- (7) A replacement building—
- (a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;
  - (b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;
  - (c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).
- (8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.
- (9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.
- (10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under

section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.

(11) Where—

- (a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and
- (b) all the requirements of the notice have been complied with,

then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(12) Where—

- (a) an enforcement notice requires the construction of a replacement building; and
- (b) all the requirements of the notice with respect to that construction have been complied with,

planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

### **Section 173A – Variation and withdrawal of enforcement notices**

- (1) The local planning authority may—
  - (a) withdraw an enforcement notice issued by them; or
  - (b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).
- (2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.
- (3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.
- (4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

### **Section 174 – Appeal against enforcement notice**

- (1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.
- (2) An appeal may be brought on any of the following grounds—
  - (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
  - (b) that those matters have not occurred;
  - (c) that those matters (if they occurred) do not constitute a breach of planning control;
  - (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
  - (e) that copies of the enforcement notice were not served as required by section 172;
  - (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of



- planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.
- (2A) An appeal may not be brought on the ground specified in subsection (2)(a) if –
- (a) the land to which the enforcement notice relates is in England, and
  - (b) the enforcement notice was issued at a time –
    - (i) after the making of a related application for planning permission, but
    - (ii) before the end of the period applicable under section 78(2) in the case of that application.
- (2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.
- (2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may be also brought on the grounds that –
- (a) the relevant demolition was urgently necessary in the interests of safety or health;
  - (b) it was not practicable to secure safety or health by works of repair or works affording temporary support or shelter; and
  - (c) the relevant demolition was the minimum measure necessary.
- (3) An appeal under this section shall be made –
- (a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or
  - (b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date; or
  - (c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.
- (4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—
- (a) specifying the grounds on which he is appealing against the enforcement notice; and
  - (b) giving such further information as may be prescribed.
- (5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.
- (6) In this section “*relevant occupier*” means a person who—
- (a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence; and
  - (b) continues so to occupy the land when the appeal is brought.

### **Section 175 – Appeals: supplementary provisions**

- (1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—

- (a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
  - (b) specify the matters to be included in such a statement;
  - (c) require the authority or the appellant to give such notice of such an appeal as may be prescribed;
  - (d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.
- (2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.
  - (3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
  - (3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.
  - (4) Where an appeal is brought under section 174 the enforcement notice shall subject to any order under section 289(4A) be of no effect pending the final determination or the withdrawal of the appeal.
  - (5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.
  - (6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

### **Section 176 – General provisions relating to determination of appeals**

- (1) On an appeal under section 174 the Secretary of State may—
  - (a) correct any defect, error or misdescription in the enforcement notice; or
  - (b) vary the terms of the enforcement notice,
 if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
- (2) Where the Secretary of State determines to allow the appeal, he may quash the notice.
- (2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.
- (3) The Secretary of State—
  - (a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and
  - (b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.
- (4) If section 175(3) would otherwise apply and the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) of this section or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).
- (5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the

enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

**Section 177 – Grant or modification of planning permission on appeals against enforcement notices**

- (1) On the determination of an appeal under section 174, the Secretary of State may—
- (a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;
  - (b) discharge any condition or limitation subject to which planning permission was granted;
  - (c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.
- (1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if—
- (a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and
  - (b) references to the local planning authority were references to the Secretary of State.
- (1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194.
- (1C) Subsection (1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).
- (2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.
- (3) The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.
- (4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.
- (5) Where –
- (a) An appeal against an enforcement notice is brought under section 174, and
  - (b) The statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

- (5A) Where—
- (a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

- (b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and
- (c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

- (6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.
- (7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.
- (8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.





CST Room 3/13  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line

0303-444 5000

## THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal ( <https://acp.planninginspectorate.gov.uk/> )  
or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**You MUST make sure that we receive your appeal before the effective date on the enforcement notice.**

In exceptional circumstances you may give notice of appeal by letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

# Agenda Item 7.

Contact: Emma Crotty DDI No. 01494 421822

App No : 18/06705/FUL App Type: Full Application

Application for : Demolition of existing building, erection of 9 x 2-bed & 1 x 1-bed flat with associated parking, bin/cycle stores, amenity areas and creation of new garden area to 3 Rosebery Avenue

At Frank Hudson and Son, Rosebery Avenue, High Wycombe, Buckinghamshire, HP13 7AH

Date Received : 31/07/18 Applicant : Mr Tim Hudson – Hudson Trust Fund

Target Date: 30/10/18

## 1. Summary

- 1.1. The application is to demolish a furniture factory and replace it with flats.
- 1.2. The application is recommended for refusal due to conflict with policies that protect the historic environment and due to the lack of an agreement to secure affordable housing.

## 2. The Application

- 2.1. The proposal comprises the demolition of the existing factory building, the erection of 9 two bedroom and 1 one bedroom flat with associated parking, bin/cycle stores, amenity areas and creation of new garden area to 3 Rosebery Avenue. The factory is currently occupied.
- 2.2. A three storey building is proposed. The proposed building is of a modern design with a flat roof. Five of the flats would be dual aspect and five would be single aspect. A central stair core would serve all of the flats.
- 2.3. A vehicle access running under the building at ground floor level is proposed to the southern side of the building. This would provide access to the bin store area and to a rear car parking area. This would comprise 11 car parking spaces. Four of the spaces would be partly beneath the building at ground floor level. A secure cycle store would be provided to the rear of the building providing 19 cycle stands.
- 2.4. The flats would all be provided with balconies. One ground floor flat would also be provided with a small garden and a new garden area would be created to serve 3 Rosebery Avenue. There is also a small grassed amenity space of about 25 sq. m. in the car park.
- 2.5. The application is accompanied by:
  - a) Surface Water Drainage Pro-Forma
  - b) Planning and Design and Access Statement
  - c) Transport Assessment
  - d) Drainage Investigation Factual Report
  - e) Flood Risk and SuDS Statement
  - f) Ecology Wildlife Checklist
  - g) Heritage Statement

- 2.6. The drawings have been amended to increase the size of the balconies.
- 2.7. 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 paragraph 38 of the NPPF Wycombe District Council (WDC) 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. WDC 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.
- 3.2. In this instance
  - The applicant/agent was updated of any issues after the initial site visit, resulting in the submission of a heritage statement.
  - The application was considered by the Planning Committee.
  - Amended plans were received increasing size of balconies and aligning fenestration.

### **4. Relevant Planning History**

- 4.1. 08/05885/FUL- Demolition of factory and redevelopment of site to provide block comprising of 6 two bed flats with associated parking. Four bed detached town house with integral garage. Bin store and cycle store. Construction of vehicle access. Refused by reason of:
  1. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the loss of this scattered employment site is justified. As such the development would result in the loss of an employment generating site which would be detrimental to the general employment levels within the District.
  2. In the opinion of the Local Planning Authority the proposed development would, by virtue of the layout, scale and appearance of the proposed buildings, result in an incongruous development form out of keeping with the character of the area and visually intrusive on the street scene. The proposed town house would also present a stark north facing wall dominating the entrance to the site, and incorporates an integral garaged frontage which would present a parking dominated appearance out of keeping with the character of the area. Furthermore then proposed rear parking area would, by virtue of its scale would dominate the rear of the site resulting in a detrimental feature out of keeping with the character of the area.
  3. In the opinion of the Local Planning Authority the proposed development would, by virtue of its layout, scale and appearance, present an overbearing feature detrimental to the residential amenities of the occupiers of 3 Rosebery Avenue. Furthermore by virtue of the above factors the development would also result in a loss of privacy detrimental to the occupiers of 12, 13 and 14 Pinions Road and the occupiers of Riverlock Court. Furthermore the siting of the proposed parking layout would also result in a level of noise and disturbance detrimental to the enjoyment of the private rear garden of 3 Rosebery Avenue.
  4. In the opinion of the Local Planning Authority the proposed development would, by virtue of its layout and scale, fail to afford an acceptable level of private amenity

space for the occupiers of the proposed flats and town house. Furthermore the relationship with the adjoining flats at Riverlock Court would result in an unacceptable level of overlooking within the proposed flats. The development also fails to provide a secure level of cycle storage within the site given the highly visible location and open nature of the storage area.

5. In recognising the problems associated with increasing demand on highways, education and other infrastructure, the Council has adopted a Supplementary Planning Document aimed at providing improvements or additions to this infrastructure. This requires development to make a commensurate contribution towards this infrastructure where the proposal would otherwise have an unacceptable impact on the provision of these services. In the absence of a S106 Planning Obligation or other agreement to secure a contribution towards: transport; Open Space; Education (secondary); Indoor Sport and Leisure; Fire Services and Environmental Schemes, this proposal would undermine the objectives of the strategy and would have an unacceptable impact on these services. Accordingly the proposal is contrary to policies IN1 and TR1A(g) of the Buckinghamshire County Council Structure Plan, policies G2, H7 & T1 of the adopted Wycombe District Local Plan (as saved and extended), policies 22 and 23 of the Emerging Core Strategy and the requirements of the Wycombe Development Framework Developer Contributions Supplementary Planning Document (Adopted April 2007).

- 4.2. 08/07650/FUL- Demolition of factory and redevelopment of site to provide 5 x 3 bed houses with associated parking. Construction of vehicle access. Withdrawn.

## **5. Issues and Policy considerations**

### **Development Plan Framework**

- 5.1. For the purposes of considering this application the relevant parts of the Development Plan are the Wycombe Development Framework Core Strategy (July 2008), the Wycombe District Local Plan (January 2004) and the Delivery and Site Allocations Plan (July 2013).
- 5.2. The New Local Plan Submission Version – March 2018. The emerging policies of the New Local Plan should be given some weight in any planning decisions as a material consideration.

### **Historic environment**

ALP: HE1 (Demolition of listed building), HE2 (Alterations and extension to listed building), HE5 (Local list buildings)

CSDPD: CS17 (Environmental assets)

New Local Plan (Submission Version): CP9 (Sense of place), CP11 (Historic Environment), DM31 (Development Affecting the Historic Environment)

- 5.3. The Frank Hudson site includes a former furniture factory, yard and workshop. The site includes a two storey rear wing built before 1925 and a three storey brick building fronting Rosebery Avenue built between 1925 and 1934. By virtue of its use (as a furniture factory), height and appearance, it is a prominent building in a street that is otherwise developed with semi-detached housing. The building is not listed but is contained on the Council's local list.



- 5.4. The County Archaeologist has recommended that a planning condition be attached to any planning approval requiring investigation and recording of the building due to its value as a former furniture factory.
- 5.5. The historic development of the site is set out in the Conservation Officers report which is attached as part of the consultation response. The report sets out:
  - (a) The architectural interest of the premises
  - (b) The communal interest as part of High Wycombe's furniture industry, and
  - (c) An assessment of the proposal.
- 5.6. The building was added to Wycombe District Council's List of buildings of local architectural or historic interest on 28 June 2019 in response to the threat of demolition. The criteria for adding a building to a local list are set out in the Wycombe Local Plan and the premises was considered to sufficiently meet the criteria.
- 5.7. Local plan Policy HE5 states that the Council will maintain a local list of buildings and when determining a planning application will have regard to the contribution made by the building to the local scene or local historical associations.
- 5.8. The application proposes the demolition of the buildings on the entire site. In recent years many former furniture factory buildings have been demolished and the Frank Hudson premises is considered to be a rare survivor of an increasingly diminishing building type.
- 5.9. The three storey block and rear workshop were added to the local list (the single storey element to the side covering the former yard is not of interest) because the factory is a locally distinctive building of character, a typical example of High Wycombe's Industrial furniture heritage, one of only a few remaining, and association with Frank Hudson to High Wycombe. It also has communal and social value as an employer within High Wycombe.
- 5.10. The designation of a building on a local list does not confer statutory protection to a building. However, the building's inclusion on the local list means that it should be regarded as a non-designated heritage asset and as such its significance is a material consideration in the determination of any planning application.
- 5.11. Paragraph 184 NPPF 2019 states that Heritage Assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 5.12. The applicant has submitted a heritage statement. This assesses the significance of the site as having 'some, limited heritage interest, primarily historical and to a much lesser degree architectural ...with no archaeological or aesthetic interest'. It points to Historic England declining to list the building at national level as confirmation that it is not of architectural significance. The Conservation Officer considers that this somewhat misses the point as buildings associated with the furniture industry were generally characterised by their rudimentary, utilitarian appearance.
- 5.13. It is accepted that there have been alterations to the building. While the original roof covering was slate, it has now been altered to profiled metal sheeting but the essential form and appearance of the building remains substantially intact. Nevertheless, the factory is of significance to a town where the chair making industry had such a profound impact on its economic and social welfare and continues to positively contribute to the historic environment of this part of High Wycombe.

- 5.14. Paragraph 192 of NPPF requires local planning authorities to take into account:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.15. In relation to a) and b), the condition of the building is such that it appears capable of conversion and re-use and no information has been submitted to suggest otherwise.
- 5.16. In regards to c) the site's redevelopment would comprise a single apartment building that neither reflects the footprint nor disposition of the heritage asset on site. At three stories in height across the entire site frontage, it would be conspicuously bulkier than the existing built form and at odds with the street scene. It would result in the total loss of the locally listed building and consequently, it would fail to reinforce local distinctiveness.
- 5.17. In accordance with Para 197 of the NPPF a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case it is considered that the harm arising from losing the building significantly outweighs the benefits of the new development.

### **Housing supply and need**

Adopted Local Plan (ALP): H2 (Housing Allocations), H4 (Phasing of New Housing Development),

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

- 5.18. Wycombe District Council is able to demonstrate more than five years' supply of specific deliverable housing sites (from a 31st March 2018 base date). This accords with paragraph 73 of the 2019 NPPF, which requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing.
- 5.19. Paragraph 73 of the new NPPF sets out that "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old". The most recently adopted strategic housing policies for Wycombe District are in the Core Strategy which was adopted in 2008 and as such they are more than five years old.
- 5.20. The Council submitted the new local plan for examination in March 2018 based on the Objectively Assessed Need (OAN) as set out in the Housing and Economic Development Needs Assessment (HEDNA) Addendum. The plan has been subject to a number of hearing sessions, however, at this stage it still remains the case that until the Council adopts the Local Plan full weight cannot be given to the housing requirements set out in the Local Plan. However the publication of the Main Modifications to the Plan gives an indication of the Inspector's 'direction of travel' and when the Inspector's report is received very substantial weight can be attached to the housing requirements set out in the Local Plan.

- 5.21. As such until the Local Plan is adopted, local housing need is calculated using the standard methodology as set out in the NPPG. The minimum annual local housing need for Wycombe in 2018 is 453 dwellings per year.
- 5.22. The Council can currently demonstrate 5.7 years housing supply.
- 5.23. The Frank Hudson site currently features in the Council's Housing Trajectory as a site that will be developed for housing in the next five years.

### **Principle of Housing Development, Affordable Housing and Housing Mix**

ALP: H9 (Creating balanced communities)

CSDPD: CS1 (Overarching principles - sustainable development), CS2 (Main principles for location of development), CS12 (Housing provision), CS13 (Affordable housing and housing mix), CS21 (Contribution of development to community infrastructure)

DSA: DM1 (Presumption in favour of sustainable development)

New Local Plan (Submission Version): CP1 (Sustainable Development), CP4 (Delivering Homes), DM22 (Housing Mix), DM24 (Affordable Housing), DM41 (Optional Technical Standards for Building Regulations Approval)

Planning Obligations Supplementary Planning Document (POSPD)

Principle of housing development

- 5.24. The site would represent a sustainable site for housing development. It is located within the built up area of High Wycombe close to good quality public transport. Many facilities are easily accessible from the site including employment, shops, leisure, schools, medical and social facilities.

Affordable housing

- 5.25. The development for 10 dwellings falls below the Council's threshold for seeking affordable housing. This is set out in the Core Strategy at policy CS13.
- 5.26. The NPPF changes these thresholds. This sets out that for developments of 10 or more dwellings at least 10% of the homes should be available for affordable home ownership. Under this policy at least one dwelling would need to be made available for affordable home ownership and would need to be secured by a legal agreement. Vacant Building Credit does not apply in this – the premises is not vacant.

Housing mix

- 5.27. Policy CS13 requires that new housing development provides a mix of dwelling size, type and tenure that meets the identified housing needs of the community. The proposed development comprises mainly 2 bed flats with one x 1 bed flat. This is considered to be acceptable given that the site lends itself to higher density flat development rather than family housing and because family housing is already well provided for in the immediate area.

### **Employment issues**

CSDPD: CS11 (Land for business)

DSA: DM5 (Scattered business sites)

- 5.28. The site is a scattered employment site having been used as a furniture factory.

Scattered employment site

- 5.29. The site is located within the urban area of High Wycombe and has no particular designations in the development plan. The immediate surroundings are characterised by a mix of commercial and residential uses. The former factory sites close to the site have

been redeveloped for residential uses. The site is subject to Policy DM5 which protects the Class B employment use of scattered employment sites.

- 5.30. In 2008 an application for residential redevelopment was refused for failure to demonstrate that the loss of this scattered employment site is justified.
- 5.31. Policy DM5 states that planning permission will only be granted for residential uses on scattered employment sites if it has been clearly demonstrated that the re-use of the site for employment uses or uses that deliver economic development such as employment generating sui generis uses, community facilities or main town centre uses are no longer practicable. This is normally achieved by a marketing exercise. No marketing has been undertaken here and the development is contrary to Policy DM5.
- 5.32. The New Local Plan is also relevant to the consideration of the application. The plan is not yet adopted so that the policies do not currently have the same weight as the development plan policies (e.g. Policy DM5).
- 5.33. Policy DM21 relates to the Location of new housing. This states that housing will be supported at sites listed for housing or mixed use with housing listed at Appendix D of the plan. The list includes the Frank Hudson site describing it as a 0.11 ha site and identifies 11 dwellings.
- 5.34. It is considered that the new local plan has reached a stage where weight can be given to it in respect of the Frank Hudson site. It is considered that this up to date emerging plan, which will soon become an adopted plan, is a material consideration that has weight when considering policy DM5 in the adopted DSA.
- 5.35. Your officers therefore consider that no objection should be made on employment policy grounds to the loss of employment land and buildings at this site.

### **Transport matters and parking**

ALP: T2 (On – site parking and servicing), T4 (Pedestrian movement and provision), T5 and T6 (Cycling),

CSDPD: CS16 (Transport), CS21 (Contribution of development to community infrastructure)

DSA: DM2 (Transport requirements of development sites)

New Local Plan (Submission Version): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.36. The Highway Authority has not objected to the proposal, subject to planning conditions. The highway network serving the site is adequate to accommodate the transport needs of the development.

#### **Layout**

- 5.37. The vehicle access can achieve the requisite visibility splays commensurate with the likely vehicle speeds on Rosebery Avenue.

#### **Car parking**

- 5.38. Eleven car parking spaces are proposed to serve the 10 flats. The standard required by the Buckinghamshire Countywide Parking Guidance is one space per flat. The proposal is therefore considered to show an adequate number of parking spaces.

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

ALP: G3 (General design policy), G7 (Development in relation to topography), G8 (Detailed Design Guidance and Local Amenity), G10 (Landscaping), G11 (Trees), G26 (Designing for safer communities), Appendix 1

- 5.39. The proposal is located within a street that is predominantly residential of two storey character. Two residential developments that have been completed in the last 20 years on former employment sites in Spring Gardens Road to the rear of the site. These flatted developments are predominantly three storeys in height. Their scale, bulk and height contrasts and is somewhat discordant with the two storey family house character of the surroundings.
- 5.40. The tall existing furniture factory building at the Frank Hudson site on the road frontage is also three storeys but is more slender and has a distinctive simple architectural style. The building that is proposed is a flat roof three storey building. It will have a similar overall height to the neighbouring houses but its bulk is greater because of the depth of the building, its lack of a pitched roof at second floor level, the large windows and balconies on its frontage and because of the scale of its frontage.
- 5.41. Local Plan Policy G3 requires development to respect and reflect the local urban context so as to maintain and reinforce its distinctiveness. Policy C1 of the Residential Design Guide (RDG) aims to use new development to improve or reinforce the existing positive character of the place it is part of. The usefully defines character as:
- Character is a pattern or repeated trait that defines a places identity. It's an essential element or elements that if transgressed dilutes the quality of an area. The key to a successful new development is to find what these essential ingredients are and make sure they are reflected in the new design.
- Designing to improve or reinforce character does not imply to copy what is already there, creating something that is "in keeping". It is instead about reinterpreting the essential positive character traits that define the place (see C2 for more details). Character is not the same as style or about traditional versus contemporary. It's about designing buildings and spaces that feel of the place.
- Contrast can be good. There are some places where character can be ignored or changed, but there need to be good reasons for doing so. For example, in some key locations where something different would aid legibility and place making or where the proposal is of particular high architectural quality.
- However for most schemes we are just looking for something that fits with the current place. Buildings that quietly contribute to the sense of place improving its character.
- 5.42. The bulk and scale of the proposed building is not reflective of its immediate neighbours which are semi-detached Edwardian era houses. The proposed building is much larger and bulkier.
- 5.43. The proposed building draws its design cues from the two recent flatted developments in Spring Gardens Road rather than from the immediate neighbouring dwellings or the existing factory buildings at the site.
- 5.44. The proposed flatted building is similar to many that have been erected in the town in recent years. It is of three storey flat roof appearance with large windows and prominent balconies facing the street. The proposed building will reflect the context of the newer

development nearby. The building is no taller than the ridge of the roofs of the neighbouring houses and although it is much bulkier. On balance it is nonetheless considered the proposed building respects and reflects the local character.

### **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

Residential Design Guide

New Local Plan (Submission Version): DM35 (Place making and Design Quality), DM40

(Internal space standards)

- 5.45. The flats are provided with a small area of communal space within the car park. The proposed flats will be served by balconies or ground floor patios (and one ground floor flat will have a small garden). The Residential Design Guide (RDG) Policy F5 requires every flat has its own usable private amenity space which must offer a reasonable degree of visual/acoustic privacy and sunlight. The RDG requires that balconies are at least 1.5m in depth to allow enough room for two people to sit out. The minimum sizes for private amenity space are 4 sq. m. for a 1 bed flat and 6 sq. m. for a two bed flat.
- 5.46. The development provides adequate private amenity space.
- 5.47. Policy F1 of the RDG requires developments to avoid layouts with a predominance of single aspect flats. In this case half the flats are single aspect. However where these occur the flats are wide and not deep, allowing light to penetrate to the rear of the flat and no flat faces north.
- 5.48. RDG Policy F2 is to ensure each ground floor flat has its own independent access onto the street. Small flatted development (4-8 flats) designed to appear as a large dwelling can just have a central access where this reflects the character of the existing area. In this case the building would be too large to appear as one dwelling but is considered to be not so large that a single entrance would appear to provide the street with too few accesses.
- 5.49. The building is close to neighbouring residential property. The relationship of the building to properties in Pinions Road is considered to be acceptable. Obscure glazed windows are proposed in the elevation facing these properties serving en-suites and bathrooms. The sides of balconies also face towards the rear of these properties but these are considered to be located at a suitable distance.
- 5.50. The flat building Riverlock Court is located to the rear of the proposed building. The window to window distances between the existing and proposed flats would be 25.0 metres. Balconies are also located on the elevation of the existing flats that faces the proposed development and the separating distance would be 23.6 metres. The Council's normal standard for window to windows is 25 metres and the development complies with this. The presence of balconies should make little difference to privacy because the space between the two buildings has a semi-public function (as a car park for the proposal and a communal amenity area serving Riverlock Court) thereby reducing privacy for the flats and because balconies are likely to only be used at limited times of the year and day.

## **Environmental issues**

ALP: G15 (Noise), G16 (Light pollution)

CSDPD: CS18 (Waste, natural resources and pollution)

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

5.51. There are no specific environmental issues of concern. Environmental Services have made no comments on the proposals.

## **Flooding and drainage**

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

DSA: DM17 (Planning for flood risk management)

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

5.52. The site is located some distance from the River Wye well beyond its floodplain. The data does identify some surface water flooding at the property, mainly on the forecourt but also within the site. The reliability of the surface water data is questioned as the majority of the area identified as subject to surface water flooding is the roof of the building (which is drained in the normal way). The site has been sequentially tested for residential development in the Strategic Flood Risk Assessment.

5.53. The Lead Local Flood Authority (LLFA) has commented on the drainage proposals for the site. The LLFA has stated that due to the slope of the site permeable paving is not suitable however a reinforced grass will be used in the parking bays. They suggest that to provide amenity and biodiversity benefits:

(a) The applicant considers a green roof on the cycle store as plans show it to be flat.

(b) Rain gardens could be provided: rainwater downpipes can be disconnected from the main system and directed to depressions in the ground and allowed to infiltrate.

5.54. These are matters that could be the subject of planning conditions.

## **Ecology**

CSDPD: CS17 (Environmental assets)

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

New Local Plan (Submission Version): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

5.55. The site currently has little ecological value. The buildings occupy most of the site and are of a construction that leaves little space for occupation for bats. In order to comply with Policy DM14 the proposed development will need to be capable of maximising biodiversity. It is considered that this could be done by requiring that the development either includes bird/bat boxes or includes structural details to offer the opportunity for bird nesting or bat habitat.

## **Building sustainability**

CSDPD: CS18 (Waste, natural resources and pollution)

DSA: DM18 (Carbon reduction and water efficiency)

New Local Plan (Submission Version): DM41 (Optional Technical Standards for Building Regulations Approval)

5.56. 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 only considered necessary to condition water efficiency.

### **Infrastructure and Developer Contributions**

CSDPD: CS21 (Contribution of development to community infrastructure)

DSA: DM19 (Infrastructure and delivery)

BCSNP: Policy 13 (Connecting the Parish)

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

- 5.57. The development is a type of development where CIL would be chargeable.
- 5.58. It is considered that there would not be other types of infrastructure, other than the provision of affordable housing, that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.
- 5.59. The Planning Obligations SPD sets out the Local Planning Authority's approach to when planning obligations are to be used in new developments.
- 5.60. Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that a planning obligation is required to be secured within a section 106 agreement to provide appropriate affordable housing.
- 5.61. The application is recommended for refusal and no legal agreement has been entered into therefore the lack of affordable housing will need to feature as a reason for refusal.

### **Weighing and balancing of issues – overall assessment**

- 5.62. 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.
- 5.63. 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), and,
  - c. Any other material considerations.
- 5.64. As set out above it is considered that the proposed development would conflict with policies that protect the historic environment. There is also no legal agreement in place to secure the affordable housing.



## Recommendation: Application Refused

1. The proposal would result in the demolition of a building included in the Wycombe District Council's List of buildings of local architectural or historic interest. The factory is of significance to a town where the chair making industry had such a profound impact on its economic and social welfare and continues to positively contribute to the historic environment of this part of High Wycombe. The demolition of these buildings (three storey block and rear workshop) would therefore result in the loss of this non-designated heritage asset, which is considered to be contrary to requirements of paragraph 184 of the National Planning Policy Framework (NPPF); that Heritage Assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The proposal would result in the total loss of the locally listed building and consequently, it would fail to reinforce local distinctiveness. In this case it is considered that the harm arising from losing the building significantly outweighs the benefits of the new development.

The loss of a locally listed building is contrary to policy HE5 of the Wycombe Local Plan, policy CS19 of the Core Strategy, CP11 of the emerging local plan and advice in the NPPF (Feb 2019) specifically paragraphs 184, 192, and 197.

2. The development fails to make adequate provision and secure affordable housing as such it would not contribute to the objective of creating mixed and balanced communities. In the absence of a legal agreement to secure the required level of affordable housing the development would be contrary to the National Planning Policy Framework; Policy CS13 (Affordable Housing and Housing Mix) of the Adopted Core Strategy DPD, policy DM24 (Affordable Housing) of the Wycombe District Local Plan (Submission Version) and the Planning Obligations Supplementary Planning Document.

### INFORMATIVE

- 1 In accordance with paragraph 38 of the NPPF2 Wycombe District Council (WDC) 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. WDC 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 after the initial site visit, resulting in the submission of a heritage statement.
- The application was considered by the Planning Committee.
- Amended plans were received increasing size of balconies and aligning fenestration.

18/06705/FUL

**Consultations and Notification Responses**

Ward Councillor Preliminary Comments:

**Councillor Marten Clarke** – I understand that you are minded to refuse the application to redevelop this site for 10 residential units. Would you please confirm if this is the case and set out the reasons for so doing. If it is easier for you to call me please do so on the number below.

If minded to refuse please bring to committee for determination.

Parish/Town Council Comments/Internal and External Consultees

**High Wycombe Town Unparished**

**County Highway Authority**

Comments: You may be aware that the Highway Authority has historically provided comments on two separate residential redevelopment schemes for this site (08/05885/FUL and 08/07650/FUL). In both cases this Authority did not object subject to conditions.

Upon reviewing the current proposals, I note that there are 11(no) spaces to be contained within the site. When reviewing the proposed level of habitable accommodation (i.e. less than four habitable rooms per unit) against the standards contained within the County Council's Buckinghamshire Countywide Parking Guidance policy document, the optimum provision for the quantum of development proposed would be one space per flat.

Even in the event that the parking requirement was taken by the amount of bedrooms, the parking survey submitted (carried out in accordance with the Lambeth Methodology) demonstrates that there is sufficient on-street capacity available during times of peak residential demand (i.e. late night/early hours of the morning). Ergo I am satisfied with the featured level of parking provision for this development.

I also note that the vehicle access can achieve the requisite visibility splays commensurate with the likely speeds on Rosebery Avenue. The width is relatively restrictive but, in consideration that the adjoining highway is an unclassified residential street and that the access has a relatively short length between Rosebery Avenue and the rear parking area, it should be sufficient to serve the development without detriment to highway safety and convenience of use.

Mindful of these comments, I do not have any objections to this application with regard to highway issues subject to conditions.

**Control of Pollution Environmental Health**

Comments: No objection.

**Conservation Officer Spatial Planning**

Comments:

Conclusion to the advice: The loss of a locally listed building is contrary to policy HE5 of the Wycombe Local Plan, policy CS19 of the Core Strategy, CP11 of the emerging local plan and advice in the NPPF.

#### Issues:

- Total demolition of a locally listed building
- Proposed redevelopment is not locally distinctive

#### Background:

The application site comprises a former furniture factory, yard and workshop. The site has evolved in phases; the two storey rear wing was built before 1925 adjacent to the open yard, and the three storey brick building fronting Rosebery Avenue between 1925 and 1934. The yard has since been covered and there are later accretions and alterations. By virtue of its use, height and appearance, it is a prominent building in a street that is otherwise developed with semi-detached housing.

The three storey block and rear workshop were added to the local list (the single storey element to the side covering the former yard is not of interest) because the factory is a locally distinctive building of character, a typical example of High Wycombe's Industrial furniture heritage, one of only a few remaining, and the association with Frank Hudson to High Wycombe. It also has communal and social value as an employer within High Wycombe.

The building is therefore a non-designated Heritage Asset which is a material consideration in the determination of planning applications.

#### Significance:

**Historic Interest:** The furniture industry has been synonymous with the economic development of High Wycombe since the eighteenth century. The plentiful Beech woods that lined the sides of the valley provided an ideal source of wood for chair manufacture, and the River Wye which had in earlier times provided the power for milling was now used to power the first sawmills. These factors allowed Wycombe to quickly expand into a major furniture manufacturing town, its chairs exported all over the world. The industry moved from small workshops to modern factories in the last decades of Queen Victoria's reign and many of these remained in production until after the Second World War. By 1925 the area had taken on the basic form that is evident today. The development of the factory site is indicative of how the factories in the Wycombe area developed as the furniture trade prospered. Beginning as a modest workshop with a large yard in the early twentieth century, the factory site underwent additions and expansions, including the three storey building at the front of the site in the 1920s and 30s.

The factory has been associated with the furniture industry since its construction. Frank Hudson & Son, one of the leading chair and furniture makers in the twentieth century, and locally renown as the carver of the Red Lion in High Street, occupied the premises from 1964-66 until 2018.

**Architectural Interest:** The utilitarian building is typical of many of the buildings associated with the town's furniture industry in that it was constructed using cheap materials and functional form with few architectural pretensions. The smooth textured, pinkie-red common fletton facing brick was massively used in general building in the twentieth century. The bricks' ready availability and plain appearance meant it was used for multi-purpose internal and external applications as it can be painted, rendered easily, used for patching in or refurbishment works. The rear workshop is of traditional earlier form, and the boarded timber upper storey and trusses remain. It adjoins what would have been its large yard for the storage of timber. The three storey block is characterful and has large metal framed windows to optimise natural light. The central loading bay survives.

**Communal Interest:** The premises provided employment to local works within the furniture industry, a significant employer within the town and important to the town's prosperity.

#### Policy

The building was added to Wycombe District Council's List of buildings of local architectural or historic

interest on 28 June 2019 in response to the threat of demolition. The local list criteria are incorporated in the Wycombe Local Plan. In summary, a building / feature should meet some or all of the following criteria to be included on the Local List:

- (i) Be substantially unaltered and retain the majority of its original features;
- (ii) Be of good architectural quality or an example of a particular local building type;
- (iii) Play a significant role in the streetscape of a town or village;
- (iv) Be significant in the history of the area or be by an architect or designer of local note, such as Arthur Vernon of High Wycombe; or relate to the industrial heritage of the High Wycombe furniture industry.

The building was previously considered for local listing in 2012, but designation was not confirmed at that time because it was still in operational use and objections were received from the owners. The application now proposes the demolition of the entire site. In the several years that have passed since that original assessment a number of other buildings representative of High Wycombe's furniture industry have been demolished and it is a rare survival of an increasingly diminishing building type.

While designation does not confer statutory protection, the building's inclusion on the local list means that it should be regarded as a non-designated heritage asset and as such its significance is a material consideration in the determination of any application.

Para 184 NPPF 2018 states that Heritage Assets ..... 'are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'.

The applicant's heritage statement assesses the significance of the site as having 'some, limited heritage interest, primarily historical and to a much lesser degree architectural.... – with no archaeological or aesthetic interest'. It points to Historic England declining to list the building at national level as confirmation that it is not of architectural significance. This somewhat misses the point as buildings associated with the furniture industry were generally characterised by their rudimentary, utilitarian appearance. It is accepted that there have been alterations to the building. While the original roof covering was slate, it has now been altered to profiled metal sheeting but the essential form and appearance of the building remains substantially intact. Nevertheless, the factory is of significance to a town where the chair making industry had such a profound impact on its economic and social welfare and it continues to positively contribute to the historic environment of this part of High Wycombe.

Para 192 requires local planning authorities to take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

In relation to a) and b), the condition of the building is such that it appears capable of conversion and re-use and no information has been submitted to suggest otherwise.

In regards to c) the site's redevelopment would result in the total loss of the locally listed building. The demolition of the factory would impoverish the historic environment within High Wycombe contrary to policies HE5 and CS19.

The factory is a local landmark building that stands out from the prevailing character of the street which is largely domestic-scale detached, semi-detached and terraced properties. The proposed replacement comprises a block of flats that does not reflect the scale, footprint or disposition of the heritage asset on site. Furthermore, the apartment block, which is accessed from a single entrance and is a full three stories in height and with a flat roof across the entire site frontage, would be of a different scale and conspicuously bulkier than the existing built form and at odds with the street scene. It is acknowledged that the proposed development is very similar to 2 other blocks of flats in the area. However, planning policies and advice have evolved since those blocks were built and it is not thought that a further block is necessarily of the landmark design quality that would justify the departure from the prevailing character. Consequently, the proposed replacement would also fail to reinforce local distinctiveness contrary to policy CS19 of the core strategy.

#### Planning Balance

In accordance with Para 197, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. In appeal decisions concerning locally listed buildings, Inspectors will generally investigate the significance of the non-designated heritage asset; whether the building is capable of having a viable use in the future; and whether any public benefits or other considerations outweigh the loss of the building. It is recommended that this approach is adopted in determination of this application.

Should the public benefits of the proposal be considered to outweigh the harm arising from the demolition of the non-designated asset, Para 198 states that LPAs should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. If the case officer is minded to approve the application, it is recommended that conditions are attached for the recording of the building and that demolition should not take place until a contract has been placed for the construction of the development.

#### **Buckinghamshire County Council (Major SuDS)**

Comments: The LLFA has no objection to the proposed development subject to the conditions.

The proposed surface water drainage scheme for this development relies on infiltration, via a soakaway. Falling head tests were completed in March 2018, rates of between  $9.52 \times 10^{-6}$  m/s and  $1.43 \times 10^{-4}$  m/s were recorded, indicating that infiltration is feasible on site. Due to site constraints the falling head tests could not be completed in the location of the proposed soakaway, therefore after demolition of the existing building we will require infiltration rate testing (in accordance with BRE 365) in the location of the proposed soakaway.

Groundwater mapping from Jeremy Benn Associates (JBA) show that groundwater levels on site are between 0.5 and 5m below ground level. The applicant must demonstrate a 1m freeboard between the base of the soakaway and the highest ground water level, by completing groundwater monitoring during the winter (November – March). If infiltration is found to be unfeasible the applicant will be required to investigate an alternative means of surface water disposal which follows the surface water drainage hierarchy.

Due to the slope of the site permeable paving is not suitable on site; however a reinforced grass will be used in the parking bays.

To provide amenity and biodiversity benefits to the proposed development we suggest that the applicant considers a green roof on the cycle store as plans show it to be flat. We also suggest rain gardens, rainwater downpipes can be disconnected from the main system and directed to depressions in the ground and allowed to infiltrate. Further information regarding rain gardens can be found within the UK Rain Garden Guide.

### **Bucks CC Archaeology:**

The production of furniture was an important industry in High Wycombe and the Chilterns and furniture factories and former factories are worth recording prior to demolition and/or significant change. If planning permission is granted for this development then it is likely to harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 141. With reference to the NPPF we therefore recommend that, based on the advice in DOE Circular 11/95, any consent granted for this development should be subject to a condition to thoroughly investigate and record the building.

### Representations

#### **Amenity Societies**

High Wycombe Society: We object to this planning application because the proposed new building would be out of keeping with its surroundings in terms of both design and scale, contrary to Policy G3 (General Design Policy) of the current saved Local Plan and Policy DM35 (Place making and Design Quality) in the evolving new Local Plan. This is a predominantly residential area made up primarily of traditional two-storey semidetached houses. At three storeys high and more than the width of two pairs of semi-detached houses, the proposed structure would dwarf everything else on the road. The featureless modern flat-roof design would also clash with its surroundings.

Letters have been received from 25 parties objecting to the proposal:

- Existing building has character and needs to be retained.
- The proposed building is of no architectural value.
- The existing building needs to be retained and converted.
- Proposal is too tall- will impact on light serving Riverlock Court to the rear and create shadow on the gardens.
- Industrial/ commercial sites should remain as such.
- The modern design will not fit in with the existing architecture, so it will be an eyesore.
- Traffic and pollution levels during construction will be horrendous.
- Would overlook neighbouring gardens and property.
- The proposal has a shortfall of 8 parking spaces when compared with requirements set out by the Wycombe District Council. This will dramatically add to the already minimal parking availability in the street.
- Traffic and Parking will be affected in the Pinions area, where this is already a problem.
- The large block would be far from in keeping and at the proposed size would dominate the road and be incongruous.
- The Flats at Pinions Court and Rivercourt when built did, at least, replace legacy eyesore buildings, but they dominate that corner of Pinions and Spring Gardens. To add a third in that triangle would entirely dominate and dwarf the surrounding houses.
- May lead too many flats in area.
- Would impact on the outlook and view for neighbours. Appear overbearing.

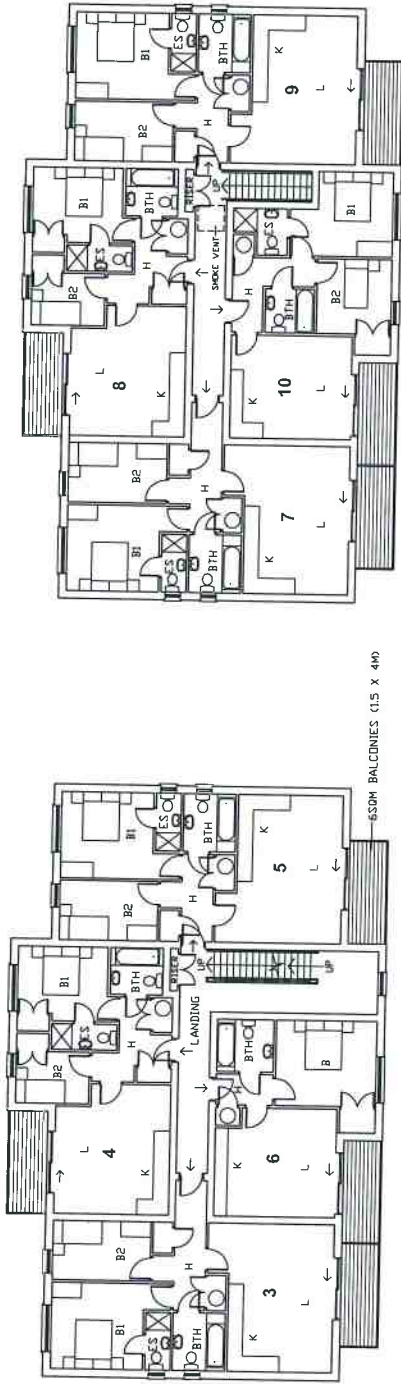


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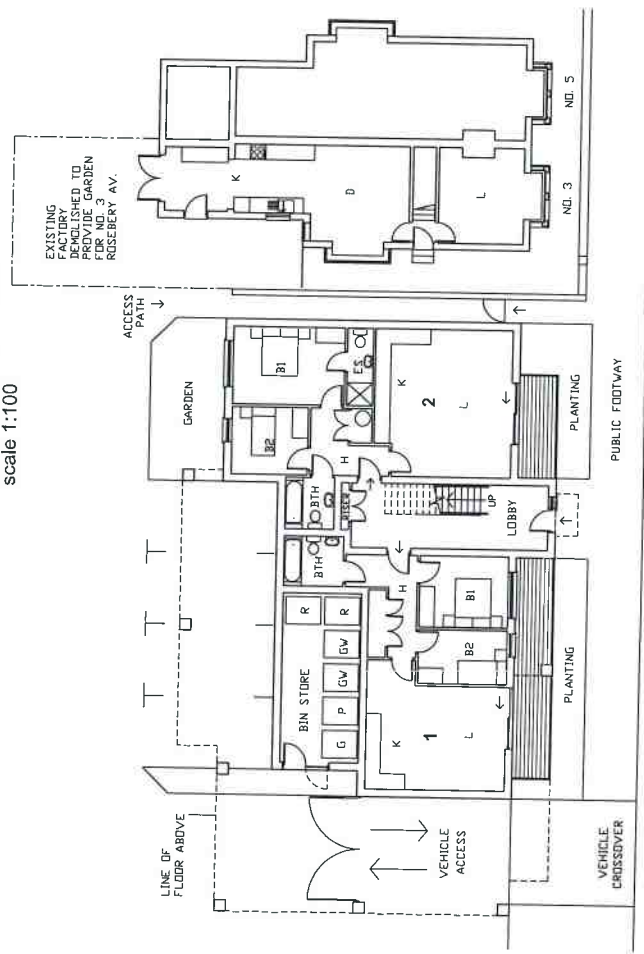


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FIRST FLOOR PLAN  
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SECOND FLOOR PLAN  
 scale 1:100



GROUND FLOOR PLAN  
 scale 1:100

REVISIONS  
 REVA MAR 18 BALCONY ALTERATIONS



Chick Lane, Rosebery Lane, High Wycombe, Bucks HP11 1JX  
 T 01494 88900 F 01494 88908 E RCCA@richardclarkarchitects.co.uk

CONTRACT  
 RESIDENTIAL DEVELOPMENT  
 ROSEBERY AVENUE  
 HIGH WYCOMBE  
 HP13 7AH

CLIENT  
 HUDSON TRUST FUND  
 DRAWING  
 PLANNING DRAWING - FLOOR PLANS

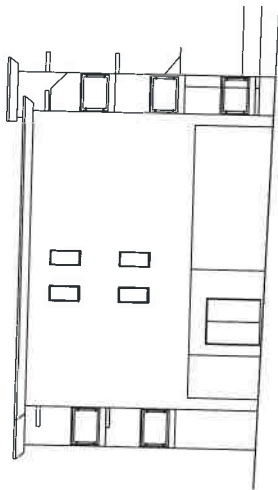
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 SCALE  
 A08 / DRWG No  
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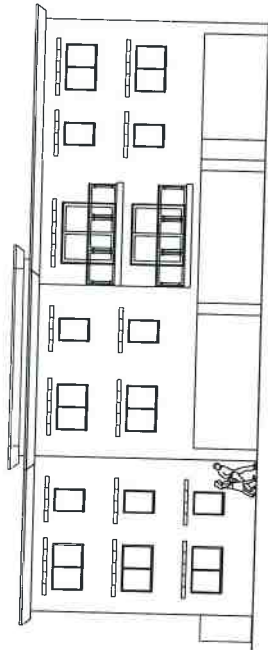




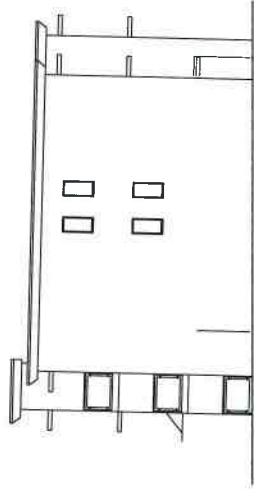
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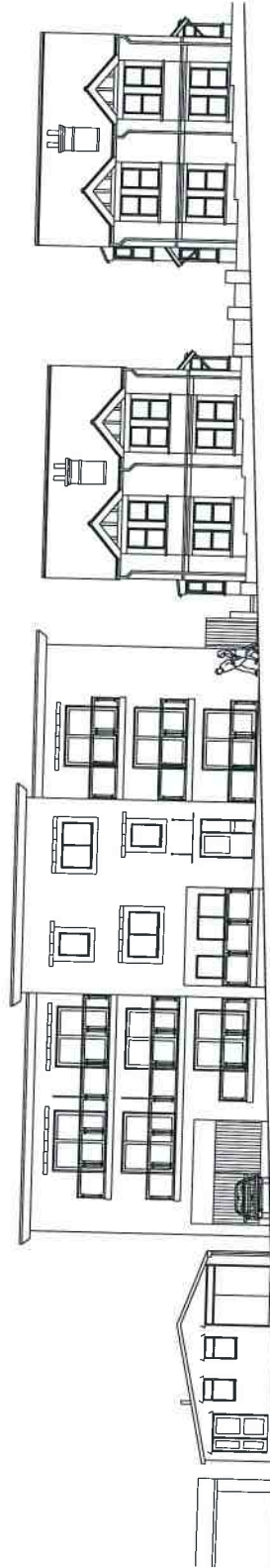
SIDE ELEVATION TO SOUTH  
 scale 1:100



REAR ELEVATION  
 scale 1:100



SIDE ELEVATION TO NORTH  
 scale 1:100



FRONT ELEVATION TO ROSEBERY AVENUE  
 scale 1:100

REVISIONS  
 REV A MAR 19 BALCONY ALTERATIONS



Clark Barr, Rosebery Lane, High Wycombe, Bucks HP11 1JX  
 T: 01494 488800 F: 01494 588008 E: R.C.Clark@richardclarkarchitects.co.uk

CONTRACT  
 RESIDENTIAL DEVELOPMENT  
 ROSEBERY AVENUE  
 HIGH WYCOMBE  
 HP13 7AH

CLIENT  
 HUDSON TRUST FUND  
 DRAWING  
 PLANNING DRAWING - ELEVATIONS

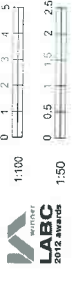


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 SCALE  
 1:100 @ A1

DATE  
 JAN 18

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 1577-P2A

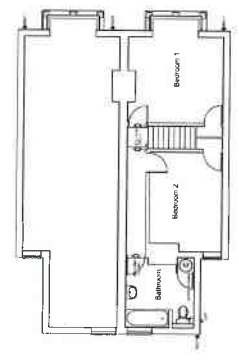
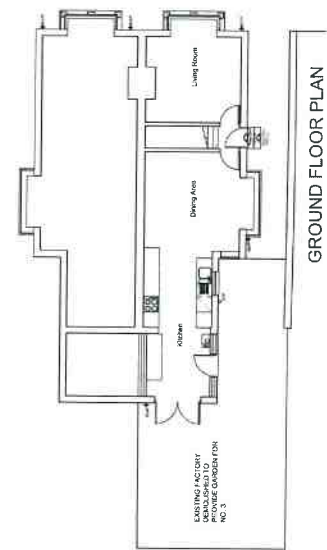
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WINNER  
**LABC**  
2012 Awardee

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Clark, Barn, Baschurch Lane, High Wycombe, Bucks, HP11 1JN  
T: 01494 880009 E: RUC.Clark@richardclarkarchitects.co.uk

CONTRACT  
3 ROSEBURY AVENUE  
HIGH WYCOMBE  
BUCKS  
HP13 7AH

GUEST  
HUDSON TRUST FUND

DRAWING  
PLANNING DRAWING  
PLANS & ELEVATIONS

DRAWN  
SA


DATE  
APRIL 18

SCALE  
1:100

JOB DRAWING No.  
1577-P3

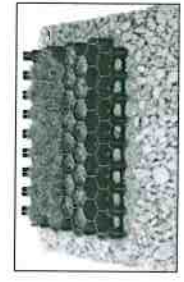
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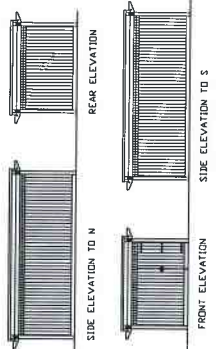

  
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FLOOR PLAN  
 COVERED TIMBER CONSTRUCTION CYCLE STORE  
 FOR 19 1/2 SEMI-VERTICAL CYCLE STANDS

PROPOSED CYCLE STORE  
 scale 1:100

REVISIONS  
 REV B MAR 19 BALCONY ALTERATIONS  
 REV A MAY 18 CYCLE STORE ALTERATIONS



Castle Barn, Dunsborough Lane, High Wycombe, Bucks HP11 0JY  
 T 01494 888000 F 01494 888008 E R.Clarke@richardclarkarchitects.co.uk

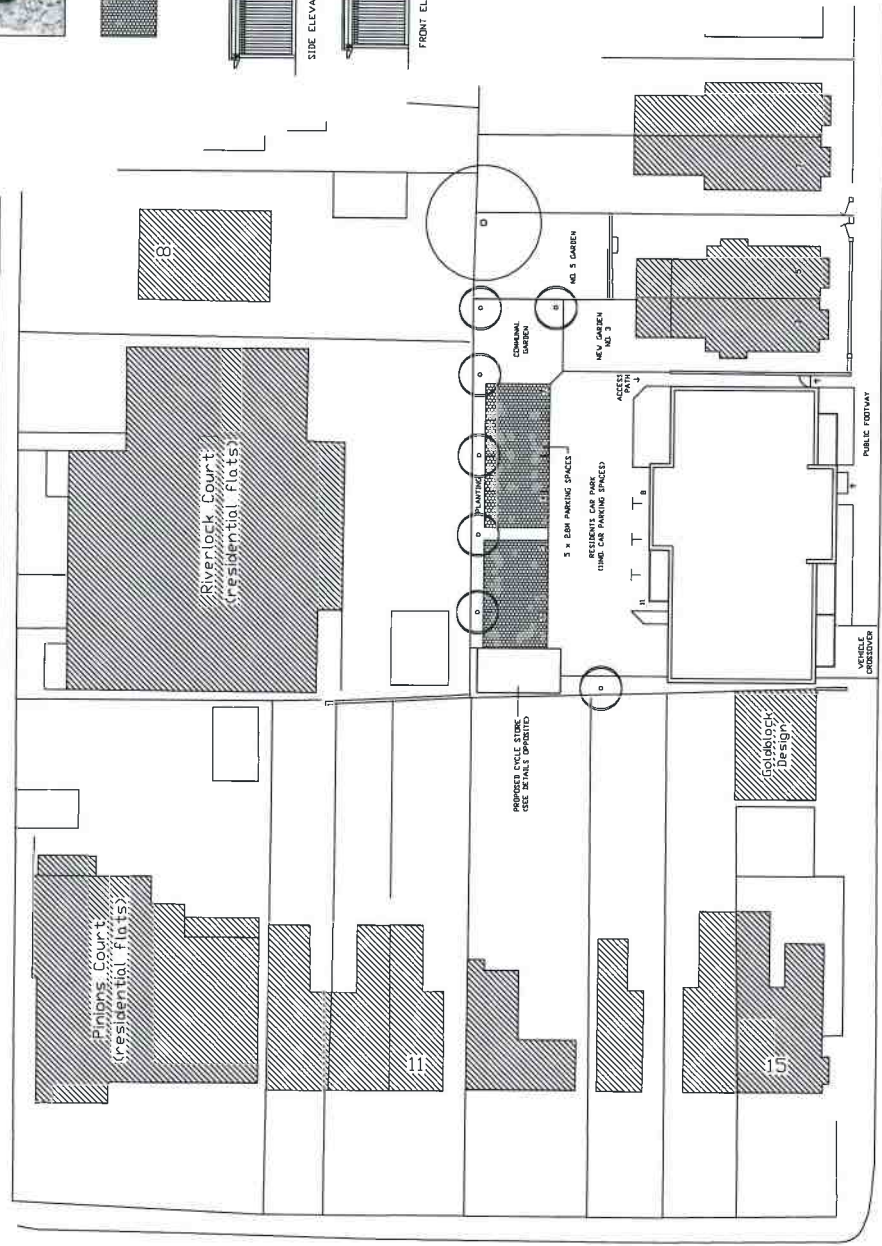
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 HIGH WYCOMBE  
 HP13 7AH

CLIENT  
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 DRAWING  
 PLANNING DRAWING - SITE PLAN

DRAWN  
 JP  
 DATE  
 JAN 18  
 SCALE  
 JOB DRAWING No  
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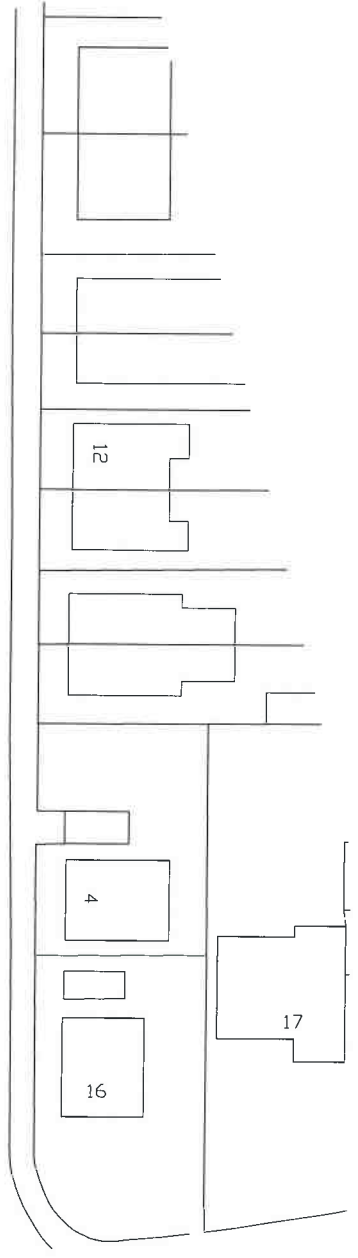
SPRING GARDENS ROAD



ROSEBERY AVENUE



SITE PLAN  
 scale 1:200





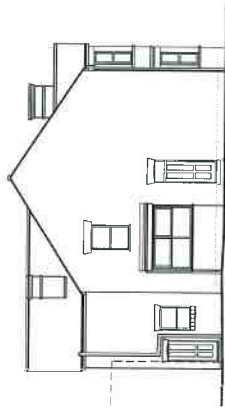
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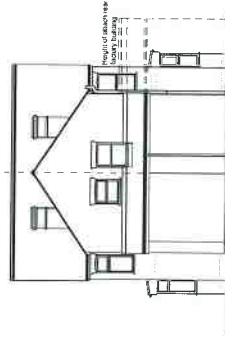
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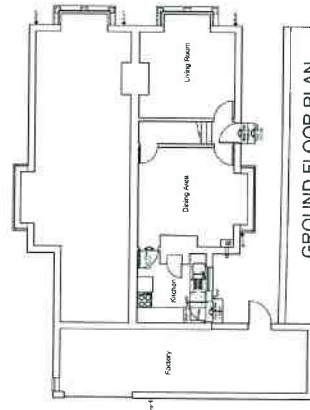
FRONT ELEVATION



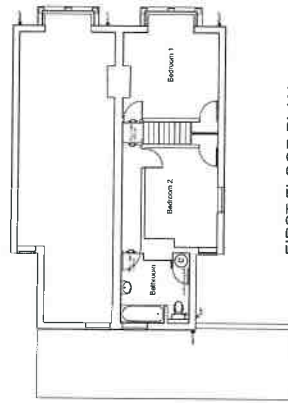
LHS ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

REVISIONS



Clark, Sam, Rosebury Lane, High Wycombe, Bucks. HP11 1JN  
T 01494 288000 F 01494 288008 E R.Clark@richardclarkarchitects.co.uk

CONTRACT

3 ROSEBURY AVENUE  
HIGH WYCOMBE  
BUCKS  
HP13 7AH

CLIENT

HUDSON TRUST FUND

DRAWING

SURVEY PLANS & ELEVATIONS

DRAWN

SA

SCALE

1:100

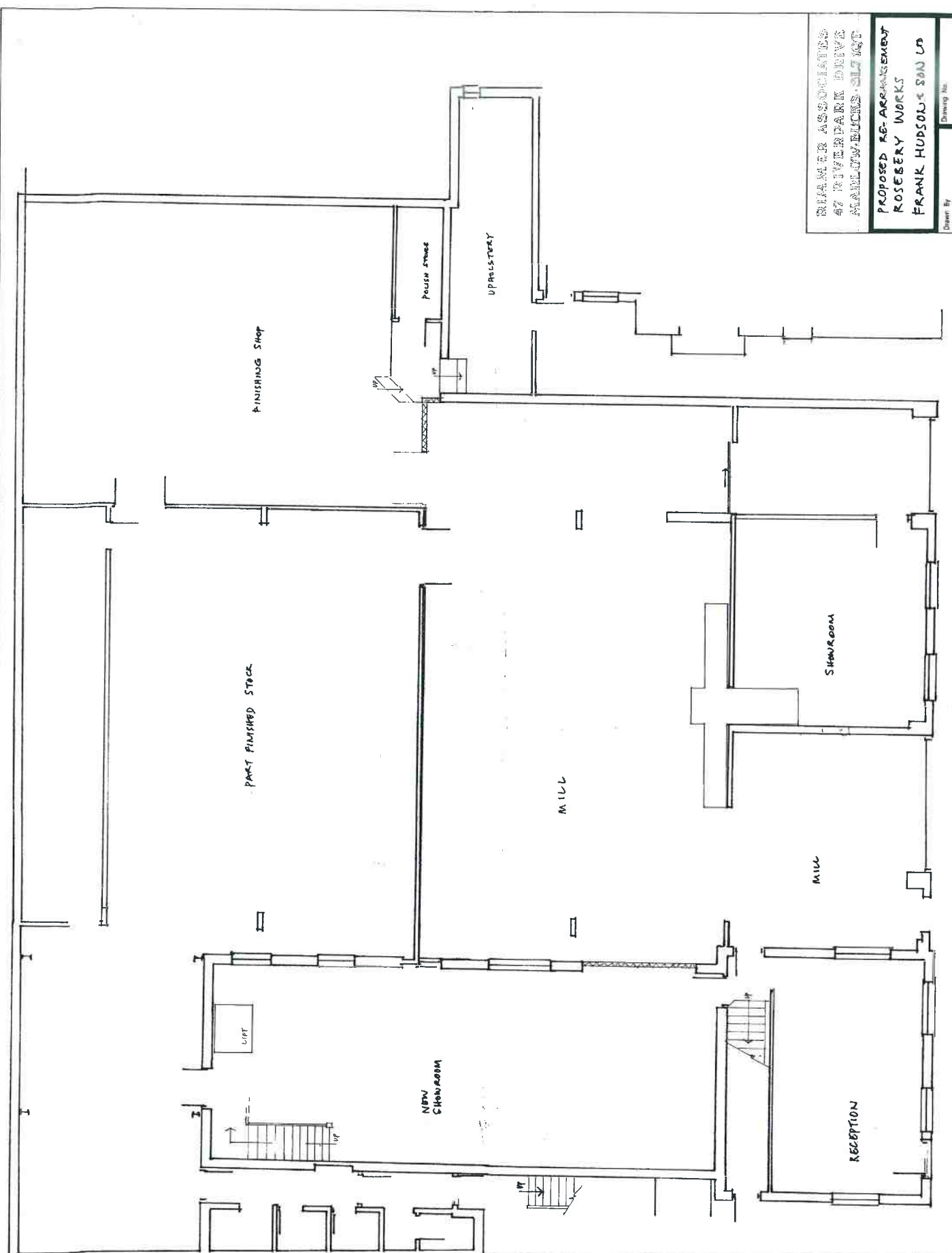
DATE

APRIL 18

RH DRAWING No

1577-SUR





DEANER ASSOCIATES  
 47 RIVER PARK DRIVE  
 MALLOW, CO. DUBLIN 17

PROPOSED RE-ARRANGEMENT  
 ROSEBERRY WORKS  
 FRANK HUDSON & SON LTD

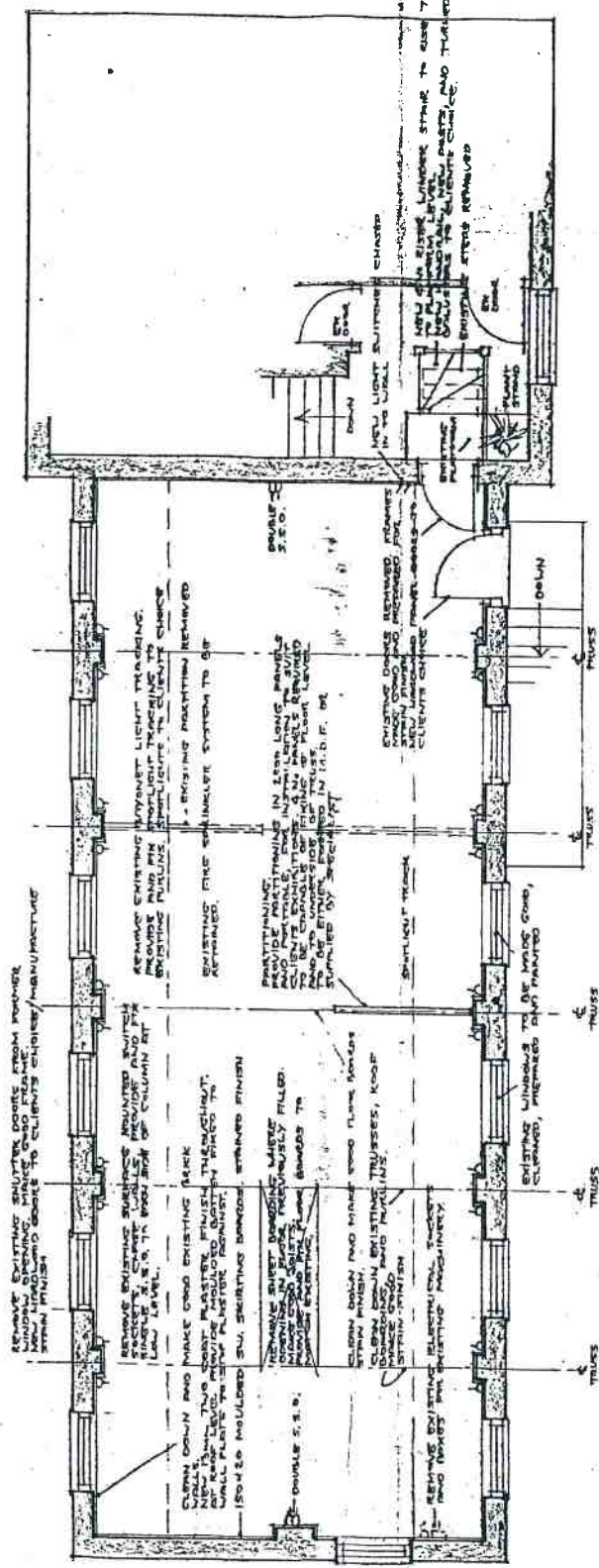
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 Date: JAN 11

Drawing No.: \_\_\_\_\_  
 Amendment: \_\_\_\_\_



**NOTE**

- ALL DETAILS TO BE CHECKED ON SITE AND THAT THE WORK COMMENCED.
- ALL WORK TO BE PRESSURE IMPREGNATED WITH PRESERVATIVE.
- EXISTING IRON PREVENTION/ESCAPE FACILITIES TO BE MAINTAINED.
- WORK TO BE DONE IN SEVERAL STAGES AS WORKING MACHINES AND PRODUCTION MATERIALS ALLOW TO BE COMMENCED.



First Floor Plan

Proposed First Floor Refurbishment  
 Rosebery Avenue, Pinions, High Wycombe, Bucks  
 For Frank Hudson & Son Ltd.

Scale 1:50 Date 14.5.10/10/10 Date 13.9.10



# Agenda Item 8.

## 1. Pre-Planning Committee Training/ Information Sessions

Officer contact: Alastair Nicholson

DDI: 01494 421510

Email: [alastair.nicholson@wycombe.gov.uk](mailto:alastair.nicholson@wycombe.gov.uk)

Wards affected: All

### PROPOSED DECISION OR RECOMMENDATION TO COUNCIL

1.1 The Committee note that the next pre-committee training/information session is scheduled for 6.00pm on Wednesday 24 April.

1.2 No presentations have as yet been booked. If a developer or training session comes forward members will be updated, otherwise it is proposed to begin the Planning Committee meeting at 6.30pm.

### Corporate Implications

1.3 Members of both the Planning Committee, and the Regulatory and Appeals Committee, are required to complete a minimum level of planning training each year.

### Sustainable Community Strategy/Council Priorities - Implications

1.4 None directly.

### Background and Issues

1.5 The pre Planning Committee meeting gives an opportunity for member training or developer presentations.

### Options

1.6 None.

### Conclusions

1.7 Members note the recommendation.

### Next Steps

1.8 None.

**Background Papers:** None.



# Agenda Item 10.

## For Information: Delegated Action Authorised by Planning Enforcement Team

**Between 19/02/19 – 18/03/19**

Reference	Address	Breach	Authorised	Type of Notice
19/00078/MS	1 Home Wood Harleyford Marlow Buckinghamshire SL7 2SW	Occupation of log cabin during the month of February, in breach of Condition 10 of Planning Permission 96/06767/FUL	15-Mar-19	Enforcement Notice
18/00323/CU	1 Well End Cottages Marlow Road Bourne End Buckinghamshire SL8 5PH	Alleged change of use of shed to residential accommodation	07-Mar-19	Planning Contravention Notice
18/00297/CU	Brendon Hammersley Lane High Wycombe Buckinghamshire HP10 8HG	Alleged siting of mobile home	06-Mar-19	Planning Contravention Notice
18/00209/MS	Severalles Farm Ilmer Lane Ilmer Buckinghamshire HP27 9QZ	Alleged removal of a countryside hedgerow	20-Feb-19	Planning Contravention Notice
18/00088/OP	106 Whitelands Road High Wycombe Buckinghamshire HP12 3EL	Alleged erection of side extension	21-Feb-19	Planning Contravention Notice
18/00426/CU	The Chestnuts Risborough Road Terrick Buckinghamshire HP17 0UA	Alleged change of use to a mixed use to residential and commercial	06-Mar-19	Planning Contravention Notice