

Contact: Stephanie Penney DDI No. 01494 421823
App No : 19/05221/FUL App Type : FUL
Application for : Construction of second floor & creation 4 x studio flats
At St Marks House, 1 Station Road, Bourne End, Buckinghamshire, SL8 5QF
Date Received : 15/02/19 Applicant : UK Lux One SPV 1 Ltd
Target date for decision: 12/04/19

1. **Summary**

- 1.1. It is considered that the proposed extension would result in an acceptable form of development which would not harm the character of the area or street scene.
- 1.2. The proposed development provides suitable amenity space and parking for the future occupiers. While the proposal will have an impact on the amenity of the residents to the rear, it is officer's opinion that this is not at a level which would justify a refusal.
- 1.3. The application is therefore recommended for approval, subject to conditions.

2. **The Application**

- 2.1. This application seeks permission for the four additional residential units through an extension at second floor level. The extension accommodates two studio flats and 2 x 1-bed flats, to result in a total of 17 units.
- 2.2. The proposed second floor would essentially provide an additional storey to the layout approved on the 13 unit scheme (approved under a prior notification application). However, this additional storey is accommodated within a mansard roof.
- 2.3. The existing building was previously a B1 use. However, under the prior notification process, three applications have been permitted for 13, 15 and 17 flats. The only matters for consideration under this prior notification application were related to transport and highways, contamination risks and flooding risks. These notification procedures related to the change of use only, no external works are permitted under this procedure.
- 2.4. Currently accommodation is over three floors: basement, ground and first floor.
- 2.5. Therefore, whilst the number of units is greater than the scheme for 13 (which the applicant will be implementing) the overall number of units is no greater than that permitted under one of the other prior notification application for 17 units.
- 2.6. The application is accompanied by:
 - a) Planning Statement
- 2.7. The application was amended following submission. The original scheme proposed an additional height to the eaves of 2.5m (wall height). The overall increase in height was 1.5m but that is due to the inclusion of a shallower roof.
- 2.8. The Agent was advised that this was unacceptable as the additional 'wall' height would significantly affect the amenities of the dwellings to the rear.
- 2.9. The scheme was therefore amended to follow pre-app advice. The increase in wall height has been reduced to 0.5m and the overall increase in height by 0.5m.

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 was provided with pre-application advice. The application submitted did not follow this advice. However, the applicant was provided the opportunity to submit amendments to the scheme/address issues.

4. Relevant Planning History

- 4.1. 19/05222/FUL. Construction of second floor creating 5 x studio flats. Application withdrawn.
- 4.2. 18/07440/FUL. External alterations to building including changes to windows and doors, relocation of a car parking space and creation of a lightwell with associated landscaping. Application permitted
- 4.3. 18/07772/PNP3O. Prior notification application (Part 3, Class O) for change of use of existing building falling within Class B1(a) (Offices) to Class C3 (Dwellings) to create 17 residential units. Details approved.
- 4.4. 18/07270/PNP3O. Prior notification application (Part 3, Class O) for change of use of existing building falling within Class B1(a) (offices) to Class C3 (dwellinghouses) to create 17 residential units. Details refused.
- 4.5. 18/07269/PNP3O. Prior notification application (Part 3, Class O) for change of use of existing building falling within Class B1(a) (offices) to Class C3 (dwellinghouses) to create 15 residential units. Details approved.
- 4.6. 18/07268/PNP3O. Prior notification application (Part 3, Class O) for change of use of existing building falling within Class B1(a) (offices) to Class C3 (dwellinghouses) to create 13 residential units. Details approved.
- 4.7. 17/07544/FUL. Erection of 4 x single storey temporary Portakabin buildings in existing car park for use as meeting rooms for a period of 52 weeks and associated alterations to car parking. Application withdrawn.

5. Issues and Policy considerations

Principle and Location of Development

ALP:

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 Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.1. The development permitted under Class O does not include any building operations in connection with the residential conversion. However, planning permission has been granted for external alterations under 18/07440/FUL.
- 5.2. Case law exists which allows planning applications for extensions to be submitted at the same time or after a prior approval. The change of use has now commenced on site. Therefore the extension only (i.e. 4 additional units) is to be determined in accordance with the development plan and other material circumstances.
- 5.3. The application site is located within a residential area. The loss of an employment use is not a matter for consideration given the approved prior approval. In addition the resultant number of 17 units is the same number approved under a previous prior approval.
- 5.4. The principle is therefore accepted.

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): DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.5. The site is located in Residential Zone B. 15 car parking spaces have been provided and a secure cycle storage facility is indicated on the site plan.
- 5.6. BCC Highways has advised that the submitted scheme does not result in a material increase in movements in comparison to the approved development.
- 5.7. Transport and highways is a consideration when determining prior notification applications. The following paragraphs are an extract of the assessment of the previous approvals:
- 5.8. The existing offices have an extensive parking area, to the north of the building, which has a number of parking spaces. The proposed development is located in residential parking zone B. For developments of more than 10 dwellings a dwelling with 4 or less habitable rooms requires 1.5 spaces. The proposed units are shown to have no more than 4 habitable rooms. This would give a total requirement of 19.5 spaces.
- 5.9. The property is situated along Station Road, a class 'A' road subject to a 30 mph speed limit in the vicinity of the site.
- 5.10. The existing access for the main car park would be utilised as well as a smaller secondary access for one parking space to the south of the site. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions from the proposed access points commensurate with a speed limit of 30mph. Adequate visibility splays can be achieved which can be secured by condition.
- 5.11. The current parking arrangement would be retained and a total of 15 parking spaces have been proposed to serve the site. This falls short of the 20 spaces that would be required. In addition the existing parking spaces are not of adequate size measuring just 2m in width. Amended plans were requested to show the appropriate size (2.8m x 5m) in a layout that allows for 6m clearance behind each space.
- 5.12. As stated in my previous comments, in accordance with Buckinghamshire Countywide Parking Standards (BCPS) a residential parking space is required to be 2.8m x 5m in dimension. If the existing spaces currently on site were brought up to adopted standards, parking provision on site would be reduced by 4 spaces.

After conducting a site visit, I noted that all the bays are already marked out excluding the bay numbered 14 on the site plan to the rear of the building. It is clear that whilst they are below this standard, these spaces have been marked out and used for what would appear to be a considerable amount of time. It is not a case that the bays have been laid out recently for the purposes of this application. There are also corresponding aerial photographs available online which demonstrate the existing parking layout being well used. I noted that all manoeuvring takes place within the site curtilage and so the parking arrangement would not pose a highway safety concern.

Although not ideal, I recognise that the retention of 15 existing bays would be more beneficial to both future users of the site and local residents compared to the implementation of 11 bays that meet BCPS dimensions.

In this instance, due to the fact that the existing parking arrangement has been implemented and in use for a prolonged period of time and that the spaces are

functional and would not pose a highway safety concern, I consider that keeping the existing car parking arrangement is acceptable. Notwithstanding this, the Local Planning Authority may want to consider whether this would pose an amenity issue for future residents.

Mindful of the above, the Highway Authority raises no objections to this application

- 5.13. In view of the above, there are no objections in respect of parking, or other highway safety matters arising from this current application.

Raising the quality of place making and design

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

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

DSA: Housing intensification SPD

New Local Plan (Submission Version): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

- 5.14. The matter for consideration is the mansard roof. All other external alterations have been approved i.e. changes to windows and doors, relocation of a car parking space and creation of a lightwell with associated landscaping (18/07440/FUL).
- 5.15. The site is located within a mixed use area of varying designs and heights. Immediately to the rear of the site is a three storey building.
- 5.16. The mansard roof design is considered acceptable and will enhance the character of the building and area. The additional storey is not out of keeping with local distinctiveness, given the varying forms and adjoining development.
- 5.17. Appropriate dormers have been proposed and designed so that they are in proportion to the roof and in keeping with the existing windows.
- 5.18. It is considered necessary to condition details of materials to ensure the roof does enhance the character of the area.

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), DM40 (Internal space standards)

Existing occupiers

- 5.19. In relation to intensification and noise and disturbance, a refusal cannot be substantiated given the resultant number of units does not exceed the prior approval.
- 5.20. The main impact will be the additional height to the properties to the rear.
- 5.21. Fieldhead Gardens is located to the rear of the site (to the west). Approximately 9m at the closest distance. It is however considered that no. 40 is the most affected given that no. 40 directly overlooks the existing building.
- 5.22. The occupiers of no. 40 will be affected in relation to dominance and the potential of the proposal to be overbearing in appearance. However, the dominance and resulting overbearing appearance is not considered significant enough to justify refusal, in Officer's opinion. This is due to an overall increase in both the eaves and overall height of just 0.5m and the separation distance.
- 5.23. No. 40 has habitable room windows overlooking site. The scheme does propose a number of windows, within the mansard roof, to habitable rooms. In particular there are two habitable windows directly facing the rear of no. 40. However, the scheme does indicate that these windows will be obscurely glazed.

- 5.24. The approved scheme, under the prior notification, does also included habitable windows at first floor level facing no. 40 Fieldhead gardens, approximately 11m window to window. Overlooking is not a matter for consideration under the prior approval applications. This is because the windows are existing and overlooking is an existing relationship, albeit from a business use which is perhaps limited to overlooking during the daytime.
- 5.25. While it could be argued that overlooking exists at present, the proposed scheme would increase the number of windows. Accordingly, it is considered necessary to condition that the windows (within the mansard roof) are obscurely glazed.

Future occupiers

- 5.26. In terms of the internal layout, the approved scheme results in internal unit sizes ranging from 26 sqm to 67 sqm. The proposed floor areas range from 26 sqm to 37sqm. The internal floor areas are therefore comparable to the prior notification scheme.
- 5.27. No dedicated private amenity space has been provided. However, consideration is given to the permitted schemes, which also do not have private amenity space.
- 5.28. While private amenity space is not a matter for consideration under the prior approval applications, the overall number of units does not increase.
- 5.29. An area for bin storage is proposed and is in the same location as previously approved.

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)

- 5.30. The site is located within flood zone 1, development is considered appropriate and a flood risk assessment is not considered necessary.
- 5.31. In terms of surface water drainage, the footprint and extend of hardstanding is not increasing.

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)

- 5.32. 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. Normally it is only considered necessary to condition water efficiency. However, given that the number of units does not exceed the prior approval, this is not considered necessary.

Weighing and balancing of issues – overall assessment

- 5.33. 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.
- 5.34. 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

5.35. As set out above it is considered that the proposed development would accord with the development plan policies and would not have a materially greater impact than the development which has already been accepted under the prior approval procedure.

Recommendation: Application Permitted

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 7242/PL/LP O; 7242/PL/PH1 O; 7242/PL/PH2 O; 7242/PL/PH3 O; 7242/PL01 O; 7242/PL02 O; 7242/PL03 O; 7242/PL04 O; 7242/PL05 O; 7242/PL06 O; 7242/PL07 O; 7242/PL08 O; 7242/PL09 O; 7242/PL10 O; 7242/PL11 O; 7242/PL12 O; 7242/PL13 O; 7242/PL14 O; 7242/PL15 O; 7242/PL16 O; 7242/PL17 O; 7242/PL18 O and 7242/PL19 O 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 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.
- 5 Notwithstanding any other details shown on the plans hereby approved, the two second floor windows to be inserted in the rear facing elevation of unit 15 (as indicated on drawing number 7242/PL/11/O) shall be glazed in obscure glass. The windows shall thereafter be retained as such for the life of the development, without the prior, express planning permission of the Local Planning Authority.
Reason: In the interests of the amenity of neighbouring properties.

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 was provided with pre-application advice. The application submitted did not follow this advice. However, the applicant was provided the opportunity to submit amendments to the scheme/address issues.