

Contact: Matthew Jackson DDI No. 01494 421522
App No : 19/07384/FUL App Type : FUL
Application for : Change of use from Use Class A2 (financial and professional services) to Use Class A4 (drinking establishments)
At 39 High Street, Princes Risborough, Buckinghamshire, HP27 0AE
Date Received : 23/10/19 Applicant : Princes Risborough Town Council
Target date for decision: 18/12/19

1. **Summary**

- 1.1. Full planning permission is sought for the change of use of 39 High Street Princes Risborough from A2 (formerly a bank) to A4 (to a Pub or wine bar).
- 1.2. The application building is currently vacant but was previously occupied as a bank by Nat West.
- 1.3. The relationship with the neighbouring residential properties to the rear is one which cannot be controlled by condition and the change of use would be harmful to the residential amenity of these neighbours. As such, the application is recommended for refusal.

2. **The Application**

- 2.1. The application seeks to change the use of the vacant building from an A2 use class to an A4 use class. .
- 2.2. The application building is two storeys and is a mid-terraced. It has a 10m wide frontage with no forecourt. Access is directly onto the pavement at the front of the building. The ground floor consists of an open area approximately 80sqm at the front with 3 storage areas and the bank vault to the rear. All of which are off to the side of a corridor leading to the rear emergency access.
- 2.3. Outside is a small amenity area to the rear of the premises. It measures just 6m in width and is 4.5m deep and is squeezed in between the rear wall of the building and the rear boundary fence.
- 2.4. Beyond the rear wall are the two storey cluster homes in Jasmine Crescent. The closest of which is just 7.5m wall to wall with the rear of the existing building. The building to the left is the Literary Institute. Its primary function is as a snooker hall although it has a small function room which is available to hire. It has a private enclosed garden area to the rear.
- 2.5. The building to the right appears to have mixed uses and including a dental surgery, a beauty therapists and a gift/home store. It appears to have allocate parking to the rear of the building as part of a larger parking area located to the rear of the shops.
- 2.6. The application site is located in the Princes Risborough Conservation Area, The Town Centre Boundary, Princes Risborough Primary Shopping Area and Princes Risborough settlement beyond the Green Belt.

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

- 3.1. In accordance with paragraph 38 of the NPPF (2019) 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 advised that the application was not acceptable. This was due to the potential noise and disturbance due to the proposed use on the neighbours on Jasmine Crescent to the rear. The option of a 5 year temporary permission was discussed but the cost of alterations to facilitate a use that may only be temporary was not considered to be reasonable as it would create too much uncertainty for potential tenants. The application is therefore recommended for refusal.

4. Relevant Planning History

19/05648/FUL - Installation of new shop front with new blank fascia & wall boards. Permitted 14.05.2019.

19/05611/CLP - Certificate of Lawfulness Proposed for change of use from Banking (A2) to Retail (A1). Granted 28.05.2019

5. Issues and Policy considerations

Principle and Location of Development

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM1 (Presumption in favour of sustainable development), DM6 (Mixed-use development)

- 5.1. The application site is designated as being in the Town Centre Boundary and the Princes Risborough Primary Shopping Area. Policy DM7 (Town Centre Boundaries) states that town centre uses (which includes Pubs and Bars both of which are an A4 use class) are acceptable in principle in the town centre.

Transport matters and parking

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM2 (Transport requirements of development sites)

- 5.2. The site is located in none residential zone 1 so the Buckinghamshire Countywide Parking standards require that 3 parking spaces be provided for every 25sqm of floorspace proposed to be use for the pub. Based on the existing floor plans (no proposed layout was submitted) the amount of floorspace available for patrons would be around 80sqm. There are no opportunities to provide the required amount of parking within the application site as the only area of land associated with the site is not accessible by cars and is too small to accommodate 3 parking spaces.
- 5.3. However. The existing use also has no on-site parking and therefore this shortfall in parking is not sufficient for the proposal to be refused planning permission on parking grounds. Parking is available on the High Street and there are car parks within a short walking distance. In addition the requirement for parking for a bank is exactly the same as for a drinking establishment. So the potential change of use would not increase the level of off-site parking generated by the existing use. There the proposal would have no material impact on the surround area in terms of added congestion or parking demand.

Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

- 5.4. The proposal is for the change of use of the premises and does not include any operational development or any external changes.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)
Housing intensification SPD

- 5.5. Before being vacated the premises were occupied as a bank with normal opening hours between 9am and 5:30pm. No opening hours have been put forward as part of the application. However similar hours that are operated at Dukes Wine Bar in Dukes Street could be adopted. Namely 11am to 11.30pm Monday to Wednesday; 11am to midnight Thursday to Saturday and 10 am to 10pm on Sundays and Bank/Statutory Holidays. In principle these would be acceptable as they have been adopted elsewhere and a licence granted.
- 5.6. However the cluster homes in Jasmine Crescent are in close proximity to the rear of the building, in particular no's 46 and 48. The distance between the rear wall of the application building and the rear wall of no 46 is under 13m. The rear facing elevation of 46 contains living room and bedroom windows at ground floor and first floor respectively with its only amenity area between separated from the site by a close boarded fence. The relationship between the application dwelling and no 48 is even worse as the overall distance between the rear wall and side wall of no 48 is just 6m. However this is facing onto a blank flank elevation.
- 5.7. Bars and drinking establishments normally provide an area for smokers to congregate. As the site has no frontage, smoker would need to congregate on the pavement at the front, or use the small yard to the rear. The pavement to the front is very narrow and passers-by would be forced into the road if smokers were to congregate at the front of the building. This could put both pedestrians at risk causing added distraction to drivers and could result in inconvenience to both road users and pedestrians.
- 5.8. The existing yard would not have been used by members of the public when the building was operated as a bank. Although staff members may have had access to it, this would only be during normal opening hours (probably 8 am to 5:30pm) Therefore when the building was operated as a Bank there would have had little impact on the neighbouring dwellings to the rear in Jasmine Crescent due to noise and disturbance. Although it has to be acknowledged that the use of the service yard is not restricted by any planning conditions.
- 5.9. A condition could be imposed on this planning decision that the yard to the rear not be used by members of the public. But members of staff could potentially access it well beyond any hours which were previously operated by the bank, causing disruption to the neighbours late at night. Furthermore a condition would also need to be imposed to ensure that the door is kept shut at all time to avoid noise disturbance. It is your officers' opinion that such conditions would not be enforceable as it would not be possible to confirm if people in the service yard were staff or patrons and the yard will need to be accessed so the door cannot be kept shut.
- 5.10. Given that there is no acceptable way to control the use of the service yard (small as it is) through conditions. The potential impact of its use as a service yard and smoking area has to be considered for the opening hours of the establishment. This impact upon the residential amenity of the neighbours will be potentially great due to noise and disturbance. The impact is therefore considered to be unacceptable.

Environmental issues

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

- 5.11. No details have been provided as part of the application. It is noted that there are air conditions units associated with the current use on the flat roof to the rear of the building.
- 5.12. If the proposed use is permitted then the site could become a restaurant or it could

provide hot and or cold meals under a change of use over which the Council would have no control.

- 5.13. However, it is possible that refrigeration and or additional air conditioning units may be required and if any food was proposed to be prepared on site this may also require the installation of a flue. The installation of any of these would have an impact on the residents of Jasmine Crescent and mitigation measures would need to be installed to minimise any level of disturbance to the neighbouring dwellings. It is unlikely that – were a change of use be granted – the Council could resist the installation of equipment required for that use. The only option, if the application were permitted, would be to remove permitted development rights for such equipment so that some control could be maintained.

Community facilities

Wycombe District Local Plan (August 2019): DM29 (Community Facilities)

BCSNP: Policy 11 (Community Facilities)

Community facilities SPD

- 5.14. As a community facility the proposed use of the building as a Pub is welcomed to add vibrancy to Princes Risborough's Town Centre. However this cannot be at the detriment to the neighbouring residential dwellings.

Historic environment (or Conservation Area or Listed Building Issues)

Wycombe District Local Plan (August 2019): CP9 (Sense of place), CP11 (Historic Environment), DM20 (Matters to be determined in accordance with the NPPF), DM31 (Development Affecting the Historic Environment)

- 5.15. The application site is located within the Princes Risborough Conservation Area.
- 5.16. Proposals for development should therefore be of the highest quality and design and be in sympathy with the local landscape and locally traditional building styles to preserve and enhance the special character and appearance of the Conservation Area. No changes are proposed to the existing frontage in this application and so there is no objection to the proposal in conservation area impact grounds.

Weighing and Balancing

- 5.17. The change of use of the building would potentially increase the vibrancy of the town centre and would potentially bring a currently un-used building on the High Street back into use.
- 5.18. However, due to the proximity of the service yard/potential smoking area, it would not be possible to control the potential impact upon the residential dwellings to the rear. The harm from the potential impact is considered to outweigh the potential benefits of the proposal and therefore the application is recommended for refusal.

Recommendation: Application Refused

- 1 In the opinion of the Local Planning Authority the proposed change of use from A2 to A4 would have a detrimental impact upon the residential amenity of the immediate neighbours to the rear of the site. This loss of amenity would be due to the proximity of the dwellings and their garden areas to the rear service yard, the use of which it would not be possible to control by a planning condition. The increase level of activity and the opening hours would have a detrimental impact on the enjoyment of the amenity area of the neighbouring dwellings due to noise and disturbance.
- The proposal is therefore contrary to policy DM35 (Placemaking and Design Quality) and DM37 (Small scale non-residential Development) of the Wycombe District Local Plan (Adopted August 2019).

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 advised that the application was not acceptable. This was due to the potential noise disturbance cause by patrons on the neighbours on Jasmine Crescent to the rear. The option of a 5 year temporary permission was discussed but this created too much uncertainty for potential tenants. The application is therefore recommended for refusal.