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App No : 19/06493/FUL App Type : FUL

Application for : Change of use of ground floor from Building Society (A2) to Amusement Centre (Sui Generis)

At Old Bank House, 39 High Street, High Wycombe, Buckinghamshire, HP11 2AG

Date Received : 18/06/19 Applicant : Future Leisure Ltd

Target date for decision: 13/08/19

1. **Summary**

- 1.1. It is considered that the proposed change of use could be accommodated, without having a detrimental impact upon the vitality and retail character of the area, the special historic interest of the Conservation Area or the Grade II* Listed Building, neighbouring amenity, or highway safety.
- 1.2. The proposed development is considered to be in accordance with the relevant Development Plan policies, and is therefore recommended for approval, subject to conditions.

2. **The Application**

- 2.1. Full planning permission is sought for the change of use of the ground floor from a Building Society (A2) to an Amusement Centre (Sui Generis). The proposal seeks permission for the change of use of the ground floor only. No external or internal alterations are proposed.
- 2.2. The application relates to the ground floor of a Grade II* Listed Building, formerly used as a Building Society and Offices, within the High Wycombe Town Centre Conservation Area.
- 2.3. The application site is identified as forming part of the Primary Shopping Frontage, within a Primary Shopping Area, and the Town Centre Boundary.
- 2.4. The application is accompanied by:
 - a) Design and Access Statement
 - b) Heritage Statement
- 2.5. According to the application details the use of the site as a building society ceased on 31.12.2012.

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/agent was updated of the issues as they arose and provided the opportunity to submit additional information in support of the proposal as necessary.

4. **Relevant Planning History**

- 4.1. W/5094/82 – Full application for building society branch and offices – Approved

- 4.2. W/5095/82 - Listed Building Consent application for extension and restorations – Approved
- 4.3. 02/07880/LBC – Listed Building Consent application for internal alterations to property including removal of internal night lobby – Approved

5. Issues and Policy considerations

Principle and Location of Development

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), DM20 (Matters to be determined in accordance with the NPPF), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.1. The application relates to the change of use of an existing A2 use within the High Wycombe Town Centre Boundary to a sui generis use. All the town centre policies are silent on sui generis uses. By definition these are considered outside of the policy framework. Applications involving sui generis use are therefore determined based on the specifics of each case.

Retail issues

Wycombe District Local Plan (August 2019): CP6 (Securing Vibrant and High Quality Town Centres), DM37 (Small Scale Non-Residential Development)
Delivery and Site Allocations Document (DSA): DM7 (Town Centre Boundaries), DM8 (The Primary Shopping Areas), DM10 (Threshold for the Assessment of Schemes for Town Centre Impact), HWTC5 (Primary Shopping Frontages: High Wycombe)

- 5.2. The site is located within a Primary Shopping Frontage, of a Primary Shopping Area, within the High Wycombe Town Centre boundary.
- 5.3. Within town centre boundaries main town centre uses are acceptable in principle.
- 5.4. The NPPF defines main town centre uses as: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).
- 5.5. Within primary shopping areas, retail development and defined main town centre uses are acceptable, subject to the development:
 - a) Creating and attractive and vibrant interface with the public realm, and,
 - b) Being of an appropriate scale for that centre, and,
 - c) Not having a significant adverse impact upon other centres, and,
 - d) Being in accordance with policies for primary and secondary shopping frontages.
- 5.6. Policy HWTC5 notes that town centres have a much wider role to play at the centre of communities than simply being a location for retail facilities. The policy therefore seeks to retain an appropriate percentage of ground floor frontage length within A1, A1/A3 use according to the location of the frontage.
- 5.7. The current application relates to the loss of an existing A2 use, which does not have an active frontage, in the way that an A1 or A3 use would. Whilst Policy HWTC5 allows some change from A1 to A2, the loss of existing A2 uses is not strictly prohibited by Development Plan policy.
- 5.8. As noted above, the defined main town centre uses within the NPPF includes: leisure, entertainment and more intensive recreation uses such as casinos and bingo halls.
- 5.9. The proposed use of the ground floor as an adult only amusement centre (Sui Generis use) would be considered akin to those uses identified above. The proposal would not therefore be considered to have a detrimental impact upon the existing retail character of the High Street or the Council's aims to secure vibrant high quality town centres.

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)

- 5.10. The application site is located within the High Wycombe Town Centre, in close proximity to the train station, local bus routes, and public car parks.
- 5.11. Having regards to the sustainable location of the site, no objection is raised to the proposal with regards to car parking or highway safety.

Historic environment

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), DM35 (Placemaking and Design Quality)

- 5.12. The proposal relates solely to the change of use of the ground floor, with no external or internal alterations. From a street scene perspective the impact of the proposed change of use would therefore be limited.
- 5.13. In this instance the proposal relates to a prominent Grade II* 19th century townhouse, situated within the High Wycombe Town Centre Conservation Area. The site is noted within the Conservation Area Character Appraisal as “One of the grandest buildings on the High Street, a substantial Grade II* 18th century town house, which has retained its ground floor integrity”.
- 5.14. In considering whether to permit the installation of an ATM at the site in the late 1980s/early 1990s, the appeal inspector noted that “the facade of the building is noticeable for the exactness of its symmetry”.
- 5.15. Officers are mindful that the nature of advertisements associated with an amusement centre use are likely to vary markedly from those associated with the existing building society use.
- 5.16. It is therefore considered appropriate to impose a condition removing all permitted development rights in respect of internal and external advertisements and window displays, and condition requiring the submission and approval of measures to screen/shield views of the machines from within the street scene.
- 5.17. These conditions would minimise the potential impact upon the special, historic character and appearance of the Listed Building and the wider Conservation Area, and ensure that any advertisements are in keeping with the building's architectural significance and traditional materials.
- 5.18. Comments, received from the Council's Conservation Officer, raise concerns with regards to the structure and loading potential of the flooring, and whether additional electrics/services would be required to power the machines.
- 5.19. No additional information has been submitted with regards to the structure of the flooring, however the planning history of the site does not indicate any form of basement. Officers are also mindful that the application does not seek any physical changes, and that internal alterations would be the subject of a separate Listed Building Consent application.
- 5.20. Having regards to the above, it is considered that insufficient justification exists to refuse the application, and that an informative reminding the applicant of their Listed Building responsibilities would be sufficient.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality),

- 5.21. The proposal relates to the change of use of a ground floor unit within the town centre.

Environmental Health has been consulted upon the application and has raised no objections to the proposal.

- 5.22. The application details do not specify any particular hours of use. Whilst it is necessary for the owner to apply for a gambling licence, neither the licence nor the standard conditions for adult gaming centres, appear to make any reference to opening hours.
- 5.23. However, having regards to the location of the site, on the south western side of the High Street, with offices above and behind, and in close proximity to McDonalds which is open 24 Hours, the proposal would not be considered to raise any significant concerns in relation to any residential properties situated within the immediate locality.

Flooding and drainage

Wycombe District Local Plan (August 2019): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 5.24. The site is located within flood zone 1. The proposal relates to the change of use of the ground floor of an existing building, with no extension to the footprint of the building, from one less vulnerable use to another. The proposal would not therefore be considered to raise any concerns in regards to fluvial, ground or surface water flooding.

Weighing and balancing of issues – overall assessment

- 5.25. 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.
- 5.26. 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
- 5.27. As set out above it is considered that the proposed development would accord with the development plan policies.

Recommendation: Application Permitted

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers WDC1, RE/HW/01, and RE/HW02 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 the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 no external advertisements, internal advertisements, or window displays containing any lettering, branding, or graphics, including window vinyl's, which can be viewed from outside the building, shall be displayed at the site without the prior express planning consent of the Local Planning Authority.
Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the architectural significance of this Grade II* Listed Building, and the special character and appearance of the High Wycombe Town Centre Conservation Area.

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 the issues as they arose and provided the opportunity to submit additional information in support of the proposal as necessary.
- 2 This application relates solely to the change of use of the ground for use as a sui generis adult gaming centre. This permission does not grant any permission for any internal or external alterations to the building, which would require the submission of a separate Listed Building Consent application. The applicant is therefore urged to undertake the appropriate surveys with regards to floor loading capabilities, and the location and number of any electrical/service cables prior to any machines being brought on site.