



Report to West Area Planning Committee

Application Number:	20/05742/FUL
Proposal:	Erection of extension to provide 14 Flats, with lower level car parking & cycle store & bin stores to Ground Floor, with retention of front elevation as is with retail element at Ground Floor front (Part Retrospective (Alternative scheme to PP/15/07782/FUL)
Site Location:	17 - 19 Frogmoor High Wycombe Buckinghamshire HP13 5DQ
Applicant:	Mr Jogiat - Novos Real Estate Ltd
Case Officer:	Richard White
Ward(s) affected:	Previous Abbey Ward
Parish-Town Council:	High Wycombe Town Unparished
Date valid application received:	9th April 2020
Statutory determination date:	9th July 2020
Recommendation	Minded to grant – subject to reference to the Secretary of State and completion of a S106 Planning Obligation

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Full planning permission is sought for 14 flats at this site, in place of the approved scheme of 11 flats (15/07782/FUL). At the time of writing, the exterior of the 11 flat scheme is nearing completion. As can be seen from Figures 1 and 2 below, the first three stories are almost identical - so whilst this application is described as part retrospective this is simply because the current application repeats much of what already has planning permission. (Not because there has been a breach of planning control.)



Figure 1: Extract from 15/07782/FUL



Figure 2: Extract from the current proposal

- 1.2 The committee approval of the 2015 scheme followed an earlier refusal for a similar scheme to the current proposal. The earlier reasons for refusal related to the impact of the additional height on the residents of The Galleries (adjoining the site) and also relating to the detail of the proposed entrances and the treatment of the parking garage. The entrance and garaging details were resolved in the 2015 scheme and the current proposal is based on the approved layout in this regard. The daylight and outlook objections were based on the familiar 60 degree view lines and assessment from outside the neighbouring property. The current application includes a full technical assessment of daylight which shows this is in fact acceptable and the case officer has now viewed the construction from within an affected dwelling. The affected rooms have an unusual layout and dual windows and the outlook is not considered badly enough impacted to justify a refusal in isolation of any other issue. (Members will recall that daylight is a measurable impact, outlook is a matter of planning judgement.)
- 1.3 The report to Committee has been requested by a local member, whose comments encompass a range of relevant planning issues. Officers would however advise Committee

that where an issue would apply equally to the 2015 scheme under construction then a refusal on these grounds would be inconsistent with Committee’s decision on the earlier scheme and it would have no practical outcome, as the 2015 scheme will undoubtedly be completed if the current proposal is refused. So whilst it is necessary to consider the whole of the development afresh in the determination of this application, the determining issues are in effect most likely to be the impacts of the extended top storey on the outlook of neighbouring properties.

- 1.4 The Environment Agency (EA) have objected to the current proposal on the basis of 2018 updates to their flood risk mapping. This is discussed in detail in the report below, which explains why their objection should not be taken as a reason for refusal in the particular circumstances of this case.
- 1.5 The application is recommended for approval, subject to completion of any necessary consultations with the Secretary of State that arise from the EA objection, and completion of a S106 agreement to secure the proposed contribution to affordable housing.

2.0 Description of Proposed Development

- 2.1 The site is in the High Wycombe Town Centre Conservation Area. The frontage onto Frogmoor is Secondary Shopping Frontage. None of the buildings are listed although there are a number of Listed Buildings nearby, the only one directly adjoining the site being 25 Frogmoor, a small Grade II Listed late C18 / early C19 house connected to “Butlers”.
- 2.2 The proposal has entailed the demolition of most of the vacant Hull Loosely and Pearce shop and warehouse which fronts onto Frogmoor, retaining a small section fronting Frogmoor. Two new windows are proposed in the side of the retained building. The main part of the proposal occupies the same footprint as the former buildings. The ground floor is mainly utilised for parking and servicing with three floors of flats starting at first floor level. Aside from the additional third floor accommodation there are changes to the detail of the ground floor layout as shown in Figures 3 and 4 below. This involves a rearrangement of the bicycle and bin stores and the division of the approved two storey duplex unit (ground and first floor) into two separate one bed apartments.

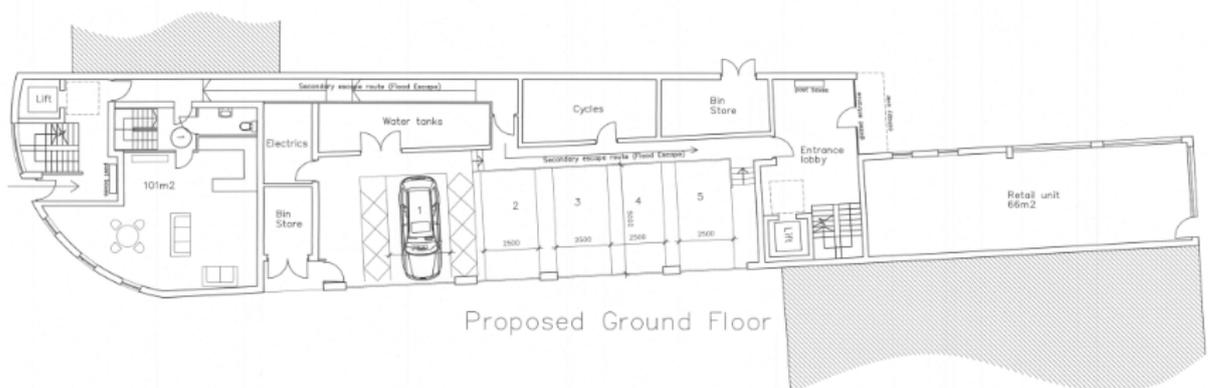


Figure 3: Extract from 15/07782/FUL

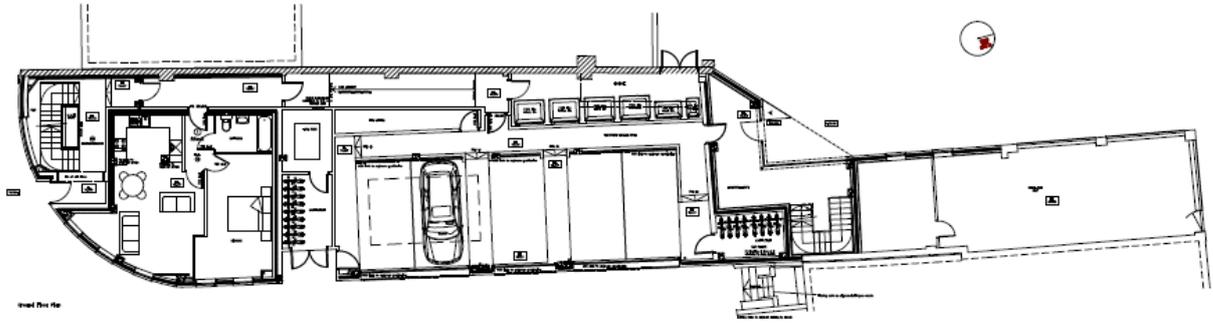


Figure 4: Extract from current proposals

2.3 The application is accompanied by:

- a) Design and Access Statement
- b) Daylight and Sunlight Report
- c) Architects Statement
- d) Financial Viability Assessment
- e) Ecology and Trees Statements (various)
- f) Flood Risk Assessment (and additional information)

3.0 Relevant Planning History

3.1 Relevant planning history for the site:

Reference	Development	Decision	Decision Date
14/07832/FUL	Demolition of existing rear of building and construction of a three storey extension to create 8 x 2-bed & 5 x 1-bed flats with lower level car parking & cycle store & bin stores to ground floor with retention of front section as is	REFUSE	19 March 2015
15/07782/FUL	Demolition of existing rear of building and construction of a three storey extension to create 8 x 2-bed & 3 x 1-bed flats with lower level car parking & cycle store & bin stores to ground floor with retention of front elevation as is with retail element at ground floor front	PERMIT	7 April 2016

4.0 Policy Considerations and Evaluation

Principle and Location of Development (including strategic flood risk issues)

Wycombe District Local Plan (August 2019) (WDLP):

- CP1 (Sustainable Development),
- CP2 (Overall Spatial Strategy),
- CP3 (Settlement Hierarchy),
- CP4 (Delivering Homes),

DM21 (The Location of New Housing),
DM39 (Managing Flood Risk and Sustainable Drainage Systems)
Wycombe Delivery and Site Allocations DPD (July 2013) (DSADPD):
HWTC 1(Delivering the Town Centre Vision)
HWTC6 (Secondary Shopping Frontages: High Wycombe)

- 4.1 The principle of development has largely been established by the existing planning permission. As before, regeneration of the site is considered to accord with the Council's vision for High Wycombe Town Centre (contained in the DSADPD) and housing in the town centre equally accords with the settlement strategy in the WDLP.
- 4.2 There is one change in circumstances since 2016 which is relevant to the principle and location of development, which is the updated Environment Agency mapping of flood risk in the River Wye corridor in 2018. Previously, part of the site was mapped in Flood Zone 2, were the principle of residential development is subject to the sequential test. Planning permission was granted in 2016 on the basis that "in terms of the sequential test the regeneration of existing developed sites in flood risk zones is considered acceptable." Since 2018, that part of the site has been mapped in Flood Zone 3b (functional floodplain).
- 4.3 The objections from the Environment Agency explain that the in principle conflict with the NPPF arises from proposing a more vulnerable use (residential) in Zone 3b. Unlike Zone 2, this cannot be overcome by applying the sequential test.
- 4.4 Turning to Policy DM39, part 1 requires all development to be 'directed to areas at least risk of flooding' and to 'reduce the causes and impacts of flooding'. There is a conflict with the first objective, but compliance with the second. This proposal reduces the causes and impacts of flooding by replacing the previous solid building with open garaging (increasing flood storage capacity) and by the use of sustainable drainage. Part 2 prohibits 'inappropriate development in areas with a high risk of flooding' (defined in 6.195 of the Plan). A 'more vulnerable' residential use is inappropriate unless it passes the sequential and exceptions tests – but as noted above this is not possible in Zone 3b (functional floodplain). The proposal also conflicts with part 3 of the Policy as it does not on its face 'safeguard the functional flood plain for the purpose of storing and allowing water to flow in times of flood'.
- 4.5 These policy conflicts will be weighed in the conclusion to this report.

Sustainable drainage and residual flood risk issues

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

- 4.6 The layout of the site accords with the sequential approach to site layout. New buildings are located outside of the flood risk zone and the ground floor is mainly used for less vulnerable uses.
- 4.7 Full details of suitable sustainable drainage have already been approved as per conditions 4 and 5 of 15/07782/FUL. The Lead Local Flood Authority has no objection subject to these details. Similarly, details of safe egress and evacuation in case of flood have been approved as per condition 12 of 15/07782/FUL.
- 4.8 The proposal accords with these aspects of DM39.

Heritage and Placemaking

Wycombe District Local Plan (August 2019):

CP7 (Delivering the Infrastructure to Support Growth),
CP9 (Sense of place),
DM31 (Development Affecting the Historic Environment)
DM34 (Delivering Green Infrastructure and Biodiversity in Development),
DM35 (Placemaking and Design Quality)
Residential Design Guide

- 4.9 Overall, the impacts of the amended scheme are little different to the approved 2015 scheme. Members may also wish to note whilst the almost identical 2014 scheme was refused permission there was no fundamental heritage or placemaking objection raised by the previous Committee. (As noted elsewhere, there were detailed issues with the design of the garaging and the main entrance, which were resolved.)
- 4.10 The built context for the development is mainly 3 and 4 stories. Whilst the frontage building on Frogmoor has a strong group identity with the adjoining terrace, Frogmoor in the round is composed of a range of building styles from various periods. The main part of the proposal will be partly visible from Frogmoor through the gap between buildings at the site entrance. On the opposite side of the site, the context is dominated by highways infrastructure, the modern flatted development known as The Galleries, and the multi-storey car park and hotel opposite.
- 4.11 This area is within the Conservation Area and Frogmoor includes a number of Listed Buildings. There is statutory duty to have special regard to the desirability of preserving the character and appearance of the Conservation Area and the setting of the Listed Buildings. Both local and national policy require applicants to “describe the significance of any heritage assets affected, including any contribution made by their setting.” The Design and Access Statement includes a minimal assessment and (notwithstanding their concerns as to the quality of the supporting material) the Conservation Officer accepts that the impact of the proposal on the Conservation Area and Listed Buildings is acceptable.
- 4.12 In terms of massing in the streetscene the proposal sits comfortably with the 3 – 5 storey Galleries Building and the 2 – 4 storey buildings on Frogmoor. The south elevation to the service road is centred on a strong bay feature. There is a strong rhythm and order to the pattern of fenestration. The north elevation is more modestly treated, which is appropriate to its setting.
- 4.13 As before, the proposal is considered to accord with these policies.

Affordable Housing and Housing Mix

Wycombe District Local Plan (August 2019):

DM22 (Housing Mix),
DM24 (Affordable Housing),
DM41 (Optional Technical Standards for Building Regulation Approval)
Planning Obligations Supplementary Planning Document (POSPD)

- 4.14 The proposal is considered to accord with DM22, as apartments are generally more appropriate in terms of place making and meeting housing needs with regards to town centre locations.
- 4.15 The previous scheme was permitted prior to adoption of the WDLP. At that time, it fell below the old 15 dwelling threshold for affordable housing. The current scheme is of course above the new 10 dwelling threshold. DM24 would therefore require at least 35%

affordable housing (5 units of the 14 in total). There is no on-site affordable housing proposed, leading to a conflict with DM24.

- 4.16 A scheme that complies with DM24 has been shown to be financially unviable with respect to the baseline value secured by the existing permission prior to the change in policy. The Council's viability assessment does show that the scheme can support some financial contribution to affordable housing (£22,000).
- 4.17 The proposal cannot be shown to comply with the standards in DM41 – which of course are new standards introduced since the approval of the 2015 scheme.
- 4.18 These policy conflicts will be weighed in the conclusion to this report.

Transport matters and parking

Wycombe District Local Plan (August 2019):

CP7 (Delivering the Infrastructure to Support Growth)

CP12 (Climate change)

DM33 (Managing Carbon Emissions: Transport and Energy Generation)

DM35 (Placemaking and Design Quality)

Wycombe Delivery and Site Allocations DPD (July 2013): DM2 (Transport requirements of development sites)

Buckinghamshire Countywide Parking Guidance

- 4.19 Located in a main town centre, the site enjoys a high level of accessibility to jobs and services by sustainable transport modes. There is limited on-street parking in the area and this is subject to a range of restrictions. There are a number of nearby public car parks, mainly restricted to short stay parking. Coming within the Town Centre, it is highly accessible by foot and bike to a wide range of local shops, services, leisure opportunities, schools and employment. It is also within easy walking distance of both the rail and bus station, which in turn affords easy access to a wider range of services and employment opportunities. It is, in short, a location where car ownership is not a requirement for a full life.
- 4.20 Turning to parking, the optimum level indicated by guidance would be 11 spaces (if the parking was not allocated to individual dwellings) with an additional 20% provision for visitors if more than half the parking was allocated. However, this guidance allows for flexibility when applying the standards. The 2015 scheme was approved with 5 car spaces for 11 flats on the basis that the location is so highly sustainable that car free development could be appropriate. The current proposal (5 spaces for 14 flats) is considered equally acceptable on the same basis.
- 4.21 The proposal is therefore considered to accord with these policies.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019):

CP9 (Sense of Place),

DM35 (Placemaking and Design Quality)

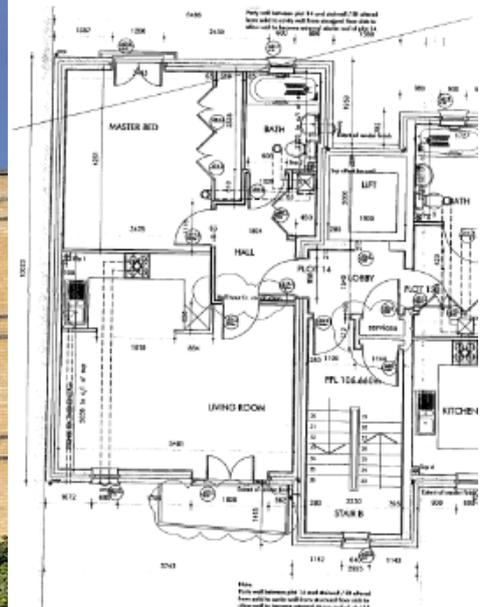
DM40 (Internal space standards)

Residential Design Guide

- 4.22 The 2015 scheme was approved having careful regard to the specific context and the close urban relationships with adjoining property. Permission was granted on the basis that the 2015 scheme was acceptable with regards to neighbour impacts. The impact of the additional upper floor accommodation is limited to its impact on day light and outlook.

(No windows are proposed in the new upper floor facing to The Galleries, hence there is no change in terms of overlooking).

- 4.23 With regards to daylight and sunlight, the previous refusal for this upper storey was based on the familiar 60 degree light angle guidance, which is applied in the absence of a full BRE assessment. This current application is accompanied by a full BRE assessment which robustly demonstrates that the additional elements will not have a significant adverse impact on daylight or sunlight.
- 4.24 The final part of the earlier reason for refusal related to outlook from the nearest neighbour (the top floor flat in the inner corner adjoining). The small window highlighted below serves part of an open plan dining room / lounge which has a kitchen alcove to the rear. The large French windows serve the same room as the small window highlighted. The shape and size of the room and the position of these windows means that the main part of the room is in-between the two windows and this arrangement does not naturally encourage view towards the site of the proposal. On balance, it is not considered that outlook from this flat will be affected so adversely as to justify refusal of planning permission for the new upper storey.



- 4.25 Turning to the amenity of future residents, as before the majority of the flats proposed are provided with private balconies. As before, there are 2 flats without balconies in the front part of the building where the layout of the site and the existing historic frontage building make it unfeasible to provide balconies. New to this proposal, the division of the duplex unit on the service road into two flats results in the ground floor flat also having no balcony. In the overall context of the scheme in its location this is considered acceptable.
- 4.26 On that basis the proposal is considered to accord with the relevant policies in respect of neighbours' and future occupants' amenity.
- 4.27 The proposal cannot be shown to comply with the standards in DM40 – which of course are new standards introduced since the approval of the 2015 scheme.
- 4.28 These policy conflicts will be weighed in the conclusion to this report.

Environmental issues

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

- 4.29 The town centre location means that traffic noise is a likely problem. Details of a scheme to protect future residents from traffic noise have already been approved per condition 6 of 15/07782/FUL.
- 4.30 The close relationship with The Galleries previously gave rise to the likelihood of nuisance during the construction phase. This was managed per the details agreed under condition 9 of 15/07782/FUL.

Green networks and infrastructure

DM34 (Delivering Green Infrastructure and Biodiversity)

- 4.31 The proposal cannot be shown to result in a net increase in biodiversity and neither does it contribute to green infrastructure. The proposal does protect the existing trees adjoining the site as per condition 10 of 15/07782/FUL. These are new policy requirements introduced following approval of 15/07782/FUL.
- 4.32 These policy conflicts will be weighed in the conclusion to this report.

Building sustainability

DM33 (Managing Carbon Emissions)

- 4.33 15/07782/FUL was subject to a condition requiring 15% carbon reduction to be achieved by the use of decentralised and/or low carbon sources. The approved details utilise roof mounted PV. This is considered to accord with DM33.

Infrastructure and Developer Contributions

Wycombe District Local Plan (August 2019):

CP7 (Delivering the infrastructure to support growth)

Wycombe Delivery and Site Allocations DPD (July 2013):

DM19 (Infrastructure and delivery)

- 4.34 The development is a type of development where CIL would be chargeable.
- 4.35 The requirement for affordable housing has been discussed earlier in the report.
- 4.36 Bucks Healthcare Trust have requested a S106 payment of circa £25K towards providing healthcare services, the demand for which is said to increase by reason of the population increase arising from new residential development. The services include, for example, the estimated cost of patients attending different BHT activities, e.g. A&E, Outpatients, planned care and community episodes, e.g. supply of medicine, operational and staff costs. Whilst discussions with BHT are ongoing, at the present time it is not considered that this is necessary to make the development acceptable in planning terms.
- 4.37 It may also be noted that the viability evidence in this case shows that the proposal can only support a total contribution of £22K, which is currently assumed to be for affordable housing.
- 4.38 No other types of infrastructure have been identified that would be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

4.39 Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured within a section 106 agreement:

- Affordable housing

4.40 The applicant has confirmed that he is willing to enter into a legal agreement.

5.0 Weighing and balancing of issues / Overall Assessment

5.1 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.

5.2 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 (such as CIL if applicable), and,
- c. Any other material considerations

5.3 In addition, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the Council to have special regard to the desirability of the setting of any Listed Buildings and the character and appearance of the Conservation Area.

5.4 The proposal accords with many of the relevant development plan policies and conflicts with several others.

5.5 The first conflict noted above is the conflict with the locational elements of policy DM39 – a residential application in the functional floodplain is normally unacceptable as a matter of policy. Whilst the policy framework for flood risk is essentially unchanged from 2015, the EA flood risk mapping has been updated, changing the strategic context for the site.

5.6 The other policy conflicts identified arise from new policy standards introduced by the adoption of the new Local Plan in 2019. This includes the shift in the affordable housing threshold (DM24) and the various space and accessibility standards introduced in DM40 and DM41. The failure to demonstrate a net increase in biodiversity (as required by DM34) is similarly a failure to meet a new standard introduced since approval of the 2015 scheme.

5.7 This leaves the question of the additional accommodation proposed. Your officer's view is that the affordable housing requirements should be applied to the full extent allowed by developer viability. This has been assessed and the applicant has agreed to the identified contribution. Nonetheless there is a conflict with DM24 as the proposal fails to secure the policy level of affordable housing on site.

5.8 On balance, it is considered that the proposal fails to accord with the Development Plan overall, but it is also considered that there are sufficient positive material considerations to justify a departure from the Plan. These are set out below.

- 5.9 In general, a pre-existing planning permission will not of necessity justify a departure from the new standards, but in this case the earlier scheme is approaching external completion on site. This elevates the fall-back position from a hypothetical case to a near certainty. As a matter of policy, the new standards should be applied but a refusal of planning permission for a breach of these standards in relation to the common parts of the building would not achieve any of the relevant policy objectives.
- 5.10 Although of only marginal benefit in any strategic context, the supply of 3 additional market dwellings and the financial contribution to affordable housing is a further material consideration in favour of the current proposal versus the fall-back position.
- 5.11 With regards to flood risk issues, the only substantial difference between this proposal and the permitted scheme is the addition of a penthouse storey. Any impact on flood storage or flood risk in the vicinity of the site is therefore a consequence of the elements of the proposal that are common to both the current proposal and the permitted scheme, and these impacts are unchanged by the addition of a penthouse storey.
- 5.12 Secondly, whilst the application site now extends into Zone 3b, triggering the relevant policies, the proposed dwellings are not themselves in an area of high flood risk.
- 5.13 Thirdly, this proposal is an amendment to a permitted scheme which would increase the number of dwellings from 11 to 14. If the penthouse proposal had come forwards following effective completion of the permitted scheme (rather than merely following commencement) it would have been framed as an extension to an existing building, rather than an amendment to a scheme which was underway. It is unlikely that such a proposal could reasonably be refused permission on the grounds of its location touching the boundary of Zone 3b high above any likely flood level.
- 5.14 Fourthly, whilst the sequential test no longer applies, the regeneration of the site and delivery of more housing in the town centre are still positive factors to weigh against these objections.
- 5.15 The above considerations are on balance considered to outweigh the harm arising from the conflicts identified with the Development Plan.
- 5.16 Members should note however that in accordance with the Town and Country Planning (Consultation) (England) Direction 2021 and Circular 02/09: The Town and Country Planning (Consultation) (England) Direction 2009 the Council is required to consult the Secretary of State before granting planning permission.
- 5.17 If the recommendation is accepted by Committee, it will also be necessary to re-advertise the application as a departure from the WDLP prior to determination.

6.0 Working with the applicant / agent

- 6.1 The Council worked with the applicants/agents at both the application and pre-application stage. Whilst the application has been subject to some delay the Council has worked with the applicant to address and resolve issues arising with the application.

7.0 Recommendation

- 7.1 The recommendation is to delegate authority to officers to grant permission subject to completion of any necessary consultations with the secretary of state and completion of a S106 planning agreement to secure a contribution of £22,000 towards the provision of affordable housing in the County. It is envisaged that any permission would be subject to the conditions out below.

7.2 Please note, several consultees have recommended pre-start conditions which are rendered inappropriate or unnecessary by the circumstances of the site. As noted previously, work has progressed on site in accordance with the earlier permission and the details which were agreed in respect of the conditions attached to this. The recommendation now is that a single condition is imposed regarding adherence with details that have already been agreed with any additional conditions as needed. Turning first to the conditions on 15/07782/FUL:

Condition 1: Time limit for implementation. No longer relevant as 15/07782/FUL was begun in time and the current proposal is part retrospective by dint of the elements common to both schemes.

Condition 2: Amended plans condition. A new plans condition will be required if this proposal is permitted.

Condition 3: Approval of building materials and finishes. These details have already been agreed.

Condition 4: Approval of a surface water drainage scheme. These details have already been agreed (and these are the same details referred to in the LLFA recommendation below).

Condition 5: Approval of a drainage maintenance plan. These details have already been agreed (and these are the same details referred to in the LLFA recommendation below).

Condition 6: A scheme to protect the proposed development from traffic noise. These details have already been agreed.

Condition 7: A scheme for highways improvements along the edge of the service road. These details have already been agreed.

Condition 8: Archaeological investigation. These details have already been agreed.

Condition 9: Approval of a demolition and construction method. These details have already been agreed.

Condition 10: Tree protection. Already agreed.

Condition 11: A requirement for a 15% reduction in carbon emissions to be achieved through the use of decentralised and/or low carbon sources. These details have already been agreed.

Condition 12: A requirement for safe escape routes and evacuation procedures in case of flood. These details have already been agreed.

7.3 Recommended conditions for this proposal:

1 The permission is in respect of the development as shown in drawing numbers:

PD301
GA302A
GA303B
GA304
GA305

Reason: For the sake of clarity, and to ensure a more satisfactory development of the site.

- 2 This development shall be completed, retained and occupied in complete accordance with the details previously agreed in respect of conditions 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Wycombe District Council planning permission 15/07782/FUL
Reason: As this proposal is expressed as an amendment to 15/07782/FUL and for the reasons stated in the conditions listed.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Councillor Lesley Clarke OBE: Please bring to the Planning Committee if you are minded to approve.

The applicant has already requested the increase in number of flats in the application which was refused -

14/07832/FUL. There are no fundamental changes to the request in this application save it increases the number of flats from 11 to 14. The flats are exceptionally small, with hardly any amenity space. Unfortunately, part of this application is retrospective.

There are worries by residents nearby. It is over development and should be refused on the same ground as the application stated above. It is over development in an already overcrowded area. Overlooking of nearby property of The Galleries amenity space and will have a detrimental effect on the residents of this property. Please arrange a site visit.

Former Councillor Alan Hill: Due to concerns of the residents in the Galleries about the height of this new building, could you please bring to committee and also a site visit, if for approval.

Parish/Town Council Comments

High Wycombe Town - Unparished area

Consultation Responses

Conservation Officer: Para 189 of the NPPF which, as stated, requires that developers to describe the significance of any heritage assets affected, including any contribution made by their setting.... As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

The application has not been supported by a Statement of Heritage Significance. Other than a number of references to there being no effect on any matter of heritage importance, there is no information to demonstrate how this opinion has been arrived at. The application does not therefore meet the advice in the NPPF.

Having considered the extant 2015 consent and the proposed variation, the impact of the additional floor is not sufficient to object to on heritage grounds.

Highways Authority: I note that the Highway Authority commented on planning application 15/07782/FUL and in a response dated 16th February 2016, raised no objection to a proposal for 11(no) flats.

The application site is located along Frogmoor which is situated within High Wycombe town centre.

The application proposes the partial demolition of the existing building (Use Class A1) and the creation of 14(no) residential units utilising an existing access onto Dovecote Road.

Having reviewed the plans submitted as part of this application and those approved under planning permission 15/07782/FUL, I note that the access and parking arrangements proposed for this application are similar with regard to highway impact and safety to those previously approved.

Therefore, I do not have any objections to the parking or access arrangements. Furthermore, whilst the 3(no) additional flats proposed as part of this application would increase the parking requirement for the development, in consideration of the adequate transport links in the town centre and waiting/parking restrictions along Dovecot Road, I would not be able to lodge or sustain a reason for refusal on this basis alone. I also note that the proposals for this application includes 34(no) cycle parking spaces and improved pedestrian facilities along Dovecot Road.

Mindful of the above and in consideration of the site history, the Highway Authority raises no objections to this application, subject to the following conditions being included on any planning consent that you may grant:

Condition 1: The scheme for parking, garaging 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.

Condition 2: Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, loading/unloading arrangements and parking of site operative's vehicles) shall be submitted and approved in writing by the Planning Authority in consultation with the Highway Authority. Thereafter, the development shall be carried out in accordance with such approved management plan.

Reason: This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the highway and of the development.

Flood Authority: (Final comments in respect of the additional information submitted): The LLFA has no objection to the proposed development subject to the following planning conditions listed below being placed on any planning approval.

Condition 1: The development permitted by this planning permission shall be carried out in accordance with the approved Surface Water Design & SuDS (HDC1049_, July 2017, Hegsons Design Consultancy) and Storm Water Drainage Drawing (16566-420 Issue P2, 19th July 2017, Hegsons Design Consultancy).

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner, in accordance with Paragraph 163 of the National Planning Policy Framework.

Condition 2: Prior to the first occupation of the development, a demonstration (such as as-built drawings and/or photographic evidence) of the as-built surface water drainage scheme carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

Reason: The reason for this pre-occupation condition is to ensure the Sustainable Drainage System has been constructed as per the approved drawings.

Environment Agency: We have two objections to the proposed development. One about the proposed development being incompatible with the flood zone and the other is about an inadequate FRA.

1) Proposed development incompatible with Flood Zone

We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and its associated planning practice guidance (PPG). We recommend that planning permission is refused on this basis.

Reasons: The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each Flood Zone. This site

lies within Flood Zone 3b functional floodplain, which is land defined by the PPG as having a high probability of flooding.

The development is classed as more vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

Overcoming our objection:

Where possible the applicant should propose an alternative location for this development, which ensures that any of the works being undertaken, are outside of Flood Zone 3b. Alternatively the applicant should provide their own modelling and or site specific details such as a topographical survey, which show that the proposed development, does not fall within Flood Zone 3b.

2) Inadequate FRA

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraph 163 of the NPPF or paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risk.

In particular, the FRA fails to:

- Assess the proposed development against the best available evidence. The FRA is dated 2015. The best available evidence is now the Wye model including Hughenden Stream (2018).
- Take the impacts of climate change into account. The allowance for climate change have changed in 2016.
- Consider how people will be kept safe from the identified flood hazards

Representations

6 comments have been received supporting the proposal:

Various neighbours (both residential and business) support the redevelopment of the derelict building and expresses hope that beneficial use of the site will help resolve current issues they perceive with drug abuse and crime.

2 comments have been received objecting to the proposal:

The management company at The Galleries has objected on four grounds:

- to the height of the building
- to the level of parking
- to the lack of green roofs or walls
- to the lack of avoidance of mitigation to harm caused

Objections from a neighbouring fast food operator re potential conflicts with deliveries, the potential for future complaints re noise and odour, and possible loss of light to their premises.

In addition, the Buckinghamshire Healthcare Trust have submitted a request for a S106 contribution of £25,568 to provide additional healthcare services to meet patient demand. (The request is supported by a detailed standard justification.)

Finally, comments were received from Thames Water re a number of construction phase constraints and the need to protect existing infrastructure from intrusive foundations etc. As groundworks were

already underway on site in relation to the 2015 before these comments were received the applicant was advised of these issues immediately and advised to contact Thames Water for further assistance.

APPENDIX B: Site Location Plan

20/05742/FUL
Scale 1/1250



Planning Committee
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