



## Report to East Area Planning Committee

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<b>Application Number:</b>	PL/21/1320/FA
<b>Proposal:</b>	Construction of new car showroom with office mezzanine on car sales forecourt area.
<b>Site location:</b>	The Motoring Team House, Amersham Road, Chesham, Buckinghamshire, HP5 1NH
<b>Applicant:</b>	The Motoring Team
<b>Case Officer:</b>	Emma Showan
<b>Ward affected:</b>	Chess Valley
<b>Parish-Town Council:</b>	Chesham Town Council
<b>Valid date:</b>	29 April 2021
<b>Determination date:</b>	23 September 2021
<b>Recommendation:</b>	Conditional permission

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The site comprises the vehicular sales premises of The Motoring Team which is characterised by a two storey, gable-roofed building (previously a public house which has been converted) which acts as the office, a single garage, and a large forecourt which wraps around the front and side of the building and which accommodates the vehicular sales lot. The application proposes the construction of a new car showroom with office mezzanine on the existing car sales forecourt area. The main issues to consider relate to the impact the proposal will have on the character and appearance of the area; noise, disturbance and visual impact on local amenities; traffic/highway/parking implications; and flooding.
- 1.2 The application has been called for consideration by the Planning Committee by Councillor Culverhouse. The concerns cited relate to: harm to the Conservation Area and Listed building; loss of privacy; noise and disturbance; traffic/highways/parking impacts; and it is stated that the business is already operating in contravention of planning permission
- 1.3 The application is recommended for refusal for two reasons: the impact on the character and appearance of the area, and also on flooding grounds.

## **2.0 Description of Proposed Development**

- 2.1 The site comprises the vehicular sales premises of The Motoring Team which is characterised by a two storey, gable-roofed building (previously a public house which has been converted) which acts as the office, a single garage, and a large forecourt which wraps around the front and side of the building and which accommodates the vehicular sales lot. The site is surrounded by a mixture of single, two and three storey buildings in both residential and commercial uses. The site has a prominent, open, frontage and direct access onto Amersham Road. The site is located in the built-up area of Chesham.
- 2.2 This application proposes the construction of a new car showroom with office mezzanine on the existing car sales forecourt area.
- 2.3 The proposed development seeks to erect a new front extension to the existing office building and new car showroom on the existing hardstanding forecourt area. The total building (inclusive of the front extension) would have a width of 28 metres and depth of 2 metres (from the existing office building) and 22.8 metres (the new car showroom). The front extension would have a flat roof height of 3.3 metres, whilst the car showroom would have a pitched roof height of 6.6 metres, with an eaves height of 3.6 metres. The car showroom would have a mezzanine level.
- 2.4 Part of the existing forecourt will remain empty to accommodate three customer car parking spaces and access will remain as existing, onto the Amersham Road.
- 2.5 Documents submitted with the application:
  - Design and Access, Heritage and Planning Statement
  - Flood Risk Assessment
  - Waste and Recycling Strategy
  - CGI views
- 2.6 Clarification has been provided by the Applicant on the number of vehicles proposed to be stored within the site and how any additional vehicles can be accommodated, in line with concerns initially raised by the Highway Authority.

## **3.0 Relevant Planning History**

- 3.1 CH/2017/1273/VRC - Variation of Condition 8 of planning permission CH/2015/1923/FA relating to the change of use from public house (Use class A4) to use for car sales (Use class sui generis) and residential flat to allow for changes to the external appearance of the building; conditional permission.
- 3.2 CH/2017/1222/VRC - Variation of Condition 2 of planning permission CH/2015/1923/FA relating to the change of use from public house (Use class A4) to use for car sales (Use class sui generis) and residential flat to allow for continued use of the site for car sales; conditional permission.

- 3.3 CH/2015/1923/FA - Change of use from public house (Use class A4) to use for car sales (Use class sui generis) and residential flat with associated parking; conditional permission.

#### **4.0 Summary of Representations**

- 4.1 The Town Council recommend refusal of this planning application, full comments are included in the Appendix.
- 4.2 Ten letters of objection have also been received.

#### **5.0 Policy Considerations and Evaluation**

- National Planning Policy Framework (NPPF), February 2021.
- National Design Guidance, October 2019
- Core Strategy for Chiltern District - Adopted November 2011:
- Chiltern District Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.

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

Core Strategy Policies:

CS1 (The spatial strategy)

CS16 (Employment land)

- 5.1 The application site is located in the built-up area of Chesham wherein development is considered to be acceptable in principle subject to complying with the relevant policies of the Development Plan.
- 5.2 The site comprises an existing vehicle sales centre which contains a two-storey building with grey rendered elevations and a gable roof and a large area of hardstanding which wraps around the front and side of the building which is used for vehicle sales. It is proposed to extend the existing building by way of a small single storey front extension and to erect a new building on the site (on the existing area of hardstanding) to allow for an internal showroom for the sales of vehicles on site.
- 5.3 Core Strategy Policy CS16 relates to employment land in the area. It states that the Council will aim to secure the long-term retention of a portfolio of employment sites and premises within the District which are attractive to market and which will provide a range of jobs to meet local needs. The redevelopment of existing employment sites and premises for employment use to make more efficient use of sites and provide modern premises attractive to the market will be encouraged.
- 5.4 There is also support for business growth in the NPPF. Paragraph 80 states that planning policies and decisions should help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The

approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

- 5.5 There is therefore support, in principle, for development which relates to the retention and growth of local businesses, subject to complying with other, more detailed policies in the Development Plan and the NPPF.

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

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

- 5.6 The locality has a mixed character, comprising of a number of two-storey residential dwellings with brick facing elevations, a three storey Victorian former warehouse building with brick elevations and crittal windows, and further along Amersham Road, single storey vehicle repair units and filling stations. Open frontages and minimal landscaping means that buildings are highly visible from the street scene.
- 5.7 The Chiltern & South Bucks Townscape Character Study defines the site as being located within a 'Town Centre Fringe' character typology area. These are mixed use areas found near town centres, generally located along busy historic routes where commercial uses are interspersed with residential buildings. The overarching planning and design principles for these character areas include creating a more coherent character; maintaining consistent building lines; ensuring development relates well to its context in terms of materials, form and scale; simple building forms; and encouraging a variety of architectural styles.
- 5.8 The National Design Guide (NDG) also sets out ten characteristics for good design, including "Context" (enhances the surroundings), "Identity" (attractive and distinctive) and "Built form" (a coherent pattern of development). Context is defined as the location of the development and the attributes of its immediate, local and regional surroundings. The NDG states that well-designed places are based on a sound understanding of the features of the site and the surrounding context, and should be integrated into their surroundings so they relate well to them. Further, it identifies that built form defines a pattern of streets and development blocks and that it is important to consider the layout and grain of buildings and spaces, in order to integrate new development into the existing character.
- 5.9 The application proposes the erection of a modest extension to the existing two-storey rendered building on site which would be linked to a larger 'tram-shed' style building with a double gabled roof and floor-to-ceiling glazing. The extension is considered to be acceptable, but the larger new building would be 1.5 storeys in height, incorporating an internal mezzanine floor, and would extend across the majority of the hardstanding on site and existing sales

forecourt. This building would extend to the front boundary of the site so that it is sited further forward than the adjacent buildings along Mineral Lane. The existing front boundary wall would also be removed, so the building would directly front the street.

- 5.10 In terms of the appearance of the building, it is considered that the form of the building would reflect the design features of other buildings in the immediate locality, with particular reference to the gable roofs. Gable roofs are features of the commercial buildings further along Amersham Road in addition to at the residential dwellings along Mineral Lane. In addition, the use of facing bricks and materials to reflect those across other buildings in the locality would be an appropriate use of materials to respond to the local context.
- 5.11 However, with regard to siting, whilst this part of Amersham Road has a very mixed character and setbacks from the street, the proposed new building would be sited much further forward on the plot than any nearby buildings. Buildings are predominantly set back from the street, creating an open vista towards Chesham and the nearby conservation area. The plot layout is fairly tight and fine grained, but the buildings along the main road are looser in layout, and set back such that no one building dominates the view. At present, the character of this area is of a collection of buildings where no single building is overly dominant; each one contributing to a collective sense of place, rather than one building dominating the views. The proposed building would extend right up to the front site boundary and notably further forward than the adjacent building at Mineral Lane. The southern flank wall will project much further forward than the neighbouring buildings, creating a long flank projecting wall, with little relief, that would dominate the views from the south, towards Chesham. As a result, the siting of the new building is such that the southern flank wall and the overall scale and bulk would be overly prominent and intrusive in the street scene, when viewed from both directions, to the extent that it would dominate the adjacent development to a harmful degree.
- 5.12 The site is located close to a Grade II Listed building, The Mineral and a number of third party representations have raised concern as to the impact of this proposal on its setting. To this end, the Historic Buildings Officer has been consulted and they have confirmed that, considering the distance and existing buildings which separate the listed building and the application site, it is not considered that the proposal will impact on its setting. The setting of this listed building is more its immediate surroundings and its own connection to Amersham Road which it is afforded by the area to the front (SW) of the building. For this reason, the Historic Buildings Officer has raised no objection to the proposed development, purely in terms of the setting of the listed building.
- 5.13 The Chesham Conservation Area is located further to the north and, given the distance, it is not considered that the building would specifically harm the setting of the conservation area.

- 5.14 Nonetheless, overall it is considered that the siting and forward projection of the building would make its overall scale and bulk appear unacceptably prominent and intrusive in the street scene to the front of the site.

**Amenity of existing and future residents**

Local Plan Saved Policies:

GC3 (Protection of amenities throughout the district)

GC7 (Noise-generating developments throughout the district)

- 5.15 The site is already in its existing use as a vehicle sales centre and it is not proposed to intensify this use. The Local Councillor has questioned the lawful use of the site however planning permission was granted under reference CH/2015/1923/FA for the change of use of the site from a public house (Use class A4) to a new use for car sales (A sui generis use). This permission was implemented and the site is currently lawfully trading as a vehicle sales centre. It is not considered that the erection of a new building on site in association with this existing use would result in an increase in noise and disturbance as a result of the use of the site.
- 5.16 In terms of the impact of the proposal on other amenities, namely whether it would result in a loss of privacy or appear overbearing, these aspects will be assessed now.
- 5.17 The site is currently surrounded by a range of commercial and residential properties, with some residential properties bordering the site. As no windows are proposed in the rear (east) elevation or in the flank (south) elevation, there would be no windows that would be sited so as to result in intrusion into the neighbouring properties or gardens.
- 5.18 In terms of being overbearing, the proposed building would be located in close proximity to the Misbourne Works and Nos. 61 and 63 Waterside to the rear, and The Thorns to the south flank elevation. The submitted plans indicate that the proposal would retain a gap between the proposed building and boundaries with the adjacent neighbouring properties which will off-set some of the impact. Given the nature of The Thorns and fact that this property has a large rear garden (the front garden is purely laid to hardstanding to facilitate parking), it is not considered that the proposal would be harmful to the amenities of this property.
- 5.19 To the rear 3.6 metres would separate the rear elevation of the proposed building and the rear of The Misbourne Works and 8.8 metres would separate the rear elevation of the proposal and dwelling Nos. 61 and 63 Waterside. It is considered that this is sufficient to prevent the proposal from appearing overbearing to neighbouring properties, particularly given that the proposed building would be 1.5 storeys high, with a maximum ridge height of 6.6 metres, and with an eaves height of 3.6 metres. The character of the area is of a tight knit urban grain with properties in the area being sited adjacent to larger warehouse and former commercial buildings. It is considered that the relationship of the proposal to the adjacent properties would therefore be acceptable in amenity terms, and the height of the proposal is also such that

the proposal would not be visually harmful to amenity of neighbouring properties. No objections are therefore raised with respect to the impact of the proposal on neighbouring amenities.

### **Transport matters and parking**

Core Strategy Policies:

CS25 (Dealing with the impact of new development on the transport network)

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications)

TR3 (Access and road layout)

TR11 (Provision of off-street parking for developments)

TR12 (Relaxation of parking standards)

Buckinghamshire Parking Guidance, 2015

5.20 The site is accessed off Amersham Road and no changes are proposed to the access arrangements. The proposed building would however result in the loss of much of the hardstanding on site and there could be resultant impacts on vehicular manoeuvring on site, to the adjacent public highway and space for parking.

5.21 To this end, the Highway Authority has been consulted and has commented that the amended plans demonstrate that the proposed showroom can accommodate the parking of 24 cars on site, including a turning area for the cars within the showroom and parking/turning for three vehicles within the external courtyard. Furthermore, given the nature of the proposal and the existing lawful use, it is not considered that the development would result in an intensification in the use of the site. For these reasons, the Highway Authority has raised no objection to the proposal, subject to relevant conditions.

5.22 The site plan indicates that three parking spaces would be provided to the front of the building that would allow for customer parking. Given the nature and size of the business, it is considered that this is sufficient, and indeed similar to the existing situation.

5.23 Previous conditions in relation to the use of the site as a vehicles sales centre remain relevant and could be included on this application, should planning permission be granted. These relate to the manoeuvring of vehicles to and from the site, the use of loading vehicles and the permanent retention of the area for customer parking.

### **Flooding and drainage**

Core Strategy Policy:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policy:

GC10 (Protection from flooding in the areas as defined on the Proposals Map and throughout the district)

- 5.24 The Applicant has submitted a Flood Risk Assessment, which alleges that the site is located within Flood Zone 2 and only close to Zone 3 at the edge. However, this is incorrect. Nearly all of the site where the new building would be located is in fact in Flood Zone 3. The applicants propose to remove the current dwarf wall at the front of the site, erect a new building on a large proportion of the forecourt, although this is stated to be flood resilient, with impermeable floor and lower wall surfaces.
- 5.25 Paragraph 159 of the NPPF states that development should be directed away from areas at highest risk. To this end, the Planning Practice Guidance ('PPG') recommends the application of a sequential, risk-based approach to all development in Flood Zone 3. The geographical area for the application of the Sequential Test is defined by local circumstances relating to the catchment area for the type of development proposed. The acceptability of the Sequential Test must be decided by the local planning authority, taking advice from the Environment Agency as appropriate. In this case, whilst the applicant obviously runs an existing car sales business from the site, it is still necessary to fulfil the aims of the Sequential Test. One of the purposes of Flood Zone 3 (being the floodplain) is to provide sufficient water storage areas in the event of flooding. Erecting a new building of a fairly large footprint would obviously reduce this capacity. The Applicant has not explained why the business can only be run from this site and that no other suitable sites, within lower category flood zones, are available, in an equally suitable location. As such, insufficient evidence has been provided to pass the Sequential Test. Consequently, the proposal has not met the requirements of the test and conflicts with the NPPF, Policy GC10 of the Local Plan and Policy CS4, which together aim to steer new development towards areas with the lowest probability of flooding.

## **6.0 Weighing and balancing of issues / Overall Assessment**

- 6.1 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
- 6.2 As set out above it is considered that the proposed development would not accord with the relevant Development Plan policies. As these are fairly fundamental issues, it was not considered that any negotiation or amendments would overcome these issues, without the scheme being significantly

redesigned and considerably more information being provided, and even then it may not satisfy the Sequential Test for flooding. As such it has been recommended for refusal on the basis of the original submission.

## **7.0 Working with the applicant / agent**

7.1 In accordance with paragraph 38 of the NPPF (2021) the Council 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.

## **8.0 Recommendation**

Refuse permission for the following reasons:-

1. The site lies within a defined “Town Centre Fringe” area, as defined in the Chiltern & South Bucks Townscape Character Study, 2017. It is an important gateway into and out of Chesham, with a mixed character and varying setbacks from the street, creating an open vista. The proposed building would extend right up to the front site boundary and notably further forward than the adjacent buildings. As a result, the siting of the new building is such that the southern flank wall and the overall scale and bulk would be overly prominent and intrusive in the street scene, when viewed from both directions, to the extent that it would dominate the adjacent development to a harmful degree. Given the siting, the overall scale and bulk of the proposed building would harm the character and appearance of the area. The proposal is therefore contrary to Policy GC1 of The Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011, Policy CS20 of the Core Strategy for Chiltern District - Adopted November 2011, the provisions of the National Planning Policy Framework, 2021, and the National Design Guide, 2019.
2. The majority of the site lies within Flood Zone 3, where the Planning Practice Guidance (‘PPG’) recommends the application of a sequential, risk-based approach to all development. One of the purposes of Flood Zone 3, as the floodplain, is to provide sufficient water storage areas in the event of flooding. Erecting a new building would reduce this capacity. No information has been provided to satisfy the Sequential Test, to explain why the business can only be run from this site and that no other suitable sites, within lower category flood zones, are available. Consequently, the proposal has not met the requirements of the test and the relevant policies which, together, aim to steer new development towards areas with the lowest probability of flooding. The proposal is contrary to Policy GC10 of The Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011, Policy CS4 of the Core Strategy for Chiltern District - Adopted November 2011, and the provisions of the National Planning Policy Framework, 2021.

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

Councillor Culverhouse has requested that this application be determined by the Planning Committee. The concerns cited relate to: harm to the Conservation Area and Listed building; loss of privacy; noise and disturbance; traffic/highways/parking impacts; and it is stated that the business is already operating in contravention of planning permission.

### Town Council Comments

The Committee recommends REFUSAL of this application on the grounds of over-intensification; out of keeping with the existing street scene in view of its proposed modern design and its associated visual impact and excessive bulk and size. Moreover, the Committee questions: the suitability of the access and its effects on the residents in Mineral Lane; the adequate nature of car-parking provision and implications on drainage capacity in a designated floodplain. The Committee also notes that it appears the applicants have not appeared to comply with previous planning conditions.

### Consultation Responses

**Archaeology Officer:** 'The nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of any assets. We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.'

**Heritage Officer:** 'The application site is located within the peninsular between Amersham Road and Waterside. Further south along Amersham Road, by approx. 45 metres is The Mineral, a Grade II Listed Building, itself located between Amersham Road and what now appears as a small access road, Mineral Lane. Built in the early 19th century the LB is a small two storey structure built of yellow brick with slate roof. Its list description states it was included partly for historical interest as a former spa. Considering the urban built development of the area, including a number of other large scale buildings, the distance and existing buildings which separate the listed building and the application site, it is not considered that the proposal will impact on its setting. The setting of this listed building is more its immediate surroundings and its own connection to Amersham Road which it is afforded by the area to the front (SW) of the building.'

**Highway Officer:** I write further to my comments dated 29<sup>th</sup> June 2021 in which I requested further clarification on the number of vehicles proposed to be stored within the showroom and how any additional vehicles can be accommodated within the site. Since these comments, the applicant has submitted an amended plan. These comments should be read in conjunction with my aforementioned previous comments for this proposal.

The amended plans submitted now demonstrate that the proposed showroom can accommodate the parking of 24 cars on site which has included a turning area for the cars within the showroom and parking/turning for three vehicles on the external courtyard.

As it is not expected that the proposed development would result in an intensification in use of the site, I am satisfied that these arrangements are suitable and would not result in a detriment to highway safety or convenience.

Mindful of the above, I have no objection to the proposed development, subject to conditions.

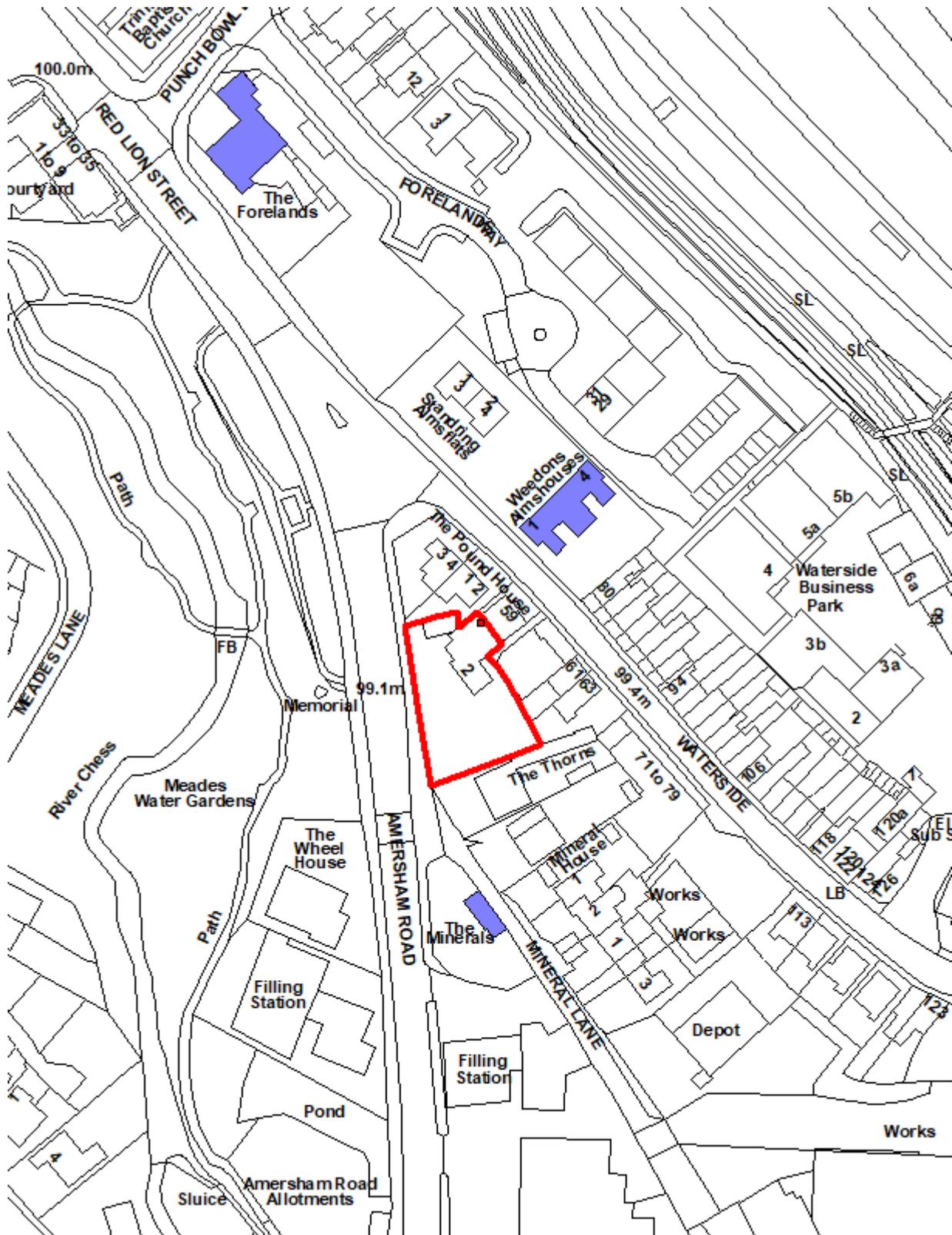
### Representations

Ten letters of objection received which are summarised below:

- Proposal is too large and out of keeping
- Overly prominent in street scene
- Loss of light to the rear of the Misbourne Works and Red Lion Street
- Impact on emergency fire exit for Misbourne Works
- Loss of view
- Loss of privacy
- Out of keeping with building line
- Harm to historic buildings
- Inadequate visibility splays
- Increased pressure on local street parking
- Insufficient parking
- Increased road noise and pollution
- Intensification of built-up area
- Negative effect on trees and birds
- Vehicles often park on double yellow lines
- No need for a vehicle sales business in this location
- Previous application for dwellings on site was refused due to proximity to front boundary and prominent appearance in the street scene
- Access issues to adjacent properties

The Chesham Society also object to the proposal.

## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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