



Report to South Area Planning Committee

Application Number:	PL/22/3481/FA
Proposal:	Two parking spaces with vehicular access.
Site location:	Iver Post Office 5 Wellesley Avenue Iver Buckinghamshire SL0 9AU
Applicant:	Lotus Wellbeing Clinic
Case Officer:	Hugo Woodley
Ward affected:	Iver
Parish-Town Council:	Iver Parish Council
Valid date:	15 November 2022
Determination date:	17 January 2023
Recommendation:	Refuse Permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application proposes two new parking spaces with vehicular access in conjunction with the existing Lotus Wellbeing Clinic.
- 1.2 The application site is located in Iver within the settlement of Richings Park in Iver and is also designated as a Local Green Space (1-5 Wellesley Avenue) under Policy IV12 of the Iver Neighbourhood Plan. This designation has the policy effect of the equivalence of the Green Belt when determining planning applications located within a designated Local Green Space. Policy IV12 resists all development proposals that will undermine the essential character of these designated areas, unless there are very special circumstances to justify why consent should be granted. Any proposal must maintain the essential open character of the space and must, in any event, demonstrate exceptional circumstances for its justification.
- 1.3 The introduction of the proposed parking area onto this Local Green Space would permanently alter its appearance and it is considered that it would fail to maintain its essential open character. Whilst it is acknowledged that the proposed car parking spaces would provide a benefit to users of the associated clinic it is not considered that this would amount to very special or exceptional circumstances

sufficient to outweigh this harm. The proposal is therefore contrary to Policy IV12 of the Ivers Neighbourhood Plan and Section 8 of the NPPF.

- 1.4 The application was called in by three Ward Councillors, Cllr Paul Griffin, Cllr Wendy Matthews and Cllr Luisa Sullivan.
- 1.5 Recommendation – Refuse permission.

2.0 Description of Proposed Development

- 2.1 The application relates to a ground floor wellbeing clinic that is currently in use, located at the north-west side of Wellesley Avenue opposite the Iver train station.
- 2.2 The site was previously used as the local post office with residential accommodation located above it. Planning permission was given on 1st September 2006 for a change in use from a post office (A1) to osteopathic consulting rooms (D1) under application 06/01068/FUL, subject to conditions. Concerns were raised at the time regarding the deficit in parking provision for the new use class as two consulting rooms would require 10 parking spaces as per the Appendix 6 of the Local Plan. At the time it was considered that this sole issue would not be appropriate to pursue as grounds for a refusal.
- 2.3 The application is accompanied by:
 - a) A supporting statement from the applicant received 17th January 2023
 - b) Emails from clients of the clinic supporting the application from the applicant received 6th February 2023

3.0 Relevant Planning History

- 3.1 02/01505/FUL – Withdrawn 27 February 2003 - Change of use of part of Post Office to residential accommodation. (Amendment to planning permission 97/01139/FUL).
- 3.2 94/00029/FUL – Refused Permission, 17 March 1994 – Change of use of part of ground floor from A1 (retail) to A2 (Finance & professional services)
- 3.3 97/01139/FUL – Conditional Permission, 26 February 1998 - Change of use of part of post office to residential accommodation.
- 3.4 06/00552/FUL – Refused Permission, 13 June 2006 - Change of use of ground floor from post office (A1) to osteopathic consulting rooms (D1).
- 3.5 06/01068/FUL – Conditional Permission, 4 September 2006 - Change of use of ground floor from post office (A1) to osteopathic consulting rooms (D1).

4.0 Summary of Representations

- 4.1 The applicant has submitted 12 Letters of support from customers of the clinic. (Summarised below):
 - Issues with parking lead to increased pain when making longer journeys to walk to the clinic
 - Parking provision would be greatly beneficial to clients
 - Lack of parking contributes to late arrivals to appointments
 - Clients having to book appointments outside of the 10 – 2 Parking restrictions

- Increase in stress levels if appointments overrun and may be faced with a parking fine
 - Local infrastructure and buses is not as useful so more dependent on private cars
 - NHS waitlists lead to a further need for private appointments
 - Loss of business as clients have moved to a clinic that does offer customer parking
- 4.2 1 Letter of objection was received on 2nd December 2022 (Summarised below):
- Need to protect green space
 - Erode local area's character
 - Noise disturbance from construction vehicles

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF) 2021.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011: Saved policies CP7, CP11
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011; Saved policies EP3, TR4, TR5, TR7
- South Bucks District Local Plan Appendix 6 (Parking standards)
- South Bucks District Council Residential Design Guide Supplementary Planning Document (SPD) - Adopted October 2008
- Chiltern and South Bucks Townscape Character Study 2017

Principle and Location of Development

Core Strategy Policies:

CP11 (Healthy and viable town and village centres)

- 5.1 The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and updated on, 24 July 2018, 19 February 2019 and 20 July 2021. Whilst this replaced the previous Planning Policy Statements and Guidance Notes, it does not replace existing local policies that form part of the development plan. It does state however, that the weight that should be given to these existing local policies and plans, will be dependent on their degree of consistency with the NPPF. Therefore, the closer the policies in the development plan to the policies in the Framework, the greater the weight that may be given to them.
- 5.2 Paragraph 101 of the NPPF states that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and implement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.
- 5.3 The Iver Neighbourhood plan passed the referendum stage in January 2023 and full weight should therefore now be given to the policies contained within it. Policy

IV12 of the Iver Neighbourhood Plan has designated a number of Local Green Spaces. These designations have the policy effect of the equivalence of the Green Belt when determining planning applications located within a designated Local Green Space.

- 5.4 Policy IV12 resists all development proposals that will undermine the essential character of designated areas, unless there are very special circumstance to justify why consent should be granted. Any proposal must maintain the essential open character of the space and must, in any event, demonstrate exceptional circumstances for its justification.
- 5.5 The application proposes two car parking spaces to the front of No.5 Wellesley Avenue on land that form parts of a designated Local Green Space. Whilst the designated land includes an area of car parking at the end of road (to the front of No. 1 Wellesley Avenue) the remainder of the space comprises an open grassed area which makes an important contribution to the open character of this part of the street scene.
- 5.6 The proposed car parking spaces would serve No. 5 Wellesley Avenue and would cover the area of land to the front of this property. This would result in the introduction of development across the middle section of the designated Local Green Space. The plans indicate that the parking area would be laid out using a grass protection matt. Whilst the proposed materials would potentially allow for the grass underneath to continue growing, the introduction of the semi hard surface to provide for the parking of vehicles would permanently alter the appearance of the Local Green Space and would fail to maintains its essential open character, contrary to the purposes of Policy IV12. It is also of relevance that when permission was granted for the use of the building as a clinic in 2006, the lack of parking spaces to serve the use was acknowledged although not considered to result in sufficient harm to warrant refusal.
- 5.7 In support of the application, the applicant has stated that No. 5 Wellesley Avenue has been used as an osteopathy and wellbeing clinic since 2006 and she has no choice but to apply for parking provision as the on street parking is severely restricted due to permit parking scheme operating in the area. This affects the appointments particularly between 10 and 2, a time which would be of preference to the elderly and patients and mothers with young babies. The applicant also states that many patients who use a wheelchair find it difficult to access the service and parking would enable them to do so. They also state that the road outside is regularly flooded and considers it to be dangerous to park in the spaces available.
- 5.8 The applicant has also submitted 12 emails from clients of the clinic in support of the application which highlight a number of issues faced and how the addition of two parking spaces would be beneficial. These comments mention that the current issues with parking lead to increased pain from the clients of the clinic when walking from a parking space that may be a long distance from the clinic as the purpose of attending this practise is to relieve the discomfort the individual is facing. The lack of parking contributes to late arrivals to appointments and clients having to book appointments outside of the 10 – 2 Parking restrictions. It is also stated that there is an increase in stress levels from the clients if their appointment

overruns as they may be faced with a parking fine. The comments also mention that local infrastructure and buses are not as useful or reliable and so more there is more dependence on private cars contributing to pollution levels. It is also mentioned that due to long NHS waitlists, the need for private appointments is much more needed to more efficiently remedy the pain and discomfort the individual is facing. Lastly, some clients have had to resort to attending alternate practises that do offer customer parking for the reasons stated above which leads to a loss of business and therefore detrimentally impacts the finances of the clinic.

- 5.9 The information submitted in support of the application is noted and it is acknowledged that the provision of these spaces would provide a benefit to users of the clinic. However, as noted above, the proposal would be fundamentally contrary to the purposes of the designation of the site as a Local Green Space which is to maintain its essential open character. Policy IV12 and Section 8 of the NPPF state that managing development within a Local Green Space is equivalent to that which applies in the Green Belt. Green Belt Policies are clear in stating that the local plan should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. As noted, the provision of dedicated spaces for the clinic would be of benefit to customers using this facility. However, it is not considered that the information put forward would be sufficient to amount to the exceptional/very special circumstances required to clearly outweigh the harm to the Local Green Space. As such, the proposal is contrary to Policy IV12 of the Ivers Neighbourhood Plan and Section 8 of the NPPF.

Transport matters and parking

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR4 (Provision for those with special needs)

TR5 (Access, highways work and traffic generation)

TR7 (Parking Provision)

- 5.10 Buckinghamshire Councils' Highways Team have been consulted on the application who have undertaken an assessment in terms of the expected impact on the highway network including net additional traffic generation, access arrangements and parking provision. The Highway Authority is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.

- 5.11 There are no objections to the proposal on Highways grounds however if the application were to be granted then conditions should be added regarding the siting out of the new access in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access within the Public Highway" and The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial commencement of the development.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

5.12 Given the scale and nature of the proposal it is considered that it would not have any adverse impact on the amenity of nearby neighbouring residential properties.

Weighing and balancing of issues / Overall Assessment

5.13 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

5.14 As set out above, it is considered that the proposed development would fail to accord with Policy IV12 of the Iver Neighbourhood Plan and Section 8 of the NPPF. As such, it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, as well as the Development Plan.

6.0 Working with the applicant / agent

6.1 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.

6.2 In this case the agent was advised on the recommendation and given the opportunity to submit information in support of the application.

7.0 Recommendation: Refuse permission for the following reasons:

1. The application site is designated in the Iver Neighbourhood Plan as a Local Green Space. These designations have the policy effect of the equivalence of the Green Belt when determining planning applications. Policy IV12 resists all development proposals that will undermine the essential character of the designated areas, unless there are very special circumstances to justify why consent should be granted. Any proposal must maintain the essential open character of the space and must, in any event, demonstrate exceptional circumstances for its justification. The introduction of the proposed parking area onto this Local Green Space would permanently alter its appearance and would fail to maintain its essential open character. The information submitted in support of the application would not amount to very special or exceptional circumstances sufficient to outweigh this harm. The proposal is therefore contrary to Policy IV12 of the Ivers Neighbourhood Plan 2022 and Section 8 of the NPPF.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Luisa Sullivan: “Much local interest in this application and discussion on the new neighbourhood plan and green belt policy will be addressed and scrutinised by our local committee”

Cllr Paul Griffin: “I believe this needs greater scrutiny and should be brought before the Planning Committee. There seems to be a lot of misinformation and confusion regarding changes made since this application was posted regarding the impact of the more recently made Neighbourhood Plan and Greenbelt status. I believe the applicant makes a good case for the safety of clients with limited mobility and this should be further discussed”

Cllr Wendy Matthews: “I would like to call this application in as it merits public scrutiny as my fellow Cllrs have stated. The applicant is known to me as an acquaintance and my clinical practitioner. I will therefore not participate in the debate when it comes to Committee”

Parish/Town Council Comments

“The Parish Council requests the Planning Office notes its concern regarding the negative impact on the availability of on-street parking if the scheme is implemented”

Consultation Responses

Buckinghamshire Council Highways consult reply received 29th November 2022: “Thank you for your letter dated 16th November 2022 with regard to the above planning application.

The proposed development has been considered by the Highway Authority who has undertaken an assessment in terms of the expected impact on the highway network including net additional traffic generation, access arrangements and parking provision. The Highway Authority is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.

Mindful of the above, I do not have any objections to this proposal subject to the following conditions and informative point imposed in any consent you may grant:

Condition 1: No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note “Commercial Vehicular Access within the Public Highway”.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the development.

Condition 2: The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial commencement 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.

Informative:

The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact Transport for Buckinghamshire at the following address for information.

Transport for Buckinghamshire (Streetworks)
10th Floor
Walton Street Offices
Walton Street,
Aylesbury
Buckinghamshire
HP20 1UY
01296 382416

Representations

Other Representations

The applicant has submitted 12 comments from clients who use the existing service who have written in support of the proposal. These can be summarised as follow:

- Issues with parking lead to increased pain when making longer journeys to walk to the clinic
- Parking provision would be greatly beneficial to clients
- Lack of parking contributes to late arrivals to appointments
- Clients having to book appointments outside of the 10 – 2 Parking restrictions
- Increase in stress levels if appointments overrun and may be faced with a parking fine
- Local infrastructure and buses is not as useful so more dependent on private cars
- NHS waitlists lead to a further need for private appointments
- Loss of business as clients have moved to a clinic that does offer customer parking

1 comment has been received objecting to the proposal:

- Need to protect green space
- Erode local area's character
- Noise disturbance from construction vehicles