
Appeal Decision

Site visit made on 7 November 2016

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd December 2016

Appeal Ref: APP/K0425/W/16/3154370

156 Buckingham Guest House, land rear of 154-156 West Wycombe Road, High Wycombe, Buckinghamshire HP12 3AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Buckingham Hotels Ltd against the decision of Wycombe District Council.
 - The application Ref 15/05788/FUL, dated 23 March 2015, was approved on 25 February 2016 and planning permission was granted subject to conditions.
 - The development permitted is erection of a single building comprising 4 x 1 bed and 7 x 2 bed apartments, alteration to existing access, new parking and landscaping.
 - The condition in dispute is No. 14 which states that:
"Unless otherwise agreed in writing by the Local Planning Authority the Buckingham Hotel building within the site shall be closed to guests for the period of the development or until the proposed parking area for the hotel has been constructed and made available to hotel guests, whichever is the sooner".
 - The reason given for the condition is:
"The proposed development will remove the existing parking for the hotel and proposed parking for the part implemented extension to the hotel approved under application 11/07763/REN which when considered together with the construction traffic for the development would have a detrimental impact upon the amenity of both guests and parking within the local area".
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Decision

1. The appeal is allowed and the planning permission Ref 15/05788/FUL for erection of a single building comprising 4 x 1 bed and 7 x 2 bed apartments, alteration to existing access, new parking and landscaping at 156 Buckingham Guest House, land rear of 154-156 West Wycombe Road, High Wycombe, Buckinghamshire HP12 3AE granted on 25 February 2016 by Wycombe District Council, is varied by deleting condition 14 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect.

Application for costs

2. An application for costs was made by Buckingham Hotels Ltd against Wycombe District Council. This application is the subject of a separate Decision.

Background and Procedural Matter

3. The appeal follows the grant of planning permission in February 2016 for residential development to the rear of the Buckingham Hotel¹. To protect the

¹ 15/05788/FUL

amenity of guests and parking within the local area the permission contained a condition requiring the hotel to be closed to guests for the period of development or until such time that the proposed parking areas have been provided and made available for guests.

4. The appellant has ticked the box on the appeal form that relates to a refusal of permission to vary a condition. However, it is clear to me in the way in which the case is put by both of the parties that this is an appeal against the grant of planning permission, subject to a condition which the appellant objects to. The appellant seeks the deletion of the condition in its entirety so that the hotel can operate whilst the development is carried out. I have determined the appeal on this basis.

Main Issue

5. Although the reason for the condition does not refer to highway safety it is clear from the Council's officer report that displaced parking during construction could lead to an '*unacceptable impact upon the local road network*'² and this forms part of the reasoning for the imposition of the condition. Accordingly, the main issue is whether the condition is necessary and reasonable in the interests of adequate parking provision and highway safety and the living conditions of occupants of the appeal site, with particular regard to noise and general disturbance.

Reasons

6. The hotel is located on West Wycombe Road ('WWR'), a well trafficked main road leading into High Wycombe Town Centre that contains a variety of commercial, residential and retail uses. Double yellow lanes are in place along sections of the road but there are no parking restrictions on the opposite side of the road to the hotel, ending at the entrance to the Pilot Trading Estate. Furthermore, at the time of my site visit, albeit during the late morning, additional on-street parking spaces were available in Birches Rise and Desborough Park Road, within a short walking distance of the appeal site.
7. The existing car park to the rear of the hotel provides space for 12-13 vehicles. As part of the planning permission already granted the Council has approved an underground car park, accessed through the undercroft and split between the new residential development and the hotel, providing a total of 18 spaces for the hotel along with 3 visitor spaces at surface level³. This also takes into account parking required for a recent extension to the hotel that has yet to be completed⁴.
8. The appellant has sought to demonstrate that sufficient parking would be available for guests, in order to avoid closure of the hotel, by applying for the approval of details of the parking that would be available during construction⁵. These include six spaces within the existing forecourt area, three spaces to the side of No. 156, six spaces to the rear, accessed from Birches Drive and two additional spaces to the front of No. 154, a House in Multiple Occupation that shares the site with No. 156. The Council have refused such details because they contend that these spaces will not be available during construction

² Paragraph 5.8 of delegated report pursuant to 15/05788/FUL.

³ Approved drawing 1360/P1/D

⁴ 11/07763/REN

⁵ PI16/00591/ADRC

because of the totality of engineering works required and restricted access to the appeal site during construction.

9. In my view, it is inevitable that there will be some guests of the hotel that arrive by private motor vehicle and would wish to park on site. Balanced against this I find that it is likely that there would be some spaces available on the appeal site during construction although, on the evidence before me, I cannot be conclusive in relation to their number or location. Nevertheless, if I were to allow the appeal then whilst construction takes place it is likely that there would be a shortfall of parking spaces as required by the Council's standards and previously approved.
10. However, whilst a lack of off-street parking may cause some very limited inconvenience for future guests accessing the site, it is highly likely that guests would be made aware of the building works when booking accommodation and would therefore have a choice whether to book the hotel. Moreover, WWR is a main arterial route, close to the town centre and there is access to more sustainable modes of transport close to the hotel. In particular, a regular bus service runs along WWR which means that future users of the hotel would have a reasonable and realistic choice of how they travel to it.
11. In combination with the availability of on-street parking spaces, even if no spaces were available on site for guests of the hotel during the duration of the works the likely levels of demand could be safely accommodated in the surrounding highway network. Furthermore, existing parking restrictions would prevent highway safety problems in relation to reduced visibility between all users of the highway.
12. I also see no reason why the Council cannot satisfy themselves in relation to effects from construction on future guests when determining the future application that is required by condition 15 of the planning permission, which requires a construction management plan to be agreed before the development takes place and implemented.
13. For these reasons and on the evidence before me, the condition is not necessary and its removal would not result in levels of on-street parking that would harm highway safety or the living conditions of future occupants of the appeal site, in terms of noise and general disturbance. It would not conflict with the aims and objectives of Policies G8, T2 and T13 of the Wycombe District Local Plan 2004 which, require new development to not have an unacceptable impact on future amenities of residents and other occupants, local roads or the amenities of adjoining areas.

Other Matters

14. Given my findings in relation to whether the condition is necessary, a determination as to whether the condition is reasonable is not required as the Planning Practice Guidance makes it clear that all of the six tests must be satisfied. I have also considered other conditions attached to the permission but there is no evidence before me that leads me to conclude that it is necessary to vary any of these.
15. In reaching my decision I have had regard to the representations from third parties concerning the principle of additional residential units. However, the Council do not object to the principle of development and having visited the

site, I have no reason to disagree with this assessment. Accordingly, the representations do not alter my view in relation to the main issue.

Conclusion

16. For the reasons given above and having considered all other matters, I conclude that the appeal should be allowed. I have therefore varied the planning permission by deleting the disputed condition.

Richard Aston

INSPECTOR