



Appeal Decision

Site Visit made on 2 June 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/K0425/W/21/3270049

Phoenix House, Desborough Park Road, High Wycombe HP12 3BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by 5G Communications Ltd against the decision of Buckinghamshire Council - West Area (Wycombe).
 - The application Ref 20/06840/OUT, dated 21 July 2020, was refused by notice dated 4 December 2020.
 - The development proposed is described as "outline application with all matters reserved for a 2.5 storey, staff recreation building".
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by 5G Communications Ltd against Buckinghamshire Council. This is the subject of a separate Decision. In its response to the application, the Council invites me to use my discretion to initiate an award of costs against the appellant. However, there is no statement which indicates the Council itself applies for such costs.

Preliminary Matters

3. The application sought outline planning permission with all matters reserved for future consideration. Under Article 5(3) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, where access is a reserved matter, the outline application must state the area or areas where access points to the development proposed will be situated. As such, the issue of access, insofar as it is relevant to the proposal before me is a matter that I must consider. I have treated the layout, scale, appearance and landscaping details on the appeal drawings as submitted for illustrative purposes.
4. As part of the appeal process, the appellant has submitted 2 signed unilateral undertakings under the provisions of section 106 of the Town and Country Planning Act 1990 (the UU's). The second undertaking dated 15 June 2021 makes various minor amendments to the first (dated 17 May 2021) following comments from the Council. However, both of the UU's set out the same obligations which (i) bind the proposed building so it cannot be used for anything other than recreational purposes ancillary or incidental to the existing office use at Phoenix House, (ii) require the implementation of a car park management plan, and (iii) bind the use of a parcel of land outside the appeal site and at the entrance of Park House Business Centre as car parking for staff employed at Phoenix House. I have had regard to these obligations in my assessment.

Main Issues

5. The main issues are (i) the effect of the proposal on the need for roadside parking and highway safety, and (ii) the effect on the character and appearance of the area having regard to trees.

Reasons

Parking and highway safety

6. Phoenix House is an office building and the appeal site forms part of its car park. The surrounding area includes residential, industrial and commercial properties with Park House Business Centre a short distance from the site.
7. Policy DM33 of the Wycombe District Local Plan 2019 (LP) requires development to provide sufficient parking to meet the needs of occupants. The policy justification states that the Buckinghamshire County Parking Guidance 2015 (PG) will be used to assess the adequacy of parking provision. The PG includes particular parking standards for areas with good accessibility to public transport services and facilities, such as Phoenix House. The limited evidence on the potential impact of the coronavirus pandemic on work travel patterns does not justify discounting the provisions of the PG.
8. The application form indicates that the proposal would provide 340 m² of floor space. The illustrative plans show a building with this floor area as well as parking for 2 cars. While layout details are reserved for future consideration, it is unlikely that the proposal could be designed to accommodate more parking than that indicated given the amount of floorspace proposed, the specified height of the building and the limited extent of the site.
9. Currently, 5 or 6 cars can be accommodated on the site and so the proposal would result in a net loss of 3 or 4 spaces. There is no information before me on the total amount of parking at Phoenix House. As such, I am unable to ascertain whether a sufficient number of spaces would remain to serve the existing offices when assessed against the PG's standards.
10. The Council contends that, when assessed against the relevant PG standard for offices, the proposal itself would generate a need for 14 spaces. The appellant argues that, as an ancillary facility, the scheme would lead to no extra visitors to the site. However, the PG's standards are based on TRICS data which uses gross floor area as a defining measure with no distinction between useable office and incidental space. Also, the proposal would potentially allow floor area taken up by recreation facilities in Phoenix House to be used as offices. The appellant claims that this will not be the case but no plan has been provided that shows how the internal areas of Phoenix House are used. As such, I am unconvinced that the restriction on the use of the proposed building would prevent more office space being created at the appeal property. It is likely that such additional office area would increase the need for parking.
11. The UU's seek to address any additional need for spaces by securing parking at Park House Business Centre for use by Phoenix House occupants. This area could provide up to 16 spaces when taking into account tandem parking. The Council dispute whether this land can legitimately be used for such purposes in light of conditions attached to an existing planning permission. It is not my role in dealing with this appeal to ascertain whether it would be lawful for this area to be used as proposed by the appellant. However, I am mindful that allowing

the appeal would not grant planning permission in respect of the Park House car park as it does not form part of the defined appeal site.

12. In any event, on my visit I saw cars parked on most of the Park House site. As such, it is unclear how much additional parking the UU's would secure over and above that already used by occupants of Phoenix House, even when taking into account the tandem parking proposals. Therefore, I am unconvinced the Park House facility would fully offset the loss of spaces at Phoenix House as well as meet the additional need for parking as a result of the proposal.
13. The car park management plan attached to the UU's sets out various measures including the appointment of a car park management coordinator, a staff parking permit scheme, a sustainable travel voucher for staff not eligible for a permit and a monitoring system that would allow tandem parking at the Park House site. These would help with the organisation of parking but it is unclear how they would reduce demand. Without firm evidence that demonstrates their likely effectiveness, I am unconvinced that a non-mandatory car sharing scheme or travel vouchers for staff without a parking permit would meaningfully reduce car trips to and from the site. As such, I consider the plan would not reduce parking demand associated with Phoenix House and the proposal.
14. To summarise, the development would reduce the amount of off-road parking at Phoenix House and I find it would increase the need for parking associated with the property. There is insufficient information to demonstrate that adequate parking that meets PG standards would be provided to serve the occupants of the proposal and Phoenix House, even when taking into account the Park House parking area. The car park management plan would not lead to a reduction in parking associated with the appeal premises. For these reasons, I consider the proposal would lead to an increased need for roadside parking.
15. On-street parking is allowed on lengths of Desborough Park Road, although it is restricted on large parts by double yellow lines and the need to keep accesses clear. Also, other local roads are subject to restrictions. My visit can only provide a snapshot in time but I saw high levels of on-street parking where allowed on Desborough Park Road and other nearby streets. Also, I observed similar situations to those shown on the Council's photographic evidence of parking that obstructed users of the pavement and drivers' views of the road. As such, my observations support the contention that there is a significant local demand for roadside parking, some of which prejudices highway safety. The proposal would increase this demand and the likelihood of dangerous parking.
16. The appellant does not dispute that the visibility from the Phoenix House egress is substandard when assessed against Manual for Streets guidance. However, it is suggested that the car park management plan would ensure no extra trips to and from the site.
17. There is no record of any accidents associated with the access to Phoenix House but an obstruction to visibility caused by on-street parking was a contributory factor for a nearby incident. Also, I saw parking outside the site significantly curtails the visibility of vehicles moving on the road when exiting the car park. Even if the scheme leads to no extra car trips on and off the site, additional demand for roadside parking would increase the risk of hazardous obstruction to visibility close to the site's egress. There is no evidence to show the introduction of parking restrictions outside the site is likely.

18. For the above reasons, I conclude the proposal would lead to an increase in the demand for roadside parking which would have an unacceptable impact on highway safety. As such, it would be contrary to LP policy DM33 which, amongst other things, looks to prevent adverse impacts from overspill parking generated by development.

Trees

19. The appeal site includes 1 of 4 ornamental pear trees that lie on the roadside boundary of Phoenix House. These are protected by a tree preservation order. The appellant's landscape management and maintenance plan indicates the pear tree on the site would be removed but that 4 new trees would be provided to compensate for the loss. The plan indicates how the replacement trees will be accommodated as part of the scheme and subsequently maintained.
20. The trees are prominent features in the street and make a positive contribution to the area. However, the Council has already permitted development that results in the removal of the tree on the site. The evidence indicates that the appeal scheme could accommodate new planting which would offset any visual harm and would enhance overall tree cover. Replacement planting could be secured through the approval of reserved matters.
21. As such, I conclude the proposal would not cause harm to the character and appearance of the area having regard to trees. In these regards, it would accord with LP policies CP9, DM32, DM34 and DM35. These all aim, amongst other things, to protect and reinforce positive key characteristics of an area.

Other considerations and planning balance

22. The proposal could be designed to integrate appropriately with the site and its surroundings without causing harm to the living conditions of the occupiers of nearby dwellings. Acceptability in these regards is a neutral factor in my assessment.
23. It is likely that the scheme would improve the recreation facilities at Phoenix House. Consequently, it would enhance the well-being of staff and assist in staff retention. Also, it would generate construction employment. These benefits attract positive weight.
24. While I have found the development would be acceptable in terms of its effect on the character of the area and trees, it would cause harm to highway safety due to an increase demand for roadside parking. The harm caused in these regards is the overriding consideration and means the scheme would not accord with the development plan policies when read as a whole. The benefits and other factors are of insufficient weight to justify allowing the proposal contrary to development plan policies.

Conclusion

25. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR