

---

## Appeal Decision

Inquiry opened on 8 November 2016

Site visit made on 17 November 2016

**by Clive Hughes BA(Hons) MA DMS MRTPI**

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

**Decision date: 03 January 2017**

---

**Appeal Ref: APP/K0425/W/15/3140361**

**Vacant former Glory Mill, Glory Park Avenue, Wooburn Green,  
Buckinghamshire HP10 0DF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by BAM Glory Mill Limited against Wycombe District Council.
  - The application Ref 14/07504/OUT, is dated 29 September 2014.
  - The proposal, as amended, is residential development in a mix of houses, town houses and apartments for up to 110 units with associated works and infrastructure.
  - The inquiry sat from 8 to 18 November 2016.
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The application is in outline with all details reserved for future consideration.
3. On receipt of the appeal the Council resolved that had it been in a position to determine the application it would have refused it for the following reasons:
  1. *This site is allocated in the Adopted Local Plan for B Class Employment Uses (Local Plan Policy E3). Having considered the most up-to-date and most relevant evidence on the need for employment land the retention of this site for employment is considered a high priority and the prospects for this site being re-used are high, not least because part of the site is in current continuing use for B Class Employment. The proposal is therefore contrary to Policy E3 of the Wycombe District Local Plan 2004 (as saved and extended) and the National Planning Policy Framework paragraphs 19-22.*
  2. *The submitted framework plan and housing typologies plan together propose an overall form and layout of development which will be unacceptably cramped and overdeveloped, with a confused and unsatisfactory structure of public and private space. The framework plan also proposes an inadequate 5m buffer to the river in one area.*

*The illustrative details submitted show a proposal which demonstrates further unacceptable characteristics. The most significant of these are: a parking layout which will not be sufficiently legible attractive, convenient or secure to meet the needs of future residents; and, an unacceptable close juxtaposition of large flatted blocks with smaller domestic scale housing.*

---

*This harm would be exacerbated if subsequent reserved matters details were to incorporate the full amount of parking required to serve the needs of the residents. Overall the submitted plans and illustrative details do not demonstrate an acceptable option for the development proposed in outline.*

*Considering both the constraints of the site, together with the constraints of the submitted framework and housing typology plans, together with the illustrative details submitted, and also the pre-application discussions held in connection with the illustrative masterplan, the Council considers that the site is not able to accommodate the quantum and character of development proposed, namely: "a mix of houses, town houses and apartments of up to 129 units with associated works and infrastructure".*

*As such the proposal is considered contrary to Development Plan Policies LPG3, LPG8, LPG10, LPG26, LPH19, CS19, DM14 and DM15 and Framework paragraphs 56-64.*

- 3. In the absence of a Section 106 Agreement, the development would fail to deliver opportunities to maximise accessibility to the site by sustainable modes of transport. The absence of adequate existing infrastructure and the site's remoteness from shops and services is such that residents of the development would be likely to be reliant on the use of the private car. This is contrary to the National Planning Policy Framework, policies CS16 (Transport) and CS20 (Transport and Infrastructure) of the Adopted Core Strategy DPD and policy DM2 (Transport Requirements of development Sites) of the Delivery and Site Allocations DPD and the aims of Buckinghamshire's Local Transport Plan 3.*
- 4. In the absence of a legal agreement to secure the provision of affordable housing provision, the development would be contrary to policy CS13 (Affordable Housing and Housing Mix) of the Adopted Core Strategy DPD (Adopted July 2008) and the Planning Obligations Supplementary Planning Document.*
- 5. In the absence of a legal agreement to secure the provision of additional primary age school places, the development would be contrary to policy CS21 (Contribution of the Development to Community Infrastructure) of the Adopted Core Strategy DPD (Adopted July 2008) and the Planning Obligations Supplementary Planning Document.*
4. On the opening day of the Inquiry the appellant sought to amend the proposals by reducing the number of dwellings from "up to 129 dwellings" to "up to 110 dwellings". The appellant also withdrew the Development Framework Plan and the Housing Typologies Plan and submitted a Parameters Plan (Drawing No BMD.152.SK.101D). The Council raised no objections to the amendment to the maximum number of dwellings or to the related changes to the plans that form part of the outline planning application. As the amendment involves exactly the same site and a reduction in the overall amount of development, I do not consider that any interests would be prejudiced by my consideration of the amendment or the Parameters Plan.
5. The Council agreed that the withdrawal of the Development Framework Plan and the Housing Typologies Plan, and their substitution with a Parameters Plan, overcomes its objections to the scale and form of the proposed development. This overcomes the second putative reason for refusal and the only evidence

given at the Inquiry in respect of this reason concerned the impact of the proposed development on the character and appearance of the adjoining Watery Lane Conservation Area.

6. At the Inquiry the appellant submitted an Agreement under section 106 of the Act. This makes provision for affordable housing, an education contribution and, at the discretion of the Inspector, a bridleway contribution.
7. The Council agreed that the provisions of the Agreement overcome putative reasons for refusal Nos 3 (part), 4 and 5 and so these were not pursued at the Inquiry. The only part of putative reason for refusal No 3 that was not agreed by the parties concerns the bridleway contribution sought by the Council in respect of improvements to the former Bourne End to High Wycombe Railway Line to a state where it is suitable for use as a bridleway.

### **Main issues**

8. The outstanding issues are:
  - Whether the Council is able to demonstrate a 5-year supply of housing against a full objective assessment of housing need (FOAN) and the implications of this in terms of national and local planning policy;
  - Whether the proposals would lead to an unacceptable loss of employment land;
  - Whether the proposals make adequate provision for community and other services including affordable housing and education; and
  - The planning balance and whether the proposals comprise sustainable development as defined in the Framework.
9. I have also had regard to my duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 concerning whether the proposals would preserve or enhance the character or appearance of the adjoining Watery Lane Conservation Area.

### **Reasons**

#### *The site and its surroundings*

10. The site, which is of irregular shape, forms part of a larger parcel of land that was formerly occupied by a paper mill. The paper mill closed, in stages, and much of that larger parcel has since been redeveloped for a mix of offices and housing that lie to the north and south of the appeal site. The site is, in practice, two parcels that are separated by an access road and the River Wye. These parcels are known as Glory Park Phases B and C. The site has a total area of about 2.8ha, which includes access roads, a roundabout and the river, leaving a developable area of some 2.1ha. The majority of the developable site is vacant although there is an industrial building with associated car parking in the south eastern corner. This building, Sirius House, is occupied by SGX Sensortech Ltd. A further part of the site is in use for the parking/ storage of light vans.
11. The parts of the former paper mill that have been developed for offices lie to the north and south of the appeal site. To the south is Glory Park (Phase A) which is situated between the appeal site and recent housing further south. To

the north lies The Courtyard, an office development that is accessed through the appeal site and which, on two sides, backs onto Watery Lane. Both The Courtyard and the appeal site abut the boundary of the Watery Lane Conservation Area.

12. Phase A of Glory Park provides about 64,000 sq ft of Class B1 office floorspace. It comprises three separate buildings, 3 and 4 storeys high, with car parking. It was built as a speculative development in 2007/09 and was fully let in 2014. The Courtyard comprises a separate office development to the north of the appeal site. It was built out in 2005 and provides 11 self-contained freehold office buildings ranging in size from 2,500 sq ft to 5,500 sq ft arranged in a "U"-shape around a central parking area.
13. The appeal site is flat and is largely surrounded by hoardings. There are views into it from Old Moor Lane and a public footpath (WOO/13/1) which runs at a higher level along the eastern boundary close to Sirius House. Further to the east and north, and at a significantly higher level, is the M40. Traffic using this motorway is clearly audible on the appeal site. The site is within easy walking distance of bus stops on the A4094 with regular services to High Wycombe and Bourne End. The Wooburn Green centre is about 1km away and so is within walking or cycling distance.

#### *Planning History*

14. The site has an extensive planning history that is set out in some detail in the Statement of Common Ground (the SoCG). The wider site was used as a mill for about 150 years or more and as a paper mill since at least the late C19. There are approved schemes for the housing, The Courtyard and Glory Mill (Phase A) which have all been built. Phases B and C of the Glory Mill development, which would have been built on the current appeal site, were part of the 2008 scheme that included Phase A. It is agreed that the planning permission for Phases B and C remains extant.
15. The approved Phase B would comprise a three-storey building providing 47,425 sq ft of offices with 165 parking spaces; Phase C would comprise a four-storey building providing 75,584 sq ft of offices with 258 car parking spaces. The construction of this latter building would involve the removal of Sirius House.

#### *Planning policy*

16. The development plan comprises the saved policies of the Wycombe District Local Plan (2004) (the LP); the Wycombe Development Core Strategy (2008) (the CS); and the Delivery and Site Allocations Plan (2013) (the DSAP). There are a number of relevant policies but it was agreed that the key policy for this site is LP Policy E3 in which the site is allocated for employment uses within Classes B1, B2 and B8. This policy has been saved by virtue of The Housing and Planning Directorate's letter of 26 September 2007. The CS, at Appendix 6, lists those policies that are replaced by the CS. LP Policy E3 is not listed and so remains part of the development plan.
17. The Council is preparing a new local plan which, when adopted, is intended to replace the existing LP and CS; the DSAP will be retained. The New Wycombe Local Plan Draft Consultation Document was published in June 2016. The SoCG rightly confirms that as the plan is still at an early stage in the process it attracts little weight.

***Whether the Council is able to demonstrate a 5-year supply of housing against a full objective assessment of housing need and the implications of this in terms of national and local planning policy***

18. The SoCG says that based upon the Buckinghamshire Housing and Economic Development Needs Assessment 2015 (the 2015 HEDNA) the Council cannot demonstrate any more than a 3.8 year supply of housing (including a 5% buffer). During the course of the Inquiry, the 2016 HEDNA was published. The parties produced the 2016 HEDNA Common Ground Update (Document 8) which identified that the 2016 HEDNA concludes that the FOAN for Wycombe District is 12,824 dwellings whereas the equivalent figure in the 2015 HEDNA was 15,011. Despite this reduction in the FOAN, the Council accepts that it still cannot robustly demonstrate that it has a five-year housing land supply.
19. There is no dispute that LP Policy E3 is a relevant policy for the supply of housing. The Council cannot demonstrate a five-year supply of deliverable housing sites so this policy cannot be considered up-to-date in the context of paragraph 49 of the National Planning Policy Framework (the Framework) and the provisions of paragraph 14 need to be considered.
20. Concerning the decision-taking limb of paragraph 14, the proposals do not accord with the development plan so the first bullet point does not apply. There is therefore a presumption in favour of sustainable development unless one or other of the indented bullet points under the second bullet point applies. The first of these is the "tilted balance" whereby it needs to be determined whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
21. The second indented bullet point relates to specific policies in the Framework that indicate development should be restricted. Footnote 9 is not intended to be an exhaustive list; it only sets out examples of such policies. The Council's submissions are that there are two issues which concern specific policies in the Framework which indicate that development should be restricted. The first concerns the protection of sites allocated for employment use where there is a reasonable prospect in the longer term of their being used for that purpose; the second is that this is a location at risk from flooding. The Council's position, therefore, is that Footnote 9 is engaged and so the presumption in favour of sustainable development does not apply.
22. Concerning employment use, the Council relies upon paragraphs 18 to 22 (inclusive) of the Framework. Paragraph 22 is negatively worded, seeking to avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of their being used for that use. The Council argues that this supports the protection of such allocated sites where there is a reasonable prospect of their being used. I have concluded, in respect of the main issue considered in the section below, that there is little prospect of the whole site being used for employment uses. This paragraph, therefore, is not a policy that indicates that development should be restricted. It does not prevent the overarching presumption in favour of sustainable development, and therefore the "tilted balance" in the first indented paragraph under the fourth bullet point of paragraph 14, from applying in this case.
23. Concerning the site being a location at risk of flooding, the appellant produced a Flood Risk Assessment (FRA) which concluded that the whole site, outside of

the watercourse channel, should be classified as Flood Zone 1. This finding was not disputed by the Council. The FRA also identified a small area of potential "low risk" of surface water flooding (1 in 1000 event) to the western development area. The remainder of the site is considered at "very low risk", outside the 1 in 1000 event.

24. An outline surface water drainage strategy was proposed which shows that sufficient below ground storage can be included in any development (under roads and parking areas) which would provide attenuation storage volume up to the 1 in 100 event. The FRA concluded that the low risk of surface water flooding should be appropriately mitigated through measures included in the design of the buildings. These measures included the development adopting minimum ground floor finished floor threshold level of 43.62mAOD. This is the figure recommended for the approved commercial development on the site. The FRA also states that the proposed residential development will not increase the risk of flooding to surrounding residential and commercial properties.
25. By letter dated 17 May 2016 the Environment Agency confirmed that it raised no objections on fluvial flood risk grounds. The Council's putative reasons for refusal do not include any reason relating to potential surface water flood risk. Indeed, the Officer's Report states that "...the proposed mitigation is considered to effectively negate the future risk of surface water flooding...". Nonetheless, the provisions of paragraphs 101 and 104 of the Framework can be read as being policies that indicate that development should be restricted.
26. The consideration, therefore, is whether the provisions of Footnote 9 to paragraph 14 of the Framework, relating to "locations at risk of flooding" are such that presumption in favour of sustainable development is negated. I have had regard to *Watermead* (Document 34) and in particular to the considerations set out in paragraph 46 of that judgement. In this paragraph His Honour Judge Waksman QC considers the contention that where the proposal is a development to which a restrictive policy applies, then the presumption in favour of development is lost and gone forever. He thought that this went too far and said that "...as a matter of principle, where a restrictive policy has been dealt with, it is difficult to see why an overarching presumption in favour of sustainable development should not apply."
27. In the light of this judgement, I do not agree that the "tilted balance" in paragraph 14 of the Framework should be lost forever simply because the proposals are in a location at risk of flooding. If a scheme of development can demonstrably overcome that risk, and there is no dispute that the mitigation measures set out in the FRA would overcome the flood risk in this case, it seems unreasonable for the presumption in favour to be lost. The special circumstances arising from the site's location in a flood risk area have already been dealt with.
28. I conclude on this issue, therefore, that the Council cannot demonstrate a five-year housing land supply. In accordance with paragraph 49 of the Framework, therefore, relevant policies for the supply of housing should not be considered up-to-date. While specific policies in the Framework indicate that development should be restricted, for the reasons set out above I have found that the special circumstances, arising from the allocation of the site for employment uses and the fact that it lies in a location at risk from flooding, have already been dealt with. The "tilted balance", as set out in the first indented bullet

point of the fourth bullet point of paragraph 14 of the Framework, is therefore the appropriate balance to use in the determination of this appeal.

***Whether the proposals would lead to an unacceptable loss of employment land***

29. The appeal site is identified as an employment area on the LP Proposals Map. LP Policy E3 safeguards the land for uses falling within Use Classes B1, B2 and B8. This plan was adopted in January 2004 and was intended to guide development up to 2011. Policy E3 was subsequently saved by Direction which saved it, and other identified policies, beyond 27 September 2007. The CS was adopted in July 2008. It replaced certain identified policies but E3 was not amongst them and so remains part of the development plan. This policy is a relevant policy for the supply of housing and therefore should not be considered up-to-date for the reasons set out above.
30. The CS identifies High Wycombe, including adjoining settlements such as Wooburn Green, as the main focus for new development (Policy CS 2). It also says that High Wycombe town centre should be the main location for large scale office uses. This is in accordance with advice in the Framework which, at paragraph 24, says that local planning authorities should apply the sequential test to planning applications for main town centre uses that are not in an existing town centre and not in accordance with an up-to-date local plan. The Glossary to the Framework identifies offices as being a main town centre use. The appeal site lies well outside High Wycombe town centre.
31. This approach is carried forward in the DSAP whose vision for High Wycombe town centre includes the provision of high quality offices. DSAP Policy HWTC4 says High Wycombe town centre will be the focus of main town centre uses including offices. This plan allocates many sites in High Wycombe town centre for redevelopment, including some, such as Policies HWTC7 and 8, where any redevelopment should be primarily for Class B1 office uses, and others where mixed use schemes are proposed. The timescales for the delivery of some of these are from 2013 onwards; others have a start date of 2018. All are allocations for the plan period (2013-2026). High Wycombe town centre is now clearly the preferred location for new office development.
32. The appeal site is now seen as being only really suitable for Class B1 office use. The recent (2015) Report on Glory Park, Peter Brett Associates (on behalf of the Council) (the PBA Report) concluded that speculative light industrial development is not viable at Glory Park based on 2015 rents and costs. Due to the proximity of housing B2 and B8 uses would not generally be suitable. In any case, the locally achievable rents for Class B2 and B8 uses would make such uses unviable. Since the LP was adopted, national policy towards the location of offices has changed insofar as offices are seen as being a town centre use and the sequential test would need to be passed for offices to be located elsewhere. The loss of the appeal site for future office use, therefore, would not be in conflict with up-to-date development plan policies for the location of offices or with the Council's strategy for office location.
33. Paragraph 22 of the Framework says that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The site has been owned since 2006 by a company (BAM Properties) that specialises in developing for the corporate and retail markets. This site has had the benefit

of full planning permission for office development since 2008; Phase A of this permission has been built out in its entirety. While part of this first phase was occupied immediately upon completion, despite the poor economic climate at the time, Phase A only became fully let in 2014. Phases B and C have been marketed by a leading company without success. Evidence of the marketing, and level of interest, was provided to the Inquiry.

34. The appellant considers that the development of Phases B and C for office development, in accordance with the approved scheme, is not viable. It is not a town centre location and there are more accessible sites available, especially at Handy Cross which is right beside Junction 4 of the M40. I saw that while the appeal site is physically very close to the M40 there is no easy access to it, especially when travelling to or from the Birmingham direction. The options for travelling to or from Birmingham involve either joining/ leaving the motorway at Junction 4, some distance from the appeal site, or passing Junction 3 (where there is no exit to or from the north west) and turning round at Junction 2 and coming back towards the site. This would reduce the site's attractiveness, especially for a headquarters building, to many potential occupiers.
35. The new development at Handy Cross is a major competitor with many advantages. It has added 340,000 sq ft of additional Class B1 floorspace in the period to 2026. Not only has it got excellent motorway access but there is also a variety of other facilities including a Waitrose supermarket and good public transport links including a coach park. There are vacant offices currently available in the district on sites where there are better facilities than at Glory Park such as on-site security and coffee shops. There are currently vacant units available for rent or purchase at the adjoining The Courtyard scheme.
36. I do not see the argument concerning viability as being determinative in this case as it largely comes down to a decision as to whether a yield of 7.25% (appellant) or 6.75% (Council) is reasonable. The recent PBA Report assumed a yield of 7.75% (paragraph 4.4.1) so it is not clear why 6.25% is considered reasonable now. The site owners do not consider this reasonable and are simply not prepared to risk building the approved scheme without known occupiers. If the owners choose to redesign the offices, to cater for a greater number of smaller businesses, a further planning permission would be required. Notwithstanding its planning history and allocation in the local plan, the site may not pass the sequential test for the location of offices.
37. I conclude that the proposed Class B1 offices on the appeal site, as approved, are currently not viable. The appellant is therefore unlikely to implement this permission, which has been in place for about 8 years. There is no shortage of land for Class B1 offices in the district as evidenced by the recent permission at Handy Cross and as identified in the 2016 HEDNA. The Council's clear direction of travel in respect of the location of office development, as set out in the DSAP is that such development should be directed towards High Wycombe town centre. That is also in line with policies in the Framework. In all these circumstances, I do not consider that there is a reasonable prospect of the whole site being used for employment purposes in the foreseeable future.

*SGX Sensortech Ltd*

38. Sirius House is located close to the southern boundary, close to houses in Old Papermill Close. Since 2003 it has been occupied by SGX Sensortech Ltd. If the remainder of the extant planning permission for Class B1 offices in Glory



Park is implemented, this business would need to move as its building lies within the curtilage of the approved Plot C. The company says that there had always been the possibility of it moving into one of the new units. The business would have to move away if this residential scheme is allowed as it lies within the appeal site. SGX Sensortech Ltd did not appear at the Inquiry and in February 2015 withdrew its earlier objections to the development.

39. Nonetheless, it was involved in an email exchange with the Council in January 2015 which established that the company is a specialist scientific instrument maker in the field of x-ray spectroscopy. At the time the company employed 24 staff with a turnover of just under £5m. The company stated that it has a low turnover of highly trained staff and that it supports local electronic and mechanical engineering businesses for raw materials supply. The company has a short-term rolling lease.
40. Its presence on the site is a material consideration of significant weight. It is a manufacturing company located within a site allocated for employment generating uses in the development plan. The redevelopment of the site for housing would mean that the company would need to find alternative premises. The appellant produced a list of business premises that were available for lease on a given date. I recognise that this was just a snapshot and that the market is fluid with further units becoming available all the time. However, the list showed that there are very few properties that are both of similar size to that currently occupied by SGX Sensortech Ltd and are located within a reasonable distance given the likely need to transfer established and highly qualified staff.
41. I conclude on this issue that due to the amount and quality of alternative sites and locations for office development, and due to local and national policies that seek to direct new office development towards town centres, the proposals would not result in the unacceptable loss of land for new offices. Nonetheless LP Policy E3 remains part of the development plan. While it cannot be seen as being up-to-date due to the provisions of paragraph 49 of the Framework, this does not mean that it has been superseded or that it carries no weight.
42. The loss of the whole site to residential use would therefore be contrary to LP Policy E3 and would also result in the displacement of a long-established local business that provides local employment. This weighs against the scheme.

***Whether the proposals make adequate provision for community and other services including affordable housing and education***

43. The section 106 Agreement, signed and dated 18 November 2016, makes provision for 40% of the bed spaces within the residential accommodation to comprise affordable housing. The Agreement also sets out a timetable for the provision of the affordable units in relation to the occupation of market housing units. No less than 66% of the affordable units are to be affordable rented or social rented units with the balance being shared ownership dwellings. This accords with the provisions of CS Policy CS 13(2a). The Agreement also makes provision for a financial contribution towards Primary and Pre-School education. Five-year projections including planned housing growth show that schools in the area have a capacity to accommodate just 85 more dwellings before additional places are required. The size of the contribution was reduced during the Inquiry to take account of the reduced amount of development sought. The agreed sum seems reasonable.

44. The other financial contribution concerns a possible Bridleway Contribution which is only payable if this appeal determines that it is compliant with the Community Infrastructure Levy Regulations 2010 (as amended) (CIL). DSAP Policy DM4 safeguards the route of the former Bourne End to High Wycombe railway line as a new walk/ cycle route. The issue is whether the proposed residential development would create a need to provide this additional or improved infrastructure as set out in CS Policy CS 21.
45. The Council acknowledged that walking distances to facilities are satisfactory. It is possible to walk or cycle from the site to local facilities and the approved offices on the site would be likely to generate a significant amount of traffic. The Council's CIL Regulation 123 List identifies that this shared bridleway/ cycleway and footpath may be funded at least in part by the CIL. I agree that the facility would undoubtedly be used by residents of the new housing but I am not convinced that it can reasonably be said to be necessary. The Council has not demonstrated that its provision is necessary to make the development acceptable in planning terms and so the requirement for it to be provided would not accord with the CIL Regulations, with paragraph 204 of the Framework or with CS Policy CS 21.
46. I conclude on this issue that the scheme makes adequate provision for community and other services and facilities and in particular in respect of affordable housing and education. However, I do not consider that any Bridleway Contribution needs to be made in the Agreement.

#### **Other material considerations**

##### *Effect on Watery Lane Conservation Area*

47. The site abuts the southern boundary of the Watery Lane Conservation Area. This small Conservation Area, which lies between the appeal site and Watery Lane, is predominantly residential with a public house and allotment gardens. The Council agreed with the appellant's assessment in the Townscape and Visual Impact Assessment (TVIA) that, based upon the details as set out in the Development Framework and the Housing Typologies Plans, the impact of the proposals would be "slight beneficial". This took account of the proposed planting along the site boundary which would have matured by year 15.
48. The Parameters Plan, submitted with the appeal, indicates only a very narrow planting strip along the northern boundary of the site where it abuts the Conservation Area. During the Inquiry the appellant produced a Conservation Area Position Statement (Document 5) which was agreed by the Council. This concludes that the proposals would have a "neutral / slight beneficial effect". Taking account of the former use of the appeal site and its current derelict condition, and subject to the imposition of the agreed condition to ensure that this boundary is protected, I agree with that assessment. Provided that the development is set back from the boundary with an adequate planting strip to help retain the semi-rural feel to the Conservation Area, the proposals should preserve both the character and appearance of the Area.

##### *Other matters raised by third parties*

49. Many local residents have raised objections on traffic grounds, expressing concerns about the ability of the roads to cope with the traffic and the potential of overflow car parking in the area. The County Council, as highway authority,

raised no objections on highway grounds subject to the imposition of various conditions. The highway network has sufficient capacity and evidence to the Inquiry is that the residential scheme (based on 150 units rather than the proposed 110 units) would generate much less peak hour traffic than the approved office scheme. I saw that on-street parking is a problem in the area, not least outside Phase A of Glory Park where pedestrians heading towards The Courtyard are forced to use the carriageway to avoid parked vehicles. The provision and retention of an appropriate level of parking could be achieved by conditions along the lines of those suggested by the County Council.

50. Other matters that have been raised by local residents include concerns about overlooking, scale and siting of buildings which would all be addressed at the reserved matters stage. The proposed reduction in the number of units would reduce the density of the scheme. Concerns from business occupiers of units at The Courtyard about disruption during construction can be addressed by a construction management plan.

***The planning balance and whether the proposals comprise sustainable development as defined in the Framework***

51. The Framework says that the policies within it as a whole constitute the Government's view of what sustainable development means in practice. Paragraph 7 identifies that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 8 says that these roles must not be undertaken in isolation and that economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
52. The proposals are clearly contrary to the provisions of the adopted local plan. Concerning the economic role, the proposals would result in the loss of land allocated for employment use. This harm, however, is limited as I do not consider it likely that the approved scheme will be built for the reasons set out above. In addition, the Council is now seeking to locate new office development in High Wycombe town centre. There is, therefore, no reasonable prospect of the whole site being used for employment purposes in the foreseeable future. This weighs in favour of the proposals.
53. However, the proposals would also involve the displacement of SGX Sensortech Ltd, a business located within the site. While the appellant has identified that there were a number of sites to which the company could potentially locate, it has not been demonstrated that any are suitable. The approved scheme for Class B1 offices here would require the company to move, but that scheme has been shown by the appellant to be unviable and so unlikely to be implemented. In economic terms the need for a successful local business to relocate, involving a significant number of employees, would be severely harmful.
54. Against this the economic benefits of providing housing are not in dispute. It would provide employment during construction and future residents would be likely to use local shops and other businesses which would help to ensure that such services remain viable. There is also an immediate need for more housing in the area and there is no identified five-year housing land supply.
55. The social dimension includes the provision of up to 110 dwellings in an area where there is a shortfall of provision and no five-year housing land supply. The provision of 40% of the bed spaces as affordable housing would be

- beneficial, given the low number of such units being built each year in the district. However, this is no more than is required under the provisions of CS Policy CS 13. The site is in an accessible location within walking distance of shops and other facilities in Wooburn Green and close to bus routes.
56. In environmental terms, the site has been largely disused for many years although Sirius House remains in use for business purposes. Part of the site is in use for the parking of light vans and much of the site is surrounded by hoardings. It abuts the Watery Lane Conservation Area. Both the TVIA and the joint position statement concerning the Conservation Area confirm that the scheme would, when the planting has matured, be beneficial to its setting. At present much of the site is visually harmful to the appearance of the area and its redevelopment for either housing or employment use would result in an improvement to the built environment.
57. The housing scheme would retain a 10m strip either side of the River Wye and this, together with the proposed Biodiversity Plan, landscaping scheme and Public Realm Management Plan would result in environmental improvements. I have also had regard to the views of the Wooburn Residents Association who gave qualified support to the application for housing as the redevelopment of brown field land is preferred to the development of greenfield land.
58. On balance, therefore, there would be some economic harm arising from the potential loss of future Class B1, B2 or B8 employment uses on the site. The residential redevelopment of the Phase B part of the site, in particular, may make units at The Courtyard more difficult to let as it would become surrounded by housing. Of much greater concern is the need to relocate a long-established business which occupies a building within an allocated employment site. This harm has to be balanced with the identified benefits.
59. I have taken into account the many benefits of the proposals. There would be economic, social and environmental gains arising from the scheme. These need to be balanced with the conflict with the development plan and the economic harm that would arise. In particular I have given great weight to the harm that would arise from the need for a well-established local firm to relocate when no suitable alternative premises have been identified. This business occupies premises within an area allocated for employment uses. Its removal from an allocated employment site, to make way for a housing development with the potential loss of skilled employment opportunities in the area, would be unacceptably harmful.
60. The employment opportunities arising from the scheme would most probably be initially short term ones in the construction industry and subsequently jobs in service industries. This would not sufficiently compensate for the potential loss of skilled manufacturing jobs with a long-established local company. On balance, and even when the "tilted balance" in paragraph 14 of the Framework of applied, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appeal is therefore dismissed.

*Clive Hughes*  
Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Craig Howell Williams QC	Instructed by Julie Openshaw, Solicitor, Wycombe DC
He called	
Paul Deriaz MRICS MRTPI	Managing Partner, Deriaz Slater LLP
Richard White	Wycombe DC
BSc(Hons) DipTP	
*Bob Hearnden MRICS MCIArb	Managing Director F3MANAGE
**Stephen Chainani	School Place Planning Commissioning Partner, Buckinghamshire County Council

\* This witness produced a written statement and took part in the round table discussion on viability but was not called to give evidence

\*\* This witness produced a written statement but was not called to give evidence

### FOR THE APPELLANT:

Jeremy Cahill QC	Instructed by Pritchett Planning Consultancy Ltd
He called	
Andrew Willcock MRICS	Director, Savills UK Ltd
Simon Tucker	Director, DTA Transportation Ltd
BSc(Hons) MCIHT MICE	
Philip Pritchett	Director, Pritchett Planning Consultancy Ltd
BSc(Hons) MRTPI	
*Laura Bradley	Managing Director, Bradley Murphy Design Ltd
BA(Hons) DipLA MLI	

\* This witness produced a written statement but was not called to give evidence

### DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Council's notification letter and list of persons notified
- 2 Buckinghamshire: Housing and Economic Development Needs Assessment Update (HEDNA) (Draft: 20 October 2016) (ORS/ Atkins)
- 3 Statement of Common Ground on Valuation Matters
- 4 Development Appraisal (Savills (UK) Ltd) (9 November 2016)
- 5 Position Statement re Conservation Area (8 November 2016)
- 6 Final Draft of Unilateral Undertaking (with track changes)
- 7 Employment Land Use Study: RAF Daws Hill, High Wycombe (7 September 2012)
- 8 2016 HEDNA Common Ground Update
- 9 Opening statement on behalf of the appellant
- 10 Opening statement on behalf of Wycombe District Council
- 11 2016 Wycombe supply/ demand figures
- 12 Planning Policy Statement 6: Planning for town centres (extracts)
- 13 Planning Policy Guidance 6: Town centres and retail developments (1966)
- 14 Development Appraisal (Savills (UK) Ltd) (10 November 2016)
- 15 Comparison of development appraisals (WDC)
- 16 Various schedules for viability discussion
- 17 Estimated construction duration

- 18 LaSalle Company News re Kingsmead Business Park
- 19 Bundle of Enquiry Schedules for Glory Park (Savills)
- 20 Glory Mills: BAM Book value
- 21 Glory Park: Tenant target list (Savills)
- 22 Glory Park: Telephone marketing list (Savills)
- 23 Glory Park: Target occupiers (Savills; January 2014)
- 24 Agreed list of suggested conditions
- 25 Unsigned Agreement under s106 (superseded)
- 26 Market Watch (Savills; October 2016)
- 27 Strongest rise in commercial development activity in nearly a year (Savills; October 2016)
- 28 Observations by WDC in relation to details of Book Value (served on 11 November 2016, Document 20)
- 29 Appendices to Wycombe District Council Economic Study (Atkins)
- 30 2016 HEDNA (Final version 10 November 2016) paras 5.38 to 5.40
- 31 Schedule of sites for site visit and map
- 32 Closing statement on behalf of Wycombe District Council
- 33 Closing submissions on behalf of the appellant: BAM Glory Mill Ltd
- 34 *Watermead Parish Council v Aylesbury Vale District Council & Crematoria Management Ltd* [2016] EWHC 624 (Admin) (4 March 2016)
- 35 PPG Changes: Flood Risk and Coastal Change (17 November 2016) (Tetlow King Planning)
- 36 Signed Agreement under s106 between BAM Glory Mill Ltd and Wycombe DC 18 November 2016

#### PLANS

- A Site location plan
- B Drawing No BMD.152.SK.101D: Parameters plan