

Contact: Emma Crotty DDI No. 01494 421822
App No : 18/05438/VCDN App Type: Variation of Condition
Application for : Variation of condition 2 (plan numbers) attached to PP 15/07401/FUL (Residential redevelopment comprising partial demolition, refurbishment and extension works to Uplyme House to provide 14 units (8 x 1 bed, 4 x 2 bed and 2 x 3 bed) with associated parking, amenity space and bin and cycle store) to allow an amended list of approved drawings.
At 35 Amersham Road, High Wycombe, Buckinghamshire, HP13 6QS
Date Received : 15/02/18 Applicant : Royal Grammar School
Target date for Decision 17/05/18

1. **Summary**

- 1.1. The proposal is considered to be acceptable. Therefore subject to the imposition of appropriate conditions, this revised scheme can be recommended for approval.

2. **The Application**

- 2.1. Planning permission was granted on 15th September 2016 under 15/07401/FUL for “Residential redevelopment comprising partial demolition, refurbishment and extension works to Uplyme House to provide 14 units (8 x 1 bed, 4 x 2 bed and 2 x 3 bed) with associated parking, amenity space and bin and cycle store.” This permission has not yet been implemented, but is still extant.
- 2.2. This proposal seeks to vary condition 2 of this permission (the plans condition) to enable a different set of plans to be used. This application is made under Section 73 of the Planning Act. Often referred to as an application to carry out development not in accordance with a condition, an application under this section of the Act actually has no effect on the original permission (it is not an amendment to an earlier permission). It is a separate freestanding permission that the applicant is entitled to implement or ignore. This application must therefore be capable of being implemented in its own right and thereafter all appropriate conditions and obligations from the original permission must be imposed. In particular the time limit condition cannot be extended. Therefore, if permission was granted, the development could be built out in accordance with the plans permitted under the original reference, or in accordance with plans submitted under this application.
- 2.3. In terms of the differences between the approved plans and plans submitted under this application, these can be summarised as follows. The proposed plans show:
 - the building would utilise the existing ground level, rather than requiring significant excavation work and being set in the ground. This therefore increases the height of the building (and window locations), particularly to the rear, given that the land gently slopes up to the rear of the site. At its greatest, the ground level difference would be around 1.5m.
 - 2 x flank windows on the northern side elevation (i.e. facing boundary with no. 37) would be rooflights instead of windows.
 - 1 x flank window on the southern flank side (i.e. facing Fairlawns) would be a rooflight rather than a window.
 - The gable ends in the rear elevation will be enlarged in width and height, taking the ridge of the most central rear gable above the ridge it adjoins (however it would still be lower than the ridge of the original property, which is viewed from the front). The height at this point would appear to increase by around 1.75m.
 - Some alterations have taken place to the floor plans of individual units and

therefore changing the rooms some windows serve.

- On the rear elevation, a window and patio door have swapped places.

- 2.4. The site is located on the western side of Amersham Road and is within the Amersham Hill Conservation Area. The application site is broadly rectangular in shape and comprises an area of approximately 0.25ha. Uplyme House is a large part two, part three storey red brick Victorian villa style building located towards the front of the site. It is used, along with a number of outbuildings to the rear of the site, as a boarding house serving the Royal Grammar School. A car park is located to the rear of the site (accessed separately from Hamilton Road), with school playing fields beyond. A private dwelling house is located to the north of the site, with a development of flats located to the south.
- 2.5. The plans have been amended during the course of this application to demonstrate where the existing ground level is and the height of the 1.8m boundary fencing. Furthermore additional floor plans have been submitted.
- 2.6. The emerging policies of the Wycombe District Local Plan (Regulation 19) Publication Version are material. The weight to be given to individual policies will be assessed in accordance with paragraph 216 of the NPPF.
- 2.7. Weight is of course a matter for the decision maker but the NPPF says:
Para 216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

3. Working with the applicant/agent

- 3.1 In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service,
 - as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
 - by adhering to the requirements of the Planning & Sustainability Customer Charter

In this instance:

- The applicant/agent was updated of any issues after the initial site visit. Additional floor plans were requested and provided and plans were also updated to show the existing ground level and boundary treatment.
- The application is to be considered by the Planning Committee where the applicant/agent will have the opportunity to speak to the committee and promote the application.

4. Relevant Planning History

- 4.1. In 1995 and 1996 two alternative planning applications were submitted for a 60 bed two storey boarding facility (refs: 95/05890/FUL and 96/05770/FUL) for the school, which covered both the application site and the site currently occupied by Fairacres. Both applications were refused on the basis of impact on the Conservation Area, impact on amenities (noise from vehicles) and that the need for the facility did not outweigh the harm identified. The Council's decision was upheld on appeal.

- 4.2. In 1995 Conservation Area consent was granted for the demolition of 3 single storey buildings on the site (ref: 95/05918/CAC).
- 4.3. In 2000 outline planning permission was granted for a single dwelling on the site (00/5043/OUT). This planning permission was never implemented.
- 4.4. In 2001 planning permission was refused for 9 x 2 bedroom flats (ref: 01/05014/FUL) on Conservation Area and residential amenity grounds. The applicant appealed. The appeal was upheld and planning permission was granted by the Planning Inspectorate.
- 4.5. In 2016 planning permission was given for the original scheme for the redevelopment of Uplyme House to provide 14 units. This permission is still extant.

5. Issues and Policy considerations

- 5.1. The principal of the redevelopment of this site for residential units has already been accepted through the original application. It is considered the main issues for consideration given that this is a Section 73 application, relate to the impact on the amenities of neighbours and impact on the character and appearance of the surrounding area, including the Amersham Hill Conservation area.

Raising the quality of place making and design

ALP: G3 (General design policy), G7 (Development in relation to topography), G8 (Detailed Design Guidance and Local Amenity), G10 (Landscaping), G11 (Trees), G26 (Designing for safer communities), HE6 (New Development in Conservation Areas and Conservation Area Character Surveys), HE8 (Demolition of Unlisted Buildings in Conservation Areas) and Appendix 1

CSDPD: CS17 (Environmental Assets) and CS19 (Raising the quality of place shaping and design)

Emerging New Local Plan: CP9 (Sense of Place), DM35 (Placemaking and Design Quality)

DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)

Amersham Hill Conservation Area Appraisal

Residential Design Guide

Housing intensification SPD

- 5.2. The main differences between the approved scheme and proposed plans in relation to design are the reduction in the amount of excavation required, fenestration alterations and an increase to the size (width and height) of the rear gables.
- 5.3. The amendments to levels and fenestration alterations are considered to have a negligible impact on the appearance of the scheme; the change in levels would not impact on Uplyme House, nor would result in ridge heights to the rear section to be greater than this original section and therefore would hardly appear different from the approved scheme, particularly when viewed from the street scene. In fact the changes to levels would result in less reliance being placed on retaining walls, which could be seen as a positive benefit of the amended scheme.
- 5.4. Considering fenestration alterations, windows sizes would still appear to be proportionate to walls and in well-considered, design appropriate locations.
- 5.5. Considering the rear gabled element, the proposed plans would not result in a scheme as aesthetically pleasing as that approved, with the central gable enlarged and appearing more dominant. However, the gables would still have a ridge height lower than the ridge of the original section of the scheme and would only be directly visible from the school car park and playing field. On this basis, the amendments to the design are not considered to result in such a poor design that it would be harmful to the character and appearance of the area including conservation area and therefore it is not considered a refusal of the scheme, based on this element, could be justified.
- 5.6. Concern has been raised again about removal of trees to enable this development.

This scheme would not result in the removal of any further trees than those agreed to be removed through the approved scheme. Therefore the scheme is considered acceptable with regards to this issue.

Amenity of existing and future residents

ALP: G8 (Detailed design guidance and local amenity), H19 (Residents amenity space and gardens) Appendix 1

CSDPD: CS19 (Raising the quality of place shaping and design)

Housing intensification SPD

- 5.7. The change in levels would result in the building (especially to the rear) being taller, mainly by around 0.55m, with windows set at a higher level. Furthermore, changes to the design of the rear gabled section may appear bulkier when viewed from neighbouring properties.
- 5.8. Considering immediate neighbour No. 37 Amersham Road to the north, a minimum gap of 2 metres would be retained to the boundary. Substantial vegetation grows along the boundary between the two dwellings the majority of which is within the control of No. 37. A number of windows were approved in the northern elevation of the original scheme at ground, first and second floor level (mix of elevation windows and rooflights), although all from first floor and above, were noted to be obscurely glazed and/or non-opening up to 1.7m above finished floor level. It is accepted that the amendments to levels would result in the ground floor windows being located higher than previously approved. However, these windows would subsequently be located at a standard ground floor height and plans state that a 1.8m high close boarded fence would be provided at the boundary. It is therefore not considered that these windows would have a detrimental impact on the privacy levels enjoyed by the neighbour at No. 37. Furthermore, two first floor windows are proposed to be replaced with rooflights instead. Rooflights would provide a less direct opportunity to overlook this neighbouring property. However, it would be considered reasonable to condition that these are also obscurely glazed and non-opening to a height of 1.7m above finish floor level. No alterations (in terms of levels or window locations/types) are proposed to those in the original building.
- 5.9. Considering the impact of the amendments to the rear section of the building on this neighbour, whilst it would appear bulkier than the rear element approved, this section is the furthest away from the dwellinghouse. It is also located over 5 metres from the boundary. Furthermore, whilst located south of the garden to this property, the increase in height would have only a marginal (if any) increased impact on the garden of this property by overshadowing or perceiving overbearing impact, particularly when also considering the established boundary treatment in this location, mostly within the control of No. 37. Therefore the impact on this neighbour is considered acceptable.
- 5.10. Considering the impact on Fairlawns to the south, the scheme would result in both ground floor and first floor windows appearing at a higher level. This neighbouring flatted development has a number of habitable room windows in its northern elevation facing the application site and the approved scheme permitted a number of habitable room windows facing Fairlawns. It was accepted that this would create a degree of mutual overlooking between the two buildings. However, given that the windows are mainly 26.5 metres apart (or not set directly opposite) and therefore exceed the Council's 25 metre minimum back to back distance the relationship was not considered to be unacceptable in this built up urban area where a degree of overlooking is considered to be unavoidable. Whilst this proposal would see the windows set at a higher level, this would not result in any further overlooking than that approved and considered acceptable under the approved scheme, particularly as there would be a 1.8m high close boarded fence along the boundary. Furthermore, the increased 'bulk' proposed to the rear of the scheme would have limited impact on neighbours at Fairlawns, given its location north of Fairlawns, separation distance, as well as it being beyond the build line of Fairlawns. Consequently, the impact on this

neighbour is considered acceptable.

- 5.11. Concern has been raised again in respect of noise and disturbance resulting from occupation of the proposed flats. This is a matter that could if necessary/appropriate be addressed by alternative legislation.

Infrastructure and Developer Contributions

CSDPD: CS21 (Contribution of development to community infrastructure)

DSA: DM19 (Infrastructure and delivery)

Emerging New Local Plan: DM41 (Optional Technical Standards for Building Regulations Approval)

- 5.12. The development would be CIL liable. There is no need for any planning obligation.

Weighing and balancing of issues – overall assessment

- 5.13. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.

- 5.14. 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 (in this case, CIL)
- c) Any other material considerations

- 5.15. As set out above it is considered that the proposed development, whilst less visually attractive than the approved scheme, would not have a harmful impact on the amenities of neighbours properties (subject to conditions), particularly when taking into consideration the extant scheme for the site. Furthermore, the reduction in amount of excavation required (and reliance on retaining walls) is considered to weigh in favour of the development. On this basis, the proposal is recommended for approval.

Recommendation: Application Permitted

- 1 The development hereby permitted shall be begun before 15 September 2019.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
- 2 This permission is in respect of the following drawing numbers (as amended):
 - HRGS - PL-101F - Proposed Site Plan
 - HRGS - PL-200E - Ground Floor Plan
 - HRGS - PL-201C - First Floor Plan
 - HRGS - PL-202d - Loft Plan
 - HRGS - PL-400B - Front Elevation
 - HRGS - PL-401D - Side Elevation
 - HRGS - PL-402C - Rear Elevation
 - HRGS - PL-403E - Side Elevation
 - HRGS - PL-404B - Internal Front Elevation (date stamped 30 June 2016); and
 - HRGS - PL-405A - Internal Rear Elevation (date stamped 30 June 2016).Reason: For the sake of clarity.

- 3 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To secure a satisfactory external appearance given the location of the site within a conservation area.
- 4 All windows in the northern elevation at first floor level and above (including roof lights) shall be fixed shut and obscurely glazed to 1.7 metres above finished floor level. Thereafter the windows shall be retained as such.
Reason: To prevent an unneighbourly relationship with No. 37 by reason of overlooking.
- 5 No development shall take place until an arboricultural method statement (AMS) and tree protection plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby permitted shall only be carried out in accordance with the approved method statement unless otherwise first agreed in writing.
Reason: This is a pre-start condition that is needed to ensure that the retained trees, shrubs and hedgerows are not damaged during the construction process and in the long term interests of local amenity value. This information is required prior to development commencing as it is relevant to every stage of the construction process (in particular ground works).
- 6 No above damp proof course works shall take place before a fully detailed landscaping scheme for the site (in broad conformity with site plan ref: PL-101F) has been submitted to and approved in writing by the Local Planning Authority.
The scheme shall include:
- Details of all fencing structures to be erected or retained, (including at least 1.8m high boundary treatment between the Fairlawns and No. 37 Amersham Road boundaries, adjacent the new development);
 - Details of all hard surface treatments (to be in conformity with the SUDs strategy and Arboricultural Method Statement);
 - A planting specification with a focus on native species (species, size and density);
 - Details of an underground planting structure such as strata cell or silva cell, where necessary, to allow the root balls of the proposed trees to expand beyond the confines of the planting beds and extend beneath the compacted soil of the hardstanding area.
 - The position of underground services; and
 - Details of defensive planting in front of ground floor habitable room windows
- The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.
- 8 Unless otherwise agreed in writing all externally mounted illumination shall only be motion activated and the illumination should be at the warmer end of the colour spectrum.
Reason: To avoid impact on wildlife.

- 9 The development hereby permitted shall not be occupied until details of bin storage have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be occupied until the bin store has been provided in accordance with the agreed details.
Reason: In the interests of the bin collection service, character of the area and quality of living environment created for future occupiers.
- 10 The development hereby permitted shall not be occupied until details of cycle storage have been submitted to and approved in writing by the Local Planning Authority. The cycle store shall comprise an enclosure and lockable building containing Sheffield stands bolted directly to a concrete base. Thereafter the development shall not be occupied until the cycle store has been provided in accordance with the agreed details.
Reason: In the interests of the character of the area, quality of living environment created for future occupiers and to provide modal choice.
- 11 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall thereafter be implemented in accordance with the approved details. No occupation of the development shall take place until the scheme has been sustainable urban drainage strategy has been completed.
The scheme shall also include:
- Infiltration rate tests in accordance with BRE Digest 365;
 - Ground investigations, in particular groundwater level monitoring;
 - Detailed drainage layout with pipe numbers complete with full construction details, together with storage volumes of all SuDS features;
 - Source control methods included in the Proposed Site and Landscaping Plan (Drawing No. PL-101E); permeable tarmac, permeable paving slabs, a soakaway and water butts (the latter not to be included in attenuation volume calculations);
 - Details of any phasing of construction;
 - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any on-site flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site. The scheme runoff rates shall be restricted to greenfield runoff rates or 2 litres per second (whichever is larger) for storms up to 1 in 100 plus climate change.
- Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in order to ensure that there is a satisfactory solution to managing flood risk. It is necessary to ensure any sustainable urban drainage solution does not negatively impact on the underground aquifer.
- 12 Development shall not begin until a whole life maintenance plan for the site has been submitted to and approved in writing by the local planning authority. The plan should set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) following construction with details of who is to be responsible for the maintenance. Thereafter the site shall be managed in accordance with the approved details.
Reason: The reason for this being a pre-start condition is to ensure that maintenance arrangements have been arranged and agreed before any works commence on site that might otherwise be left unaccounted for.
- 13 The scheme for parking shown on the approved plans shall be laid out prior to first occupation/operation 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, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

INFORMATIVE(S)

- 1 In accordance with paragraphs 186 and 187 of the NPPF Wycombe District Council (WDC) take a positive and proactive approach to development proposals focused on solutions. WDC work with the applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service,
 - as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions, and,
 - by adhering to the requirements of the Planning & Sustainability Customer Charter.In this instance:
 - The applicant/agent was updated of any issues after the initial site visit. Additional floor plans were requested and provided and plans were also updated to show the existing ground level and boundary treatment.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
- 2 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 3 It is contrary to the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
- 4 The applicants attention is drawn to the fact that a licence to disturb any protected species needs to be obtained from Natural England under the Conservation (Natural Habitats &c) Regulations 2010.
- 5 The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally:
 - take, damage or destroy the nest of any wild birds while the nest is in use or being built;
 - take kill or injure any wild bird;
 - take or destroy the egg of any wild bird; and,
 - Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the Act.
- 6 The applicant is also advised that protected species (including all bats) use trees. The Conservation of Habitats and Species Regulations 2010 provides very strong protection for these species and so you must be certain that they are not present before works begin. If the presence of bats or other protected species is suspected, a licence may be required from Natural England before works can commence. If protected species are found in a tree whilst carrying out work, all work must stop and Natural England must be informed. Trees should be inspected prior to works commencing and if the presence of bats is suspected advice will need to be sought from Natural England via the Bat Line on 0845 1300228. Further advice on bats is available from The Bat Conservation Trust (020 7627 2629).