

Contact: Marcus Shingler DDI No. 01494 421822

App No : 19/07095/VCDN App Type: Variation of Condition

Application for : Variation of condition 2 (plans) attached to PP 18/05438/VCDN for residential redevelopment comprising partial demolition, refurbishment and extension works to Uplyme House to provide 14 units (4 x 1 bed, 10 x 2 bed) with associated parking, amenity space and bin and cycle store

At 35 Amersham Road, High Wycombe, Buckinghamshire, HP13 6QS

Date Received : 29/08/19 Applicant : Miss Emma Runesson

Target date for Decision 28/11/19

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.”
- 2.2. A further application was submitted in 2018 (Council ref: 18/05438/VCDN) under Section 73 of the Planning Act to vary the earlier planning permission. The changes related to the following:
- The building utilised the existing ground level, rather than requiring significant excavation work and being set in the ground. This therefore increased the height of the building by a maximum of 1.5m.
 - 2 x flank windows on the northern side elevation (i.e. facing boundary with no. 37) were amended to be rooflights instead of windows.
 - 1 x flank window on the southern flank side (i.e. facing Fairlawns) was amended to be a rooflight rather than a window.
 - The gable ends in the rear elevation were to be enlarged in width and height, taking the ridge of the most central rear gable above the ridge it adjoins (however still lower than the ridge of the original property, which is viewed from the front). The height at this point increased by around 1.75m.
 - Some alterations 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.
- 2.3. These amendments were approved at the meeting of this Committee held on 30 May 2018.
- 2.4. This application is again 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).
- 2.5. 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.

2.6. The changes proposed in the current application can be summarised as follows:

Site Layout

- The amended site layout proposes the relocation of the external bin store to allow for 2 additional car parking spaces to be provided along the southern boundary, providing a total of 16 car parking spaces. This will allow for 1 space per unit in accordance with the approval plus 2 visitor parking spaces. The scheme proposes to amend the layout of the central courtyard within the apartment block in order to provide 2 private gardens to Plots 1 & 4 to provide residents with access to private outdoor amenity space.

Apartments

- This application proposes internal changes to the layout of the apartments in order to make more efficient and effective use of the block. Importantly, this application does not propose an increase in the footprint of the block nor a change in the overall number of units.
- The amended plans result in a revised mix with a greater provision of 2-bed units and fewer 1-bed units (4 x 1-bed units, 10 x 2-bed units), reflective of the identified housing need for flats in the Wycombe District.

Elevations

- This application proposes the addition of balconies to the rear elevation only to serve the first-floor units to ensure residents have access to private outdoor space. This proposed amendment seeks to address earlier concerns regarding lack of balcony provision.

2.7. 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.

2.8. The application is accompanied by the following amended plans and details:

- Proposed site layout
- Proposed floor plans
- Proposed elevations
- Amended landscape plan
- Amended tree pit detail plan
- Amended tree protection plan

3. Working with the applicant/agent

3.1. In accordance with paragraph 38 of the NPPF (2019) Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. WDC work with the applicants/agents in a positive and proactive

manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

3.2. In this instance:

- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The application was considered by the Planning Committee where the applicant/agent had 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 Fairlawns. 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 was varied by the Section 73 application referenced above (18/05438/VCDN).

5. Issues and Policy considerations

Principle and Location of Development

Wycombe District Local Plan (August 2019): CP1 (Sustainable Development), CP3 (Settlement Strategy), CP4 (Delivering Homes), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

DSA: DM1 (Presumption in favour of sustainable development),

- 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.

Affordable Housing and Housing Mix

Wycombe District Local Plan (August 2019): DM22 (Housing Mix), DM24 (Affordable Housing), DM41 (Optional Technical Standards for Building Regulations Approval)
Planning Obligations Supplementary Planning Document (POSPD)

- 5.2. The original planning permission was granted in 2016 under Council reference 15/07401/FUL. At the time of the grant of this permission the threshold for affordable housing provision in the District was 15 or more units.

- 5.3. Since the adoption of the Wycombe District Local Plan 2019, the threshold for affordable housing has now been lowered to 10 or more units (policy DM24). However, as this application is linked to an extant permission that predates the current adopted Local Plan, it is not considered that the provision of affordable housing can be sought in this instance.
- 5.4. Similarly, new Local Plan policy DM41 requires all new dwellings to meet higher accessibility/adaptability standards, with a proportion of dwellings required to meet the highest standards. However, given that the extant application predates this new policy, it is not considered reasonable to require the development to comply with this policy.

Transport matters and parking

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)
DSA: DM2 (Transport requirements of development sites)

- 5.5. Two extra parking spaces are provided within the revised layout (at the southern boundary) bringing the total provision to 16no. spaces (14 resident spaces and 2no. visitor spaces). This is an improvement in terms of being closer to meeting the parking standards. The cycle parking provides storage for 16 bicycles as was accepted previously within the earlier agreed scheme (18/05438/VCDN).
- 5.6. Accordingly no objections are raised in respect of the proposed transport and parking arrangements.

Raising the quality of place making and design

Wycombe District Local Plan (August 2019): CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)
DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)
Housing intensification SPD

- 5.7. The amended site layout proposes the relocation of the external bin store to allow for 2 additional car parking spaces to be provided along the southern boundary, providing a total of 16 car parking spaces. The scheme also proposes to amend the layout of the central courtyard within the apartment block in order to provide 2 private gardens to Plots 1 & 4 to provide residents with access to private outdoor amenity space.
- 5.8. Internal changes to the layout of the apartments are also proposed in order to make more efficient and effective use of the block. Importantly, this application does not propose an increase in the footprint of the block nor a change in the overall number of units. The amended plans result in a revised mix with a greater provision of 2-bed units and fewer 1-bed units (4 x 1-bed units, 10 x 2-bed units), reflective of the identified housing need for flats in the Wycombe District.
- 5.9. The application also proposes the addition of balconies to the rear elevation only to serve the first-floor units to ensure residents have access to private outdoor space.
- 5.10. Overall the proposed changes are relatively minor in nature but will enhance the quality of the proposed development in comparison with that previously approved and they accord with adopted policies of the Wycombe District Local Plan (August 2019) and the National Planning Policy Framework.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)
Housing intensification SPD

- 5.11. In terms of the amenity of future residents, the proposals will enhance the development over and above that previously approved. There is additional provision of private amenity space for plots 1 and 4 and balconies for 3no. units are proposed at first floor level.
- 5.12. In terms of neighbouring amenity, the impacts will be no greater than that previously deemed acceptable in the earlier application other than for the introduction of balconies and thus consideration has been given as to whether this may impact on neighbouring privacy. The balconies to the northern end of the block could potentially afford views into the rear garden of No. 37 to the north but given that it is set in slightly from the northern flank elevation and there is vegetation to the boundary, any views afforded would be relatively oblique and to the rear end of the garden.
- 5.13. In terms of impact on Fairlawns to the south, the proposal is compliant with the Council's 25m minimum back to back relationship. Whilst the impact on overlooking/interlooking would not be excessive, it is considered appropriate to impose a condition requiring privacy screening to protect neighbouring amenity.
- 5.14. The application is considered to be acceptable in respect of amenity for future and existing residents.

Infrastructure and Developer Contributions

Wycombe District Local Plan (August 2019): CP7 (Delivering the infrastructure to support growth)

DSA: DM19 (Infrastructure and delivery)

BCSNP: Policy 13 (Connecting the Parish)

- 5.15. The development is a type of development where CIL would be chargeable. There is no requirement for a planning obligation in this instance.

Weighing and balancing of issues – overall assessment

- 5.16. 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.
- 5.17. 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
- 5.18. As set out above it is considered that the proposed development 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 improved provision of parking and private amenity/balconies represents an overall enhancement of the development. On this basis, the proposal is recommended for approval.

Recommendation: Application Permitted

1. This permission is in respect of the following drawing numbers (as amended):
 - MDL-1329-PL02 B
 - MDL-1329-PL03

- MDL-1329-PL04
- LC-2709-01 F
- LC-2709-02
- Tree Protection Plan Rev D

Reason: For the sake of clarity.

2. 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.

3. 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.

4. 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.

5. 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.

6. Details of privacy screening to the flanks of the first floor balconies hereby agreed shall be submitted to and approved in writing by the Local Planning Authority and installed prior to occupation of the development hereby approved.

Reason: In the interest of the protection of neighbouring privacy.

7. Prior to the first occupation of the development, a demonstration (such as as-built drawings and/or photographic evidence) of the as-built surface water drainage scheme carried out by a suitably qualified person must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System has been constructed as per the approved is designed to the technical standards

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).