



Report to West Area Planning Committee

Application Number:	23/07761/VCDN
Proposal:	Variation of condition 2 (plan numbers) attached to 23/06696/VCDN (Demolition of existing dwelling and erection of replacement dwelling with parking and amenity space) to allow for substitution of drawings
Site Location:	Silver Birches Hawks Hill Bourne End Buckinghamshire SL8 5JQ
Applicant:	Mr and Mrs J and P Drayton
Case Officer:	Shama Hafiz
Ward(s) affected:	The Wooburns, Bourne End & Hedsor
Parish-Town Council:	Wooburn And Bourne End Parish Council
Date valid application received:	6th November 2023
Statutory determination date:	1st January 2024
Recommendation	Application Permitted

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application is made under S73 of the Town and Country Planning Act 1990 (as amended) Act for a variation of condition 2 (plan numbers) attached to pp 23/06696/VCDN Variation of condition 2 (plan numbers) attached to 21/08547/VCDN (Demolition of existing dwelling and erection of replacement dwelling with parking and amenity space) to allow for substitution of drawings.
- 1.2 The principle of erecting a replacement dwelling has been established under the previous planning permission under ref: 21/06577/FUL in September 2021.
- 1.3 This proposal would have no adverse effect upon the amenities of adjacent residents or the character of the surrounding area.
- 1.4 This application has been referred to the Planning Committee, as the applicant is Councillor Penelope Drayton, Ward Councillor for The Wooburns, Bourne End and Hedsor.

2.0 Description of Proposed Development

- 2.1 This application is made under section 73 to vary the condition specifying the approved plans attached to planning permission 23/06696/VCDN. Planning permission as part of this variation application was granted on 19th October 2023 for the demolition of existing dwelling and erection of replacement dwelling with parking and amenity space and variation to allow for alterations to approved design.
- 2.2 This current variation of condition application seeks to vary planning permission ref: 23/06696/VCDN as follows:
- Provision of roof mounted solar panels; and
 - Removal of window opening in ground floor south elevation (to the family/games room)
- 2.3 The applicant/agent has advised that the proposed amendments would (a) contribute to the delivery of a sustainable and efficient form of development and (b) ensure improvements to the useability of the family/games room.
- 2.4 For the purposes of clarification, it should be noted that the coloured marked lines on the floorplan layout on drawing ref. 001 REV B denote as follows:
- Red is where fire-rated plaster board is required;
 - Blue is water proofing/tanking
 - Green is sound proofing
- 2.5 This application is made under Section 73 of the Planning Act. Although often referred to as an application to vary or remove a condition an application under this section of the Act actually has no effect on the original permission it is not an amendment to the 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 therefore all appropriate conditions and obligations must be imposed.
- 2.6 The merits of the condition(s) must be assessed against an up to date development plan. As any permission granted would in effect be a free standing planning permission all conditions to which the planning permission should adhere must be reattached. Section 73 of the Town and Country Planning Act 1990 (as amended) states:
- “Determination of applications to develop land without compliance with conditions previously attached.
- (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- (2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and:
- a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

- b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

2.7 The application is accompanied by:

- a) Covering Letter

3.0 Relevant Planning History

Reference	Development	Decision	Decision Date
21/05002/FUL	Demolition of existing dwelling and construction of replacement dwelling with retaining wall, alterations to existing driveway and turning point	WDN	11 February 2021
21/06577/FUL	Demolition of existing dwelling and erection of replacement dwelling with parking and amenity space	PER	13 October 2021
21/08547/VCDN	Variation of condition 2 (plan numbers) attached to pp 21/06577/FUL (Demolition of existing dwelling and erection of replacement dwelling with parking and amenity space) to allow for alterations to approved design	PER	9 June 2022
22/07065/ADRC	Application for approval of details subject to Condition 8 (Ecology) of planning ref: 21/08547/VCDN	PECOND	13 June 2023
23/06696/VCDN	Variation of condition 2 (plan numbers) attached to 21/08547/VCDN (Demolition of existing dwelling and erection of replacement dwelling with parking and amenity space) to allow for substitution of drawings	PER	19 October 2023

4.0 Policy Considerations and Evaluation

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)

- 4.1 The principle of this development has been assessed under the original approved application Ref: 21/06577/FUL. Therefore, it is only the changes that need to be assessed. The proposal does not have any implications in terms of affordable housing, ecology/biodiversity, the environment, flooding or building sustainability.
- 4.2 The only matters for consideration include a) the impact of this development on the character and appearance of the surrounding area and b) the impact of this development on the amenities of adjacent residents.

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)

- 4.3 The Highway Authority was duly consulted as part of the application and has confirmed that the amendments sought would not materially alter the impacts of this proposed development on the highway network when compared to the development approved under planning permission 23/06696/VCDN. The access arrangements proposed under the original planning permission remain the same, and the Highway Authority is satisfied that the development features the optimum level of parking for each dwelling in accordance with the Buckinghamshire Countywide Parking Guidance policy document. Mindful of the above, the Highway Authority have no objections to the variation of Condition 2 (plan numbers) attached to planning permission 23/06696/VCDN.

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), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

DSA: DM11 (Green networks and infrastructure), Housing intensification SPD, Householder Planning and Design Guide SPD.

- 4.4 The application contains an array of roof mounted solar panels which would be arranged in three equal linear rows on either side of the roof over the flank wings and two shorter rows within the central infill roof.
- 4.5 The works are considered to be appropriate and therefore not extensive in nature which would result in no change to the existing built footprint, and would make minimal change to the overall appearance and form of the approved building.
- 4.6 The roof mounted solar panels would not be readily visible from Hawks Hill. Though the solar panels would project above the top of the roof, this would not be at any significant level, and thus would not appear overly prominent.
- 4.7 The removal of a window opening to serve the family/games room within the ground floor south elevation is considered to be in keeping with the style of the approved

development and would not detract from the character and appearance of the host dwelling.

- 4.8 With regard the character of the surrounding area, the proposed alterations would have no adverse effect.

Amenity of existing and future residents

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

Housing intensification SPD

- 4.9 Having regard to the changes previously approved under the last variation of condition application, it is considered that the scheme now proposed would have no adverse effect upon the privacy or any other amenity enjoyed by neighbouring residents.
- 4.10 The Council's Environmental Health section was consulted on the proposals and had no objections to the application.

Infrastructure and Developer Contributions

- 4.11 The development is a type of development where CIL would be chargeable.

Consideration of Previously Imposed Conditions

- 4.12 Condition 1 – Time Limit: A new time limit condition specifying development to be begun by 13.10.2024 is appropriate – a S73 application cannot extend the time period for implementation beyond that of the original permission.
- 4.13 Condition 2 – Plans – a new condition is required
- 4.14 Condition 3 – Surfacing materials – to be re-imposed
- 4.15 Condition 4 – Building materials – to be re-imposed
- 4.16 Condition 5 – Surface water Drainage – to be re-imposed
- 4.17 Condition 6 – Electric car charging points – to be re-imposed
- 4.18 Condition 7 – Water Efficiency – to be re-imposed
- 4.19 Condition 8 – Ecology – to be re-imposed
- 4.20 Condition 9 – Levels – to be re-imposed
- 4.21 Condition 10 – Removal of permitted development rights – to be re-imposed
- 4.22 Informative 1 – Working with the applicant/agent – to be varied to reflect current application.

5.0 Weighing and balancing of issues / Overall Assessment

- 5.1 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.
- 5.2 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 (such as CIL if applicable), and,
- c. Any other material considerations

- 5.3 As set out above it is considered that the proposed development would accord with the development plan policies.
- 5.4 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 5.5 The Human Rights Act 1998 Article 1 the protection of property and the peaceful enjoyment of possessions and Article 8 the right to respect for private and family life, have been taken into account in considering any impact of the development on residential amenity and the measures to avoid and mitigate impacts. It is not considered that the development would infringe these rights.

6.0 Working with the applicant / agent

- 6.1 In accordance with paragraph 38 of the NPPF (2019) the Council 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.
- 6.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicant/agents of any issues that may arise in the processing of their application.
- 6.3 In this instance, the application was acceptable as submitted and no further assistance was required. The applicant/agent was updated throughout the process and the application was referred to the Planning Committee with a recommendation for approval.

7.0 Recommendation

- 7.1 It is recommended that this application be **GRANTED**, subject to the following conditions and reasons:
 - 1 The development hereby permitted shall be begun before the expiration of 13th October 2024.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As amended).
 - 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 001 REV B; unless the Local Planning Authority otherwise first agrees in writing.
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

3 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces 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 appearance.

4 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.

5 The development hereby approved shall store all additional run-off within the site and either re-use it or release it into the ground through infiltration. Where the additional run-off is not to be re-used or on-site infiltration methods are not proposed, details of how the risk of flooding elsewhere will not be increased shall be submitted to and approved in writing by the local planning authority prior to any development taking place. The approved details shall thereafter be implemented prior to the development being brought into use and thereafter managed and maintained for the lifetime of the development.

Reason: To ensure that the development does not increase the risk of flooding elsewhere.

6 Prior to the occupation of the development hereby permitted, 1 electric vehicle 32 amp charging point must be installed. Thereafter the electric vehicle charging points must be maintained in full working order for the lifetime of the development

Reason: To assist in the reduction of air pollution from vehicular traffic by facilitating the use of electric vehicles to reduce the negative impact on the health of residents living within the Air Quality Management Area and to meet the requirements of Policies CP12 and DM33 in the adopted Wycombe District Local Plan (2019).

7 The development, hereby permitted, shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.

Reason: In the interests of water efficiency as required by Policy DM41 (Optional Technical Standards for Building Regulations Approval) of the Local Plan.

8 Notwithstanding any indication of details which may have been given in the application, the ecological mitigation, compensation and enhancement, scheme for the development shall be undertaken and established within the site as agreed and discharged under 22/07065/ADRC as per the schedule/details provided. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure that the development safeguards protected wildlife and achieves a net gain in biodiversity. Approval is required prior to commencement because if works start, this could prejudice the ability to achieve the required enhancements.

The levels of the development hereby permitted, shall adhere to the following:

- a) That the finished floor level of the dwelling hereby permitted shall be 37.21 AoD(N)

- b) Prior to the commencement of development, details of any changes to the existing ground levels from those shown on the Topographic Plan 01A (Groundsurveys Ltd dated December 2014), together with any retaining walls, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with the approved details.

Reason: To reduce the impact of the development upon the character and appearance of the area.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no development falling within Classes A, D and E of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality.

Informative

- 1 In accordance with paragraph 38 of the NPPF the Council 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. The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicant/agents of any issues that may arise in the processing of their application. In this instance, the application was acceptable as submitted and no further assistance was required. The applicant/agent was updated throughout the process and the application was referred to the Planning Committee with a recommendation for approval.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

None received

Parish/Town Council Comments

Wooburn and Bourne End Parish Council

Comments: No objection

Consultation Responses

Environmental Health

Comments: As per prior consultation, No objection at this this time.

Highway Authority

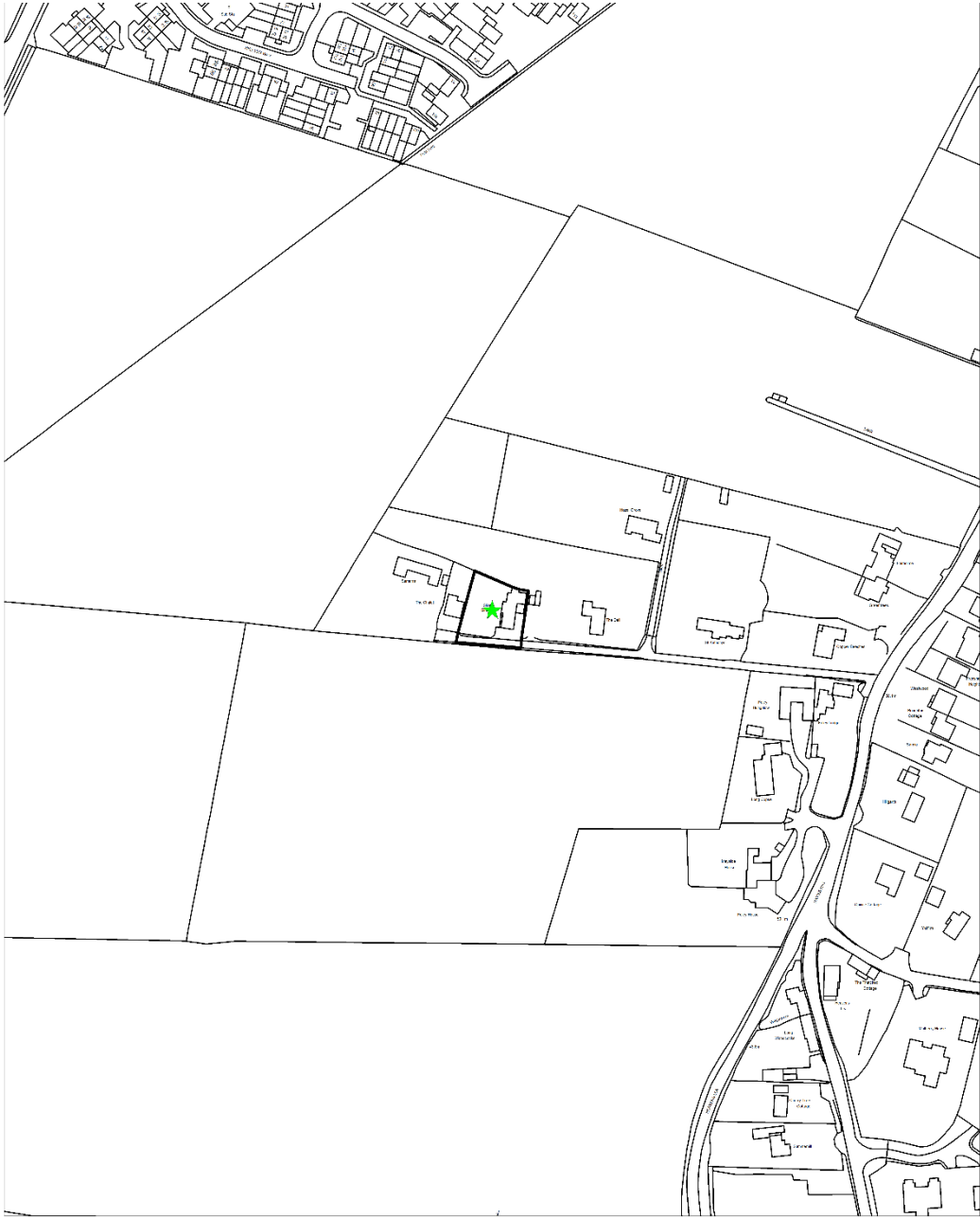
Comments: Having reviewed the submitted information, I believe that the amendments sought would not materially alter the impacts of this proposed development on the highway network when compared to the development approved under planning permission 23/06696/VCDN. The access arrangements proposed under the original planning permission remain the same, and I am satisfied that the development features the optimum level of parking for each dwelling in accordance with the Buckinghamshire Countywide Parking Guidance policy document. Mindful of the above, I have no objections to the variation of Condition 2 (plan numbers) attached to planning permission 23/06696/VCDN.

Representations

None received

APPENDIX B: Site Location Plan

23/07761/VCDN
Scale 1/2500



Planning Committee
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