



Report to Wycombe Area Planning Committee

Application Number:	20/05460/FUL
Proposal:	Demolition of existing dwelling and replacement with new dwelling, landscape and boundary treatment
Site Location:	2 Spinners Walk Marlow Buckinghamshire SL7 2AL
Applicant:	Mr & Mrs Nir & Tamar Feldberg
Case Officer:	Judith Orr
Ward(s) affected:	Previous Marlow North And West Ward
Parish-Town Council:	Marlow Town Council
Date valid application received:	4th March 2020
Statutory determination date:	29 th April 2020
Recommendation	Approval subject to conditions

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1. Permission is sought for the demolition of the existing dwelling and its replacement with a new dwelling, together with some landscape and boundary treatment.
- 1.2. The surrounding properties were all built in the 1960's and are characterised by open front gardens and houses of a similar style and design. The proposed replacement dwelling is far more contemporary, than the surrounding properties, being of a double-fronted rectilinear design.
- 1.3. There is no objection in principle to the replacement of this dwelling with a more modern build, provided that the design is in keeping with the surrounding street scene and that all other relevant material considerations are satisfied.
- 1.4. Councillor Mr. Marshall has called in the application, due to the impact on the street scene and the level of public concern. This application has been the subject of consultation with the West Area Planning Committee Chairman, and it has been determined that the application should be referred to Committee for consideration.
- 1.5. The application is recommended for approval.

2.0 Description of Proposed Development

- 2.1 The site is located in Marlow on a quite large corner plot at the end of Spinners Walk and Pound Lane. Pound Lane is a long, tree lined, leafy road that connects the south west edge of the town back to the High Street. Spinners Walk is a cul-de-sac containing a row of 1960's brick-built detached dwellings of a similar design with co-joined garages.
- 2.2 The dwellings are of their time and have no particular architectural merit. The property is not within a Conservation Area.
- 2.3 This application seeks permission for the demolition of the existing dwelling and its replacement with a new dwelling, landscape and boundary treatment. The site is quite visible because of its location on a corner plot. However, the existing dwelling is well screened with mature trees along Pound Lane.
- 2.4 The property is situated in the settlement of Marlow in residential parking Zone B as identified in the Buckinghamshire Countywide Parking Guidance and is in Flood Zone 3.
- 2.5 The application is accompanied by:
 - a) Design and Access Statement
 - b) Ecological appraisal
 - c) Ecology and Trees Checklist
 - d) Bat emergence and re-entry survey
 - e) Flood Risk and Drainage Assessment
 - f) Arboricultural Impact Assessment
- 2.6 During the consideration of the application it has been amended in order to take account of concerns raised by both the Highway Authority, the Environment Agency and the Lead Local Flood Authority. Subject to the inclusion of conditions, these concerns have now been resolved.

3.0 Relevant Planning History

No recent history

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), DM39 (Managing Flood Risk and Sustainable Drainage Systems)

DSA: DM1 (Presumption in favour of sustainable development)

- 4.1. The application property is situated within a cul-de-sac, but is a corner plot, in the settlement of Marlow. There is no objection in principle to the replacement of a dwelling with a more modern build, provided that all other relevant material considerations are satisfied.

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)

- 4.2. The application property is situated within an established residential area in residential Parking Zone B, as identified in the Countywide Parking Guidance. The replacement property would have 4/5 bedrooms (one of which is proposed to be used as an office).
- 4.3 The new dwelling would require three on-site spaces to provide an optimum level of parking. The site plan provided shows that these 3 spaces can be provided on the western side of the front of the property and therefore meets these requirements.
- 4.4 Highways have asked for a condition to be added to this application, should it be approved, to ensure that the scheme for parking, indicated on the submitted plans, is laid out prior to the initial occupation of the development and that this area is not used for any other purpose. In addition, they have also included an informative to ensure that there won't be any obstruction of the highway during the building operations. Subject to the above, there are no highway authority objections to this application.

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), DM36 (Extensions and Alterations to Existing Dwellings) DSA: DM11 (Green networks and infrastructure), DM16 (Open space in new development)
Householder Planning and Design Guidance SPD (January 2020) Residential Design Guidance SPD (June 2017)

- 4.5 The area consists of a mixture of detached houses which are linked only by their garages. The surrounding properties were built in the 1960's and are characterised by open front gardens and houses of a similar style and design. There are a number of similar cul-de-sacs in this area, including the adjoining Marlin Court.
- 4.6 The proposed replacement dwelling is a two storey double-fronted rectilinear brick built house, on a corner plot. It is proposed to have a pedestrian access to the property from Pound Lane with the main vehicle entrance provided by the demolition of the existing co-joined garage. A new car port is proposed to be provided at ground floor level below the new dwelling house.
- 4.7 In terms of the building's design, the replacement dwelling is far more contemporary than the other dwellings in Spinners Walk. There will be large full length glass windows along the Pound Lane and Spinners Walk frontages, and these windows will have ornamental balconies with tinted glass to provide privacy. The remaining frontages will be lit from windows in the roof.
- 4.8 The property has a length of 21.6 metres and is 8.1 metres wide. It is proposed to break up the length of brick, to avoid it appearing to be too dominant along Pound Lane, by dividing the property into two wings, one of approx. 5 and the other of 14 metres, with a glass atrium (approx. 2.4 metres) between them. It is considered that due to the large size of the plot on which the house is proposed to be located, the site density of this dwelling (44% of the total plot ratio) would be substantially less than that of all of the neighbouring houses in this vicinity – 5 Marlin Court (59%) and 4 Spinners Walk (60%).

- 4.9 The hipped roofs are set back behind a low parapet and the height of the ridgeline is slightly (0.2 metres) above that of the neighbouring house at the rear of the property, No. 5 Marlin Court. The height of the ridgeline is proposed to be marginally higher (0.3 metres) than the adjoining houses in Spinners Walk.
- 4.10 Unusually, because of the flooding issues on the site, all of the habitable rooms are on the first floor with ancillary accommodation (utility, games room, office and cloakroom) on the ground floor. The property is proposed to have four bedrooms and a ground floor office.
- 4.11 The adopted Residential Design Guidance SPD is clear that “character is not just about the appearance of a building”. It explains that “the key to a successful new development is to find what these essential ingredients are and make sure that they are reflected in the new design.” It also makes it clear that “character is not the same as style or about traditional versus contemporary”. In designing this house, it is considered that the architect has taken account of the character of the adjoining houses and the street scene, whilst at the same time trying to create a new dwelling with a contemporary feel. The house is proposed to be built of ‘Marlow red brick’, to match the bricks used in the remainder of the street. It is proposed that should this application be approved; a condition should be attached ensuring that these materials be approved prior to the commencement of the development.
- 4.12 The front garden is proposed to be open, a key characteristic of this cul-de-sac, and the tree coverage along Pound Lane, which is a notable feature in this vicinity, retained.
- 4.13 Both the garden itself and Pound Lane have heavy tree cover and this is intended to be retained. The Arboricultural officer considers that the existing trees on the Pound Lane area of the site do not appear to be of particular arboricultural merit and suggests that any loss of trees to create the pedestrian access can be mitigated through the planting of replacements.

Amenity of existing and future residents

Wycombe District Local Plan (August 2019): DM35 (Placemaking and Design Quality), DM36 (Extensions and Alterations to Existing Dwellings)

Householder Planning and Design Guidance SPD (January 2020)

- 4.14 The immediate neighbours to the application site are No.5 Marlin Court and No. 4 Spinners Walk. The proposed replacement dwelling maintains an adequate distance to its own site boundaries. The new dwelling would be 4.5 metres from No. 2 Spinners Walk and 1.8 metres from 5 Marlin Court, with a 3 metre distance between the two houses.
- 4.15 The Council’s light angle guidance is largely met by this proposed development. A minor infringement of the Council’s light angle guidance for No. 4 Spinners Walk occurs, as a result of this proposed development, at ground floor level. However, due to the dense foliage that exists between the gardens of these two properties this is not considered to be an issue.
- 4.16 In terms of overlooking, the only window that will face towards either of these two properties at first floor level will be from the ensuite master bedroom, which is to have opaque glass. Therefore it is not considered that any additional overlooking will occur to that which already exists, and the privacy of adjoining properties will not be adversely affected.

4.17 There will be some impact from this proposed development on the natural light levels of No. 4 Spinners Walk. However, it is considered that due to the orientation of the properties that this impact will not be significant.

4.18 The proposed dwelling is considered to provide adequate internal space and external amenity space.

Flooding and drainage

Wycombe District Local Plan (August 2019): DM39 (Managing Flood Risk and Sustainable Drainage Systems)

4.19 In terms of location, the proposed replacement dwelling is located in Flood Zone 3 and therefore requires a FRA to be submitted with the application. The Environment Agency consider that the submitted documents, including the FRA, satisfactorily address their previous concerns. They have asked for a condition to be attached to the application to ensure that the flood mitigation measures are fully implemented prior to the occupation of the dwelling.

4.20 The Lead Local Flood Authority do not object to this proposed development provided that pre-construction conditions relating to the surface water drainage scheme and offsite drainage connections are agreed prior to the start of development.

Ecology

Wycombe District Local Plan (August 2019): DM34 (Delivering Green Infrastructure and Biodiversity in Development)

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)

4.21 There is a confirmed bat roost at No. 2 Spinners Walk. Policy DM34 (Delivering Green Infrastructure and Biodiversity in Development) of the adopted Local Plan seeks to protect and enhance biodiversity for all developments. The application is therefore accompanied by a Bat Emergence and Re-entry Survey.

4.22 This survey concludes that a European Protected Species Mitigation Licence (EPSML) will be required from Natural England prior to the commencement of works, should planning permission be granted for this proposed development.

4.23 The Council's ecologist considers that the survey work that has been undertaken isn't sufficiently detailed and that further surveying is needed during the next survey season before this property is demolished. It is proposed that pre-commencement conditions and an informative are added to this effect to the application.

Building sustainability

Wycombe District Local Plan (August 2019): DM41 (Optional Technical Standards for Building Regulations Approval)

4.24 It is considered necessary to condition water efficiency in accordance with Policy DM41.

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)

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

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 (in this case, CIL)
 - c) Any other material considerations
- 5.3 As set out above, it is considered that the proposed development would accord with development plan policies.

6.0 Working with the applicant / agent

- 6.1 In accordance with paragraph 38 of the NPPF (2019) Buckinghamshire Council (BC) 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. BC 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.
- 6.2 Due to Covid-19 2020 the site visit that took place did not go inside the property. However, given the location and existing photo evidence, plans and planning history the application could be properly assessed in this instance.
- 6.3 The applicant was provided with the opportunity to submit amendments to the scheme to address issues.

7.0 Recommendation

The application is recommended for approval subject to the following conditions, reasons and informatives:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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 136/GA/001, 136/GA/002; 136/GA/003; 136/GA/004; 136/GA/017;136/GA/018; 136/GA/510; 136/GA/511;

136/GA/512; 136/GA/513; 136/GA/514; 136/GA/515 and 136/GA/516 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. Prior to the commencement of development a drainage layout detailing the connectivity between the dwelling and the drainage components, showing pipe numbers, gradients and sizes, complete together with storage volumes of all SuDS components. This drawing should include flow direction for exceedance routes.

- Assessment of the viability of incorporating active rainwater harvesting within the surface water drainage scheme, with justification for exclusion where necessary.
- Construction details of all SuDS components
- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

4. The development shall be carried out in accordance with the submitted flood risk assessment (ref 4557/FRA/Final/v2.0/2020-11-12 compiled by Weetwood Services Ltd.) and the following mitigation measures it details:

- Finished floor levels on the ground floor shall be set no lower than 28.28 metres above
- Ordnance Datum (AOD)
- The footprint of the ground floor will not exceed 93m².

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to avoid increasing floor risk elsewhere.

5. 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.

6. Prior to commencement the following must be produced and submitted to and approved in writing by the LPA:

- Three bat emergence / re-entry surveys in line with the Bat Conservation Trust best practice.
- Following surveying, a plan for Avoidance, Mitigation, Compensation and Enhancement measures for bats, and biodiversity more widely.
- Details (specifications, plans and elevations) for compensation and enhancement measures must be incorporated into building and landscape designs.

Following approval the submitted details must be followed and enhancement and compensation measures must be thereafter maintained.

Reason: to ensure bats are not negatively impacted by the proposals and to ensure that a net gain in biodiversity is achieved.

7. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Floatation calculations based on the highest observed groundwater level or worst case scenario of groundwater assumed to be at surface level
- Resistance and resilience measures
- Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), showing pipe numbers, gradients and sizes, complete together with storage
- volumes of all SuDS component(s). This drawing should include flow direction for exceedance routes
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Construction details of all SuDS components
- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

8. Development shall not begin until offsite drainage connections relating to the disposal of surface water runoff from the development have been agreed in writing by the Local Planning Authority in consultation and relevant authorities.

Reason: To ensure the site can adequately drain without causing an increase in flood risk both on site and off site, this is in line with Paragraph 163 of the National Planning Policy Framework.

9. The scheme for parking indicated on the submitted plans shall be laid out prior to the initial occupation 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 and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

10. 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.

11. A fully detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any development, above damp proof course, takes place.
The scheme shall include provision for
 - * Additional planting to compensate for the loss of some of the existing trees
 - * Native trees to reflect the rural context of the siteThe development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.
12. With the exception of any pruning, tree surgery or felling specifically shown in an approved tree report or landscaping scheme, no trees, shrub or hedge shall be pruned, felled or removed without the prior approval of the Local Planning Authority. If during construction of the development, or within a period of three years of its completion, any such tree, shrub, hedge dies or becomes damaged, destroyed, diseased or dangerous, it shall be replaced during the following planting season by another healthy, tree, shrub or hedge as the case may be of a similar size and species, unless otherwise approved in writing by the Local Planning Authority. Thereafter any such replacement planting shall be maintained or further replaced as necessary for three years after replacement.
Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity.
13. 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.
14. The first floor window to be inserted on the north western elevation shall be obscure glazed and remain as such for the life of the development unless agreed in writing by the Local Planning Authority.
Reason: To protect the amenities of the adjoining occupiers.

Informative(s)

1. Working with the applicant/ agent: In accordance with paragraph 38 of the NPPF (2019) Buckinghamshire Council (BC) 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. BC 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.

Due to Covid-19 2020 the site visit that took place did not go inside the property. However given the location and existing photo evidence, plans and planning history the application could be determined in this instance.

In this instance the applicant was provided with the opportunity to submit amendments to the scheme to address issues.

2. Highway obstruction: No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
3. It is a requirement for a European Protected Species licence to be obtained from Natural England where bats or their roosts are to be disturbed.

APPENDIX A: 20/05460/FUL

Consultation Responses and Representations

Councillor Comments

Cllr Marshall: Having reviewed the amended plans I still request that should you be minded to approve the application should be referred to the planning committee. This to give due regard to the impact on street scene and the level of public concern.

Parish/Town Council Comments

Marlow Town Council have objected to this application on the grounds that the house will be out of keeping with the area and have an adverse impact on the street scene. The area has a strong theme throughout and other properties when doing alterations have retained the theme.

Consultation Responses (Summarised)

Highway Authority

Comments: Request that if approved it includes a condition relating to highway safety and an informative to ensure that will not be any obstruction of the highway during the building operations. Subject to the above, there are no highway authority objections to this application.

LLFA

Have no objections to this development provided that it has two pre-construction conditions agreed prior to the start of construction.

Environment Agency

Have reviewed the submitted documents and consider that the amended scheme satisfactorily addresses their previous concerns, provided that a condition is attached to the permission to address potential flooding issues at the property and in the vicinity of the property.

Tree Officer

The loss of the trees impacted by this proposed development can be mitigated through the planting of replacements.

Ecologist

The Council's ecologist considers that the survey work that has been undertaken isn't sufficiently detailed and that further surveying is needed during the next survey season before this property is demolished.

Representations

Prior to amendment

Two earlier schemes have been consulted on for this site prior to this latest proposal – one in March 2020 and the second in May/ June 2020. Seven neighbouring properties objected to the March consultation together with the Marlow Society and six properties objected to the May/June 2020 consultation. These six neighbours also objected to the latest proposal for the site.

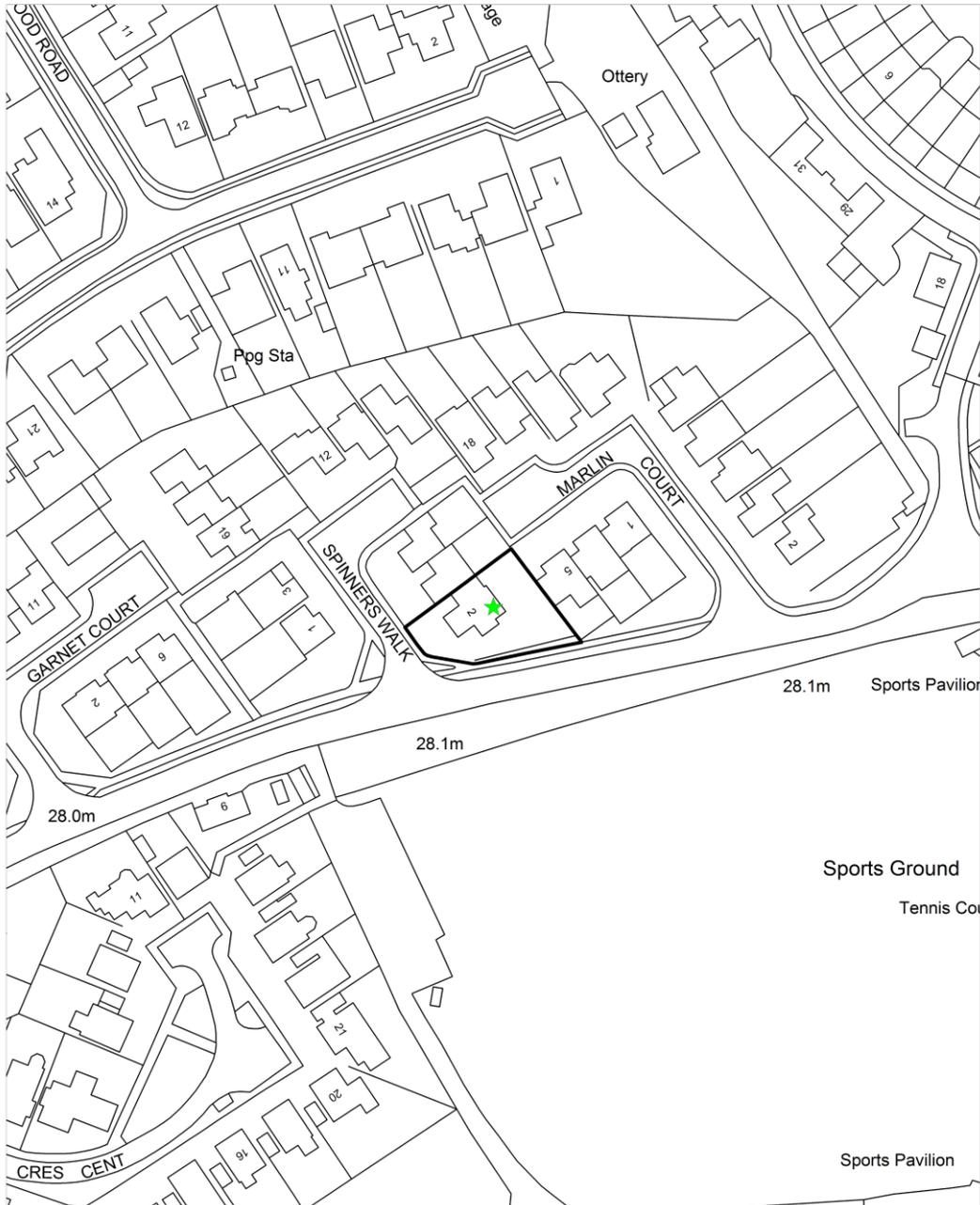
Latest proposal for the site

6 comments have been received from neighbouring properties objecting to the most recent proposal. The comments are summarised below:

- The proposed dwelling is not in keeping or sympathetic to the other properties in Spinners Walk and the adjoining streets.
- The mass and scale are overbearing and dominate other homes in the vicinity.
- It will block sunlight from the gardens at 5 Marlin Court and 4 Spinners Walk.
- The shape of the windows are completely different to those in the neighbouring properties and will result in overlooking.
- The proposal is too radically different and out of character with the established street scene.

APPENDIX B: Site Location Plan

20/05460/FUL
Scale 1/1250



Planning Committee
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Ordnance Survey 100062456