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Your Ref: 07/07553/OUT
Our Ref: APP/K0425/A/09/2111432/NWF
Further appeal references at foot of letter
Date: 22 February 2010

Dear Mr Beck

**Town and Country Planning Act 1990
Appeals by North West Estates PLC (in Administration) and North West
Estates PLC
Site at Alfred Davis Memorial Ground, Oak Tree Road, Marlow, SL7 3ED and
Land At, Westhorpe Farm, Marlow, SL7 3RQ**

I enclose a copy of our Inspector's decision on the above appeals.

If you have queries or complaints about the decision or the way we handled the appeals, you should submit them using our "Feedback" webpage at www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 0207 947 6655.

Yours sincerely

Sophie Dyke



COVERDL1

Further appeal references:- APP/K0425/A/09/2111436

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -

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Appeal Decisions

Inquiry opened on 6 January 2010
Site visit made on 26 January 2010

by **K D Barton** BA(Hons) Dip Arch DipArb
RIBA FCI Arb

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

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Decision date:
22 February 2010

Appeal A: APP/K0425/A/09/2111432

Alfred Davis Memorial Sports Ground, Oak Tree Road, Marlow SL7 3ED

Appeal B: APP/K0425/A/09/2111436

Land at Westhorpe Farm, Marlow SL7 3RQ

- The appeals are made under section 78 of the *Town and Country Planning Act 1990* against refusals to grant outline planning permission and planning permission respectively.
- The appeals are made by North West Estates plc (in administration) against the decisions of Wycombe District Council.
- The applications Refs 07/07553/OUT and 07/07535/FULEA, both dated 12 October 2007, were refused by notices dated 26 February 2009.
- The development proposed in Appeal A is residential development together with provision of vehicular access and demolition of existing structures.
- The development proposed in Appeal B is the relocation of Marlow Football Club with new playing facilities including provision for community use and associated infrastructure.

Decisions

1. I dismiss the appeals.

Procedural Matters

2. The Inquiry sat for 6 days between 6 and 14 January 2010. Accompanied and unaccompanied visits were carried out to both sites and their surrounding areas on 26 January 2010. The Appeal B site was also viewed from the Chilterns Area of Outstanding Natural Beauty (AONB) to the north and from Winter Hill to the south. The latter viewpoint was visited in daylight and at night.
 3. Appeal A is in outline with access, scale and layout to be considered at this stage. I have therefore treated the drawings as illustrative in so far as they show appearance and landscaping as these matters are reserved for future consideration. I have considered each proposal on its own merits but it is accepted that the football club would have to have a new facility before redevelopment of the existing ground could be realised.
 4. Both appeal schemes were amended and it was on the revised information that the Council made its decisions and on which I shall determine these appeals. The drawings and documents considered for each appeal are listed in Appendix B to these decisions.
 5. At the opening of the Inquiry it was emphasised that completed Section 106 Agreements should be provided before the close of the Inquiry. At the close of
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the Inquiry it was reported that agreement had been reached but that the Agreements had to be signed. It was agreed that an extension of time to 25 January 2010 would be sufficient to complete the Agreements but valid Agreements were not received by that date. Indeed, the Council indicated that there were a number of issues to be resolved including the existence of a new mortgagee who needed to be bound. The appeals have therefore been determined on the basis that there is no completed Agreement.

APPEAL A

The Site and Its Surroundings

6. The Alfred Davis Memorial Sports Ground has an area of approximately 1.6 hectares. It lies around 350 metres north of Marlow Town Centre in a predominantly residential area and is wholly designated as Green Space. The majority of the site is occupied by a football pitch with standing only terraces on its west and south sides. On the north side a stand provides seating with a function room below. Further single storey buildings provide ancillary changing and other facilities. A synthetic all weather training area lies to the east of the pitch and there is a small car park adjacent to the entrance, which is off Oak Tree Road in the north-east corner of the site.
7. The site is bounded on all sides by residential properties. Two storey family houses front onto Oak Tree Avenue to the north and Oak Tree Road to the east. A footpath runs along the southern site boundary beyond which are two storey terraced houses in Spring Gardens and Green Verges. To the west is a two storey industrial building, currently being used by Marlow Sea Scouts, and a telecommunications base station. Further to the south on the western boundary are private retirement homes and sheltered housing for the elderly at Alfred Davis Court and Trinity Court. These are part 2-storey, part 3-storey buildings.

Effect on the Character and Appearance of the Surrounding Area

8. There would be an emergency access in the south-west corner of the site but the main access would remain in its current position. The access road would split into two cul-de-sacs within the site. Two 2-storey houses would front Oak Tree Road, whilst development within the site would be at a variety of scales. The central 'block' of development would be surrounded by terraces with three storey elements in three corners of the site. Much of the boundary planting would be retained with the private gardens of the 'outer' terraced units adjoining the site boundaries. The internal courtyard of the central block would also provide communal amenity space. Pedestrian links would be provided to the existing public footpaths between Oak Tree Road and Oak Tree Avenue to the north and Oak Tree Road and Wethered Road to the south. An area of open space would be provided beside this latter footpath.
9. *Planning Policy Statement 3: Housing* seeks the more efficient use of previously developed land. With the exception of the two dwellings fronting Oak Tree Road, the site is self contained. In that respect I consider that the proposed density, which would be higher than that of the surrounding housing, would be acceptable. Indeed, the provision of some three storey blocks would reflect the adjoining development at Alfred Davis and Trinity Courts and at Rookery Court further to the south west.

10. However, PPS3 seeks a high standard of design. This is reflected in Wycombe Core Strategy Policy CS 19 which also requires locally distinctive qualities of place to be reinforced by enhancing landscape and built characteristics of the site and its wider context. Saved Policy G3 of the Wycombe District Local Plan (LP) also requires development to respect and reflect the local urban or rural context and to maintain and reinforce its distinctiveness. The area has a 'green' suburban character due to the existence of gardens and green spaces.
11. It is accepted that parking levels would be below the maximum but adequate for the level of development. Parking for the central block would be in a basement car park whilst the terraced houses would have parking in front of them at right angles to the roads. A variety of documents, including *Building for Life*, *Manual for Streets*, *Parking What Works Where*, *By Design* and the *Urban Design Compendium* give guidance on parking and seek to reduce its impact whilst providing a level of surveillance and security. 'End on' parking broken up by planting is illustrated in the guidance as an example of a successful parking arrangement.
12. However, although the proposed roads are described as 'boulevards', blocks of 'end on' parking would be provided on both sides. I consider that the landscaping elements between the various blocks of parking would be relatively modest compared to the width between buildings and the amount of parking. Moreover, there would be little in the way of front gardens to contribute to the 'greening' of the street. In my view, the result would be a 'hard' urban landscape dominated by cars. The proposed scheme would neither reflect the surrounding suburban character nor reinforce the locally distinctive qualities of place and would, therefore, be contrary to the aims of Core Strategy Policy CS 19 and saved LP Policy G3.

Loss of Green Space

13. Although the site is wholly designated as Green Space, the two main parties agree that provided Appeal B were allowed, and the Football Club could relocate, there would be no overriding objection to the redevelopment of the ground for housing. They consider that the loss of Green Space would be compensated for by the relocation and/or the demonstration of an exceptional case.
14. The explanatory text to LP Policy L3 indicates that "Green Space plays an important part in the aesthetic form and character of settlements and contributes to amenity value. It also provides opportunities for formal and informal recreation as well as for social interaction and community development. Green Space also constitutes a valuable ecological resource". Core Strategy Policy CS 15 resists the loss of built sports facilities except in certain defined circumstances. Although the football ground is visible from the first floor windows of those houses that surround it, it is a private space that is generally enclosed and there are few public vantage points where its 'green openness' can be seen. Indeed, the site includes significant areas of hard standing and concrete terracing and a range of buildings that, in my view, restrict its visual amenity and ecological benefits.
15. Whilst much of the 1.6 hectares site would be redeveloped, 0.3 hectares of open space would be provided adjoining the public footpath to the south of the

site. In my opinion, this landscaped area, although much smaller than the existing designated Green Space, would be far more effective in satisfying the aims of designating Green Space. Notwithstanding this, without an acceptable scheme for the relocation of the built sports facility that provides the opportunity for formal recreation, the proposal would be contrary to the aims of Core Strategy Policy CS 15 and saved LP Policy L3.

Other Matters

16. Appendix 7 of the LP indicates that open space should be provided at the rate of 2.4 hectares per 1000 population and that on that basis East Marlow has a deficiency. The proposal would not provide open space to that standard and a Section 106 Undertaking would be necessary requiring a contribution towards the provision of an equipped play area nearby to mitigate the shortfall. Additional demand would be placed on education, library and fire services by the proposed development. Local primary and secondary schools are projected to have a deficit in capacity by 2012/13. Contributions towards these services would also be necessary and would be calculated in accordance with the *Developer Contributions Supplementary Planning Document* adopted in April 2007.
17. The impact of increased traffic arising from the development could be offset by a contribution that would partly go towards improvements at the A4155 Chapel Street/Little Marlow Road/Wycombe Road junction and partly towards supporting the *Transportation Strategy*. The *Strategy* promotes non car modes of travel and the *Local Transport Plan* and a particular use for a contribution would be improvements to the cycle network in Marlow. Core Strategy Policy CS 13 seeks 40% affordable housing, although in this case as the site has some built characteristics the Council has agreed that 36.5% affordable housing would be acceptable. Another provision that would need to be ensured by an Undertaking is that the proposals in Appeal B would be required to be provided before the closure of the existing ground to prevent the loss of built sports facilities.
18. In my view, all these measures would be in accordance with the tests set out in *Circular 05/2005* and are necessary to make the proposal acceptable. In the absence of a completed Section 106 Agreement there would be inadequate provision made for transportation, educational, cultural, fire and open space infrastructure, and affordable housing. The proposal would be contrary to the aims of Core Strategy Policies CS 13, CS 20, and CS21, and Policies IN1, and TR1A(g) of the *Buckinghamshire County Structure Plan* as saved and extended. However, as these matters could readily be addressed by the completion of a Section 106 Agreement in the form agreed between the parties I have given these matters little weight.
19. Notwithstanding that a number of matters could readily be addressed by a valid Section 106 Agreement, I consider that the detrimental effect the proposal would have on the character and appearance of the area, together with the loss of the opportunity for 'formal recreation', are the determining issues in Appeal A.

APPEAL B

The Site and its Surrounding Area

20. The site, which has an area of around 6 hectares, is within the countryside, the Metropolitan Green Belt, a Minerals Consultation Area, an MOD Safeguarded Area, and an Area of Special Advert Control. The site, which is a former Landfill Site where gravel was extracted before being filled in the 70s and 80s, and its surroundings are covered by the *Little Marlow Gravel Pits Supplementary Planning Guidance* (SPG). The site, which is currently used as pasture, is roughly dome shaped and slopes from north to south with a difference in levels of 7.5 metres across the site.
21. The site lies to the south of the A4155 Marlow Road, and east of its junction with the A404 Marlow by-pass. It is within Public Transport Accessibility Zone 5. Public Right of Way PROW20 runs along the southern site boundary and connects Little Marlow village to the town via a footbridge over the by-pass. The Chilterns AONB lies on the opposite side of the A4155 to the north and the Little Marlow Conservation Area is some 650 metres to the east. To the south is the Grade II listed Westhorpe House, which has been converted to offices, whilst Corners Cottage, also listed Grade II, lies to the south-east. The nearest residential development is a residential caravan site approximately 130 metres to the south within the former walled garden of Westhorpe House.

The Proposed Development

22. The proposal would provide a main football pitch with provision for 2,012 spectators. A 264 seat stand would adjoin the pitch to the east with an internal floor area of around 663m². Additional buildings would include a grounds person's store, cycle parking, bin store and two turnstile houses. Spectator terracing around the pitch would have some structures to provide weather cover and there would be eight 15 metre high floodlights that would be lowered to 7.5 metres when not in use. To the south of the main pitch would be a third generation synthetic all weather pitch (AWP) with eight 14 metre high floodlights that would be lowered to 7.5 metres when not in use. An unlit grass community pitch would be located to the west of the main pitch.
23. There would also be a car park part surfaced in bound gravel and part in reinforced grass surfacing to accommodate 124 car parking spaces, 8 disabled spaces and two coach spaces in total. This would be lit by 5 metre high lights. The SPG indicates the intention to create a Country Park in the area and a further 24 space car park would be provided to the south of the main car park to serve the Country Park.

Whether the Proposal is Inappropriate Development for the Purposes of PPG2 and Development Plan Policy

24. The parties agree that the proposal would be inappropriate development in terms of Green Belt policy as set out in *Planning Policy Guidance Note 2: Green Belts* (PPG2). Paragraph 3.4 of PPG2 recognises that essential facilities for outdoor sport and outdoor recreation would not be inappropriate, but paragraph 3.5 indicates that essential facilities would be small changing rooms or unobtrusive spectator accommodation. In my view, the provision of a