



Appeal Decision

Site visit made on 13 January 2009

by **P Bentham-Hill** BA MRTPI

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

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Decision date:
28 January 2009

Appeal Ref: APP/Y0435/A/08/2087214

Greens Hotel, Russell Street, Woburn Sands, MK17 8RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Menday against the decision of Milton Keynes Council.
- The application Ref 07/02184/FUL, dated 5 December 2007, was refused by notice dated 9 April 2008.
- The development proposed is the conversion and extension of a hotel to a 50-bed nursing home and 36 close care apartments, new social/tennis clubhouse and 53 parking spaces.

Procedural Matter

1. The proposed development involves the re-location of the existing bowls club to a site in Apsley Guise, for which planning permission was granted on appeal on 14 May 2007 (APP/J0215/A/2020941).

Decision

2. I allow the appeal, and grant planning permission for the conversion and extension of a hotel to a 50-bed nursing home and 36 close care apartments, new social/tennis clubhouse and 53 parking spaces at Greens Hotel, Russell Street, Woburn Sands, MK17 8RA, in accordance with the terms of the application, Ref 07/02184/FUL, dated 5 December 2007, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The premises shall only be used as a nursing home and residential accommodation and for the care of people in need of care and shall not be used for any other purpose within Use Class C2 nor any other Use Class specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order, nor for any other purpose without the prior permission of the local planning authority.
 - 3) No development shall take place on site until samples of the materials to be used in the external walls and roof together with the design, style and materials of the windows and doors of the proposed buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.

- 4) No development shall take place until full details of the solar panels and applied timber detailing around the windows have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the first occupation of the nursing home or apartments. These details shall include proposed finished levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and proposed and existing functional services above and below ground.
- 6) No development shall take place until details of measures to protect the existing trees and hedges on the site during construction have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to any construction work and shall remain in place until the building works are completed.
- 7) No development shall take place until details of an assessment of ground conditions to determine the likelihood of any ground, ground-water or gas contamination of the site in accordance with BS10175:2001 Investigation of Potentially Contaminated Sites – Code of Practice, is submitted to and approved by the local planning authority. Any remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate Verification Report prior to any of the buildings being occupied. Should any unforeseen contamination be encountered during site works, the local planning authority shall be informed immediately.
- 8) No development shall commence on site until details of the biomass heating system, including boiler specification, size, fuel to be used, dust and grit arrestment and chimney height has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) Unless agreed in writing by the local planning authority, the development shall be carried out in accordance with the Sustainability Statement dated 19/12/2007. The scheme must be implemented in full prior to the first occupation of the first apartment or the nursing home.
- 10) Prior to the commencement of the development, details of the site waste management strategy to be implemented by the contractor throughout the construction process shall be submitted to and approved in writing by the local planning authority. The approved measures shall be installed and used throughout the whole of the construction process until the development is completed.
- 11) Prior to commencement of the development, a report detailing how 10% of materials (by value) will be sourced from reused or recycled sources shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved report.

- 12) The scheme for parking and manoeuvring 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.
- 13) Details of the proposed finished floor levels of all buildings and the finished ground levels of the site, in relation to existing site levels of surrounding property, shall be submitted to and approved by the local planning authority before any work commences. The development shall be carried out in accordance with the approved levels.
- 14) No building or other site works, or deliveries, shall be carried out before 8:00 am or after 6:00 pm Mondays to Fridays, nor before 8:00 am or after 1:00 pm on Saturdays, or at any time on Sundays or Bank Holidays.
- 15) Before any demolition, clearance, building or other works commence on site, details shall be submitted to and approved by the local planning authority specifying the parts of the site to be used for site huts, storage of materials and plant and parking of employee's cars during the construction period and any proposal for fencing of a site compound.
- 16) No building works shall commence until vehicle wheel cleansing facilities have been provided on the site in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before demolition begins, shall be retained through the construction period and shall be used by all vehicles leaving the site.
- 17) The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the development. Any security measures to be implemented shall achieve the 'Secured by Design' accreditation awarded by The Thames Valley Police. Written confirmation of those measures shall be submitted to and approved by the local planning authority. The approved scheme shall be implemented prior to the first occupation of each apartment or the nursing home.
- 18) Before building works commence, a scheme providing for the insulation of the apartments and nursing home against the transmission of external noise shall be submitted to and approved by the local planning authority. The relevant parts of the approved scheme shall be implemented before the first occupation of each apartment or nursing home bedroom.
- 19) Before building works commence, a scheme for the attenuation of noise from the social club shall be submitted to and approved by the local planning authority. All windows shall be double glazed and all doors shall be fitted with self-closing devices. No amplified music or entertainment shall be permitted after 10:30 pm, unless otherwise agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved noise attenuation measures.

- 20) All mechanical plant and equipment shall operate at a noise level of 10dB below ambient background level as measured at the nearest noise sensitive facade. All commercial deliveries or collections shall take place only between the hours of 7:30 am and 7:30 pm, Mondays to Saturdays.

Main issues

3. I consider that the main issues in this appeal are the suitability of the proposed replacement bowls facility, the likelihood of alternative recreational use and the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. Where an existing sports or leisure facility would be displaced by proposed development, PPG17 requires that the replacement should be at least as accessible to the current and potential new users and at least equivalent in terms of size, usefulness, attractiveness and quality. In this instance, the replacement is some 800 metres distant from the present site and less well served by bus routes but I note that membership is drawn from a wide area with all but a small number travelling by car. Consequently I share the view of the Appeal Inspector that the replacement site will be accessible to the current membership. Potential new users, attracted by the enhanced facilities, are equally likely to be drawn from a wide area and whilst the majority are likely to travel by car, the site would be within an acceptable walking distance of the town centre for the remainder.
5. The scale and scope of the development approved in Aspley Guise offers the Woburn Sands Bowls Club better and more attractive facilities and with greater security of tenure than it enjoys at its present location. The support from Sport England and Bowls England clearly demonstrates the acceptability of the replacement site in recreational terms. Accordingly, I conclude that the arrangements for the replacement of the existing bowls club, in the form of the replacement site and the completed S106 agreement are in accord with the first part of Policy L2 of the Milton Keynes Local Plan.
6. I note the appellant's comments on the interpretation of the fourth part of Policy L2 and the apparent conflict with the first part and the advice in PPG17. Nevertheless, considering this requirement in isolation, it is apparent that any assessment of the potential for accommodating an alternative leisure or recreational facility on the appeal site must be informed by prior knowledge of the need for future provision in the locality. The Council has no such strategy in place and therefore it is not possible for an assessment to be made, whether on the basis of evidence produced by the appellant or not.
7. The Council has suggested that a case could be made for additional tennis courts or a local play area but there is no evidence that the tennis club has been consulted on the former suggestion or that either features in a leisure and recreational facilities strategy. Accordingly, I conclude that the proposed development does not conflict with the third of the assessment criteria contained in Policy L2 of the Local Plan.

8. Turning to the effect of the proposal on the character and appearance of the locality, it is clear that the scale and mass of the extended hotel represents a substantial increase on that of the present building and the associated club house. The design has, however, sought to replicate the form, features and character of the existing hotel but to soften the impact of the extended building by a varied plan and elevations together with stepped and hipped roofs. As a result, the visual impact of introducing a large building to an enclosed site is greatly minimised.
9. Whilst some of the properties adjoining the appeal site, particularly those on Vicarage Street with a view of the bowling green, will experience a reduction in the quality of their outlook, the majority will be unaffected to any significant degree. It is evident that the distances between the new development and surrounding dwellings is in all cases greater than Council's minimum requirements and the height of those parts of the new building closest to nearby houses does not exceed two stories.
10. Although the appeal site is bounded on two sides by the Woburn Sands Conservation Area, it is sufficiently enclosed to have no appreciable effect on its setting. Views into and out of the site are limited due to the narrow width of the access points. The appearance of the site from Russell Street, which is already dominated by the hotel, will change little and that from High Street is likely to be enhanced by the introduction of the more interesting elevation presented by the nursing home extension. The essentially neutral effect of the proposed development will therefore tend to preserve the character and appearance of the adjacent conservation area.
11. Accordingly, I conclude that the proposed development will not, overall, have a harmful effect on the character and appearance of the surrounding area and will not therefore conflict with the requirements of Policies D1, D2, and D2A of the Milton Keynes Local Plan, as regards its impact and design aspects, and Policy H6 as regards the conservation area.
12. I have had regard to the conditions suggested by the Council and consider that these are necessary and appropriate to the satisfactory completion and operation of the proposed development. The appellant has objected to the time up until which amplified music or entertainment may be permitted in the social club. However, the proximity of the club to the nursing home and residential accommodation clearly indicates that late operation of such entertainment needs to be stringently controlled and the Council afforded the appropriate discretion as to its relaxation.

P Bentham-Hill

INSPECTOR