

Application No: 11/1536N
Location: Residence (Nantwich) Ltd, MILL STREET, NANTWICH, CW5 5ST
Proposal: Hotel Reception and Function Room, 18 Bedrooms, Garden, Car Park and Access
Applicant: Alexandra Countryside Investments Ltd
Expiry Date: 13-Jul-2011

SUMMARY RECOMMENDATION: Approve subject to Section 106 Agreement and Conditions

MAIN ISSUES:

- **Procedural Matters;**
- **Principal of Development;**
- **Tourism;**
- **Strategic Impact of the Development;**
- **Assessment Against Policy RT.1;**
- **Design and Impact upon the Setting of Residence Hotel (Grade II*) Listed Building and the Nantwich Conservation Area;**
- **Amenity;**
- **Archaeology;**
- **Drainage;**
- **Highways;**
- **Public Sewer; and**
- **Other Matters**

REFERRAL

The application has been referred to planning committee because it is a major development.

DESCRIPTION OF SITE AND CONTEXT

Residence is a large imposing two storey detached property, which is constructed out of facing brick under a tile roof. The building is Grade II* listed Building. Located towards the rear of the building is a bowling green, which is no longer in use and the boundary is demarcated by a 2m high wall. The site is enclosed by Mill Street to the north which has a number of terraced residential properties, to the east are a number of industrial buildings, to the west is Water Lode and to the south are gardens. The application site is located wholly within the Nantwich Conservation Area.

DETAILS OF PROPOSAL

This application has been subject to extensive pre-application negotiations and is a full application for a part single storey part three storey extension comprising a function suite, roof terrace, 18 no. bedrooms, lift and stair wells, toilets, reception areas, cleaning cupboards. In addition to the above, there will be a new car parking area abutting Water Lode with 22 car parking spaces, landscaped gardens and bin storage area. The access to the new car park will be directly off Water Lode. The proposed extension will not be attached to the Grade II* listed building and will be erected on a bowling green at Residence Restaurant, 9 Mill Street, Nantwich.

RELEVANT HISTORY

P07/0632 – Window Alterations on West Wing – Approved – 22nd June 2007

P06/0020 – Change of Use of 2nd Floor Apartment and Construction of External Staircase – Approved – 25th September 2006

P07/1251 – New Entrance Gates and Railings – Approved – 31st October 2007

P07/0631 – Listed Building Consent for Installation of New Windows in the West Wing and Various Internal Alterations – Approved – 26th June 2007

P07/1061 – Listed Building Consent for New Entrance Gates and Alterations to Entrance Steps – Approved – 27th September 2007

P06/0023 – Listed Building Consent for Internal Alterations to First and Second Floors to Form Apartment and Construction of External Staircase – Approved – 27th September 2007

POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

PPS1 (Delivering Sustainable Development)

PPS4 (Planning for Sustainable Growth)

PPS5 (Planning for the Historic Environment)

PPG13 (Transport)

PPG17 (Planning for Open Space, Sport and Recreation)

PPS25 (Development and Flood Risk)

Good Practice Guide on Planning for Tourism

Planning for Growth

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5	(Infrastructure)
BE.7	(Conservation Areas)
BE.9	(Listed Building: Alterations and Extensions)
BE.16	(Development and Archaeology)
RT.1	(Protection of Open Spaces with Recreational or Amenity Value)
RT.7	(Visitor Accommodation)
TRAN.3	(Pedestrians)
TRAN.9	(Car Parking Standards)
S.11	(Leisure and Entertainment)

CONSIDERATIONS (External to Planning)

Leisure Services: No objections subject to the provision of the commuted sum payment

Archaeology: No objections subject to the following condition

No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

Environmental Health: No objections subject to the following comments:-

1. To minimise disturbance to local residents, deliveries and/or service vehicles to the site shall be restricted to between the following hours 7am – 8pm Monday to Friday and between 9am – 6pm on Saturdays and at no time on Sundays or Bank Holidays.
2. A scheme for the acoustic attenuation of the function room, including any fans, compressors or other equipment with the potential to create noise, shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. Details of the parapet wall shall also be included in the scheme.
3. Due to the proximity of local residents, the proposed operating times of the function room and roof terrace are to be no later than those permitted in the premise licence for the existing facilities.
4. There should be no windows, vents or extracts (with the exception of the extract ductwork serving the air handling unit) on the north elevation onto Mill Street or the west elevation onto Waterlode of the function room. The double doors opening towards Waterlode are to be for emergency use only and shall be kept closed. This is to prevent any potential noise from the function room affecting the neighbouring properties.
5. All odours and fumes from the building shall be extracted to prevent causing a nuisance to local residents and in accordance with a scheme submitted to in writing and approved by the borough council.

6. Any external lighting of the proposed development shall be submitted to, and approved in writing by the Borough Council before it is installed, in order to safeguard the amenity of local residents.
7. There shall be no music to be played on the roof terrace.
8. Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.
9. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to:

Monday – Friday	08:30hrs – 17:30hrs
Saturday	08:30hrs – 13:00hrs
Sunday	Nil

Contaminated Land Comments:

No objections subject to a contaminated land condition.

United Utilities: No objections subject to the following

- Several public sewers cross the site and therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge directly to soakaway and or watercourse and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Sport England: No objection subject to the commuted sum referred to in the submitted application is paid to the Council prior to the commencement of any development at the application site.

Nantwich Civic Society:

- This new access from Waterlode is close to the junction with Mill Street. It seems to have been accepted as safe and practical by the Highways section, so we accept that professional opinion. Sight lines must be kept free at all times with no temporary signs, boards, banners etc. to hinder drivers/pedestrians' views;
- The car parking provided might have been higher, despite the site being in the town centre, which, at peak times, does not have many empty spaces close by.;
- Although there is an apparent policy requirement for replacement provision of bowls facilities, the study by the agent shows that the club was accommodated quite

acceptably on The Barony. We are not convinced that this will be a wise use of money - for the wider community. It will benefit a small number of people only;

- The apparent requirement by the council during pre-application discussions for money towards improving the current pavilion and facilities, seems to be an unfortunate blinkered view of improvements to recreational facilities in town, which should be community-led;
- This large sum of cash could be better used by the wider community if it was kept in an account to spend on facilities that the wider community actually needed. These will be identified in the ongoing LDF Review and the Town Plan being prepared by Nantwich Town Council. Other towns have a S106 pot of funds that the council is reviewing to use for sports, recreation or regeneration of each locality. Using £65k for just bowling green improvements (which the council should be doing anyway) is a waste of precious private and public resources.
- The outdoor patio/roof terrace will be a lovely facility for customers of the Residence, without doubt. However, there will be an inevitable rise in noise and disturbance to nearby residents especially at night times.
- Similarly, the internal noise levels from the new conference/function room must be designed into being acceptable to residents outside;
- We are pleased to see the proposed use of good materials - Cheshire brick, stone, slate. The proximity to this Listed Building and within the Conservation Area of this historic town makes these high standards imperative.
- The plans submitted with the application are confusing and are not clear;
- The central, gabled full-height glazed feature breaks up the mass of the frontage in a "grand" manner. The 4 full-height window features also add to the vertical emphasis but the horizontal elements separating floors look to be a little weak, causing the elevation to be characterised by the 5 tall arches. We are not sure whether this will work, particularly in relation to the Residence as a Listed Building. It runs the risk of presenting too much glazing - unlike Georgian buildings where window to masonry ratios are quite low. The correct sections and sizes of glazing bars and details will be very sensitive features too. Fortunately, this new elevation will not be seen together with the front elevation of the main building, so perhaps this comparison is not critical;
- The large length of ballustrading to the roof terrace points to the need for natural stone to be used because they are key design features to the main elevation;
- This leads to a consideration of whether the elevations are acceptable in the Conservation Area, viewed from a well used road (Waterlode) and the Nantwich riverside. It will be an undoubted noticeable new building of significant size. We welcome the fact that the design tries to reflect the historic character of the parent building and of the Georgian character of the some buildings in the locality. This approach is so much better than the poor, characterless new building of Castle Court further along Waterlode (and some other recent new buildings in or adjacent to the Conservation Area; and
- Great care will be needed in the new building and its design, with the use of good natural materials.

English Heritage: No objections subject to the following comments

- We do have some concerns regarding the blank rear elevation which will detract from the character of the conservation area;

- There will have to be conditions on all materials as the choice of these will be critical to the success or failure of the scheme;
- Further excavations in the past have shown that the historic town of Nantwich is an area with good survival of medieval and earlier waterlogged remains. We therefore advise that evaluation excavation, to establish the presence or absence of significant below ground remains to be carried out before the application is determined.

VIEWS OF THE PARISH / TOWN COUNCIL

Broadly speaking, the Town Council welcomes the application as additional good quality accommodation in the town is desirable. Having said that, the Council would ask that particular attention is paid to the following matters:-

- An offer of improvements to the Barony facilities to make up for loss of green space at the Residence has been made. The Council considers that a figure of around £60,000 is a relatively small sum for the loss of what is a potentially valuable recreational amenity in a very convenient position and would ask that the figure is critically examined. It is also important that close tracking of the contribution takes place, so that local stakeholders, including the Town Council, may have a say in expenditure and be assured that it clearly benefits the residents and recreational facilities in the town;
- 22 car parking spaces for an 18 bed hotel and 120 capacity function room close to a night club and other restaurants seems fairly low; and
- It goes without saying that this is a sensitive and important location in the conservation area and the design and setting of the proposed hotel and ancillary facilities must be treated with great care, bearing in mind especially the loss of attractive green space and the location next to a handsome and valued historic building.

OTHER REPRESENTATIONS

Letters of objection have been received from the occupiers of 44 Marsh Lane, 11A, 15, 17 Mill Street and 12 Barker Street. The salient points raised in the objection letters are:

- The proposed development would need to have a Building over Agreement with United Utilities (invert/cover levels permitting), or the sewer will need to be diverted. No adjustment of the proposed design should be allowed to facilitate this. This is a major Public Sewer, serving a large area of central Nantwich;
- The submitted plans are confusing;
- Water Lode is a very busy road with tailbacks during the morning/evening rush hours. The proposal will exacerbate this problem;
- The proposed access does not have the required visibility splays and given its location will cause highway safety problems;
- The function room will be at the bottom of our garden and the noise which will be generated by the patrons of the proposal will have a significant detrimental impact on our residential amenity;
- The proposal will result in a loss of value of our cottage;
- The proposal will restrict our views;
- The application forms and Design and Access Statement have been completed incorrectly;

- The separate access/driveway signals that the hotel will potentially be used separately. A legal agreement should be set in place not to sub divide Residence from the new hotel;
- The proposed boundary wall would be ugly and over powering and not in keeping with the conservation area;
- The proposal will appear out of place within the conservation and restrict views to Residence (Grade II*) listed building and other buildings;
- The proposed roof of the function room, has a high wall facing our property, however the return section does not, which will allow potentially 'intoxicated revellers' over looking down on to our Garden from that high level;
- The recent conversion of the former Lamb Hotel proved that there was not a need for Hotel Accommodation, the proposed development will have a major impact on the Crown Hotel, an much liked and 'major' historic building of Nantwich, leaving its fate in jeopardy. It is debatable whether the site will generate addition employment to the local community, due to the potential loss of employment of existing hotels; The proposed access is to be off a very busy main road through Nantwich, too close to the junction of Mill Street, which will create a hazard to the residents/pedestrians adjacent or walking to the site;
- It is usual for access onto such a busy road for that number of cars to have a much larger radius on the bends as seen further along Water-Lode leading to The Blankney. Will a refuse vehicle be able to turn in the site without reversing on to or from Water-Lode;
- The proposed pavement will invite people who are coming and going across the park from Queens Drive etc, to avoid the pedestrian lights, and accidents will be inevitable;
- The proposal due to its height will result in the loss of a television signal;
- The Bowling Green ceased to be used as such since 2007, it has since been used for an extended restaurant seating area, entertainment such as a jazz band at Easter, New Year firework display and recreational use for "The Residence" customers and football games. I argue this piece of land is now used as a garden area to "The Residence" and this planning application should be seen as such;
- The governments green paper No 10 "Nurturing Responsibility" about housing states on page 7, under the heading;

"A planning system that delivers"

"Reverse the classification of gardens as brownfield land and allow councils to prevent over development of neighbour hoods and stop "garden grabbing".

- The site is in a conservation area, the tasteful listed restaurant building and the Barker Street houses, built in the Georgian era will be hidden from view by this modern building;
- There will be considerable noise intrusion with guests and vehicles leaving the site at the end of our garden, worse still during the early hours of the morning;
- We already have to suffer anti social behaviour from town revelers in the form of shouting swearing, fighting etc. The installation of the footpath will mean more revelers near our property. The proposal is contrary to the Human Rights Act as we have a right to sleep as do our children;
- There is no kitchen near the function room which according to the Design and Access Statement will cater for parties, so how will food to it be delivered;

- The licensing hours are to be until 12 midnight for non-residents and presumably longer for residents of the hotel. The noise will continue and invade our bedrooms from the function room and roof terrace until after midnight, there is no other facility in the hotel for guests to move to after midnight;
- The planning application states there are no trees or hedges on the proposed site, this is not the case, there are a number of established shrubs and four mature horse chestnut trees where the proposed pedestrian pathway will be. This greenery dresses the border of Waterlode road;
- The allocation of 21 parking spaces is inadequate, there are to be 18 bedrooms and potentially 120 people visiting the function room. Estimated employees are 2 full time and 12 part time. Based on a third of the guests parking their cars, an allocation of one car per hotel room and ½ of the employees this accounts to the requirement of a minimum of 65 parking spaces required. This gross underestimate of parking allocation; 21 spaces would lead to a further strain on the nearby public parking spaces in the town, which is already in short supply. It will block car parking spaces during the day to the local shops;
- Extending the pedestrian walkway will lead to people crossing this busy road at the junction of Mill Street and Waterlode and not use the established pelican crossing. The main entrance to the park is opposite the aforementioned junction, this is the main walking route for Queens drive estate, human nature as it is, will lead people/children to take the direct route to the park entrance avoiding the extra walk to use the pelican crossing. The proposed pavement will invite people to avoid the pedestrian lights, and accidents will be inevitable as they cross at the busy Mill Street and Waterlode junction; and
- The location of the refuse directly behind our wall is likely to create foul odours. There will also be noise when emptying the glass bottles; customarily emptying of glass recycling bins is carried out very early in the mornings, before 8am.

Various Emails from Mr. Harrison and others from the Barony Bowling Club

- The Bowling Green at the Residence was well supported and had a large number of users;
- On moving to the Barony Park we have had the responsibility financially and practically for all the improvements made to date and all maintenance undertaken. We raised approximately £32,000 thro' grants for floodlighting. The current facilities are not appropriate and as such we are losing lots of members;
- The proposal does not comply with policy RT.1 as a replacement bowling green should be constructed;

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

Archaeological Evaluation Report (produced by Oxford Archaeology North received on 1st September 2011).

Noise Impact Assessment (produced by ACIA dated 9th September 2011).

Highways statement (produced by Bryan G Hall dated 30th August 2011)

Emails from Rex Brockway (agent acting on behalf of the applicant various dates)

OFFICER APPRAISAL

Procedural Matters

An objector states that the planning application forms and Design and Access statement have been completed inaccurately and are misleading. It is acknowledged that this may be the case but is not considered that the application is fundamentally flawed and the information as submitted is sufficient for it to be determined on its merits, and if necessary the issues raised could be controlled by the imposition of conditions.

Principal of Development

The principle issues surrounding the determination of this application is whether the development is in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.7 (Conservation Areas), BE.9 (Listed Buildings: Alterations and Extensions) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. These seek to ensure proposals respect the scale, form and design of the surrounding built environment and the original building and are compatible with the surrounding units and to ensure they have no adverse effect upon neighbouring amenity and the proposal will not have a detrimental impact on highway safety. Furthermore, Policy RT.1 (Protection of Open Spaces with Recreational or Amenity Value) states that development will not be permitted which would result in the loss of open space which has recreational or amenity value. Policy RT.7 (Visitor Accommodation) in relation to visitor accommodation allows hotel or guest house accommodation within settlement boundaries or for the change of use of existing residential accommodation in the open countryside to guest houses.

The main thrust of the Local Plan policies is to achieve a high standard of design, respect the pattern, character and form of the surrounding area, not adversely affect the street scene by reason of scale, height, proportions or materials used.

The general thrust of the local plan policies is advocated within PPS 1, which places a greater emphasis upon Local Planning Authorities to deliver good designs and not to accept proposals that fail to provide opportunities to improve the character and quality of an area. It is the opinion of the case officer that this proposal does not detract from the character of the area and appearance of the host property and is in accordance with advice stated within PPS 1.

Policy EC10.1 requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Paragraph 4 of the document states that 'economic development' includes not only Class B employment uses but all uses which provide employment and generate wealth. Planning applications that

encourage sustainable economic development should be treated favourably. Furthermore, recent Government guidance states that there should be a presumption in favour of sustainable development and LPA's should take a positive approach to development.

Tourism

It is noted in the Good Practice Guide on Planning for Tourism that the re-use of buildings that have become redundant further improves the overall sustainability of new developments. This also often has the advantage of maintaining important and historic buildings and providing continuity in the landscape and townscape. These sustainable attributes, which may be substantial, may offset certain planning objections to a proposal such as poor location or access.

Strategic Impact of the Development

The proposal will provide additional hotel accommodation in the Nantwich area where such accommodation is currently lacking. The proposal will help to safeguard a listed building (Grade II*) and will help the local economy and will safeguard and provide additional jobs, which is also another important material consideration. It is concluded there will be no strategic impact from this development.

Assessment against Policy RT.1

As previously stated, the proposal is to redevelop a former bowling green adjacent to The Residence, Mill Street, Nantwich as a hotel. The bowling green closed in 2007 and as a result, the bowling club relocated to a municipal bowling green at The Barony, Nantwich.

The former bowling green, adjacent to The Residence, is identified as RT.1 protected open space on the Proposals Map of the Replacement Borough of Crewe and Nantwich Local Plan 2011. Policy RT.1 of the Replacement Borough of Crewe and Nantwich Local Plan 2011 protects open space from development unless a 'carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of playing field or open space provision in the catchment and the site has no special significance'. It also states that an exception may be made where 'the playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of the development.'

The applicant states that there is no up to date assessment of open space in Nantwich and as such quotes statistics from a study that was produced by Crewe and Nantwich Borough Council, sometime before 1996 which showed that there was a slight surplus of formal open space in Nantwich. The applicant has carried out his own study of bowling green provision within the Nantwich area. This study shows that the bowling club that was originally located on the bowling green adjacent to the Residence, is now located at a municipal bowling green on the Barony Park, Nantwich which is now leased to the club. The study also shows that although crown green bowling continues to be popular in the area, there do not appear to be any plans to introduce new teams. The applicant also states that use of the green at The Barony, by the public, is very low, with on average 4 casual users per week. Colleagues in Leisure Services have also stated that this green is currently underused.

As part of the applicants Design and Access states that the former bowling green site is not suitable for any other form of formal open space and states that there is abundant informal open space, nearby, at the Riverside Park.

The applicant states that a search for alternative sites for a replacement bowling green has taken place and that a suitable site was identified at The Barony Park in 2010. Discussions have also taken place, with regard to a number of potential improvements that are required at the existing bowling green, at The Barony Park, with the bowling club. To this end, the applicant is offering a Commuted Sum payment of £62,550 which it is stated could provide either a new bowling green or it would finance the improvements that have been discussed with the club. It does not include any allowance for on-going maintenance of the bowling green.

Since pre-application discussions have taken place on this site, open space study work has taken place in Nantwich, as part of the evidence gathering process for the Local Development Framework. The emerging results of that study show that, in Nantwich, there are shortfalls in provision of open space for outdoor sports and children's play. This contradicts the pre-1996 figures that the applicant has quoted.

To adhere to Policy RT.1 therefore a replacement bowling green, with a Commuted Sum payment, for its on-going maintenance, would be required. This would need to be provided, in advance of the development of the former bowling green site, as a hotel.

The applicant argues that the Commuted Sum payment of £62,550 could provide either a new bowling green or it would finance the improvements that have been discussed with the club. The proposed improvements to the existing bowling green at The Barony have been the result of considerable pre-application discussions with Council officers over several years. The amount of the commuted payment is exactly what has been requested by the Council's Leisure Service after agreeing a list of improvements with the bowling club and estimating their cost, which are

Bowling green remodelling	£3300
Guttering / soft fill (completion of)	£3000
Lighting to shelters	£900
Pathways around green for access (completion of)	£6400
Floodlighting improvements (upgrades to existing)	£5500
Water sprinkler system	£3300
Pavillion / facilities	£38500
Bowling green surface improvements (completion of)	£1650
Total	£62550

The Leisure Service has confirmed that it is happy with the proposed commuted payment. Sport England does not object to the planning application in light of the compensatory provision that is being put forward by the applicant and the length of time which has elapsed since the bowling green was last in active use.

With regards to maintenance costs, this is usually required when public open space is provided by a developer to ensure that landscaping schemes become established and plants

that die are replaced. That is not the case here and Leisure Services has not requested a payment for maintenance. Furthermore, Circular 05/2005 Planning Obligations specifically states that *'the costs of subsequent maintenance and other recurrent expenditure associated with the developer's contributions should normally be borne by the body or authority in which the asset is to be invested'*. The bowling green is clearly already well maintained under existing arrangements with the bowling club and as such in accordance with the above policy there is no justification for additional monies for the ongoing maintenance of the bowling green.

Whilst it is acknowledged according to the Open Space Study as part of the ongoing LDF process there is currently a shortfall in provision of open space for outdoor sports and children's play. The proposal is broadly in accord with criterion iv of policy RT.1, which states that *'The playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of development'*. Colleagues in Leisure Services have vehemently stated that they cannot maintain an additional bowling green and there is no requirement for an additional green, as the current green is underused. Therefore, it is considered in light of the compensatory provision that is being put forward by the applicant in respect to the commuted sum payment referred to above and the length of time which has passed since the bowling green was last in active use as the bowling club is now established on the existing bowling green, at The Barony Park, the most logical course of action should be utilise the commuted sum payment to make improvements to that existing green. Furthermore, colleagues in Sport England have been consulted regarding the application and have not raised any objections to the proposal.

Design and Impact upon the Setting of Residence Hotel (Grade II*) Listed Building and the Nantwich Conservation Area.

This property lies wholly within the Nantwich Conservation Area where Policy BE.7 (Conservation Area) stipulates that conservation areas will be preserved or enhanced and development will not be permitted if it would harm the character, appearance or setting of a conservation area. Furthermore, the application site is within the curtilage of a Listed Building where Policy BE.9 (Listed Building: Alterations and Extensions) requires development to respect the scale, materials, colour, detailing and other significant features of the listed building and not detract from the character or setting of the listed building, especially with regard to its surrounding gardens, landscape, streetscene or relationship with adjoining buildings and significant views. Policy BE.2 is fairly flexible on what constitutes acceptable design. However, it vehemently states that the proposals should not adversely affect the streetscene, and where possible, should enhance the environment.

The application site is located on the edge of the town centre, being encapsulated to the west by Water Lode, the north by Mill Street, the east Barker Street and the southern boundary is adjacent to a number of adjoining houses and is located on the periphery of the conservation area. The proposed extensions and car park will be located on the bowling green, which is located directly to the west of the listed building. It was noted at the time of the site visit, there is a significant difference in levels. The bowling green is located at a much lower level than the adjoining listed building. Furthermore, the bowling green is currently screened from Water Lode by an existing 2m high (approx) wall and as such adds little to the Conservation Area.

According to the applicants Design and Access Statement 'The function room will be constructed so that its roof is at existing terrace level. The bedrooms at ground floor level will be at the same level as the function (this is achievable due to the difference in levels) with the two upper floors and roof'. The footprint of the proposed building is approximately 655sqm, with an overall floor area of 1359sqm over the three levels of the building.

As previously stated this application has been subject to extensive pre application negotiations. The bedroom block measures approximately 43m wide by 22m deep (at the widest points) and is 9m high to the eaves and 11.5m high to the apex of the pitched roof. The proposed extension will be constructed out of facing brick under a concrete tile/slate roof, which will be conditioned, if planning permission is approved. It is considered that the simple mass and form of the building is in keeping with the local built form. The building is lower than originally proposed, which assists its bulk to read more comfortably against the back drop of the conservation area and allows for views of the listed building. This is assisted further due to the fact that there is a fall in the level of the land on this site. Both these factors also serve to make the ridge height of the proposed building lower than and more subservient to the adjacent Grade II* listed building.

The footprint of the bedroom block is roughly in the form of a letter 'U' and the main range fronts directly on Water Lode, with two projecting gable elements. The main reception is located on the front of this building with windows located at ground floor level. Additional windows and Juliet balconies are proposed at first and second floor levels. The windows are vertically aligned. Additional apertures are located to the south and north elevations, it is considered that the design and proportions of these apertures are not incongruous and will not appear as alien features. Located on the east facing elevation are a number of dummy windows at first and second floor levels. Due the orientation of the proposal this elevation will not be visible from the public realm and it is considered that these windows help to break up an otherwise stolid elevation. In addition to the above, three chimneys are proposed which give the building a vertical emphasis.

The function room will be located immediately to the north of the proposed bedroom block. The function room will be accessed via the new reception area and is rectangular in form. The extension measures approximately 14.5m deep by 22m wide (at the widest points) and is 3m high. The roof of the function room will be utilised as a room terrace and will also incorporate a roof lantern. In order to prevent any loss of amenity a 2.1m high brick boundary wall will be constructed along the northern and western boundaries. The wall will be constructed out of facing brick and will incorporate a moulded stone string course 900mm below a stone coping, similar to that on the Listed Building.

It is considered that the overall design and materials of the building now proposed is sympathetic to the character and appearance of the conservation area and visually sits more comfortably on the periphery of this site when viewed from Waterlode or the banks of the River Weaver and it integrates with and does not compete with the adjacent Grade II* listed building. Furthermore, the proposed extension stands alone, detached from the listed building, allowing for existing views of this building to be generally retained. Overall, it is considered that the proposal helps to preserve and enhance the conservation area and will not have a detrimental impact on the setting of the listed building and as such the proposal

complies with policies BE.2 (Design Standards), BE.7 (Conservation Areas) and BE.9 (Listed Buildings: Alterations and Extensions) and advice advocated within PPS 5.

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

The nearest residential properties which may be affected by the proposed development are located on Mill Street. These properties share a common boundary with the application site. The properties on Mill Street front directly on to it and are primarily two storey terraced dwellinghouses some of which incorporate single storey outriggers. Located at the rear of these properties are gardens (of varying lengths). A number of these residents are concerned about impact on amenity by virtue of overlooking, over bearing impact of the roof terrace wall and noise.

Whilst the concerns of the objectors are noted regarding potential over looking from the proposed extension into their private amenity space. The case officer notes that there are two windows (one at first floor and one at second floor) and a personnel door at ground floor level on the southern elevation of the proposed bedroom block. According to the submitted floor plans both of these windows will serve a staircase and the personnel door is a fire escape. It is not considered that there will be any loss of privacy attributable to these windows and there is no requirement for them to be obscurely glazed as suggested by one of the objectors.

Located on the northern elevation of the proposed bedroom block are two windows and a door at first floor level, with two dummy windows located above (second floor level). The windows in this elevation face the rear elevation of the houses in Mill Street. According to the plans there is a distance of approximately 14m from the northern elevation of the bedroom block from the site boundary, where a wall of approximately 2.1m above the height of the roof terrace is proposed. In addition the gardens to the rear of the properties on Mill Street are in excess of 8m in length. Therefore, it is considered given the separation distances, boundary wall and design of the proposed bedroom block will all help to mitigate any negative externalities caused by the proposed development and the proposal is in accord with policy BE.1 (Amenity).

It is noted that the windows on the eastern elevation of the bedroom block are all dummy windows. The properties located to the east of the application site are predominately commercial in nature and as such the proposal will not result in any of privacy or over looking.

One of the objectors was concerned that patrons of the hotel would be able to directly over look the private amenity space of no. 17 Mill Street from the proposed roof terrace. Therefore, the agent has submitted amended plans which show the proposed boundary wall to be extended around the northern and western elevations of the roof terrace; this boundary wall will be approximately 2.1m high and will help to prevent any loss of privacy due to overlooking.

A number of local residents residing on Mill Street have objected to the appearance and height of the proposed boundary wall when viewed from the rear of their properties. The case officer was concerned that the proposed boundary wall will cause an unacceptable level of overshadowing and have overbearing impact on the adjoining neighbours. It is noted that the proposed boundary wall will be located to the south of the properties on Mill Street. An existing brick wall separating the properties on Mill Street from the application site is approximately 2m in height to the rear of No.17 Mill Street, increasing to 3.5m (approx) partly along the rear boundary of No. 15 Mill Street and continuing at this height along the rear boundary of No.13 Mill Street. The proposed function room and boundary wall will be 5.3m in height and will be a distance of 15m from the rear of No.17 Mill Street, 9m from a single storey extension at the rear of No.15 Mill Street, and 14m from the rear of No. 13 Mill Street. The wall is required to prevent overlooking from the roof terrace. According to the case officers' site visit and a photograph submitted by one of the objectors the gardens at the rear of the properties on Mill Street are at higher level than the adjacent bowling green and this is illustrated in the cross sections. It is noted that the proposed boundary wall will be erected towards the south of the properties on Mill Street. Therefore, given the orientation, juxtaposition and difference in levels the proposal will not result in significant overshadowing. Furthermore, it is noted that prevailing nature of built development within the Nantwich Conservation Area is one of short distances between elevations. It is considered that the proposal will not result in a significant loss of amenity by over domination or over shadowing.

A number of objections have received from local residents expressing concerns relating to noise being generated from the proposed function room and roof terrace. Whilst the concerns of the objectors are noted, colleagues in Environmental Health have been consulted and have no objection to the proposal subject to a number of conditions, which will be attached to the decision notice, if planning permission is approved.

Archaeology

The site of the proposed development is within Nantwich's Area of Archaeological Potential, as defined in the Local Plan of the former Crewe and Nantwich Borough Council. Therefore, the proposed development will be assessed against Policy BE.16 (Development and Archaeology) which stipulates proposals will only be permitted where:

- The proposal is supported by the submission by the applicant of an appropriate archaeological assessment of the extent, character and condition of the archaeological resource;
- The applicant demonstrates that there would be no damage to the known or presumed archaeological interest of the site; and that the archaeological interest can be accommodated through either preservation in situ or excavation and recording;
- The design of the development avoids unnecessary damage to the archaeological remains that are considered to be worthy of preservation in situ.

According to the fieldwork has demonstrated that archaeological deposits are present on the site and that these date primarily to the post-medieval period. Features present include walls which are probably associated with property divisions and drainage features leading down to the river. Artefacts were also recovered and particular interest attaches to a collection of material dating to the later 17th century. These remains demonstrate that further archaeological mitigation will be required on the site if planning permission is granted but they

are not of significant importance to justify a requirement for the preparation of a preservation *in situ* strategy or a formal programme of excavation. Colleagues in archaeology advise that relevant aspects of the development (ground reduction in advance of piling, excavation of pile caps, excavation of significant service trenches (including any sewer diversion work), and any other major ground works) should be subject to a programme of archaeological observation and recording. A report on the work will also need to be produced. It is considered that the proposal is in accordance with policy BE.16 subject to a condition relating to a detailed written scheme of investigation.

Drainage

According to the submitted planning application forms the proposed method for drainage would be via mains sewer. Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Planning Policy Statement 25 (Development and Flood Risk) states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a drainage scheme in order to ensure that any surface water runoff generated by the development is appropriately discharged.

Highways

The proposal is seeking to create a new access directly onto Water Lode, which is a 30mph road. The highways officer was concerned about the proposed visibility splays and requested that a vehicle speed survey be undertaken. Subsequently, the agent has submitted a vehicle speed survey which was undertaken on 13th August 2011 between the hours of 1800 to 2030. It shows that the measured 85th percentile wet weather journey speed of vehicles in free flow approaching the proposed access from either direction was

Southbound 28.9 mph (46.6 kph)

Northbound 30.1 mph (48.4 kph)

According to the highways statement these speed levels are attributable to the presence of the bend to the south of the site and the signal junction to the north of it, both of which act as a traffic calming influence.

The author of this report goes on to state that a proposed 18 bed hotel would typically generate less than some 10 trips two way during the morning and evening peak traffic hours. The traffic generated by a development of the scale proposed would have no material impact upon the operation of the adjacent highway network and there will be no access capacity issues. It is considered given the limited amount of vehicular movements associated with the proposal will not significantly increase congestion in the locality. The boundary wall of the bowling green site is set back some 2.55m behind the nearside kerbline. Therefore, the visibility splays are wholly within the control of the highway authority. Colleagues in Highways have been consulted and stated that 'I am happy with the visibility splays you have demonstrated in relation to the speed readings'. A condition will be attached to the decision notice in relation to visibility splays.

The applicant is also proposing a footway link between the site access and Mill Street. At the moment there is a verge located between the carriageway and the boundary wall, this will be replaced with a pedestrian footway, which will allow safe access/egress into the hotel. The applicant has stated that all of this land is highways land and there are no third party land issues. If planning permission is approved for the proposed development a condition regarding the installation of this footpath will be attached to the decision notice.

The Highways officer initially requested that a central pedestrian refuge be created on Waterlode adjacent to the proposed access. However, the applicants highway consultant states that 'Water Lode is of insufficient width to accommodate a central refuge without the widening of the main carriageway. In addition, there is no need for a central island refuge at this location as there is a pedestrian crossing approximately 50m away, the speed limit is being adhered to at this location (note the results of the vehicle speed survey) and the proposal may create road safety issues for cyclists if drivers of vehicles try to squeeze through as they pass the refuge'. It is considered in light of the factors cited above and given that Highways have not objected to the proposed development, there is insufficient justification to warrant a refusal on highway safety grounds and sustain it at any future appeal.

According to PPG13 states that 'developers should not be required to provide more car parking than they or potential occupiers might want, nor to provide off-street car parking when there is no need, particularly in urban areas where public transport is available'. It is considered that the application site represents a sustainable edge of centre location where services are readily accessible by walking, cycling or public transport. The property is situated close to Nantwich town centre and close to both bus and train links. The development proposed is in a sustainable 'edge of centre' location. The proposal provides for 22 car parking spaces. However according to the Councils car parking standards this type of development maximum parking standard would have required 43 spaces. However, given the factors cited above and given that there are a number of public car parks in the locality which could be used by patrons of the hotel/function room. It is considered that the proposal is in accord with policy BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards). Furthermore, colleagues in highways have been consulted and raise no objection to the proposal.

Public Sewer

A number of objections have been raised by local residents with regards to the public sewers. Colleagues in United Utilities have been consulted regarding the application and they confirm that several sewers do traverse the site and they suggest that a modification is made to the site layout or the affected sewers are diverted at the applicants expense. The applicant is aware of these sewers and has stated that they are willing to divert these sewers if necessary. Therefore, a condition will be attached to the decision notice stipulating a plan showing the sewers to be diverted to be completed prior to any work commencing on the hotel development. It is considered that the proposal is in accordance with policy BE.4 (Drainage, Utilities and Resources).

Other Matters

Whilst the concerns of the Nantwich Civic Society are noted in relation to design, these concerns mainly relate to the drawings submitted with the Design and Access Statement, which show the evolution of the design and not the final submitted drawings.

A number of local residents are concerned that if the footpath is constructed outside of their property it may result in late night revellers congregating outside their property behaving in an anti social manner. Whilst the concerns of the objector are noted, issues to do with anti social behaviour are not a planning matter and can be dealt with by the Police under their legislation.

Issues to do with the loss of a view, property values or television reception are not material planning considerations and as such are not sufficient justification to warrant a refusal of the application.

Concerns have been raised that the proposal will result in the loss of a number of trees which are located around the periphery of the site. The case officer can confirm that whilst these trees are located within the Conservation Area they are not protected by a TPO. Furthermore, the proposed car park will be landscaped and additional planting can be used in way of mitigation. It is considered that the proposal complies with policy NE.5 (Nature Conservation and Habitats).

A local resident is concerned about the location of the proposed bin store, which is adjacent to their boundary. According to the submitted plans and accompanying statements there will be a 2m high wall (approx) separating the two properties, which will help to alleviate any problems. Furthermore, a condition will be attached to the decision notice requesting details of the screening of the bin store area.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary, the proposal involves the redevelopment and expansion of an existing tourist leisure and recreational facility within Nantwich, which is supported, in principle by the provisions of policies BE.2 (Design Standards), RT.7 (Visitor Accommodation) and S.11 (Leisure and Entertainment) of the adopted Local Plan and PPS 4. The proposal will result in the loss of a bowling green which is protected under policy RT.1 and as there is no requirement for an additional green due to potential users and lack of funding for maintenance it is considered that the commuted sum payment for improvements to existing facilities at the Barony are acceptable. Furthermore, the proposal will not have a detrimental impact on any archaeological remains. It has been demonstrated that that the proposal is acceptable in terms of its impact on Residential Amenity, Conservation Area, the setting of a Listed Building and Highway Safety and it therefore complies with Local Plan Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.7 (Conservation Areas), BE.9 (Listed Buildings: Alterations and Extensions), BE.16 (Development and Archaeology), TRAN.3 (Pedestrians), TRAN.9 (Car Parking Standards), RT.1 (Protection of Open Spaces with Recreational or Amenity Value) and RT.7 (Visitor Accommodation). In addition the proposal complies with advice advocated within PPS 5: Planning for the Historic Environment and PPG 17: Planning for Open Space, Sport and Recreation. Therefore, in the absence of any other material planning considerations and having due regard to all the matters raised, the proposal is considered to be acceptable and accordingly recommended for approval.

Approve subject to completion of Section 106 Legal Agreement to secure the following:-

Provision of Commuted Sum Payment of £62550 to be used for following:

Bowling green remodelling	£3300
Guttering / soft fill (completion of)	£3000
Lighting to shelters	£900
Pathways around green for access (completion of)	£6400
Floodlighting improvements (upgrades to existing)	£5500
Water sprinkler system	£3300
Pavillion / facilities	£38500
Bowling green surface improvements (completion of)	£1650

And the following conditions:

Application for Full Planning

RECOMMENDATION:

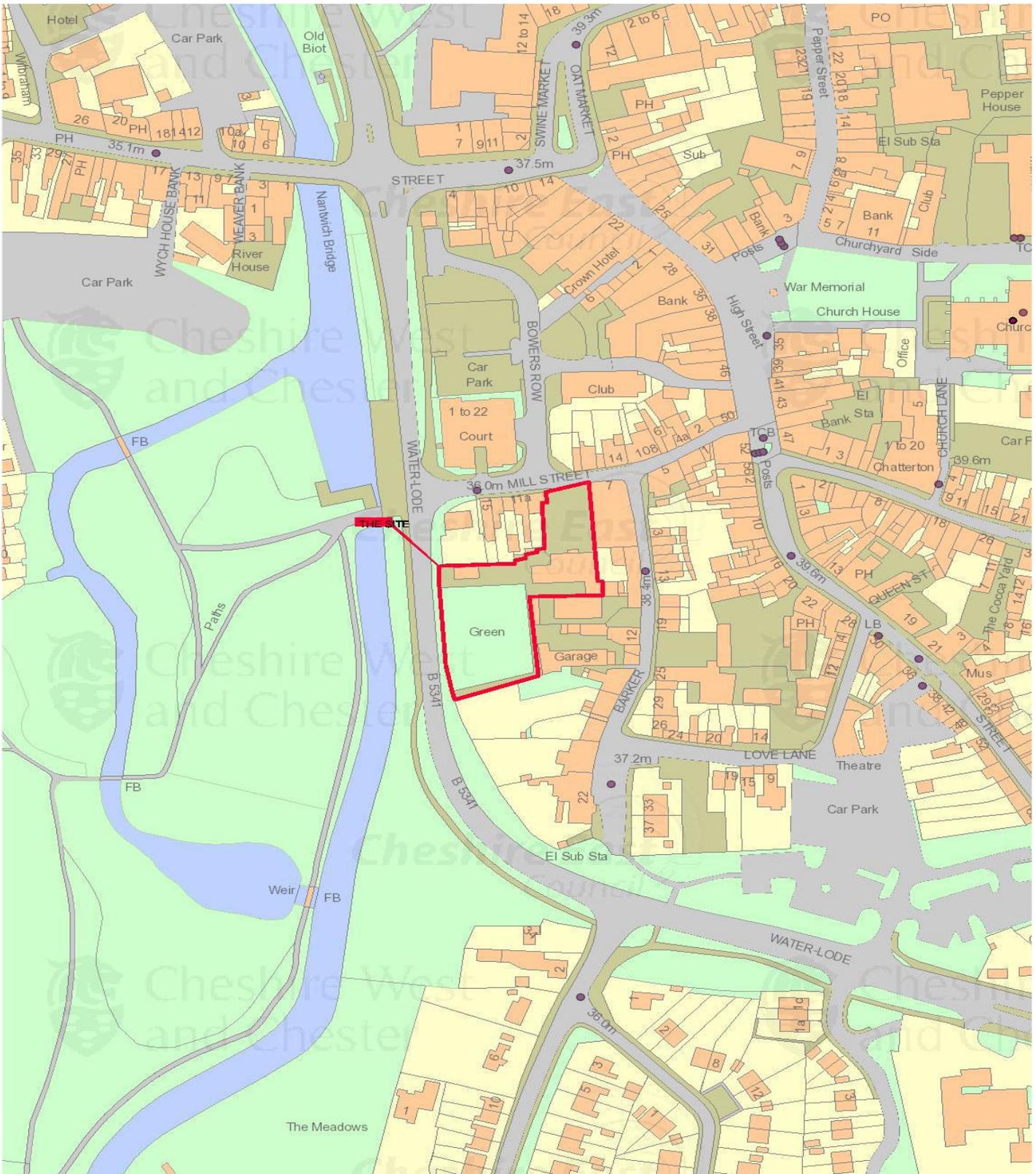
1. Standard Time Limit
2. Plan References
3. Materials
4. Surfacing Materials
5. Landscaping Submitted
6. Landscaping Implemented
7. Drainage
8. Archaeology
9. No External Lighting
10. Hours of Delivery
11. Acoustic Attenuation
12. No Additional Windows
13. Double Doors
14. Odours/Fumes
15. Pile Driving
16. No Music
17. Window/Door Details
18. Railings

19. Dummy Windows
20. Details of Boundary Wall
21. Reveal Details
22. Sewer Diversion
23. Visibility Splays
24. Car Parking
25. Bin Storage Area
26. Contaminated Land Report
27. Access Details
28. Details of Footpath
29. Rainwater Goods

Informatives:

Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.



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Cheshire West and Chester Council 100049096 2011.