



Appeal Decision

Site visit made on 29 June 2009

by **Don Rankin DipTP MRTPI**

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

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Decision date:
5 August 2009

Appeal Ref: APP/H0738/A/09/2099918
The Mains Nursing Home, Drovers Lane, Redmarshall, Stockton on Tees, TS21 1ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Paul Dowell against the decision of Stockton on Tees Borough Council.
- The application Ref 08/2983/OUT, dated 1 October 2008, was refused by notice dated 24 December 2008.
- The development proposed is demolition of the existing nursing home and the erection of a new 50 bed nursing home.

Decision

1. I allow the appeal and grant outline planning permission for the demolition of the existing nursing home and the erection of a new 50 bed nursing home at The Mains Nursing Home, Drovers Lane, Redmarshall, Stockton on Tees, TS21 1ER in accordance with application Ref 08/2983/OUT, dated 1 October 2008 and the accompanying plans subject to the 9 conditions in the attached schedule.

Main issues

2. The main issues are whether the redevelopment of the nursing home would be a sustainable development and the effect on the character and appearance of the area. The outline planning application seeks approval in principle and for the means of access. All matters of appearance, landscaping, and scale are reserved for subsequent approval though an indicative layout and design details, including the number of bedrooms is provided.

Reasons

3. The thrust of national planning policy in Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1), Planning Policy Statement 3: *Housing* (PPS3), and Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7) is to seek to create balanced sustainable communities and to reduce the dependence on the motor car. I note the reference to the Taylor Review of Rural Economy and Affordable Housing. The implementation of this national policy framework is dependent on a local assessment of material considerations and its interpretation through local planning policy.
4. Policy HO8 of the Stockton on Tees Local Plan 1997 (SLP) refers to the need for Class C2 Uses (Residential Institutions) to be located within mainly residential areas and to be within easy reach of public transport, shopping and other facilities. Specific local planning policy relating to the national planning

policy criteria on sustainability is awaiting the emerging Local Development Framework. The Council have however adopted a categorisation of villages with respect to their sustainability (Planning for the Future of Rural Villages in Stockton on Tees Borough 2008). Redmarshall is in a category where further housing is considered inappropriate. Although I consider this assessment material to my decision it does not at this stage form part of the development plan and I can therefore afford it little weight.

5. Redmarshall is a small commuter village. Other than the church and public house it has no facilities and very limited bus services to enable residents to access shopping and other community facilities in nearby villages or for care home staff to get to work. I therefore find no reason to disagree with the Council's assessment that it is an unsustainable location for new residential development.
6. The proposal is not however for the establishment of a new facility but for the upgrading of an existing one by way of a complete rebuild prior to demolition of the existing. The proposal would add only a further 19 residents to the existing 31 residents who would be re-accommodated on the site. The majority of these new residents would be Alzheimer's patients with a high degree of dependency. I recognise therefore that many of the care home residents would not be able to access such facilities unaided in any case. Supplies which are at present brought to them would be delivered in bulk to such an institution wherever its location and not by way of individual shopping trips by foot, cycle or bus. Whilst I note the submitted green travel plan, I am mindful that the home provides a 24 hour service and that some staff, whatever the location of such a home, would inevitably be travelling at times which require private transport. The measures proposed in the green travel plan would go some way to reducing car travel but in this unique situation I do not consider them essential. Overall in terms of additional travel by car I consider that there would be little effect on the sustainability of the home.
7. The redevelopment would result in a modern care home with much improved facilities for the residents and enhanced employment opportunities for local people. I consider it reasonable that some small expansion in the number of residents should accompany a change of this magnitude, particularly where it would enable development of specialist care for Alzheimer's patients. On balance I consider that the improvement to the facilities available for the present and future residents of the care home would outweigh any harmful effects arising from additional car trips either by staff, residents or visitors. I consider that in that context the proposal would not be contrary to the national or local plan sustainability policies referred to above.
8. Turning to the effect on the character and appearance of the area the proposed new care home would be constructed on land to the south of the present building. It would have a lower profile and be further from the existing residential area behind. The removal of the existing parking area to the rear would, to my mind, be an enhancement of the appearance of the area, particularly from the approach along Drovers Lane. It would be possible for the impact of the building to be softened by appropriate landscaping though its proposed design with roofs generally rising directly above ground

floor level with the upper storey served by dormers would be no more intrusive than the present building.

9. The placement of the new building would effectively be forward of the existing building line at the edge of the village but within the defined limits of development on the local plan proposals map. For existing residents to be transferred to the new care home without undue disruption to their lives it would not be possible for the redevelopment to be on the site of the existing buildings. On balance I consider that the benefits of leaving existing care home residents undisturbed until their new accommodation was ready, and of relocating the visually intrusive car parking area to the rear would outweigh any harm to the character and appearance of the area resulting from the larger scale of development or the more southerly placement of the new building. The proposal would therefore not be contrary to PPS1 or the SLP Policies GP1, HO8 in that respect.
10. With regard to other matters raised, the council have not objected to the proposed means of access and I see no reason to disagree. I have no information relating to the viability of the enterprise nor do I have any reason to assume that an enlarged home would be unsuitable for the care to be provided. Although the approach to Redmarshall is along a country road it is a two way road which appears of sufficient width to cope with any additional traffic generated. I note that there are no objections from the highway authority. I have noted the other examples of developments and of appeal decisions referred to but consider that none is sufficiently similar to make it material to my decision. I have considered the proposal on its merits.
11. For the reasons given above, and having regard to all other matters, raised I conclude that the proposed development would not be unsustainable nor would it harm the character and appearance of the area. It would not therefore be contrary to the national planning policy and the SLP policies referred to above. In consequence the appeal is allowed.

Conditions

12. Having regard to the provisions of circular 11/95: *The use of Conditions in Planning Permissions*, in addition to reserved matters conditions I have imposed condition No.4 to ensure accurate information on levels prior to consideration of reserved matters; condition No.5 to control the materials to be used to protect the character and appearance of the area; condition No.6 to restrict demolition/construction hours to protect the living conditions for nearby residents; condition No.7 to promote sustainable development; and conditions No.8 and No.9 to enable archaeological investigation and to protect wildlife respectively. The Council have suggested a further condition on contaminated land but on this essentially green field site I have no reason to suspect any contamination.

Don Rankin
INSPECTOR

Schedule of conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for all buildings within the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels of all adjoining properties. The development shall be carried out in accordance with these approved details.
5. Notwithstanding any description of the materials in the application, no above ground construction of the buildings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the 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 details.
6. No demolition, construction, building works or deliveries shall be carried out except between 08:00 hours to 18:00 hours Mondays to Fridays and between 08:00 hours to 13:00 hours Saturday and not at all on Sundays or bank holidays.
7. Prior to occupation of the building and unless otherwise agreed in writing by the Local Planning Authority, a written scheme detailing how much and by what method, renewable energy will be generated from the development, shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the approved scheme has been implemented in full. The approved scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
8. The developer shall give two weeks prior written notice of commencement of works to Tees Archaeology and shall afford access to Tees Archaeology at all reasonable times and shall allow observation of the excavations and recording of items of interest and finds.
9. No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Bat Survey' for the Mains Nursing Home at Redmarshall including adherence to precautionary working methods.