



## Appeal Decision

Site visit made on 11 February 2014

by **D R Cullingford BA MPhil MRTPI**

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

Decision date: 25 February 2014

### Appeal Ref: **APP/H0738/A/13/2200834**

### **Roseville Nursing Home, Blair Avenue, Ingleby Barwick, Stockton-on-Tees, TS17 5BL**

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is by Mr R Singh of The Prestige Group against the decision of the Stockton-on-Tees Borough Council.
- The application (ref: 13/0534/VARY and dated 21 February 2013) was refused by notice dated 30 May 2013.
- The development is described as an 'application to vary conditions No.1 (approved plans) No.2 (soft landscaping works), No.5 (boundary treatment), No.6 (cycle and refuse) of planning approval 10/1778/FUL part retrospective application [granted on appeal dated 15 February 2011] for mixed use development comprising an 81-bedroom residential care home, 2 sheltered accommodation units containing 24 apartments and associated access, car parking and landscaping'.
- The conditions in dispute are Nos.1, 2, 5 and 6 which state that:
  - 1 *The development hereby permitted shall be carried out in accordance with the following approved plans: A-00 Rev C, A-01 Rev B, A-02 Rev D, A-03 Rev A, A-04 Rev A, A-05 Rev A, A-06, A-07, A-08, A-09 and A-10.*
  - 2 *The sheltered accommodation units shall not be occupied until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details will be a planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations, inter relationship of plants, stock size and type, grass and planting methods including construction techniques for pits in hard surfacing and root barriers. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the sheltered accommodation units or in accordance with a programme agreed with the Local Planning Authority.*
  - 5 *The sheltered accommodation units shall not be occupied until fencing around the garden areas has been erected in accordance with details submitted to and approved in writing by the Local Planning Authority.*
  - 6 *The sheltered accommodation units shall not be occupied until the cycle, refuse and recycling stores have been erected in accordance with details submitted to and approved in writing by the Local Planning Authority.*
- The reasons for the conditions given in the decision letter are, respectively:
  - For the avoidance of doubt and in the interests of proper planning.*
  - In the interests of the character and appearance of the area.*
  - To ensure appropriate provision of cycle and refuse storage and in the interests of the character and appearance of the area.*

### Procedure

1. I saw that soft landscaping works, boundary treatments, car parking provision, cycle storage and the arrangements for refuse disposal had not been implemented in accordance with the approved plans. Hence, the external areas now accommodate 18

additional parking spaces where 2 communal gardens had originally been approved. Other changes entail the provision of a modest new patio towards the western boundary of the site: the lack of dedicated footpaths linking Blair Avenue either to the care home or to the sheltered accommodation: and a reduced provision for cycle parking. I shall determine this appeal accordingly.

## **Decision**

2. I dismiss this appeal.

## **Main issues**

3. From what I have read and seen, I consider that this appeal turns on whether the variations sought in the disputed conditions would:
  - i) impair the perceived character, quality or appearance of this 'care home' and 'sheltered accommodation' or
  - ii) undermine the 'sustainability' of the development that has taken place.

## **Reasons**

4. The appeal site now accommodates a 2 and 3-storey L shaped care home arranged towards the eastern and northern boundaries with a separate 2-storey block (the Hylton Centre) completing the 'northern' row of buildings. An area of tarmac and parking spaces, with some landscaping, intervenes between the northern buildings and a separate 2-storey block of sheltered accommodation (or luxury retirement apartments) fronting Blair Avenue. The complex lies amongst swathes of open space close to the Ingleby Barwick local centre. The open space to the west benefits from an approval for more 2-storey blocks accommodating 48 retirement apartments: the open space to the north is allocated for residential development: bus stops are close to the appeal site and immediately opposite are schools and a public library.
5. The proposal is to vary or discharge the disputed conditions and thereby endorse the soft landscaping works, boundary treatments, car parking provision, cycle storage and refuse disposal arrangements actually implemented in place of those formally approved.

### *Character and appearance*

6. The claim is that there would be little difference in the appearance of the approved and implemented landscaping. I disagree. The additional parking spaces combine with those approved to create a rather bleak expanse of tarmac dominated by parked cars at the core of this scheme. This provides a dreary and utilitarian setting to the care home and apartment buildings, emphasises their block-like form and institutional configuration and accentuates the stark severity of their outline against the surrounding open space. The remaining strips of grass and perimeter paving do little to alleviate that austere prospect. Nor does the additional grassed sliver of land purchased to the west noticeably ameliorate the block-like outlines and drab expanse of a largely blank flank wall. And, although the new patio would provide a place in which residents might sit, it is positioned in a rather sterile corner tucked away behind fences and the flank wall of what is now the Hylton Centre.
7. In contrast, the approved planting has been designed to create verdant spaces and foliage between the apartment and the care home blocks, softening the façades and the blank flank walls and alleviating the expanse of tarmac at the heart of this development. Both areas of planting currently covered in tarmac would be evident

from the street and both would provide places in which residents might sit and see the coming and going taking place around them. Such spaces could thus help to create a 'sense of place' in which a 'sense of community' might develop. Moreover, the planting approved in front of the Hylton Centre (Block B) would help to provide a softening verdant setting to the building at the very entrance to the complex: and, the planting sanctioned between the care home (Block A) and the apartments (Block C) would project beyond the road frontage and between those buildings so adding depth to the roadside planting and some visual separation between the roadside blocks. In my view, the absence of those features, and their substitution with a bleak expanse of tarmac, clearly impairs the perceived character, quality and appearance of this 'care home' and the originally intended 'sheltered accommodation'.

8. I read that, because private apartments for the over 55s have replaced the originally intended 'sheltered accommodation', the associated gardens would not be 'managed' and, in the absence of 'stakeholder' involvement, become neglected and unsightly, so warranting their replacement with tarmac. I do not follow that argument. I do not see why apartment owners would not want a 'stake' in a garden area if, indeed, it is the intention to make such a conveyance to them. Nor do I understand why such a modest space, designed as an integral part of the landscaping for the site as whole, might not be tended by the management of the care home or through some other simply devised administrative arrangement.
9. I consider that the defects that I have identified would undermine 'core principles' of the Framework (NPPF), particularly those requiring places in which people live their lives to be enhanced and high quality design to be secured. Indeed, elsewhere in the document 'good design' is indicated to be of great importance and a key aspect of 'sustainable development', which should function well, incorporate green spaces and be visually attractive. This and the exhortation that schemes should properly reflect local character, reinforce local distinctiveness and provide a good standard of amenity for all chimes with the requirements set out in policy CS3(8) of the Core Strategy 2010 and 'saved' policy HO3 of the Stockton-on-Tees Local Plan 1997. I consider that the variations implemented fail to accord with those policies and the advice proffered by the Framework.

*Sustainability*

10. A 'golden thread' running through the Framework is the presumption in favour of sustainable development, an element of which entails an exhortation to maximise the use of sustainable transport modes. The complex lies close to the Ingleby Barwick local centre, bus stops and a public library and partly for that reasons, in granting permission for the care home and sheltered accommodation, my colleague deemed it unnecessary to impose a condition requiring the submission of a 'travel plan', even though a draft plan had actually been prepared. However, such locational advantages can, all too easily, be undermined by the over-provision for cars and car parking. In this case, the 18 additional car parking spaces provided, apart from entailing an additional expanse of tarmac, represent a 58% increase in the number of spaces normally required for a development of this type and scale. Such a level of over-provision can only serve to encourage car-borne travel by residents, staff and visitors rather than fostering use of the nearby bus stops or, perhaps, encouraging linked trips and the use of other transport modes. No evidence is adduced to demonstrate that so much car parking is actually required. And, although I agree that elderly and infirm residents might not need much provision for the storage of cycles, I do not see why staff, some visitors and the 'ambulant' occupants of the apartment block might not want, or be encouraged, to 'ride their bicycles'.

11. In addition, partly to accommodate the extent of the car parks, the dedicated footways connecting Blair Avenue with the entrances to all the buildings on the site are severed. Consequently, residents, visitors and staff must traverse sections of the car park, perhaps negotiating their path between parked cars, to reach Blair Avenue and to reach one block from any another. This would not create the sort of safe and secure layout likely to minimise conflicts between traffic and pedestrians, as envisaged in the Framework. Hence, it seems to me that revoking or varying the conditions in dispute would undermine the 'sustainability' of the development that has taken place.

*Conclusion*

12. I have considered all the other matters raised. There is only a marginal change shown to the location and provision for the bin storage. But, this needs to be considered in the context of the overall landscaping plan, so that a variation for the extant arrangement on its own would not be appropriate. I also note that a modest timber post and rail fence stands in place of the more robust brick pillar and timber infill enclosure approved along the western boundary. While the existing fence is inoffensive in itself, it seems to me that the appropriate boundary treatment here needs to be considered in the context of the permission for 48 retirement apartments on the adjacent land and the possibility of further residential development on the land to the north. On the face of it, a more robust boundary might be more appropriate. The trouble is that the development of this site seems to have progressed in a series of retrospective permissions to regularise sometimes quite substantial departures from previously approved plans. Although it has, so far, proved possible to accommodate such unauthorised development, I consider that the variations now sought would be damaging. As indicated above, they would undermine the 'sustainability' of the development that has taken place and the substitution of garden areas with bleak expanses of more tarmac would impair the perceived character, quality and appearance of the scheme. For those reasons, I consider that approval for the soft landscaping, car parking, fencing and bin storage arrangements now evident on the site would contravene the requirements of policy CS3 and 'saved' policy HO3, as well as fail to reflect the guidance in the Framework. I find nothing else sufficiently compelling to alter my conclusion that this appeal should be dismissed.

*David Cullingford*  
INSPECTOR