



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 25/11/11
Ymweliad â safle a wnaed ar 25/11/11

gan Alwyn B Nixon BSc(Hons) MRTPI
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 19/1/12

Appeal Decision

Hearing held on 25/11/11
Site visit made on 25/11/11

by Alwyn B Nixon BSc(Hons) MRTPI
an Inspector appointed by the Welsh Ministers
Date: 19/1/12

Appeal Ref: APP/H6955/A/11/2155138

Site address: Land at Pendine Park Nursing Home, Summerhill Road, Stansty Park, Wrexham LL11 4YE

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 & Mrs Mario & Gill Kreft against the decision of Wrexham County Borough Council.
 - The application Ref P/2010/0888, dated 20 October 2010, was refused by notice dated 7 March 2011.
 - The development proposed is the erection of a residents' pavilion and therapy room.
-

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 and supersedes that issued on 2 December 2011.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a residents' pavilion and therapy room at Pendine Park Nursing Home, Summerhill Road, Stansty Park, Wrexham LL11 4YE in accordance with the terms of the application, Ref P/2010/0888, dated 20 October 2010, and the plans submitted with it, subject to the conditions set out in the attached Schedule of Conditions.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on the openness, character and appearance of the area, having regard to prevailing policies concerning the protection of Green Barriers and development in the countryside; and whether there are very exceptional circumstances which justify the development, notwithstanding any harm and policy conflict identified in terms of the first issue.

Reasons

3. Pendine Park Nursing Home occupies a parkland area associated with a former country house demolished some decades ago. The nursing home has progressively expanded over a number of years since the first element of the complex was built, and now comprises five sub-units grouped around the area of the original formal garden, the most recent of which was permitted in 2008. The different buildings provide residential accommodation for people with a wide range of medical conditions and nursing care requirements, including brain acquired injury, dementia, physical

impairment and mental illness. In total the nursing home provides living accommodation for nearly 250 residents, who are provided with a significant level of nursing, medication and treatment services on site. The proposed residents' pavilion and therapy room facility would comprise a free-standing building separated from the existing buildings by the landscaped former formal garden area.

4. The development plan for the area is the Wrexham Unitary Development Plan (UDP), adopted in 2005. The site lies within a Green Barrier, designated under policy EC1 of the UDP. The identified purposes of a Green Barrier include preventing the coalescence of urban areas and villages with other settlements; safeguarding the countryside from encroachment; protecting the setting of urban areas and villages; and assisting in urban regeneration by encouraging the recycling of derelict and other urban land. Policy EC1 states that development will only be granted permission if it is for a use which maintains the openness of the Green Barrier and does not conflict with the purpose of including land within it. The Green Barrier designation in the UDP aligns with national policy guidance in section 4.7 of Planning Policy Wales (PPW) concerning managing urban form by means of Green Belts and local designations such as green wedges.
5. It is common ground that the development is not one permitted by policy EC1 and so represents an inappropriate form of development within the Green Barrier. The proposed building is a single storey structure with an articulated rectilinear footprint and a floor space of 280sqm. The building would contain a principal area with refreshment facilities, which would also be used to accommodate cultural and arts events and activities. Other rooms within the building would provide facilities for group therapy sessions, individual therapy services and a small hair and beauty salon. The building would have timber clad exterior elevations some 3.4m high, including a low parapet enclosing a flat sedum grassed roof.
6. There is no dispute that the proposed building would reduce the openness of the Green Barrier, by virtue of the fact that it would introduce a new building in a position on the site where none exists at present. However, the proposed building is single storey and of modest size compared to the buildings already present. It would have a low profile and a muted external appearance, designed to sit unobtrusively within its parkland setting. It would be located at a lower level than the surrounding two storey buildings of the nursing home, set down into the natural folds of the ground. The new building would be screened from public vantage points outside the site by the high boundary wall alongside Summerhill Road, apart from a fleeting, oblique middle-range view obtained immediately outside the main entrance to the nursing home complex. Seen from within the grounds and existing facilities of the nursing home the development would sit quietly due to its low profile, careful siting and external finishes, and would be perceived within the context of the much more prominent and substantial existing buildings of Pendine Park.
7. The Council does not dispute that the proposed building is sensitively designed and sited in relation to the existing buildings and former formal garden area around which they are grouped. Although UDP policies PS1 and PS2 are cited in the reason for refusal, the Council acknowledges that, whilst the site lies outside any settlement boundary and in the countryside, it would have no objection to the proposal if not for the site's location within the Green Barrier. The Council also confirmed at the hearing that, notwithstanding the reference in the refusal notice to UDP policy H11 relating to residential and nursing homes, the proposal does not conflict with this policy.

8. Whilst the building would self-evidently result in a reduction in the openness of the green barrier, I consider that the harm caused would be slight, owing to the new building's assimilation with the existing buildings at Pendine Park, the presence of these buildings as a clearly-evident isolated enclave of built form within the Green Barrier and the minimal change to this current situation that would result. The development would not significantly threaten the integrity of the Green Barrier in this location or materially undermine any of the Green Barrier purposes identified in the UDP. I conclude on the first main issue that there would be a minor degree of harm to the Green Barrier in terms of its openness, but no appreciable harm to its character and appearance or to the robustness and integrity of the Green Barrier.
9. I have also considered whether the proposal would cause material harm in other respects. Whilst there are protected trees in the vicinity, subject to a condition to ensure that they are not harmed by construction activities these would not be adversely affected by the proposal. The proposal does not have any adverse habitat conservation implications. No other harmful effects have been identified.
10. Paragraph 4.7.14 of PPW confirms that a presumption will apply against inappropriate development. Substantial weight should be attached to any harmful impact which a development would have on a Green Belt or a green wedge. Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Given the clear alignment of the Green Barrier designation in the UDP with the green wedge and equivalent local designations referred to in PPW I consider that these guiding principles apply equally to the consideration of inappropriate development within the Green Barrier.
11. The considerations advanced in favour of the development relate essentially to the benefits which the proposed building would bring to residents of Pendine Park Nursing Home. The development is not a proposal to increase the capacity of the residential accommodation currently provided. Rather, it is for an ancillary building to complement and enhance the facilities available to the existing residential community at Pendine Park. Although not located a great travel distance away from facilities in Wrexham, it is plain that regular access to these facilities poses real and serious difficulties for the great majority of residents, and in many cases is simply not practicable. The proposed building would provide a shared destination for residents, beyond the confines of their accommodation yet in an accessible, safe and sheltered environment. It would provide a dedicated space for ongoing activity and use throughout the day as an arts venue, social area and therapeutic facility which could be used on both an informal and an organised basis by residents together with their care workers and visitors.
12. From the discussion at the hearing and the petitions signed by residents, relatives and staff I am in no doubt that the proposed pavilion and therapy facilities would be of immense benefit to residents at Pendine Park, who comprise a sizeable community within the wider population of the locality. It would provide a facility which would fundamentally enhance the quality of life, well-being and self-esteem of a large number of people in a way which is not achievable within the confines of the existing buildings at the nursing home. This in my view is a powerful consideration in favour of the proposal, to which I attribute very substantial weight.
13. Balancing the considerations in this case I find that, notwithstanding the clear general presumption against inappropriate development within the Green Barrier and the substantial weight required to be given to any harmful impact on the same,

considerations exist which clearly outweigh the minor degree of harm that would be done to the Green Barrier. These considerations similarly indicate a determination otherwise than in accordance with UDP policy EC1. Taking all matters into account, I conclude that the very exceptional circumstances required to justify the inappropriate development proposed are present in this case. Consequently I allow the appeal.

Conditions

14. The conditions recommended by the Council in the event that planning permission is granted were discussed at the hearing. I have had regard to the tests for conditions contained in Circular WO 35/95. In the light of the hearing discussion and the relevant tests and to ensure that the development is satisfactorily assimilated into its surroundings I shall impose conditions relating to prior approval of external materials and to provision of tree protection measures throughout the construction phase. For the same reason I shall also impose landscaping conditions; however, I consider that it would be both unnecessary and unreasonable to require either a landscaping scheme or a landscaping management plan in respect of the whole parkland area, given the modest nature of the proposals before me. The appellant has confirmed acceptance of a landscaping condition relating to the defined application site area on the submitted plans, and I consider that a planting scheme for this smaller area is appropriate. I consider that a period of five years for replacement of failed planting, rather than the unusually long period of ten years suggested by the Council, is appropriate in this instance.
15. I shall also impose a condition relating to agreement of the details of drainage associated with the proposed building, in order to safeguard the local environment in this respect. However, I see no need for a condition requiring development in strict accordance with the details shown on the approved drawings, since the permission granted relates only to the submitted plans in any event. Nor is there a need for a condition restricting hours of working in relation to the carrying-out of the development, since no parties other than the nursing home itself would be affected by the building operations concerned.

Alwyn B Nixon

Inspector

Decision APP/H6955/A/11/2155138 – Schedule of Conditions

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) Development shall not begin until details of the means of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping for the application site area, which shall include indications of all existing trees within this area and details of those to be retained.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.
 - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
 - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

APPEARANCES

FOR THE APPELLANT:

Mr Mark Roberts	Planning and Environmental Consultant
Mr Mario Kreft	Appellant
Mr Alun Jones FRICS	Wynn Rogers Ltd
Ms Jen Roberts	Operational and Business Manager, Pendine Park Nursing Home

FOR THE LOCAL PLANNING AUTHORITY:

Mr Simon Greenland	Planning Officer, Wrexham County Borough Council
--------------------	---

INTERESTED PERSONS:

Mr Malcolm Crosbie	Relative of Pendine Park resident
Mr Alan Hassall	Pendine Park resident

DOCUMENTS

- 1 Coloured copies of elevation drawings and floor plans, site survey and overall site layout concept drawing
- 2 Petitions from residents, relatives and staff supporting the proposal