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45/2020/0096

Scale: 1:1250

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DRAWING NO: P07

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MP 0.75

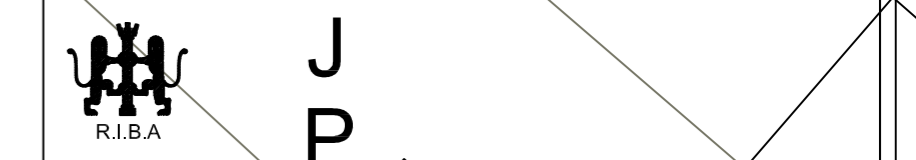
DATE	REV	DESCRIPTION	DWN	CHECK

DRAWING NO: P07

CLIENT: PRAGASH PROJECT: 64 BRIGHTON ROAD

WORK DESCRIPTION: SCHEME DESIGN DRAWING TITLE: SITE PLAN

DATE: 26/01/19 SCALE: 1:200@A1 PROJECT NO: 02\_19  
CAD REF: PXREF FILE NO: 02\_19 DRAWING TYPE: P



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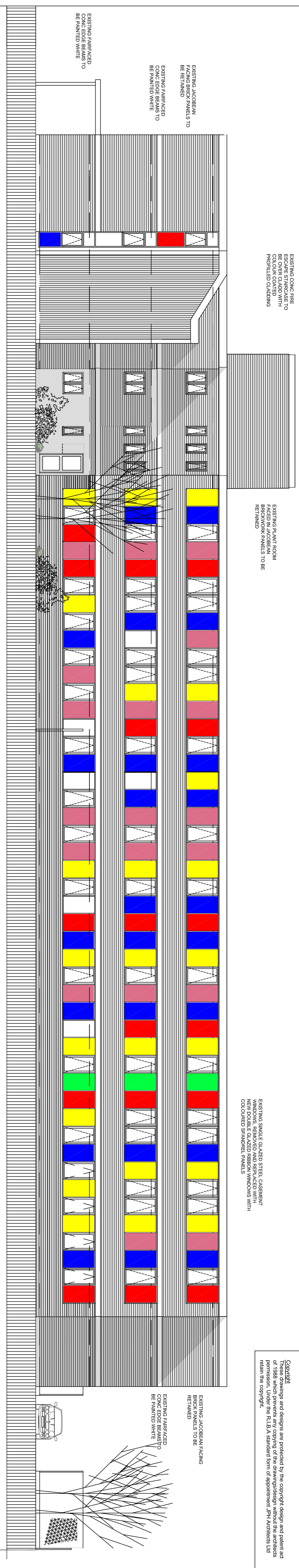
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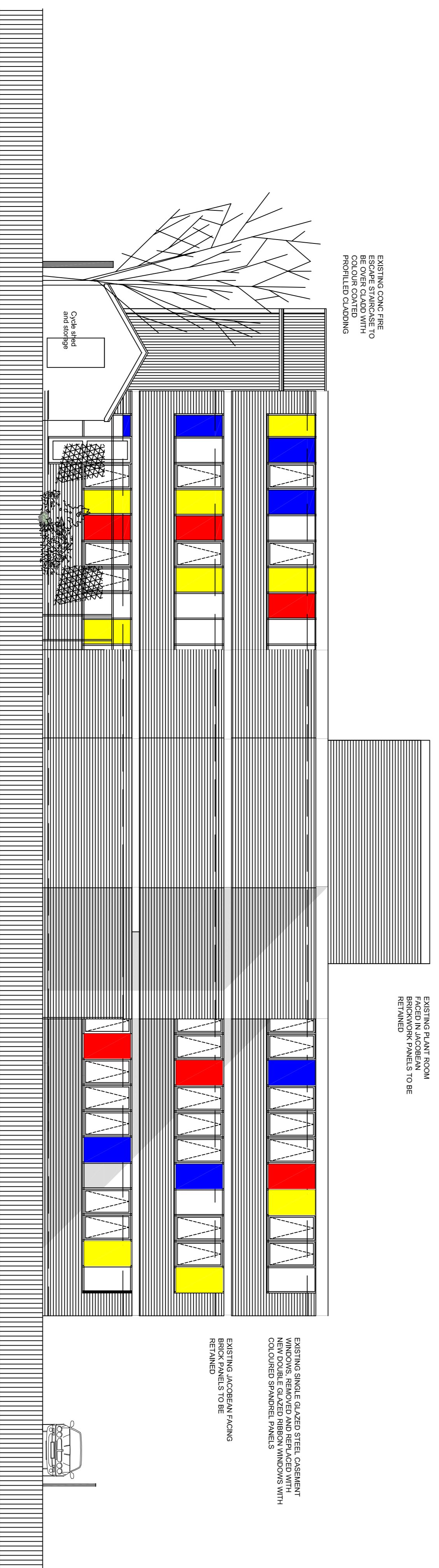
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## WEST FACING ELEVATION AS PROPOSED scale 1:100



## SOUTH FACING ELEVATION AS PROPOSED scale 1:100

DATE	REV	DESCRIPTION	DNM	CHECK

DRAWING NO: <b>P05</b>	PROJECT: <b>64 BRIGHTON ROAD</b>
CLIENT: <b>PRAGASH</b>	DRAWING TITLE: <b>PROPOSED ELEVATIONS</b>
WORK DESCRIPTION: <b>SCHEME DESIGN</b>	DATE: 28/01/19
SCALE: 1:100@A1	PROJECT NO: 02_19
CAD REF: PKREF	FILE NO: 02_19
	DRAWING TYPE: P



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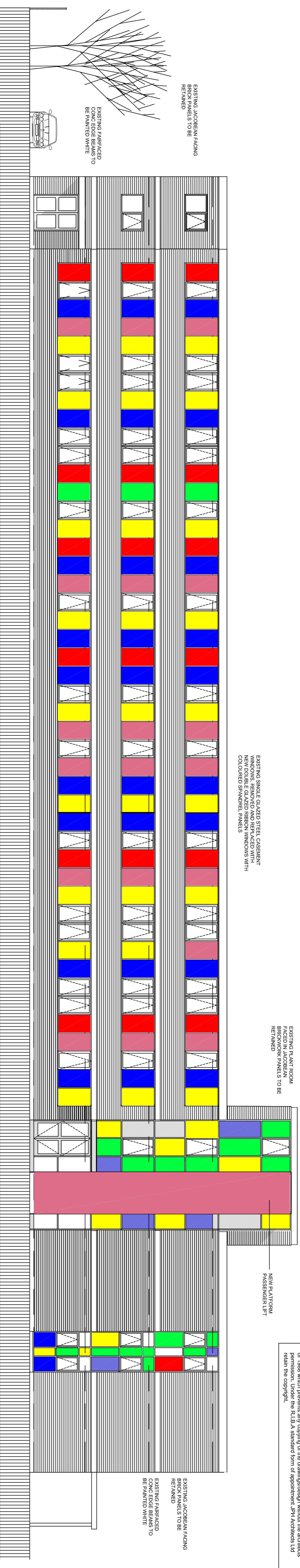
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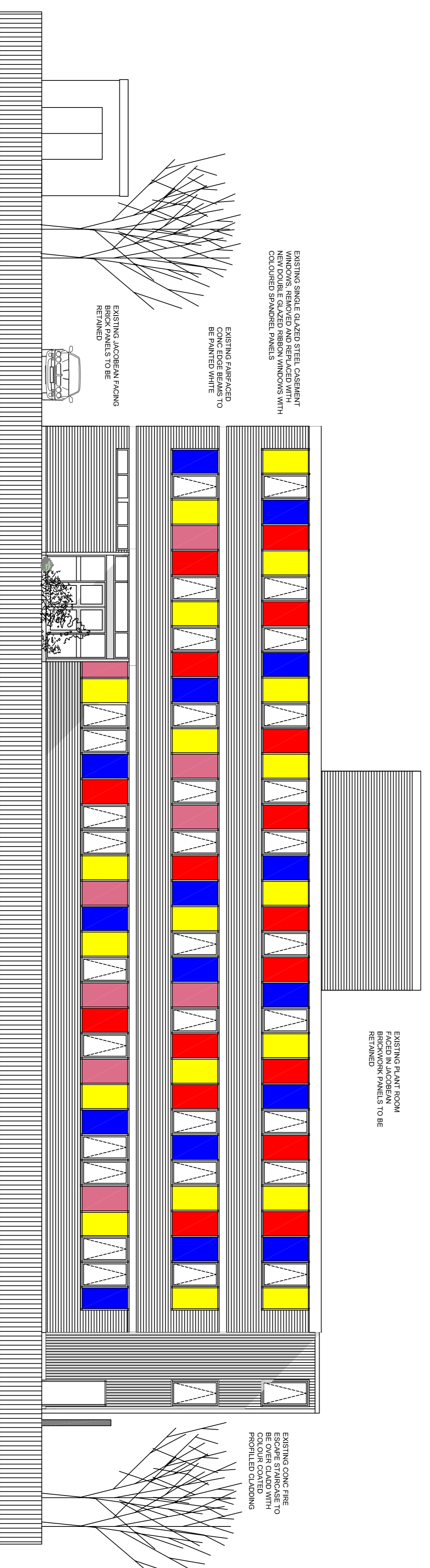
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EAST FACING ELEVATION AS PROPOSED scale 1:100



NORTH FACING ELEVATION AS PROPOSED scale 1:100

DATE	REV	DESCRIPTION	DNM	CHECK

DRAWING NO:	<b>P04</b>	PROJECT:	64 BRIGHTON ROAD
CLIENT:	PRAGASH	DRAWING TITLE:	PROPOSED ELEVATIONS
WORK DESCRIPTION:	SCHEME DESIGN	DATE:	28/01/19
SCALE:	1:100@A1	FILE NO:	02_19
CAD REF:	PXREF	DRAWING TYPE:	P



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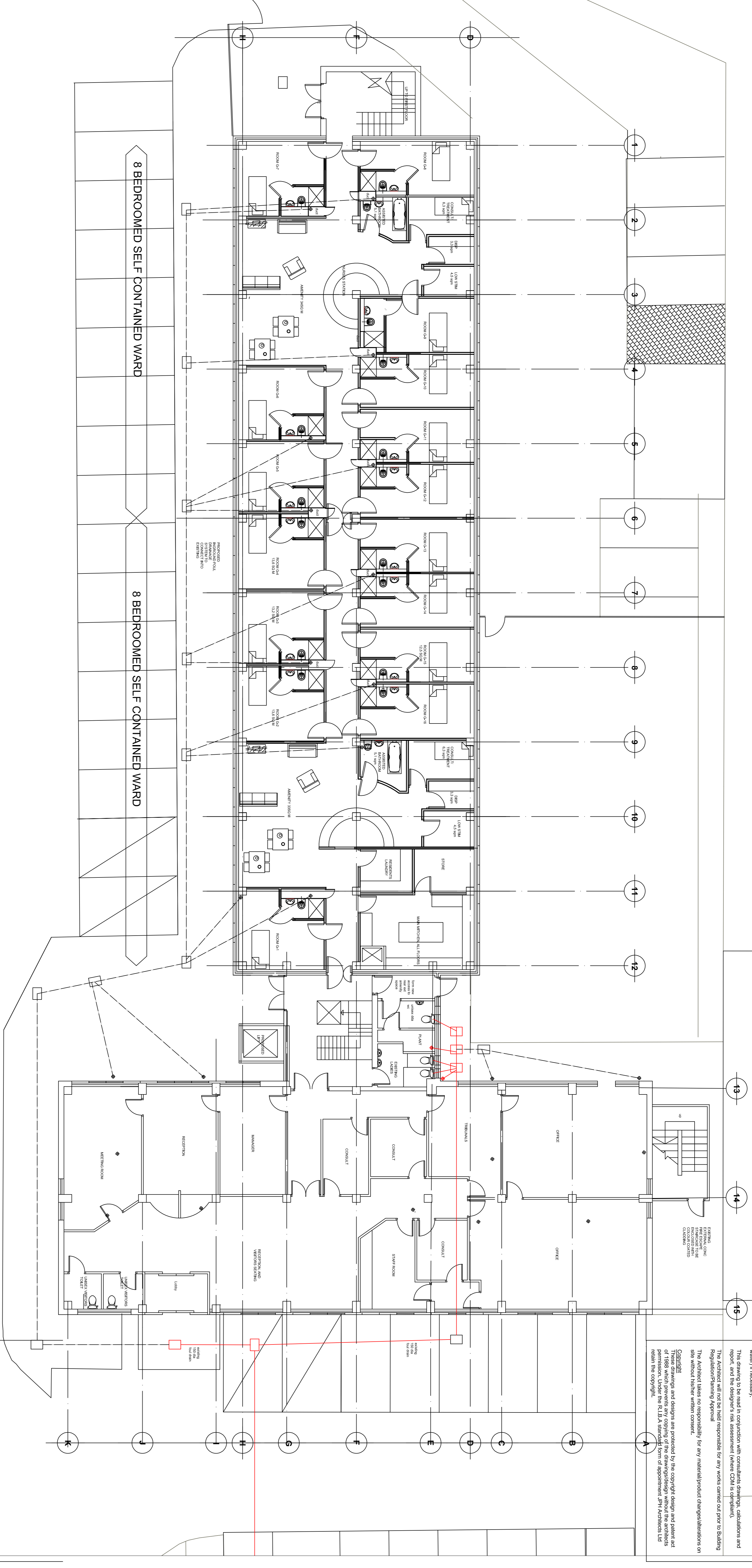


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GROUND FLOOR RECEPTION AND ADMIN

8 BEDROOMED SELF CONTAINED WARD

8 BEDROOMED SELF CONTAINED WARD

DATE	REV	DESCRIPTION	DMN	CHECK
07/02/19	A	LAUNDRY ADDED ROOM AND NOTES REVISED	JPH	

DRAWING NO: **P01 REV A**

CLIENT: **PRAGASH**  
64 BRIGHTON ROAD

WORK DESCRIPTION: **PROPOSED GROUND FLOOR PLANS**

DATE: 28/01/19 SCALE: 1:100@A1 PROJECT NO: 02\_19  
CAD REF: PRREF FILE NO: 02\_19 DRAWING TYPE: P



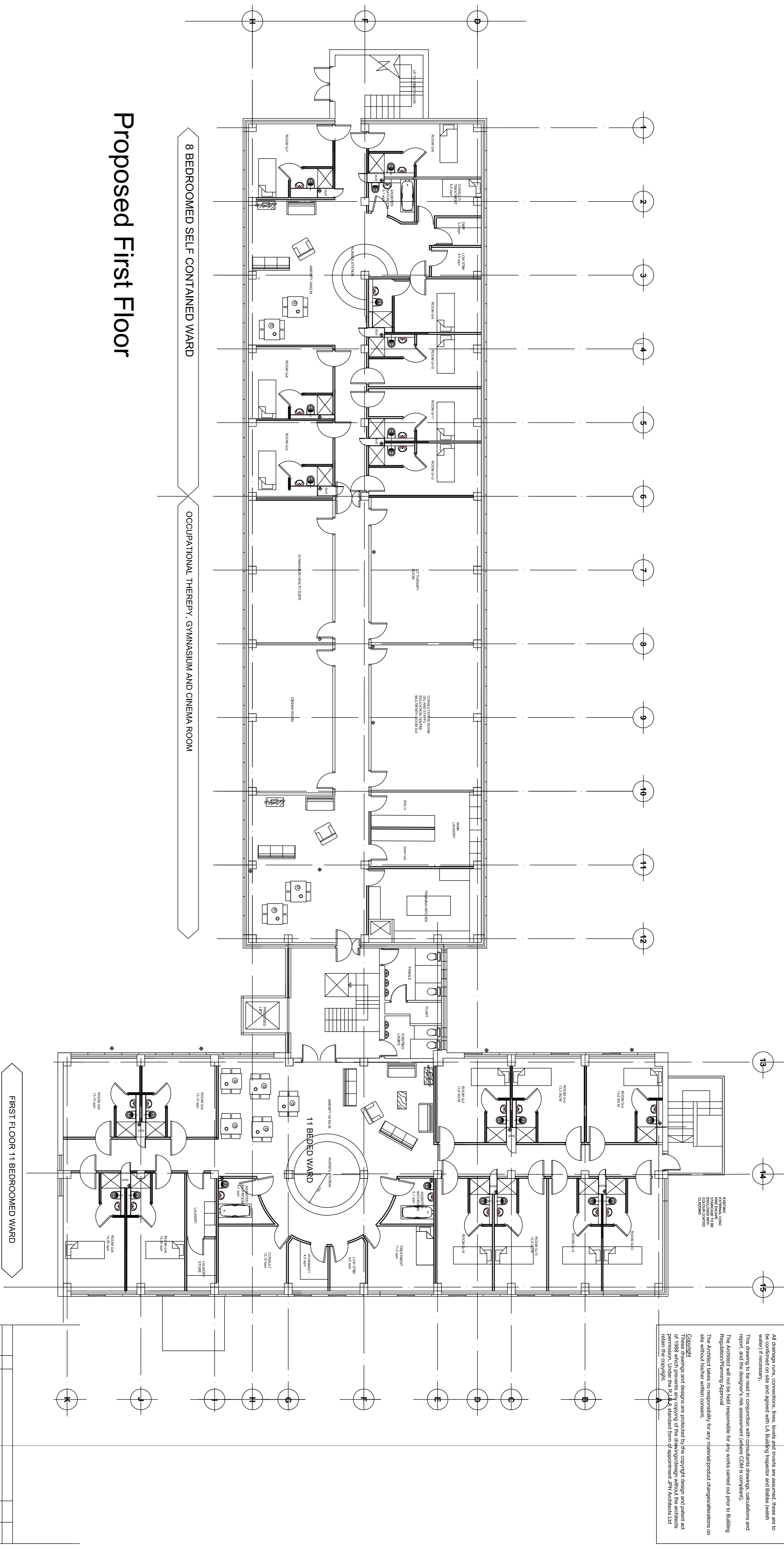
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**GROUND FLOOR 2 NO 8 BED WARDS AND RECEPTION, STAFF AND ADMIN BLOCK**  
scale 1:100

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**Proposed First Floor**

**FIRST FLOOR 1 NO 11 BED WARDS AND OCCUPATIONAL THERAPY WING scale 1:100**

DATE	07/02/19	REV	A	DESCRIPTION	OPTION FLOOR DEVELOPED LAUNDRY ADDED	DMN	JPH	CHECK	
DATE		REV		DESCRIPTION		DMN		CHECK	

DRAWING NO:	<b>P02 REV A</b>
CLIENT:	PRAGASH
PROJECT:	64 BRINGTON ROAD
WORK DESCRIPTION:	SCHEME DESIGN
DATE:	28/01/19
CAD REF:	PXREF
SCALE:	1:100@A1
FILE NO:	02_19
PROJECT NO:	02_19
DRAWING TYPE:	P

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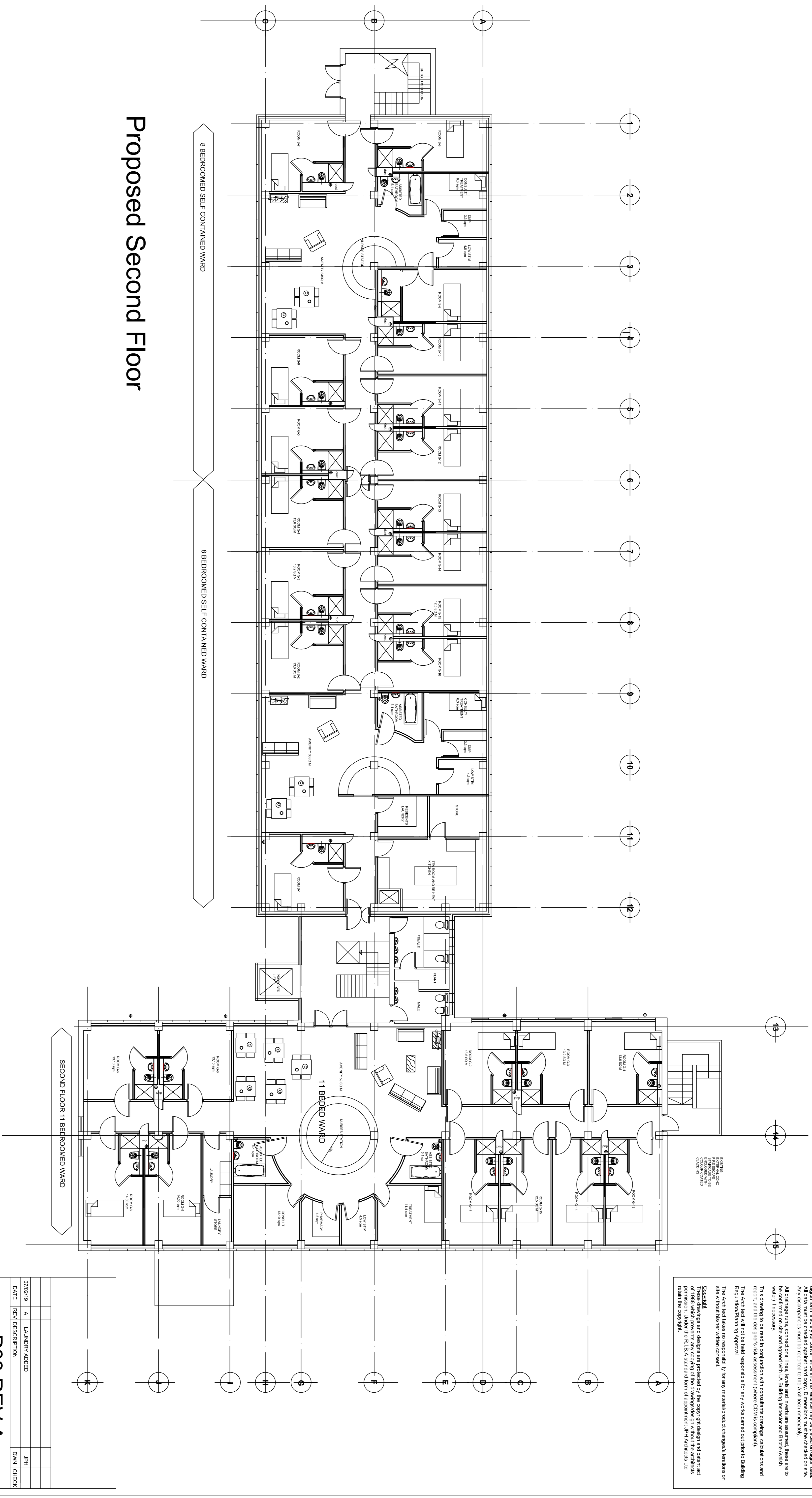
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## Proposed Second Floor

### SECOND FLOOR 2 NO 8 BED WARDS, AND 1 NO 11 BED WARD scale 1:100

DATE	REV	DESCRIPTION	DMN	CHEK
07/02/19	A	LAUNDRY ADDED	JPH	

DRAWING NO. **P03 REV A**

CLIENT: **PRAGASH**

PROJECT: **64 BRINGTON ROAD**

DRAWING TITLE: **PROPOSED SECOND FLOOR PLANS**

WORK DESCRIPTION: **SCHEME DESIGN**

DATE: 28/01/19

SCALE: 1:100 @ A1

CAD REF: P-REF

FILE NO: 02\_19

PROJECT NO: 02\_19

DRAWING TYPE: P

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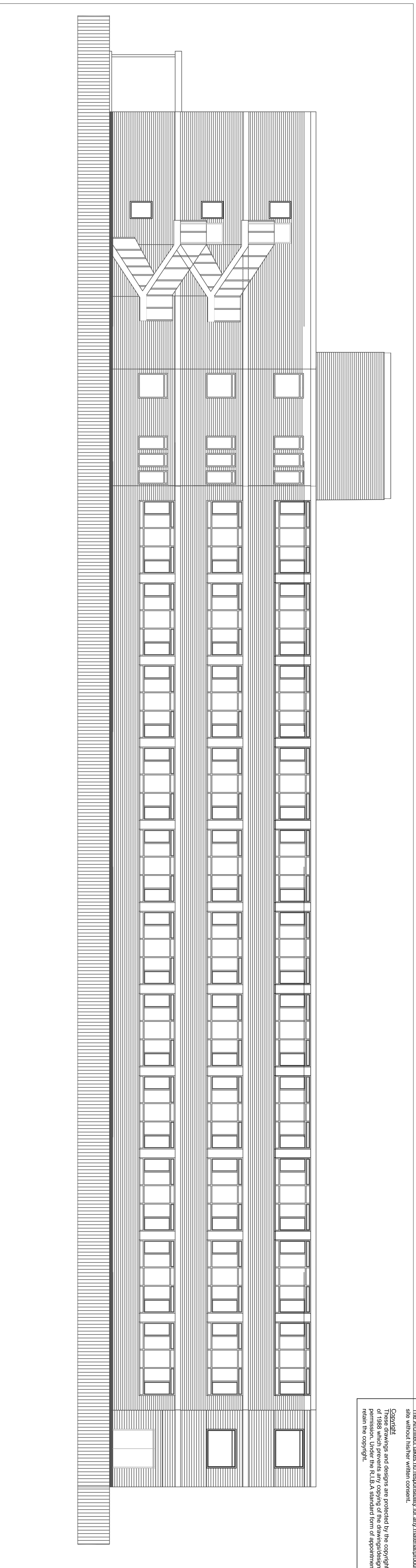
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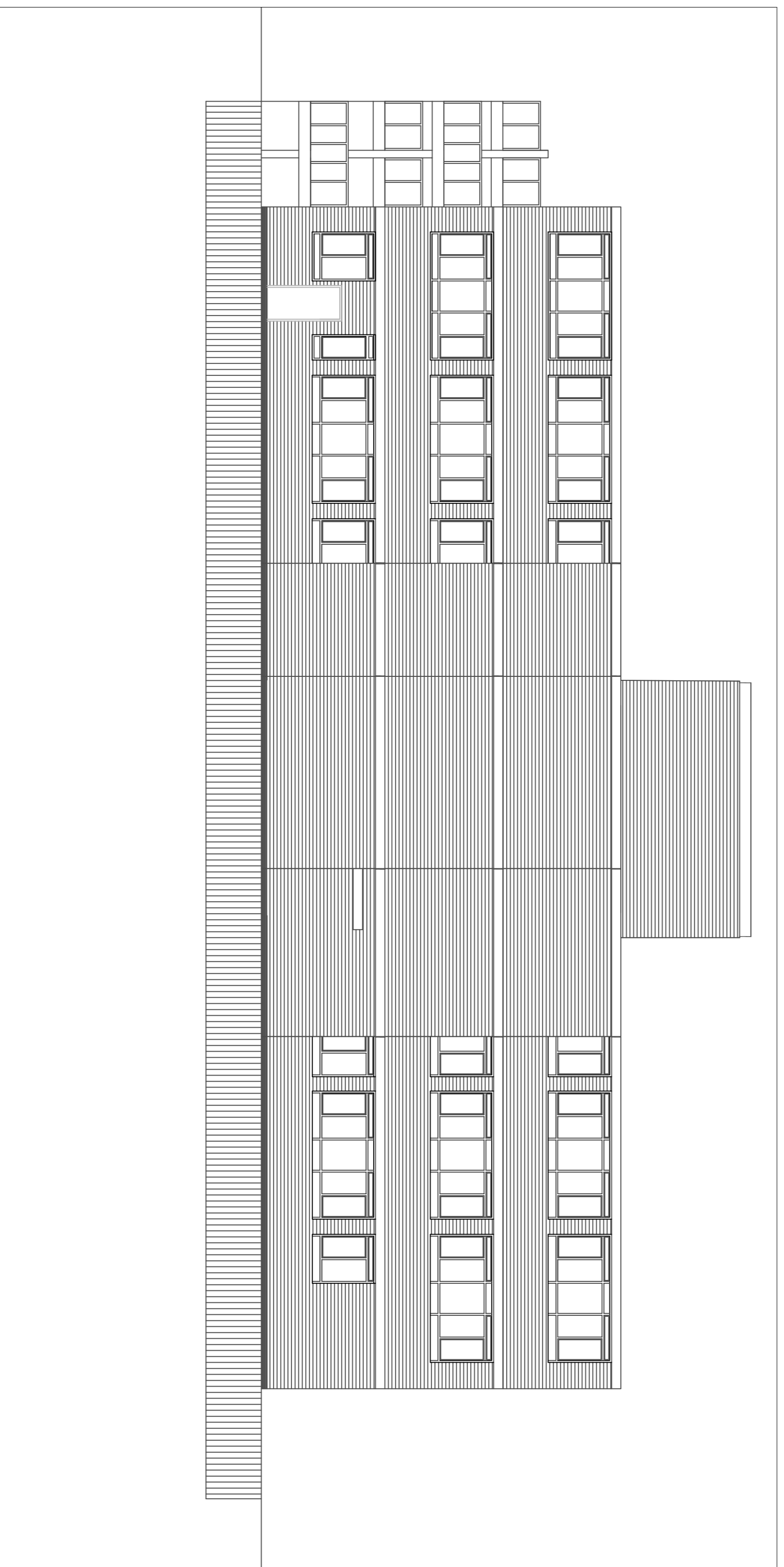
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EXISTING WEST FACING ELEVATION AS EXISTING scale 1:100



EXISTING SOUTH FACING ELEVATION, 64 BRIGHTON ROAD scale 1:100

DATE	REV	DESCRIPTION	DNM	CHECK

DRAWING NO: **EX05**CLIENT: **PRAGASH** PROJECT: **64 BRIGHTON ROAD**WORK DESCRIPTION: **SCHEME DESIGN** DRAWING TITLE: **PROPOSED GROUND FLOOR PLANS**

DATE: 28/01/19 SCALE: 1:100@A1 PROJECT NO: 02\_19

CAD REF: P-REF FILE NO: 02\_19 DRAWING TYPE: P

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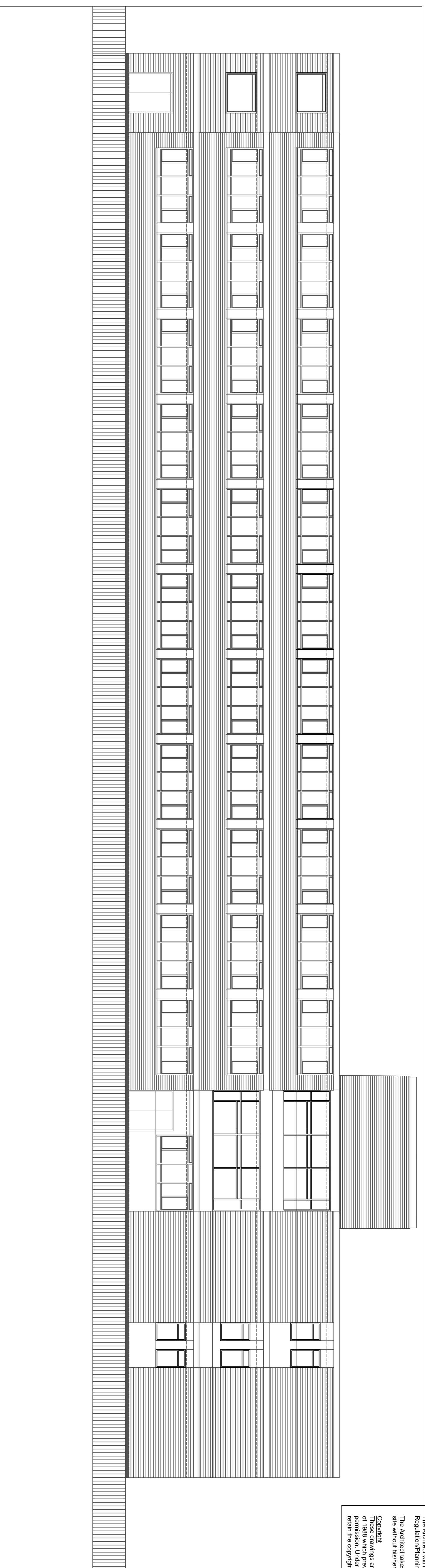
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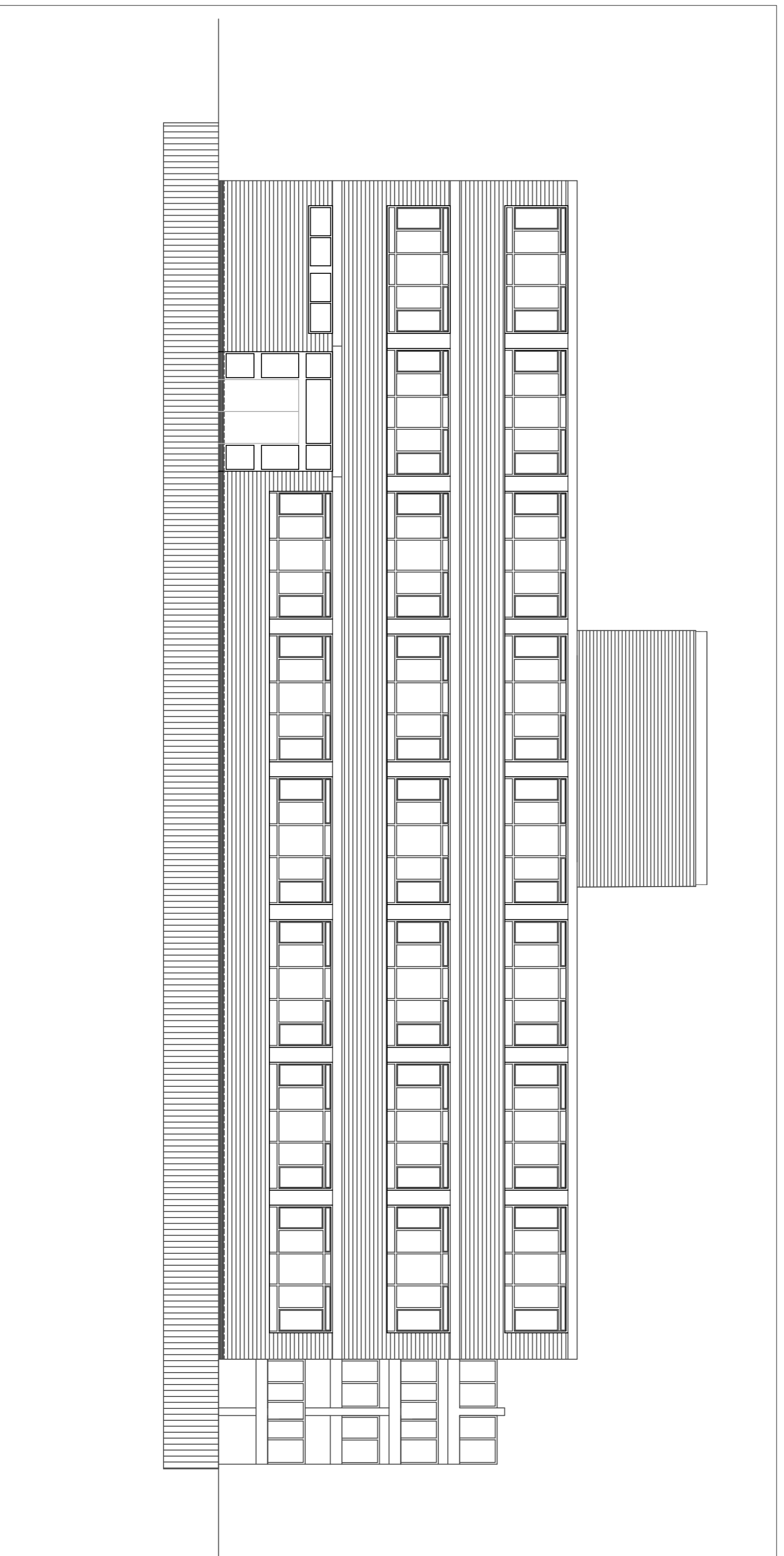
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EXISTING EAST FACING ELEVATION AS EXISTING scale 1:100



EXISTING NORTH FACING ELEVATION, 64 BRIGHTON ROAD scale 1:100

DATE	REV	DESCRIPTION	DNM	CHECK

DRAWING NO:	<b>EX04</b>	PROJECT:	64 BRIGHTON ROAD
CLIENT:	PRAGASH	DRAWING TITLE:	ELEVATIONS
WORK DESCRIPTION:	SCHEME DESIGN		
DATE: 28/01/19	SCALE: 1:100@A1	PROJECT NO: 02_19	
CAD REF: P\REF	FILE NO: 02_19	DRAWING TYPE: P	



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**WARD :** Rhyl East

**WARD MEMBER(S):** Cllr Tony Thomas (c)  
Cllr Barry Mellor

**APPLICATION NO:** 45/2020/0096/ PF

**PROPOSAL:** Change of use and alterations to former offices to form a 61 bed, 6 ward hospital for residential nursing and health care

**LOCATION:** 64 Brighton Road Rhyl LL18 3HN

**APPLICANT:** Mr N Pragash

**CONSTRAINTS:** Tree Preservation Order  
Article 4 Direction

**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
Press Notice - Yes  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Referral by Head of Planning / Development Control Manager

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL  
Original response  
"No objection"

NATURAL RESOURCES WALES  
No comments.

DWR CYMRU / WELSH WATER  
No objection.

BETSI CADWALLADR UNIVERSITY HEALTH BOARD TRUST  
Raised concern previously regarding the lack of clarity over the service model, need and demand. Note that the refreshed application refers to a "hospital for residential nursing and healthcare. It is not clear whether this is proposing a different type of facility to the previous application, which was for a hospital development for people with mental health needs. Are not able to amend response significantly without further clarity regarding the service model proposed. Note that others have raised again the issue of the low level of need in the local area and therefore the assumption must be that the providers will be seeking to support people from outside the area.

NORTH WALES POLICE  
Having regard to the Planning Policy Statement document, note the seeming lack of any market interest in the building, and the deterioration of the building largely due to vandalism. These are important factors because the longer the building stands unused, the more likely it is to be a generator for crime and disorder.  
Previously concurred with the comments made by BCUHB in that it was not possible to accurately assess the impact of the proposed hospital due to a lack of detail in terms of the operation of the site.

Accepts need to balance any potential risk with the reality of the current situation. Since the building became vacant some 30 months ago, North Wales Police have received 22 calls from neighbouring residents complaining about anti-social behaviour; and there have been 16 recorded crimes. The actual number of incidents is much higher. Consider that when some progress is made with the building, be that refurbishment or demolition, incidents of crime and disorder will come down.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Highways Officer

The scheme proposes to provide 36 parking spaces within the site. In accordance with Denbighshire County Council’s parking standards a maximum of 24 spaces in addition to the essential vehicles should be provided. The scheme therefore offers parking in excess of the requirement and given the location and former use as offices, hence have no objection to the proposal.

Head of Adult Services

Expresses concerns that the submission does not clearly demonstrate that there is a sound business case or need in Rhyl or indeed Denbighshire for the proposed facility.

Strategic Housing and Planning

Considers the proposal meets the requirements of the criteria set out in Policy PSE 3.

**RESPONSE TO PUBLICITY: None.**

**EXPIRY DATE OF APPLICATION: 05/04/2020**

**REASONS FOR DELAY IN DECISION :**

- awaiting consideration by Committee

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

**1.1 Summary of proposal**

- 1.1.1 The application proposes a change of use and alterations at the former Council Offices on 64 Brighton Road to a 61 bed 6 ward hospital for residential nursing and health care.
- 1.1.2 The plans indicate that the existing office building would be remodelled to incorporate individual wards spread over the three floors with ancillary accommodation including treatment rooms, kitchen, and amenity space. There would be office accommodation, staff rooms and meeting space on the ground floor.
- 1.1.3 Externally the building would be renovated; the most notable alterations would be the replacement of the windows with double glazed units interspersed with coloured spandrel panels.
- 1.1.4 The site layout and access would remain broadly as existing with parking for 42 cars marked to the front and side of the building. A secure garden area is proposed to the rear of the building which would be bounded by 2.4 metre galvanised mesh fencing. An external staff seating area is proposed to the rear corner of the site.

**1.2 Description of site and surroundings**

- 1.2.1 The site is located on the southern side of Brighton Road close to Rhyl Town Centre.
- 1.2.2 The three storey building was previously occupied by Denbighshire County Council Social Services. It is understood there were 280 desk spaces in the building, with a capacity for a total of 325 spaces.
- 1.2.3 On Brighton Road, the majority of properties are now in use as self-contained flats/apartments, but there are also nursing homes, some sheltered housing and Local Authority offices in the area, i.e. mixed residential and commercial uses.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Rhyl, but there are no use designations in this area.
- 1.3.2 The trees on the site are covered by a blanket TPO dating back to the Rhyl Urban District Council in 1951. The TPO covers most of the trees along the street frontage of Brighton Road.

### 1.4 Relevant planning history

- 1.4.1 The Application is a resubmission following a refusal for a scheme for a 61 bed, 6 ward bespoke hospital, in 2019. The reason for refusal on that application was based on the adopted LDP Policy PSE 3. This policy seeks to challenge any loss of available office space. (see Section 2 of the report below)
- 1.4.2 The refusal was appealed by the Applicant. The Planning Inspector's decision, issued in January 2020, was to dismiss the Appeal. Within the body of the Inspector's decision letter, it was noted that the submission lacked information and justification in respect to the Planning Policy requirements. The resubmission provides a volume of detail to address this which is outlined below.

### 1.5 Developments/changes since the original submission

- 1.5.1 In support of the Application, a Policy Statement has been submitted by the applicant. This covers points relating to:
  - The background to the application, information regarding the previous use, when the building was vacated and current problems - about which the Agent advises since becoming vacant in March 2017 the property continues to suffer from forced access, vandalism and theft together with a significant amount of anti-social behaviour. To date some £15,000 has been spent on security and this cost is ongoing. The damage caused is such that the building is not capable of letting as offices without significant refurbishment. Despite the security measures a continued period of vacancy will inevitably cause further deterioration.
  - Details of the planning history of the site.
  - Summary of Local and National Planning Policies.
  - Commentary on the previous Refusal and Planning Appeal, which includes reference to marketing, alternative site searches and employment figures.
  - It concludes that it has been demonstrated that the requirements of Policy PSE3 have been met through a thorough marketing exercise and that there are no suitable alternative sites that meet the site identification criteria. Similarly, there is no conflict with Policy RD1. The proposal represents a sustainable form of development contributing to job growth, regeneration and community benefit in the area.
- 1.5.2 Additional information has been submitted in support of the Application in a bid to clarify some factors raised in the original consultation responses. This addresses;

- The Policy Section's concern that there was insufficient documentary evidence to assess compliance with LDP Policy PSE3. Including information regarding the marketing test (with specific evidence from the Commercial Agent marketing the property), evidence of an alternative site search and details of the total number and type of jobs that would be created by the development are provided.
- BCUHB concerns regarding the service model, need and demand. In relation to these, the Agent states,

“the service model for the proposed hospital on Brighton Road, Rhyl, remains unchanged from the previous submission. The applicant has specifically and purposely designed the hospital to comprise six small wards to enable us to provide services to small numbers of service users who may share common mental health conditions and require specialist therapeutic interventions. The applicant believes that this will maximise the likelihood of the hospital being effectively utilised by the Local Health Board (BCUHB), subject to meeting the required quality framework requirements. This will assist with the repatriation of Welsh service users currently residing in hospitals far from their home areas, as well as serving the ongoing needs of North Wales residents with mental health conditions who require care and treatment in a high-quality service.”

#### 1.6 Other relevant background information

1.6.1 None.

## 2. **DETAILS OF PLANNING HISTORY:**

2.1 45/2019/0156 Change of use and alterations to former offices to form a 61 bed, 6 ward bespoke hospital. Refused 17/07/2019 for the following reason:

*“It is the opinion of the Local Planning Authority that the proposal would result in the loss of office accommodation, in conflict with basic tests in Policy PSE 3 of the Denbighshire Local Development Plan, which require assessment of available alternative sites and marketing attempts to retain the use, and the loss of the use would prejudice the ability of the area to meet a range of local employment needs. The proposal would also be contrary to the requirements of criteria x) of Policy RD 1 and the principles and advice contained within Planning Policy Wales and Technical Advice Note 23: Economic Development.”*

2.2 Appeal Ref APP/R6830/A/19/3236689 Dismissed 07/01/2020

The Inspector acknowledged that the main issue was the effect of the proposal on local employment needs. She concluded the site constitutes employment land of the type Policy PSE 3 of the LDP seeks to protect; and that the release of employment sites which have poor prospects for being re-occupied for their previous use is encouraged in paragraph 4.6.9 of TAN 23. However, in the light of the tests set out in Policy PSE 3 of the LDP, like the Council, the Inspector did not consider that sufficient information had been submitted to justify the loss of the site as employment land, contrary to Policies RD 1 and PSE 3 of the LDP.

Of relevance to issues raised by interested parties on the appeal application, the Inspector added;

“Representations submitted by interested parties raised the question of whether there is a need for the facility and the effect it might have on the local services and the living conditions of neighbouring residents. I have noted that concerns were raised by consultees in respect of the need for and operation of the facility based primarily on a lack of detail regarding the scheme. Whilst I understand the concerns raised, I am not persuaded by the evidence that the development would give rise to the level of harm envisaged by the consultees.”

### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** – Sustainable development and good standard design

**Policy BSC 1** – Growth Strategy for Denbighshire

**Policy BSC 2** - 'Brownfield development priority'

**Policy PSE 2** – Land for employment uses

**Policy PSE3** – Protection of employment land and buildings

**Policy ASA3** – Parking standards

**Policy VOE5** – Conservation of natural resources

**Supplementary Planning Guidance**

Supplementary Planning Guidance Note: Access for All

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 10) December 2018

Development Control Manual November 2016

TAN 23: Economic Development

3.3 Other material considerations

### 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned. The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 10 (December 2018) and other relevant legislation.

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Residential amenity

4.1.4 Highways (including access and parking)

4.1.5 Crime and Disorder

Other matters

Issues relating to the need for the service, demand and implications of the use on the local NHS and local authority services.

4.2 In relation to the main planning considerations:

#### 4.2.1 Principle

Rhyl has been identified in the Local Development Plan as a lower growth town, BSC1, allocated to make an important contribution to the overall housing and employment requirements of the County.

The general vision in the adopted Local Development Plan is to make Rhyl an attractive place to live and work with improved housing stock and a reduction in the levels of multiple deprivation currently seen.

Policy RD 1 - Sustainable development and good standard design is relevant to the application. This policy offers support for development provided a series of tests are met, including that a proposal:

*x) Does not prejudice land or buildings safeguarded for other uses, or impair the development and use of adjoining land.*

LDP Policy PSE 2 - Brownfield Development Priority

Policy PSE 2 of the Local Development Plan supports development of existing employment sites on the proposals maps, by way of uses within Class B1 (Business Use), B2 (General Industrial and Waste Management facilities) and B8 (Warehousing and Distribution).

Although the site is not allocated in the LDP as an existing employment site, the history of the site established the principle of its use for B1 purposes. Furthermore, in seeking to protect employment land and buildings, the justification of Policy PSE 3 of the LDP recognises that there are a significant number of smaller sites that provide valuable employment premises for local businesses but which are not specifically allocated for employment use. It states that *"It is important to retain all these types of sites for employment use in order to ensure a range of opportunities are made available in terms of location, type and size of employment land"*.

LDP Policy PSE 3 'Protection of employment land and buildings' seeks to resist the loss of employment land and buildings unless specific criteria are met:

- Criterion i) requires that there are no other suitable sites available for this development.
- Criterion ii) requires a marketing process to be followed in order to demonstrate the site is no longer capable of providing employment accommodation.
- Criterion iii) seeks to prevent the loss of sites which would prejudice the ability of the area to meet a range of employment needs.

In relation to the PSE 3 criteria:

- (i) An alternative site assessment has been provided in support of the application.  
The Agents have considered alternative sites for the use, and have concluded that 64 Brighton Road is the most suitable.
- (ii) In relation to the provision of a marketing test to prove that the site is no longer suitable for employment uses, the Agent has advised that the property has been actively marketed since October 2017 and property details for the last 3 years were submitted in support of the application. Land Agents BA Commercial confirmed that despite active marketing over this period there has been no interest from the office sector on a 'For Sale or To Let' basis and, if for letting, as a whole or in part.
- (iii) In terms of the test obliging consideration of any loss of employment land / buildings prejudicing the ability of an area to meet arrange of employment needs, the supporting information states the development will create

approximately 130 full time equivalent new jobs and would therefore contribute towards meeting local employment needs.

Para 5.4.1 and 5.4.2 of Welsh Government's Planning Policy Wales sets out definitions of "economic development" which encompass a wider range of land uses beyond the traditional employment land uses (i.e. B1, B2 and B8 use classes). Whilst on the basis of the PPW definition the proposal would be considered "economic development", there are considerations to be given to the loss of office accommodation in this instance.

TAN 23 relates to Economic Development. Paragraph 4.6.8 of the TAN states that the traditional employment uses tend to generate lower land values than many other land uses, especially housing and retail, consequently, any land lost to these uses is generally difficult to replace. Planning authorities should avoid releasing for other uses sites where there is strong evidence of likely future need for B1-B8. In some areas, older, lower-cost employment areas may be required, especially for small and new firms who cannot afford newer and more prestigious accommodation. The loss of such areas may cause harm to local economies and should be avoided.

Proposals at the site have been subject to detailed scrutiny, having been examined at Planning Committee in July 2019, and as part of the Planning Appeal process by the Planning Inspectorate. Whilst the issues are not straightforward, in basic terms, it appears that the Agent has addressed the main grounds of concern as expressed in the reason for refusal and in the conclusions of the Planning Inspector in the appeal. Officers consider a significantly more robust case has been made to justify the change of use in this submission, and it is relevant that Policy Officers conclude the proposals now meet the tests of the relevant planning policies.

On this basis there are now limited concerns over the acceptability of the proposal in principle.

#### 4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

There are no representations in relation to the visual amenity impacts of the proposals.

It is not considered the proposed use and any changes to the property raise visual amenity concerns. It must be noted that the building and the site generally have deteriorated significantly in recent months. The site is an eyesore and is causing significant harm to the visual amenities of the area. Subject to detailed controls on the renovation to the building and the areas around it Officers consider great improvements can be made to the visual amenity of the site.

#### 4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of



development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc

There are no representations from neighbours in relation to the potential impacts of the use on nearby residential amenity.

In accepting there may be more activity associated with a hospital type use outside of normal office based hours, Officers consider that management arrangements (controlled via planning conditions) could mitigate these impacts.

Secure outdoor amenity space is proposed within the site for the occupiers of the hospital and a staff seating area.

It is considered that there are unlikely to be significant residential amenity impacts arising from the proposals.

#### 4.2.4 Highways (including access and parking)

Local Development Plan Policy RD 1 supports development proposals subject to meeting tests (vii) and (viii) which oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and require consideration of the impact of development on the local highway network. Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments. These policies reflect general principles set out in Planning Policy Wales (PPW 10).

Highway Officers have raised no objection to the proposal.

The parking arrangements are proposed to be broadly as with the existing office, with 42 spaces being provided on site. The site is located within walking distance of the town centre and local shops and facilities and is close to the bus and train station. There are public car parks in close proximity to the site.

In Officers' opinion the parking provision would be adequate to accommodate the use, and there is no conflict with the highways considerations of Policy RD1.

#### 4.2.5 Crime and disorder/ Local concerns over service users

Policy RD 1 - Sustainable development and good standard design test xii) states that development should take account of personal and community safety and security in the design and layout of development and public/private spaces and have regard to implications for crime and disorder.

It is established that fear of crime can be a material consideration and test xii) of RD1 adds a policy hook for such a consideration, however like all potential impacts evidence is required to substantiate this as a ground for refusal of permission.

The Agents have advised that the hospital would be secure, that perimeter fencing is proposed, the wards would be relatively small, and monitoring is to be provided. As such, the applicants contend it is unlikely that at risk patients would abscond from the facility.

Whilst the potential for crime and disorder is a consideration, Officers do not feel there is compelling evidence to challenge the applicants claims that the use can be acceptably managed so as to avoid any potential crime, disorder or general disturbance. It should be noted that the Planning Inspector who was involved in the

previous appeal case did not consider this would be an issue which warranted the dismissal of the appeal.

### Other matters

Issues relating to the need for the service, demand and implications of the use on the local NHS and police service.

Policy RD 1 - Sustainable development and good standard design test ix) states development must have regard to the adequacy of existing public facilities and services.

BCUHB and the Council's Community Support Services have raised concerns relating to the need for the facility and operational impacts on their services. These range from the health board provider's knowledge which suggests there would be limited need in their area for such a facility, hence patients are likely to come from other areas, with implications on the NHS and Council as an employer and local service provision.

In acknowledging the basis of concerns expressed, officers consider it is important to recognise that there are no planning policy tests requiring need to be established either for a hospital use, or assessment of impact on other service operators. It is therefore not clear what land use planning harm would arise from the proposal which would justify a refusal recommendation. Respectfully, there are separate legislative controls over the establishment of a hospital use under the control of the Healthcare Inspectorate for Wales which seem more appropriate to consider the service related impacts of the proposals and issues such as those raised by the Health Board and Council.

Mention was made in the course of assessing the previous application of the prevalence of other support service uses in proximity to the site and how these, along with the proposed use, may continue to define and shape the character of the area, impacting upon the overall regeneration aims of Rhyl. This was in the context of the site being located close to Rhyl Town Centre, where serious investment and effort is being expended to secure regeneration, and the Council is working on various projects to further this cause, including the development of the 'Rhyl Masterplan'. However, in understanding the sentiments, it is difficult to attribute much weight to this as a material consideration as there are no Council policy documents setting out grounds on which a hospital use may be at odds with general regeneration aims.

From observation, the predominant land use on Brighton Road is residential, alongside the office accommodation on the application site. There are a number of facilities around Rhyl town centre that provide support to individuals with varying mental health and substance dependency needs. Officers are aware that there have been instances of drug and alcohol related anti-social behaviour connected to existing support services in the town and this remains an issue for Service Providers and Officers engaged in delivering the Council's regeneration aims.

The Applicants have set out how the proposed use would be managed and confirm that it would be a secure facility.

The comments of BCUHB and the Council's Community Support Services on this planning application are to be respected, and accorded due weight alongside North Wales Police's observations on the state of the building and documented instances of anti-social behaviour associated with its vacancy. Whilst not a defining consideration of this application, the potentially positive impacts are also relevant to the case for the change of use in terms of physical regeneration.

### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## **5 SUMMARY AND CONCLUSIONS:**

- 5.2 Local Development Plan Policy PSE 3 'Protection of employment land and buildings' only supports the loss of employment land and buildings provided tests are met. Planning Policy Officers raise no objections to the proposals and Officers consider that the resubmission responds to previous concerns voiced at the original application at Committee and by the appeal Inspector.
- 5.3 Officers accept there are other concerns regarding the application, however in the absence of tangible evidence to demonstrate the harm to other service providers, it is not considered these matters should be accorded significant weight or justify refusing the proposals.

### **RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than .....insert DATE 2025
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Existing elevations (Drawing No. EX04) received 10 February 2020
  - (ii) Existing elevations (Drawing No. EX05) received 10 February 2020
  - (iii) Existing ground floor plan (Drawing No. EX01) received 10 February 2020
  - (iv) Existing first floor plan (Drawing No. EX02) received 10 February 2020
  - (v) Existing second floor plan (Drawing No. EX03) received 10 February 2020
  - (vi) Proposed ground floor plan (Drawing No. P01 Rev. A) received 10 February 2020
  - (vii) Proposed first floor plan (Drawing No. P02 Rev. A) received 10 February 2020
  - (viii) Proposed second floor plan (Drawing No. P03 Rev. A) received 10 February 2020
  - (ix) Proposed elevations (Drawing No. P04) received 10 February 2020
  - (x) Proposed elevations (Drawing No. P05) received 10 February 2020
  - (xi) Site plan (Drawing No. P07) received 10 February 2020
  - (xii) Location plan (Drawing No. P06) received 10 February 2020
3. The facilities for the parking and turning of vehicles within the site shall be completed in accordance with the approved plan before the development is first brought into use, and shall be retained as approved at all times thereafter.
4. The use of the property shall be limited to the purposes described in the Planning Statement and Addendum, as a Class C2 Hospital. The office accommodation shall be used for ancillary

support services for the hospital use.

5. The use of the building as a C2 hospital shall not commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of the development. The scheme shall also include all details of security fencing and outside lighting. The landscaping scheme as approved shall be implemented thereafter.
6. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the commencement of the hospital use. Any trees or plants which within a period of 5 years from the completion of the planting 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 otherwise agreed in writing.
7. The use of the building as a C2 Hospital shall not commence until a site management, operation and servicing plan has been submitted to and approved by the Local Planning Authority. This plan shall include details of all day and night time site security arrangements (including lighting, CCTV, staffing and emergency plan), deliveries, refuse storage and collection arrangements. The use shall be carried out in accordance with the approved plan at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.
8. No construction or renovation works outside of the building will be permitted to be carried out outside of the following hours: 0700 - 1900hrs Mon - Sat, and 0800 - 1300hrs on Sundays unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. To ensure the development is served by a safe and satisfactory access and parking/turning facilities, and in the interests of the free and safe movement of traffic on the adjacent street.
4. To enable consideration of the amenity impacts of alternative uses.
5. In the interests of visual amenity.
6. In the interests of visual amenity.
7. In the interests of site security and the residential amenity of nearby dwellings.
8. In the interests of residential amenity.