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WARD : Rhyl South East

WARD MEMBER(S): Cllr Brian Blakeley
Cllr Brian Jones (c)
Cllr Cheryl Williams

APPLICATION NO: 45/2020/0844/PF

PROPOSAL: Alteration and adaptation of existing nursing home to include extension of two additional bedrooms on the first floor, two fire escape stair enclosures and entrance canopy

LOCATION: Sandy Lodge 83 Dyserth Road Rhyl LL18 4DT

APPLICANT: Mr Sohail Qureshi Kuklous

CONSTRAINTS: PROW
Article 4 Direction

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

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

- Member request for referral to Committee

CONSULTATION RESPONSES:
RHYL TOWN COUNCIL
No objection.

RE-CONSULTATION RESPONSES (IF RELEVANT): N/A

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Richard Summers, 11 Lon Ystrad, Rhyl

Sophie Anderton, 2 Trellewelyn Close, Rhyl

Summary of planning based representations in objection:

Objection to use of the site to provide accommodation to secure patients.

Works commenced on site without planning permission.

EXPIRY DATE OF APPLICATION: 24/12/2020

EXTENSION OF TIME AGREED: 14/04/2021

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- awaiting consideration by Committee
- Deferral from previous Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Members will recall this item was deferred from the previous Committee (April) to enable consideration of this scheme alongside another application that was under consideration at the site, reference 45/2020/0904. That application related to alterations to the annex/office building at the front eastern corner of the site however was on hold pending resolution of design and protected species issues. The application has now been withdrawn by the Agent, therefore Officers consider there are no grounds to hold this application up any further.
- 1.1.2 The application proposes alterations and adaptation of Sandy Lodge (an existing nursing home), to include an extension of two additional bedrooms on the first floor, two fire escape stair enclosures and an entrance canopy.
- 1.1.3 The first floor bedroom extension would be over an existing flat roofed link between the original building and a recent extension. It would add an additional storey with pitched roof. Windows are proposed on the front and rear of the extension to serve the two additional bedrooms.
- 1.1.4 The stair enclosures would be sited either side of the building. The enclosure on the eastern side would be three storey and the enclosure on the west would be two storey. The enclosures reflect the side of the building they are attached to with the eastern side reflecting the Victorian design and materials, with high pitched roofline, window and materials to match the main building. The western enclosure would reflect the more modern extension is attached to. Windows are proposed on the front of both stair enclosures to match the windows on their respective elevations.
- 1.1.5 At the entrance it is proposed to introduce a timber framed canopy structure and remodel the entrance ramp.

Existing south elevation:



Proposed south elevation (showing proposed first floor extension):



1.2 Other relevant information/supporting documents in the application

1.2.1 The application is supported by a Design and Access Statement. The DAS explains the works in more detail;
“The proposal is to create 2 additional bedrooms as an infill on the first floor between the original building and a more recent extension. The current building has 22 bedrooms, some of which are substandard and do not comply with HIW minimum care standards. Internally the proposal is to create 19 bedrooms with en suite facilities which will be fully compliant with the standards and good practice. In addition the two existing external fire escape stairs are to be removed and replaced with two fully enclosed stairs which in the event of a fire evacuation will allow residents to be helped to safety without having to under-take a vertical escape on an exposed steel escape staircase. To assist the access and approach to the main entrance, it is proposed to create a covered approach and ambulant stepped approach to the main entrance, whilst adapting and maintaining the existing ramp.”

1.2.2 In relation to the use of the site the Agent is aware of concerns locally, including those raised by local County Councillors, whom they have engaged with.

In relation to the use, the Agent has advised:

“The application does not include change of use as the site is permitted to be used as a C2 Residential Institution. The C2 Residential Institution planning use class covers Care Homes, Hospitals and Convalescent Homes.

The Applicants care model still falls within the C2 use class. The site will be used in a similar way to a Rehab Hospital, Independent Hospital, or Rehab Facility. Some patients can be admitted under the mental health act for a brief period, just like certain patients in nursing or care homes are detained or restricted under the Mental Capacity Act 2005, for a period. Details about the site operators can be seen at <https://medirose.com/about-us/#our-philosophy>.

In relation to the unsightly security fencing, these temporary hoardings were erected as an attempt to prevent trespass as the site, as whilst it has been vacant it has suffered several acts of vandalism (with the site and buildings being broken into for acts of vandalism and theft by the removal of copper and cabling). The temporary hoarding will be removed when the development is completed.”

1.3 Description of site and surroundings

1.3.1 The site is located off Dyserth Road on the approach to Rhyl. This is a primarily residential area with a limited amount of other uses such as the care home on this site and the adjacent site to the west, and a Children's nursery on the site to the east.

1.3.2 Sandy Lodge is set back from the road, with a small subsidiary office building to the front on the eastern side. The site is relatively flat with well-established landscaping which would not be altered by this application. The vehicular access point exists off Dyserth Road with parking areas to the east and south of the site.

1.3.3 Sandy Lodge comprises an original three storey Victorian nursing home with more contemporary Georgian/Edwardian style extension. The building is mainly finished in brick and some stone detailing with plain concrete roof tiles. Windows are a mix of timber and UPVC.

1.4 Relevant planning constraints/considerations

1.4.1 The site is located within the development boundary of Rhyl. There are no other designations on the site.

1.4.2 There is a footpath abutting the eastern boundary of the site.

1.5 Relevant planning history

1.5.1 It is understood that Sandy Lodge was extended following the grant of planning permission in 2004.

1.5.2 The site is a long established care home, which has the benefit of a Certificate of Lawfulness in the 1990's for "use as a residential and nursing home" which in planning terms is a Class C2 Use.

1.6 Developments/changes since the original submission

1.6.1 Since its submission there has ongoing discussions with the Agents over the use of the site, this is mentioned above at paragraphs 1.2.1 and 1.2.2.

1.7 Other relevant background information

1.7.1 Whilst appreciating local concerns Officers do not dispute the use of the site. Sandy Lodge is a well-established care home. To use it as a mental hospital would not require planning permission as hospitals clearly fall within Use Class C2. C2 uses include residential institutions such as hospitals and convalescent/nursing homes, and residential schools, colleges and training centres. Indeed Members will remember that Planning Committee permitted the use of 64 Brighton Road as a similar facility earlier this year and the use was not disputed in that case.

1.7.3 The Use Classes Order 1987 defines "care" as personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

1.7.4 It has been suggested that a more appropriate use of the site would be Use Class C2A Secure Residential Institutions. By way of background this use class was introduced in 2006 and includes secure hospitals alongside prisons, young offenders' institutions and detention centres. Officer's opinion which is informed by a review of similar cases, is that these uses are concerned with detaining people as they pose a risk to the wider community, whereas the residents of Sandy Lodge would be detained for their own personal safety. This is a key determining factor in considering the necessity for a change us use in this case.

1.7.5 There is another application currently under consideration at the site, reference 45/2020/0904. This application relates to alterations to the annex/office building at the front eastern corner of the site. However it is currently 'on hold' pending receipt of additional information from the Agent.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 45/2004/1428 Alterations and extension of the existing nursing home. Granted 6/12/2004 ref
- 2.2 45/2005/0174 Alterations and extension of the existing nursing home amendment to 1428. Granted 17/2/2005
- 2.3 2/RHY/005/94/E Certificate of Lawfulness for use of premises as a residential and nursing home. Certified 14/11/199
- 2.4 45/2020/0904 Erection of two storey extension to rear and single storey sun lounge extension to existing annex to provide additional living accommodation and office space to be used in conjunction with nursing home including formation of additional window/door openings, installation of solar panels and associated works. Withdrawn 23/04/2021

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC12 – Community facilities

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

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 11 (February 2021) 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 Fear of crime

4.2 In relation to the main planning considerations:

4.2.1 Principle

Sandy Lodge is located within the development boundary of Rhyl. The Strategic policies of the development plan seek to concentrate new development in existing settlements, subject to the consideration of environmental impacts.

The site is an existing care facility. Health care is highlighted as a key facility for communities in the policy justification of BSC 12, the policy that supports community facilities.

It is the opinion of Officers that the proposal for minor extensions to this existing care home are acceptable in principle. The detailed impacts are reviewed in the following sections of the report.

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.

The application is minor alterations at the sides and rear of the existing care home. The extensions would be broadly subordinate to the original building. They have been designed sympathetically to reflect the character and appearance of the sections the existing building on where they are located.

Therefore it is considered that there are no grounds to resist the development on visual amenity grounds at this stage. It is not considered that the application conflicts with the visual impact policies of RD1.

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

The application proposes two stairwell enclosures, with windows to the front. A first floor infill extension within the existing footprint of the building and alterations to the frontage. This is an existing care home and the Agent state that the internal re-arranging to provide en-suite rooms will result in less bedrooms than existing with accommodation, with bed spaces for 19 patients proposed.

Given the location of the development on the side, and rear of the site and the physical relationship with adjacent non-residential uses and nearby dwellings, at the distances and scale involved it is not considered there would be significant adverse impacts from overlooking or overshadowing. There is sufficient space around the site for amenity of the proposed occupiers. It is not considered that the proposal raised policy conflicts in relation to amenity.

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.

The proposals would not alter the existing access arrangements to or from the site from Dyserth Road or the parking arrangements. A less intensive use is proposed overall owing to a reduction in bed spaces.

In Officers' opinion there would be no highways impacts as a result of the proposal. Therefore is no conflict with the highways considerations of Policy RD1.

4.2.5 Fear of crime

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 use of the site is discussed above. The Agents have advised that the hospital would be secure and would be regulated by the Care Standard Inspectorate for Wales.

Whilst the security concerns are a consideration, Officers do not feel the proposal which involves two stairwells and an infill extension would in itself directly impact on crime and security in the area.

Other matters

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:

5.1 The report sets out what Officers believe to be the main issues of relevance to the consideration of the application. Officer must stress to Members whilst we recognise there are local concerns regarding the use of the site, those issues are not a material consideration on this application. This application is for building alterations to an existing building, with an existing lawful use.

Having regard to the scale of the development, the relevant planning policies and material considerations, Officers do not consider that there is any clear evidence of material harm likely to arise as a result of the development.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 12th May 2026
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 30 October 2020
 - (ii) Existing ground floor plan (Drawing No. EX01) received 30 October 2020
 - (iii) Existing basement floor plan (Drawing No. EX05) received 30 October 2020
 - (iv) Existing first floor plan (Drawing No. EX02) received 30 October 2020
 - (v) Existing second floor plan (Drawing No. EX03) received 30 October 2020
 - (vi) Proposed elevations (Drawing No. P04) received 30 October 2020
 - (vii) Proposed ground floor plan (Drawing No. P01) received 30 October 2020
 - (viii) Proposed first floor plan (Drawing No. P02) received 30 October 2020

- (ix) Proposed second floor plan (Drawing No. P03) received 30 October 2020
- (x) existing site and location plan (Drawing No. EX00) received 30 October 2020
- (xi) Proposed site and location plan (Drawing No. P00 Rev. A) received 5 November 2020

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.