

40/2021/00309



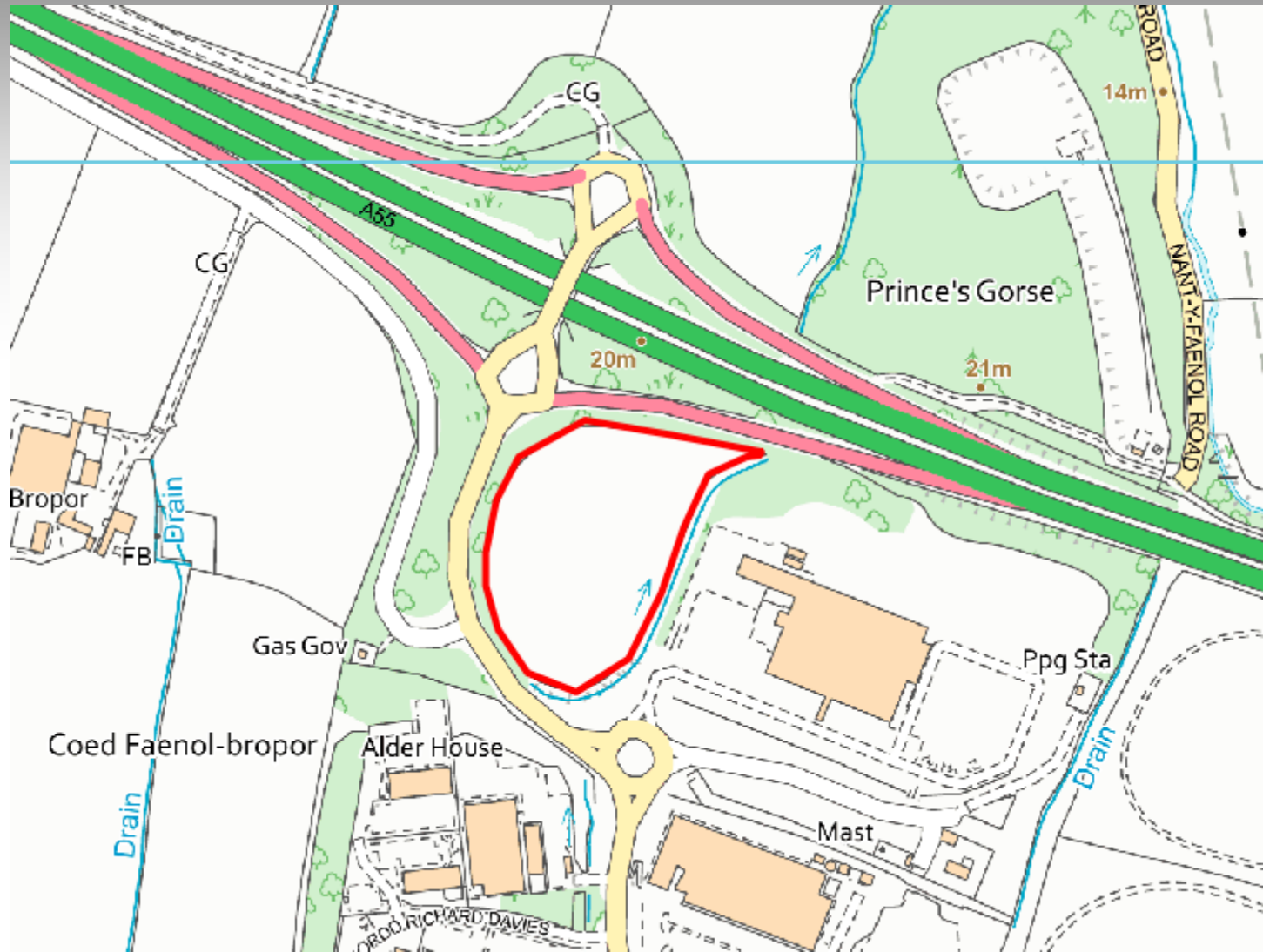
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Site location

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Aerial photos of site

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View of existing site

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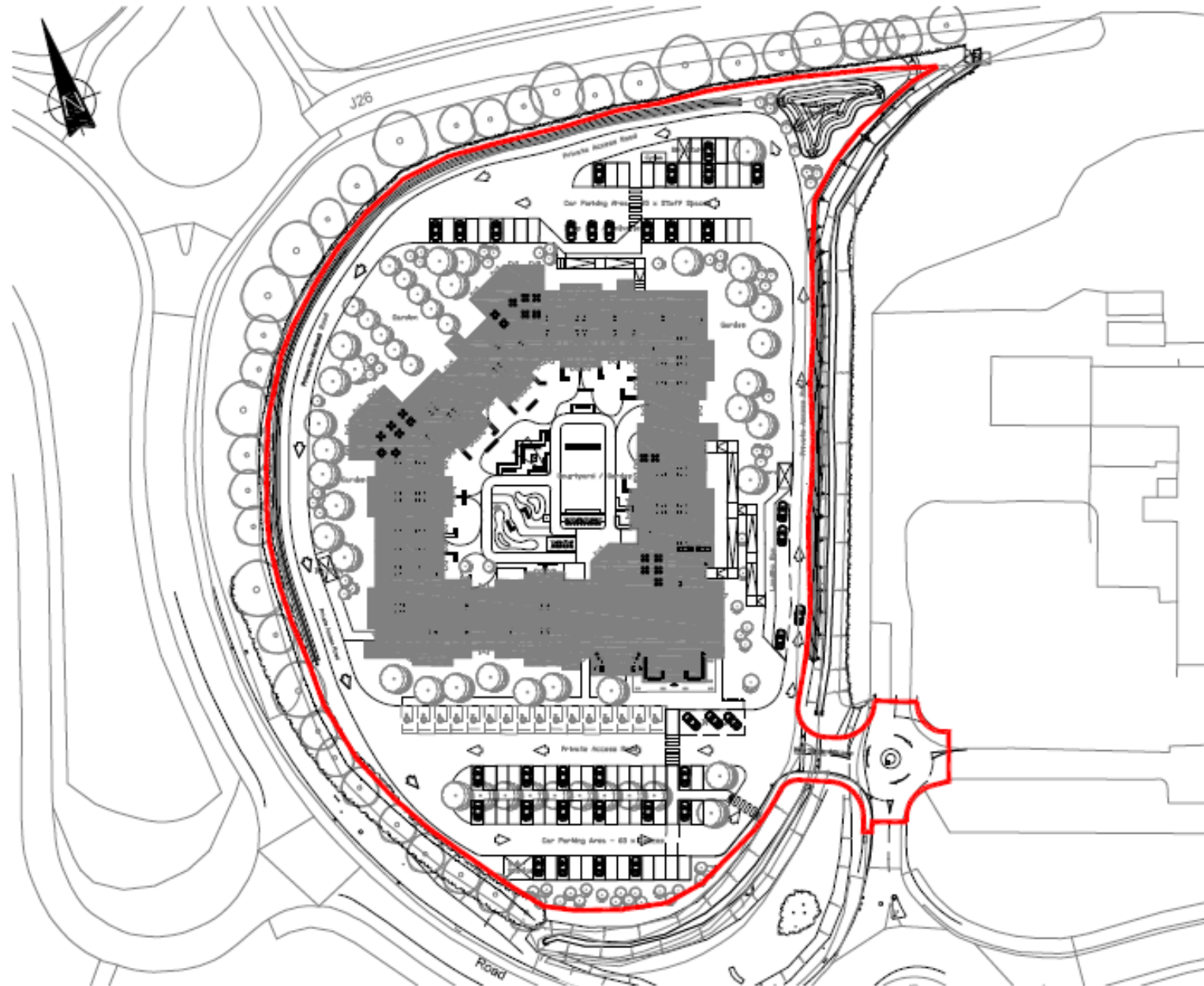
View of existing site

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Google street view from outside Optic building towards
site

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NOTE

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NO.	ISSUE INFORMATION	DATE	BY	REVISION
REV	DESCRIPTION	DATE	BY	REVISION
FOR INFORMATION				52
CLIENT				DEDICATO CONSTRUCTION LTD
PROJECT				STAR UNITS
TITLE				PLANNING BOUNDARY
DRAWN BY	DESIGNED BY	APPROVED BY	SCALE	DATE
DA	MP	NP	1:500	
DATE	REV	REV	REV	REV
05.04.2019		3825		P1
DRAWING NUMBER				
5825-CAU-XX-03-T-1801				
				

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Applicant's 3D sketch of proposed building

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Applicant's 3D sketch of proposed building

WARD : Bodelwyddan

WARD MEMBER(S): Councillor Richard Mainon

APPLICATION NO: 40/2021/0309/ PF

PROPOSAL: Erection of a 198 bed Registered Care Home (Use Class C2), landscaping, parking facilities and associated works (Resubmission)

LOCATION: Plot C7 St Asaph Business Park St Asaph LL17 0JB

APPLICANT: Mr Dylan SouthernStar Units Ltd.

CONSTRAINTS: Within 67m Of Trunk Road

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

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

- Member request for referral to Committee.
Cllr Meirick Lloyd Davies, as neighbouring ward Councillor has requested the application be referred to committee to consider the layout and acceptability of the proposal, the impact on Cefn Meiriadog due to the close proximity to Community area boundary and to consider the case for and against the application.

CONSULTATION RESPONSES:

BODELWYDDAN COMMUNITY COUNCIL – no comments received.

NATURAL RESOURCES WALES – No objection subject to the imposition of a pre-commencement condition to secure submission of an amphibian Conservation Plan which is required due to the likely presence of Great Crested Newt on the site.

DWR CYMRU / WELSH WATER – No objection subject to the imposition of a condition to prevent surface water and / or land drainage being allowed to connect directly or indirectly with the public sewerage network. Advisory notes are also proposed.

WALES AND WEST UTILITIES – no objection. General advice provided with regards to WWU assets in the vicinity of the site.

FIRE AND RESCUE SERVICE – No observations. The Fire Authority advised they will have an opportunity to comment on the proposed fire safety measures within the premises during the Building Regulations Consultation process. Also note the report refers to access for fire appliances and water supplies

WELSH GOVERNMENT DEPARTMENT OF ECONOMY AND INFRASTRUCTURE (TRUNK ROAD HIGHWAY AUTHORITY) –

Welsh Government as highway authority for the A55 trunk road directs that any permission granted shall include the following condition:

- 1) Due to the site's proximity to the trunk road the Applicant shall provide adequate noise mitigation measures within the design of the development.

The above condition is included to maintain the safety and free flow of trunk road traffic. The applicant should also be advised as follows;

- 1) The applicant should contact NMTRA's Street Works Team, should it become evident that the works may impact upon the operation of the trunk road;
- 2) The applicant should be advised in respect of the Awel y Mor Wind Farm development, and the potential impact of its cabling route.

Clarification was sought on the noise mitigation measures to be secured by condition, and Welsh Government have confirmed it is the noise mitigation measures set out in the applicant's noise assessment, and not additional measures, which should be secured by condition.

HEALTH BOARD –Concerns raised.

Health Board consider there has been no material changes since the previous application was refused, and therefore the concerns set out in our previous response remain:

- the Health Board advises that no arrangements are in place for the Health Board to commission such a service from a private provider and currently there are no plans to do so.
- The application's reference to the assessment of the North Wales Collaborative that states, amongst other things, the need to increase the number of nursing home beds, yet this assessment also refers to continuing reduction in care home beds.
- Re-development of the Royal Alexandra Hospital, Rhyl.
- Through its Care Closer to Home Strategy the Health Board is working very closely with local authority partners through our integrated Community Resource Teams, to better support individuals to remain at home and in facilitating their discharge directly home from hospital. In addition, it is also exploring and developing a model for re-ablement in partnership with the local authorities in line with our Care Closer to Home Strategy. This work of this strategy is to move and develop services and facilities within communities rather than having large centralised facilities.
- Query whether there is a genuine demonstrable need for accommodation of such a scale.

Note: The Planning Needs Assessment undertaken on behalf of the developer seeks to address this point outlined in point 1 of the planning decision notice above. This is helpful in understanding the basis used to determine demand for this proposal. However, for the reasons outlined in the section above the development would not be the Health Board's preferred option for meeting the demands of the specified catchment population.

Excluding admissions restrictions due to Covid-19, Integrated Personal Commissioning (IPC) and / or any local embargos to admissions to individual homes, 623 placements are currently available across North Wales. In Denbighshire there are 1,417 Care Inspectorate Wales (CIW) registered placements of which 247 are vacant and of which 194 are available to admissions.

The following issues should also be considered:

- Central area (being Conwy & Denbighshire) is unlikely to be the priority area for the Health Board to support based on existing capacity
- Specialist, high acuity dementia care and younger person's cognitive impairment may however be desirable with appropriate provider specialist leadership and quality controls.
- The 2018 population needs analysis for North Wales requires updating and current capacity and demand figures emerging do not support a current clear need.
- The theoretical catchment area would in practice be the discharge zones of acute, community hospitals, and patient choice following the A55 travel zones for community admissions.
- Open market competition may put at risk existing providers if the capacity is oversupplied which would need to be managed/ possibly supported by the Local Authority and Health Board.
- There are concerns regarding any contingency plans and potential effects and impact, both to Mental Health & Learning Disability services and to BCUHB as a whole. Should the home experience challenges such as the pandemic or for individual patients whose mental and physical health needs deteriorate, what contingency plans will be in place?
- It is widely acknowledged there is a shortage of medical and nursing staff across North Wales and this development could potentially have an impact on both BCUHB workforce

including mental health and other local services. It would therefore be helpful to understand how staff will be recruited in the context of existing pressure on health & social care services.

- The impacts of a vulnerable population increase on primary and community services, urgent care services and wider tertiary services including but not exclusively Continuing Health Care (CHC), Mental Health & Learning Disability (MHL), Podiatry, Local Authority (LA) and Health Board care home monitoring, support and escalation support, etc.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

TRAFFIC, PARKING AND ROAD SAFETY -HIGHWAYS OFFICER

Highways Officers have given consideration to the following elements of the proposals;

1. Capacity of existing network
2. Accessibility
3. Site access
4. Site Layout
5. Parking

The following information has been reviewed as part of the assessment of the proposals;

- Site Plans
- Transport Assessment
- Travel Plan

Having regard to the submitted details Highways Officers consider that sufficient information has been submitted.

Capacity of Existing Network

St Asaph Business Park is well connected to the A55 and the surrounding local highway network and therefore consider that the proposals would not have an unacceptable effect on the local highway network.

Having regard to the scale of the proposed development, the existing highways network and the submitted highways details, it is considered that the proposals would not have an unacceptable impact on the local highways network in terms of capacity.

Accessibility

The proposed site is located at the Northern point of St Asaph Business Park. The proposed site layout provides a network of footways within the site which connect to the existing pedestrian footway and highway network. Ffordd William Morgan, the main distributor road provides a 3.5m footway/cycle path on the Western Side and a 2.0 m footway on the eastern side. Pedestrian crossing points are provided throughout the St Asaph Business Park along Ffordd William Morgan and cycling can be accessed from the site to the wider cycle network. The nearest bus stops are easily accessible within 400m and 700m from the site which provide an hourly service. The site demonstrates that it is in a sustainable in terms of cycle/pedestrian links and is well served by public transport.

Having regard to the location of the existing site and existing arrangements it is considered that the proposals are acceptable in terms of accessibility and the policy requirements identified above.

Site Access

Measures to ensure visibility splays remain free from obstruction have not been identified on the submitted plans however, the wide verges bounding the site are outside the control of the applicant and owned by a third party. There is unrestricted visibility at the point of access to the highway and no obstruction would be permitted on these verges without the approval of the authority in control. The existing junction onto Ffordd William Morgan provides adequate visibility at the point of access.

Site Layout (including roads, pavements, manoeuvring, lighting etc.)

Having regard to the details provided and relevant guidance, it is considered that the on-site highways arrangements are acceptable.

The site provides adequate pedestrian and vehicle routes within the site which connect to the existing local network together and the local cycle and national cycle network. Adequate space for the service and manoeuvring of emergency vehicles is being provided within the site. Although the parking does not meet the requirements laid out in D.C.C.'s parking guidelines it is noted that the staff will be operating on a shift pattern. Further comments have been received by Sustrans and the Local Authority Road Safety/Sustainable Transport Engineer on the submitted Travel Plan, who have raised issues in relation to the robustness of plan. Further discussions will need to be held with these parties to address any issues they have.

Having regard to the above Highways Officers would not object to the proposed on-site highways arrangements subject to the advice given above.

Parking

Parking Requirements SPG state that, for the development proposed, 1 Space per Nursing Staff, 1 Space per 3 Non-Resident Staff and 1 Space per 4 units is required.

The parking proposals are 35 parking spaces for staff and 65 for visitor parking. A total of 100 are proposed.

Taking into consideration that staff will be operating on a shift pattern and the maximum working staff at peak times, during changeover, will be 37, parking provision is adequate to serve the staff during these times and in addition to the sustainable location where other modes of transport are accessible to and from the location Highway Officers consider that the parking will be adequate.

Furthermore, a Travel Plan has been submitted which is a strategy setting out a series of measures and initiatives in order to influence the modal shift towards sustainable transport modes and reduce single occupancy car trips.

A Travel Plan is a package of measures and policies developed by an employer to encourage their staff to travel to work using sustainable modes of transport; walking, cycling, public transport or car sharing.

Further advice has been received from Sustrans and the Local Authority in respect of robustness of the Travel Plan and further discussions will need to be carried out to the relevant parties to address these issues.

Recommendation:

Having regard to the detailed assessments above, Highways Officers would not object to the proposed development, subject to appropriate conditional controls.

Conditions required are:

6. to secure approval of details of the proposed access/highway including the design and construction of the roads, footway, drainage, street lighting, and signage.
7. to secure the submission of a construction method statement

PUBLIC PROTECTION OFFICER – No comments received to current application.

Public Protection comments to the previously refused application (40/2019/0457) are however of relevance as the design and layout of the scheme remains unaltered. Previous comments are as follows:

Although the measurements and calculations contained in the noise report indicate that noise levels within the development will not breach guideline values, relying on acoustic trickle ventilation and opening windows for purge ventilation may become problematic due to increasing average climatic temperatures.

Over-heating of rooms due to solar gain and higher atmospheric temperatures could lead to the use of opening windows as a long term cooling solution, rather than just for pure ventilation purposes, particularly in south facing rooms with windows on the external façade. Consequently residents may be subject to noise levels above guideline values due to the length of time windows could be left open.

The installation of a localised / centralised air conditioning system, or other passive cooling solution (not reliant on opening windows) should be considered to ensure effective cooling and ventilation within bedrooms and living areas. This is especially important as residents are likely to spend long periods of time in their living accommodation. Recommends such a system should be secured by condition.

COUNTY ECOLOGIST– No comments received

Comments to the previously refused application are of relevance as the design and layout of the scheme remains unaltered. Previous comments are as follows:

FLOOD RISK ENGINEER– No comments received

STRATEGIC HOUSING & POLICY OFFICER -

The application site is designated for employment use (Use Class B1) under LDP Policy PSE 2. St Asaph Business Park, including the application site, is not demarcated by a development boundary or area of search which would principally indicate an area to be considered for development proposals with an element of residential use.

As set out in response to previous application (40/2019/0457), the principle of development for a Use Class C2 facility at St Asaph Business Park was not established by the adopted LDP. The proposal must accordingly be subject to LDP Policy PSE 3 in order to release employment land or buildings for an alternative form of land use. It has been noted that the application is supplemented by comprehensive information to address the three policy criteria and previous comments (Supporting Planning Statement, Sequential Site Search Assessment) and therefore, the Policy Officer do not recommend the refusal of planning permission on the basis of LDP Policy PSE 3, i.e. the loss of employment land.

Nonetheless, there remain concerns with regard to the overall principle of erecting a 198 bed care home at St Asaph Business Park. LDP Policy PSE 3 criterion i), addressed the fact that there is no other suitable site available for the development proposal as set out by the applicant. This does however not translate into the fact that the application site is therefore the best location for the proposal in planning terms.

St Asaph Business Park has been identified as a strategic site and premise by the North Wales Economic Ambition Board (NWEAB), see document 'A Growth Vision for the Economy for North Wales' (July 2016). ARUP carried out detailed site research on behalf of the North Wales Planning Authorities, which was published under the title 'North Wales Regional Employment Land Strategy' (July 2014). There is not only a local recognition of St Asaph Business Park as a crucial employment site but also regional recognition of its importance and, accordingly, all efforts are put into attracting more economic activities and related land uses, i.e. Use Class B. The site is therefore not promoted as a place for residential accommodation either at local or regional level.

Use Class C2, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), includes the provision of facilities aiming at residential accommodation and care to people in need of care. Whilst the provision of care services is likely to vary in terms of type and duration, the proposed development is likely to cater for 198 (temporary) residents and their visiting families and friends. As set out above, St Asaph Business Park has not been identified in the adopted LDP as an area that is suitable for development proposals with an element of residential accommodation. It is not located within a defined settlement with supporting infrastructure and not within a demarcated development boundary.

The applicant put forward the argument that "All the facilities within the care home have been designed to mimic those services available within the wider community (...) and are all

standalone facilities within the care home designed to be visited by the residents in order for them to either have some form of continuance within their life or as part of their reablement care and simulation whilst resident within the care home. The care home has been designed to be a standalone facility designed entirely around the resident's reablement and care." Caulmert Limited – Supporting Planning Statement (March 2021), paragraph 3.1.7.

There is no dispute that the proposed provision of services and facilities has been designed with the best interest of residents in mind. From a mere Planning point of view, however, the proposal is for a care home and, unless specific conditions were to be attached to the planning permission, it will be difficult to control what type of care and facilities is provided over a prolonged period of time, and how many residents with different needs for care will permanently live on site. New residents could have a higher degree of independence with the desire to use facilities outside the care home – visit local shops, walk in a park or garden, or visit a sports facility – to interact with the local community.

It is difficult to identify how the chosen location and available facilities (St Asaph Business Park) and the site design/ layout would support them. The application site is not only surrounded by the St Asaph Business Park/ A55/ Junction 26 road network on the outside of the application site boundary but there is also an inner boundary ring for vehicle circulation on site.

PPW 'Figure 9: The Sustainable Transport Hierarchy for Planning' and PPW paragraph 4.1.1 both highlight the importance of locating new development so that people have a "choice in transport and secure accessibility in a way which (...) supports sustainable development, increase physical activity, improves health and helps to tackle the causes of climate change and airborne pollution..." National policy explicitly supports the implementation of the provisions contained in the Active Travel (Wales) Act 2013. PPW paragraph 4.1.30 stipulates that "Planning authorities must support active travel by ensuring new development is fully accessible by walking and cycling. The aim should be to create walkable neighbourhoods, where a range of facilities are within walking distance of most residents, the streets are safe, comfortable and enjoyable to walk and cycle."

The planning application is accompanied by a Transport Assessment which looks at the element of accessibility in terms of walking and cycling. GIS modelling has been undertaken to determine accessibility by foot on the basis of a preferred maximum distance of 2km (see paragraph 5.2.3), and on a bike on the basis of a distance of 5km, (see paragraph 5.3.1). It becomes apparent from Figure 5.1 'Pedestrian Isochrone' that future residents would be able to access any available services or facilities on the outskirts of Bodelwyddan or St Asaph. They would however not reach the town or city centre where the majority of services are located in accordance to the model. Compared with the figures displayed in table 5.1 'CIHT Walking Distances' that sets out acceptable walking distances to town centres at 400m and to other facilities at 800m, and in consideration with the potential age of the care home residents, it must be questioned whether walking and cycling would be the preferred mode of transport for people residing in the facilities. Figure 5.1 'Pedestrian Isochrone' does not address the matter of infrastructure quality; for example, the availability of footpaths in order to ensure a safe journey for residents and visitors.

The submitted 'Planning Need Assessment' (February 2021), which was prepared by Carterwood, sets out the spatial extent of the market catchment area for the proposed development. If the map displayed in figure 7 'Bases of assessment' was to be overlaid by figure 5.1 and figure 5.2 from the 'Transport Assessment', it would become apparent that large areas of the market catchment area are not accessible by foot or by cycle. Residents, family members and friends would have to rely on the car for regular visits.

Notwithstanding the outcome of the technical assessments with regard to meeting permitted levels of noise exposure and air quality standards, it should be queried whether the chosen application site contributes positively to the amenity and wellbeing of future residents, in light of the ambition to "serve people hoping to return home after a period of ill health, complex dementia (...) and some reaching the end of their natural lives" (see Caulmert Limited - Supporting Planning Statement, paragraph 3.1.2). Planning Policy Wales affirms that "National air quality objectives are not 'safe' levels of air pollution. (...) Air just barely compliant with these

objectives is not 'clean' and still carries long-term population health risks." (See PPW paragraph 6.7.2) It continues regarding noise "Lower levels of noise (...) can still be annoying or disruptive and impact on amenity (...) The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so." (See PPW paragraph 6.7.3)

In conclusion, the approval of planning permission is not recommended because the principle of providing a development which contains an element of residential accommodation at St Asaph Business Park has not been established by the adopted Development Plan. It's the location and accessibility of the facility.

HEAD OF COMMUNITY SUPPORT SERVICES

Further to original response [to previous application], the Head of Community Supports Services considers there is still no need for this size of facility in this location. There is not the level of demand in the area for a care home of this size and it would likely result in individuals from outside Wales being placed there in order to maximise occupancy, increasing pressure on local health and social care services.

The recruitment of health and care staff is particularly difficult at this time and the creation of 200 new roles is likely to have a destabilising effect on other valuable local services, thereby actually reducing choice for our most vulnerable citizens.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Phil Riley, TRB Ltd, TRB Drive, St Asaph Business Park

Summary of planning based representations in objection:

TRB Ltd factory premises is adjacent to the proposed development. The company has raised 2 concerns which must be addressed before agreeing to the proposal...

Operator of adjoining unit has raised concerns with the proposed changes to road layout with the introduction of roundabout, which would impact on entrance to adjoining site which is used by HGV traffic. Concern that the roundabout would render entrance to adjoining un-suitable.

Comments also made regarding the need for perimeter fencing to be erected along the shared boundary with adjoining unit.

In support

Representations received from:

Debbie Goodband, Bryn Hedydd, Berthengham, Trelogan Flintshire

Summary of planning based representations in support:

Member of public supports the proposal and has first hand experience of the challenges of trying to secure good quality care home facilities for aging relatives in North Wales, especially for those with complex needs. Existing care homes either do not have space or are not able to provide care for those with complex / high dependency needs.

Comments raised on the aging north Wales population / high percentage of retired residents which will result in increased demand for care home provision, and hospital's stretched capacity.

Provision of some transit external facilities should be a priority.

Long-term residents of north Wales should expect to be able to access modern, quality accommodation to let them see out their days or receive the appropriate rehabilitation to return to their homes.

The granting of planning for this facility is only one part of this large jigsaw puzzle and I fear we are already behind the curve in addressing the issue.

Neither in support or objection:

Representations received from:

Karen Algate, Awel Y Mor Offshore windfarm, RWE, Windmill Hill Business Park, Swindon

Summary of planning based representations neither in support or objection:

Awel y Môr holds a Grid Connection to connect to the National Grid at Bodelwyddan and is currently undertaking an environmental impact assessment to identify a suitable corridor for underground cables and a project substation location. Since the publication of the Scoping Report work has progressed to a finer level of detail and a preferred corridor has been identified for the cable route which includes land within the planning application boundary

RWE is actively pursuing discussions with the landowner and project developer to understand the specific requirements of the project, and communicate the requirements of Awel y Môr, with the aim of ensuring that both projects are able to progress and coexist

EXPIRY DATE OF APPLICATION: 02/06/2021

EXTENSION OF TIME AGREED 06/10/2021

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is for the development of a class C2 registered care home in the form of a 3 storey building containing 198 bedrooms, with landscaping and associated car park facilities on land at the St. Asaph Business Park.
- 1.1.2 The building proposed comprises of a 3 storey metal framed structure with mono-pitch and pitched roofs arranged into three blocks which are proposed to be linked by glazed walkways. Walls are proposed to be finished with a mix of stone cladding and laminate cladding (white and slate colour). The roofs are proposed to be finished with dark grey pre-finished steel.
- 1.1.3 The care home is proposed to be split into 3 main blocks (linked by glazing), details as follows:-
 - Block A consists of 63 beds spread across three floors, with entrance lobby and reception, kitchen and dining area, day rooms, café / coffee shop, treatment rooms, GP room, seminar / training room and other ancillary facilities including retail unit and doggy day care / pet room at ground floor level. A manager's room and nursing station is proposed on the first and second floor.
 - Block B comprises 63 beds
 - Block C comprises 72 beds, a manager's office, nursing stations, dining areas and day spaces in the blocks, with a laundry in Block B.
- 1.1.4 The buildings would be secure, and outside space is proposed within a central courtyard area.
- 1.1.5 Access into the site would be from a new mini roundabout on the western side of the approach from the roundabout on Ffordd William Morgan. The existing footpath would

be extended to the proposed development and the supporting statement indicates two zebra crossings are proposed to enable pedestrian access to the reception area.

- 1.1.6 A 100 space car park is proposed within the site. 35 parking spaces are proposed for staff parking and 65 spaces for visitors which includes 16 disabled spaces. 10 electric parking points are also proposed within the site.
- 1.1.7 Hard and soft landscaping is proposed around the site and within the central courtyard.
- 1.1.8 A mix of timber fencing and mesh fencing is proposed along the site boundary.
- 1.1.9 A Sustainable Drainage system is proposed for the management of surface water. The drainage plan shows the use of porous block pavements and porous artificial grass within the site and rainwater harvesting. Swales are proposed along the perimeter of the site and an attenuation pond is proposed in the north-east corner of the site.

1.2 Other relevant information/supporting documents in the application

- 1.2.1 The Supporting Planning Statement sets out a case to demonstrate the demand for the care home development proposed and the locational requirements for the facility.
- 1.2.2 The Supporting Planning Statement states the care home would comprise of no. 198 en-suite bedrooms to serve people hoping to return home after a period of ill health, complex dementia nursing care and nursing care for those that have complex physical needs and some reaching the end of their natural lives who cannot be cared for in the community or other care homes. The bedrooms are sized to provide both a single or double occupancy and are designed to contain a variety of equipment required for care needs.
- 1.2.3 The application indicates approximately 200 new jobs would be created by the proposal.
- 1.2.4 Other supporting documents include:
 - Planning Need Assessment
 - Sequential Site Search Assessment
 - Revised Noise Assessment (combining previous Noise Assessments / clarifications)
 - Revised Transport Assessment (combining previous Transport Assessment /clarifications)
 - Air Quality Assessment
 - Arboricultural Survey
 - Ecological Assessment

1.3 Description of site and surroundings

- 1.3.1 The site is a vacant plot on the St Asaph Business Park. It is bordered to the north and west by the A55 trunk road, a dual carriage way, and the junction 26 access road, and the St Asaph estate road runs along the western and southern boundary of the site, with a roundabout junction to the south.
- 1.3.2 The site is surrounded by occupied units on the St. Asaph Business Park, with the adjoining plot to the east currently occupied by TRB Ltd, an automotive switch product manufacturing and assembly plant, which would fall within a B2 use class.
- 1.3.3 To the south west on the other side of the roundabout junction is the Optic Technology Centre, a research and development facility which falls within a B1 use class.

- 1.3.4 To the south of the site on the opposite side of the estate road are further office units currently occupied by North Wales Police, NHS Wales Shared Service Partnership and the North Wales Fire and Rescue Service which all fall within a B1 use class.

1.4 Relevant planning constraints/considerations

- 1.4.1 The site lies outside of any development boundary as defined in the Local Development Plan, and is situated on the St. Asaph Business Park which is an allocated employment area. The Local Development Plan Proposals Map shows the site is within the area allocated for Class B1 uses.

1.5 Relevant planning history

- 1.5.1 There are historical consents relating to the establishment of the business park, which are not of particular relevance to the current proposal.
- 1.5.2 A previous application for mixed development comprising a mix of B1 office, light industrial development and an A1/A3 farm shop and café on the site was submitted in 2015, but was subsequently withdrawn.
- 1.5.3 A previous planning application for a 198 bed care home was refused submitted in 2019 and refused in March 2020 on two grounds. The current application for the same development proposal that was the subject of the refused application, however additional information has been submitted in an effort to overcome the reasons for refusal.

1.6 Developments/changes since the original submission

- 1.6.1 The applicant has submitted additional supporting statement in response to consultation responses received from the Health Board and the Council's Head of Community Support Services.
- 1.6.2 Officers sought clarification from Welsh Government with respect to their comments regarding noise mitigation measures condition proposed.

1.7 Other relevant background information

- 1.7.1 When the previous application was considered, the Bodelwyddan Key Strategic Site benefited from an extant outline consent. The outline consent included approval for a new 80 bed care home. Members are advised that the outline consent has however now expired.

2. DETAILS OF PLANNING HISTORY:

2.1 40/2019/0457. Erection of a 198 bed Registered Care Home (Use Class C2), landscaping, parking facilities and associated works. Refused 30 March 2020 for the following reasons:

1. *It is the opinion of the Local Planning Authority that a compelling case has not been made to demonstrate there is an overriding need for a C2 use class care home development of the nature and scale proposed in this location, on land which is allocated and safeguarded for high quality employment uses only in the Denbighshire Local Development Plan. The proposal does not clearly demonstrate that there is no other suitable land available within established settlements to meet the need for the development, and to justify prejudicing the ability of the St. Asaph Business Park to meet a range of local employment needs. In circumstances where the principle of a C2 use class care home development has not been justified, the proposal is considered to be in clear conflict with Policy PSE2, Policy PSE3 (i) and (iii) in the Local Development Plan and the advice and guidance contained in Sections 3.56, 5.4.15 and 6.7.19 of Planning Policy Wales (Edition 10) and Technical Advice Note (TAN) 23: Economic Development (2014).*

2. *It is the opinion of the Local Planning Authority that having regard to the nature of the use / development, the location of the site in an allocated employment area outside of any defined development boundaries, away from established settlements, in close physical proximity to a major trunk road and an existing B2 Use Class unit, it would not be possible to provide a satisfactory standard of amenity for the residents of the care home, which would be*

prejudicial to their well-being. The care home is therefore considered to be incompatible use in this location, in conflict with the advice and guidance contained in the Development Management Manual paragraph 9.4.3, Sections 5.4.15, 6.7.2, 6.7.3 and 6.7.19 of Planning Policy Wales (Edition 10) and Technical Advice Note (TAN) 11: Noise (1997).

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 RD5 – The Welsh language and the social and cultural fabric of communities

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC2 – Brownfield development priority

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC11 – Recreation and open space

Policy BSC12 – Community facilities

Policy PSE2 – Land for employment uses

Policy PSE3 – Protection of employment land and buildings

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Planning and the Welsh language

Supplementary Planning Guidance Note: Trees & Landscaping

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Policy 6 - Town Centre First

Technical Advice Notes:

TAN 5 Nature Conservation and Planning (2009)

TAN 11 Noise (1997)

TAN 12 Design (2016)

TAN 18 Transport (2007)

TAN 20 Planning and the Welsh Language (2017)

TAN 23 Economic Development (2014)

Circulars:

The Use of Planning Conditions for Development Management Circular WGC 016/2014

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 Ecology
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)
- 4.1.7 Impact on Welsh Language and Social and Cultural Fabric

4.2 In relation to the main planning considerations:

4.2.1 Principle

The LDP provides the rational basis for decisions in accordance with the presumption in favour of sustainable development as set out in Planning Policy Wales (PPW, Edition 10, 2018).

LDP Policy PSE 2 states land and premises at the St. Asaph Business Park, as shown on the Proposals Map, is safeguarded and allocated as a high quality employment site. The St Asaph Business Park Proposals Map shows the site falls within the land allocated for B1 employment uses.

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:

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

Future Wales Policy 6 – Town Centre First states “*Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region. A sequential approach must be used to inform the identification of the best location for these developments and they should be identified in Strategic and Local Development Plans.*”

In terms of the national planning policy context, Planning Policy Wales (PPW 11) Section 3.60 states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. It also advises that new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

PPW Section 5.4.15 states “Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.”

PPW 11 Section 6.7.19 refers to care homes as 'sensitive development'. It states "It will not be appropriate to locate sensitive uses, such as hospitals, schools, care homes and housing adjacent to busy roads or other transport routes, where there are no connectivity benefits to be gained and where health and amenity impacts associated with increased exposure of people to pollution will be unacceptable. Whilst some uses may be appropriate with the aid of good design, air quality and soundscape considerations can be overriding factors, especially for sensitive uses, if they cannot be adequately mitigated and impacts minimised.'

TAN 23 prescribes a flexible approach to planning for economic development. However, Section 1.1.6 highlights the importance of a continued effort to plan for traditional employment land use classes B1, B2, and B8 in a sustainable manner, and Section 4.6.9 states existing employment sites should only be released for other uses if one or more of the following apply:

- they have poor prospects of being re-occupied for their previous use;
- the particular market that the site is part of is oversupplied;
- the existing employment use has unacceptable adverse impacts on amenity or the environment;
- the proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained;
- other priorities, such as housing need, override more narrowly focussed economic considerations; and/or
- land of equal or better quality is made available elsewhere, even if this is not within the local planning authority boundary.

The proposed development is referred to as a strategic 198 bed care home facility (C2 use class) aimed at providing care for a specific range of residents which has been designed to be a standalone facility with its own facilities specifically intended to support re-enablement of its residents. Facilities include medical treatment rooms to be used by visiting medical practitioners, kitchen / dining space, café and retail units.

The application is a re-submission of a previously refused application which was refused on grounds of principle and amenity.

The development proposed in the current application is the same as that refused in the previous application. However the applicant has now provided additional information in support of the application, including a Planning Need Assessment and a Sequential Site Search Assessment.

The Health Board and the Council's Head of Community Support Services have both raised concerns with the need for a care home of the size and scale proposed in this location.

The site is a vacant plot on the St Asaph Business Park. It is bordered to the north and west by the A55 trunk road, a dual carriage way, and the junction 26 access road, to the south is a complex of offices and a science / research facility, and to the east resides a company that supplies automotive switch products to vehicle manufacturers, and which falls within a B2 use class.

St Asaph Business Park, including the application site, is not demarcated by a development boundary or area of search which would principally indicate an area to be considered for development proposals with an element of residential use.

However, Policy PSE2 states land and premises at the St. Asaph Business Park, as shown on the Proposals Map, is safeguarded and allocated as a high quality employment site. The St Asaph Business Park Proposals Map shows the site falls within the land allocated for B1 employment uses only.

Policy PSE 3 sets out three distinctive criteria which all must be met in order to release employment land for alternative forms of land use.

Matters of principle are considered to fall within 3 distinct areas; need for the development; compliance with Policy PSE2; and compliance with Policy PSE3. These are addressed separately below:

Need for the development:

Whilst the provision and organisation of health care services is not normally material to the determination of planning applications, it is of relevance in this instance given the site is outside of any development boundary defined in the LDP and is sited on land on the St. Asaph Business Park which has been allocated for employment uses only. The principle of a care home development in this location is therefore not supported by national planning policies or the LDP and a compelling case would need to be made to justify a departure from the development plan in this instance.

The Supporting Planning Statement states there is a significant shortfall of new, high quality, single bed en-suite shower and toilet care home rooms within Denbighshire. It states the majority of care homes in the County and North Wales are privately run and there are very limited numbers of existing care homes spaces which provide en-suite shower bedrooms and current stock provision is significantly outdated. It goes on to state that it is understood that there is a requirement for up to 400 new bedrooms over the next 10 years within Denbighshire alone.

The current application is also supported by a detailed Planning Needs Assessment which defines the market catchment for the proposed care home, and examines the quantitative and qualitative need for new 'market standard' care home beds in the market area and in the County respectively.

Market standard care home beds are defined as being a care home bedroom with en-suite facilities.

The market catchment is shown to be the northern parts of Denbighshire and Conwy, incorporating the settlements of Prestatyn, Rhyl, Kimnel Bay, Towyn, Abergele, Rhuddlan, Dyserth, Bodelwyddan, St Asaph, Trefnant, Denbigh, Llanfair Talhaiarn and Llansannan.

The Planning Needs Assessment concludes that in 2024 (which is assumed to be the earliest date by which the care home would become operational) there would be a significant and increasing unmet need for additional market standard elderly care home beds within the market catchment and the proposed development of a 198-bed care home at St Asaph Business Park would make a considerable contribution towards meeting this need.

It is to be noted that the Health Board and the Council's Head of Community Support Services have raised significant concerns regarding the purported need for a new care home of the size proposed, and the Health Board have made clear no arrangements are in place for the Health Board to commission such a service from a private provider and currently there are no plans to do so.

Notwithstanding the concerns raised by statutory consultees, having regard to the conclusions of the Planning Need Assessment, Officers accept there is a clear identified shortfall of modern en-suite care home provision in the County and across North Wales, and that the proposal would make a meaningful contribution to meeting that shortfall.

PSE 2 - Employment land allocation:

Policy PSE2 supports development falling within use classes B1, B2 and B8 on existing employment sites and new allocations for employment purposes.

The proposed care home use would fall within Use Class C2 Residential Institutions. It does not fall within any of the Class B uses which are generally regarded as being business and industrial and recognised in Policy PSE2 as employment uses.

It is acknowledged the proposal would generate jobs and income and therefore falls within the broad definition of economic development given in PPW Section 5.4.1. Although TAN23 recognises the importance of the whole economy contribution to economic growth, it also states at Section 1.1.6 that “*the traditional land use classes B1-B8 must continue to be planned for in a sustainable way as these will form the cornerstone of many development plan employment policies and site allocations.*”

Officers accept the proposal would generate employment which potentially carries some weight in support of the proposal, however, in parallel to the Inspector’s assessment in the Brighton Road private hospital Appeal Decision (APP/R6830/A/19/3236689) the primary aim of the facility proposed is to provide medical care and not generate jobs and wealth and therefore the proposal is not considered to fall within the remit of economic development set out in national policy, and therefore the proposal would not be considered to be employment development for the purposes of applying Policy PSE2.

PSE 3 i)

Site selection:

The previous application was refused in part due to insufficient information being provided to demonstrate that there was no other suitable land available for the development proposed.

The current application is supported by a revised Sequential Site Search Assessment, which provides a more comprehensive assessment of alternative sites, and which has assessed all suitable land available within established settlements (development boundaries as defined by the LDP) of Denbighshire County Council together with all other suitable land available within an identified circa 6 miles market catchment area which has been identified through a Planning Need Assessment.

The Assessment concluded that there is no suitable land within either the Market Catchment Area or the wider Denbighshire County Council area having considered all land of 1.5 ha or more within the defined search area. This has considered the Key Strategic Site, several ‘Lower Growth Town’ settlements, villages and hamlets in Denbighshire, three settlements in Flintshire and settlements in Conwy.

Officers consider the revised Sequential Site Search Assessment has sufficiently demonstrated there is no other land available which would meet the needs of the development. The proposal has therefore demonstrated compliance with PSE3i).

PSE3 ii)

Evidence has been provided with the application to demonstrate the site has been vacant since the inception of the Business Park and that the site has been actively marketed for several years for employment use. The policy requires a marketing process of 1 year. Officers are therefore satisfied that PSE3 ii) has been complied with.

PSE3 iii)

Quantitative loss of employment land:

St Asaph Business Park has been identified as a strategic employment site for advanced manufacturing and energy-related businesses in North Wales and it is considered important to strictly control any development proposals on the business park which could undermine the employment offer.

Officers acknowledge the take up of employment land over the plan period has been low, and the Strategic Planning and Housing Officer has advised the loss of 1.6ha of

employment land would not prejudice the ability of the County to meet a range of local employment needs.

Whilst the loss of the site would not prejudice the ability of an area to meet a range of employment needs from a quantitative employment land supply perspective, Officers do however have concerns that the proposal may impact upon the ability of the Business Park to meet a range of employment needs due to concerns over compatibility of a C2 use with B1 and existing B2 use classes.

Compatibility with surrounding land uses:

Whilst the majority of the Business Park is allocated for B1 uses, it has to be acknowledged that the adjoining plot is already occupied by an existing business which falls within a B2 use class, which would encompass a range of development types which could generate noise and disturbance. It is noted that the operator on the adjoining plot has commented on the application, and has noted in their response there is regular HGV vehicular movements to and from their site.

However, notwithstanding the presence of an existing B2 use, the LDP Proposals Map shows the northern section of the Business Park is allocated for B1 uses only, and a care home development in this location is unlikely to prevent B1 uses from coming forward in the future given the characteristics of B1 uses. Accordingly the proposal would not be in direct conflict with PSE3iii).

Whilst Officers are satisfied that the proposal would not prejudice the ability of the area to attract new office development on the Business Park in the future, the proximity to a B2 unit does raise questions about the suitability of the site to support a care home development, which is considered further under the Residential amenity section below.

Conclusion:

In conclusion, national and local planning policies seeks to direct new development to within established development boundaries and PPW makes clear that new developments outside of development boundaries should be strictly controlled. The St. Asaph Business Park does not fall within a development boundary of a settlement, although land there is allocated and safeguarded for employment uses only.

The supporting information has demonstrated there is both a quantitative and qualitative shortfall of en-suite care home beds in the identified market catchment and Denbighshire respectively, and that there is no other suitable sites within the search area to meet the needs of the development.

Notwithstanding the concerns raised by statutory consultees, Officers consider the evidence presented does put forward a reasonable argument for the need for the development and evidences that there are no alternative sites which meet the needs of the development currently available on the market.

Evidence has also been provided to demonstrate that the site has been actively marketed for employment uses for a sustained period over several years, and no viable options have come forward in that time.

Having regards to the above, a refusal on grounds of loss of employment land is not justified in this instance.

However, the acceptability of the proposed development in this location is considered further in the sections below.

4.2.2 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

No representations have been received raising issues on visual amenity grounds.

The site is located in a prominent location adjacent to the A55 and close to the slip road off Junction 26 which is a key gateway into the St. Asaph Business Park. There are a number of modern two and three storey buildings on the business park.

The proposal is for a modern three storey building consisting of three blocks arranged around a central courtyard, with hard and soft landscaping integrated into the site.

Having regard to the design, siting, scale, massing and materials of the proposal in relation to the character and appearance of the business park setting, the locality and landscape, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.3 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

PPW 11 Section 6.7.19 refers to care homes as 'sensitive development'. It states "*It will not be appropriate to locate sensitive uses, such as hospitals, schools, care homes and housing adjacent to busy roads or other transport routes, where there are no connectivity benefits to be gained and where health and amenity impacts associated with increased exposure of people to pollution will be unacceptable. Whilst some uses may be appropriate with the aid of good design air quality and soundscape considerations can be overriding factors, especially for sensitive uses, if they cannot be adequately mitigated and impacts minimised.*"

Section 6.7.20 states "*Where sensitive developments need to be located close to existing transportation infrastructure for sustainable movement and access they should be designed, as far as practicable, to limit harmful substances and noise levels within and around those developments both now and in the future. This may include employing the principles of good acoustic design and the inclusion of active travel or travel management measures as part of development proposals. Such development, however, should preferably be located away from existing sources.*"

PPW Section 5.4.15 states "*Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.*"

PPW clarifies that "*National air quality objectives are not 'safe' levels of air pollution. (...) Air just barely compliant with these objectives is not 'clean' and still carries long-term population health risks.*" (PPW paragraph 6.7.2) It continues regarding noise "*Lower levels of noise (...) can still be annoying or disruptive and impact on amenity*

(...) *The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so.*" (PPW paragraph 6.7.3)

TAN11 (Noise) Section 10 states: *'Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night'*.

Future Wales Policy 6 – Town Centre First seeks to direct new significant health facilities to within town and city centres.

Strategic Planning and Housing Officers have raised concerns on grounds of noise and air quality.

Welsh Government have advised conditions are required to secure noise mitigation measures set out in the Noise Assessment.

The application is a re-submission of a previously refused scheme which was refused in part on grounds that it would not be possible to provide a satisfactory standard of amenity for the residents of the care home, which would be prejudicial to their well-being.

The proposal is for a care home which would provide short and long term accommodation for vulnerable residents and there is the need to ensure the development can provide a satisfactory standard of amenity for future residents.

The site is adjacent to the A55 and therefore traffic related noise and air quality need to be carefully assessed. The site is also adjacent to an active commercial unit which may also generate noise, emissions, light pollution etc. from traffic movement, deliveries and operational activities which could adversely impact on amenity of future occupants and which would need to be carefully considered.

The application is supported by an Air Quality Assessment and a Noise Assessment.

Air Quality:

The Air Quality Assessment concludes the development is unlikely to be exposed to concentrations exceeding the relevant AQS objectives and is therefore considered to be suitable for the proposed care home use.

Noise:

An updated Noise Assessment has been submitted with the application. It identifies the main source of noise likely to impact upon the proposed development is traffic noise from the A55.

An assessment of intermittent commercial activity noise associated with the neighbouring TRB Ltd site to the east indicates that the potential impact would be low to negligible.

The noise assessment states that WHO Guidance and British Standard BS 8233:2014 provides guidance for the control of noise in and around buildings.

The Noise Assessment states that day time and night time noise would exceed maximum levels set out in the relevant guidance and that a detailed Acoustic Design Statement (ADS) is required in order to demonstrate how adverse impacts of noise will be mitigated and minimised and which clearly demonstrates that a significant adverse noise impact will be avoided.

The noise assessment states that if windows are open, the internal noise levels within the building would exceed recommended maximum noise levels for residential buildings.

To mitigate this, the assessment proposes adopting a ventilation strategy that negates the need to open windows, which is required to control average noise levels inside the building. In practice, this means that other measures need to be installed to provide ventilation / control internal temperatures so that windows do not need to be opened other than for short periods of time (e.g. allow fresh air into the room at the discretion of the occupant).

Welsh Government Trunk Road Authority have advised conditions should be imposed to secure the noise mitigation measures set out in the noise assessment report.

Public Protection Officers have advised on the previous application that relying on acoustic trickle ventilation and opening windows for purge ventilation may become problematic due to increasing average climatic temperatures. Over-heating of rooms due to solar gain and higher atmospheric temperatures could lead to the use of opening windows as a long term cooling solution, rather than just for purge ventilation purposes, particularly in south facing rooms with windows on the external façade. Consequently residents may be subject to noise levels above guideline values due to the length of time windows could be left open.

In this context, Public Protection Officers previously advised that, in addition to the proposed ventilation strategy, the installation of a localised / centralised air conditioning system, or other passive cooling solution (not reliant on opening windows), should be undertaken to ensure effective cooling and ventilation within bedrooms and living areas. This is especially important as residents are likely to spend long periods of time in their accommodation.

The noise mitigation proposed relies on the installation of a ventilation system to prevent the need for windows to be opened, and Public Protection Officers have further advised air conditioning is also required to control internal temperatures.

Whilst conditions could be imposed to require the installation of mechanical ventilation / air conditioning systems, in Officers' view, it would not be feasible to impose conditions which prevent windows being left open for long periods of time, as such conditions would not be capable of meeting the relevant tests for their imposition, in particular being simply impractical to enforce. Such a condition would also not be precise as the period of time which windows could be opened is not clearly defined.

It is also suggested that the reliance on ventilation / air conditioning systems would only negate the need to open windows if such systems were well maintained and keep in good working order at all times. Respectfully, centralised systems do not override personal preference in individual rooms, as residents who may be sensitive to heat may still choose to open windows to control internal temperatures, which would result in such residents being exposed to unacceptable levels of noise.

General Amenity:

In terms of outdoor space, the internal courtyard proposed would experience noise below WHO guidelines for outdoor amenity areas, however other areas of outdoor space would experience noise in excess of WHO guidelines.

Wellbeing:

The site on the business park, outside of any development boundary, and is some distance from established settlements or residential areas.

The site is close to the A55 trunk road and a major road junction and the adjoining plot is occupied by an existing business which falls within a B2 use class which could generate noise and general disturbance. It is noted that the operator on the adjoining plot has commented on the application, and has stated in their response that there are regular HGV vehicular movements to and from their site.

The proposal is considered to be a highly sensitive form of development, and Officers have concerns that the proposal would be an incompatible use on an allocated employment area in such close proximity to a major trunk road and B2 commercial enterprise, which may generate noise and disturbance.

Officers also have concerns that siting a care home on a business park, away from existing communities would also adversely impact on the well-being of future residents, as it would foster a sense of exclusion and isolation from the wider community and therefore it is questionable how a care home development in this location would contribute positively to the well-being of future residents.

Conclusion on residential amenity:

Based on the noise assessment, the results show the noise levels experienced in the bedrooms would well exceed maximum limits for residential developments, and that the adverse effects of noise could only be reduced to below the maximum limits through the implementation of the mitigation measures. In essence, the mitigation measures proposed would require windows to be closed most of the time and for a mechanical ventilation system to be installed to negate the need to open windows.

PPW makes clear that lower levels of noise can still be annoying or disruptive and impact on amenity, and even if windows remain closed at all times, the traffic noise from the A55 would still be clearly audible from within bedrooms.

The proposal has not factored in climate change and likely increase in average temperatures, and therefore Public Protection Officers have previously advised that, as windows are proposed to remain closed, air conditioning would also need to be installed to prevent rooms from overheating.

Whilst conditions can be imposed to require air conditioning / ventilation systems to be installed, conditions cannot be imposed to restrict the amount of time windows can be opened as such a condition would not meet the tests set out in the Conditions Circular, and therefore Officers have concerns regarding the precision and enforceability of the proposed noise mitigation strategy.

Whilst appreciating the future residents of the care home would most likely not be able to leave the facility independently, the amenity and well-being of future occupants is nevertheless a significant consideration.

Officers also have concerns that siting a care home on a business park, away from existing communities and adjacent to a major road junction and a B2 use class commercial unit would also adversely impact on the well-being of future residents, as it would foster a sense of exclusion and isolation from the wider community and therefore it is questionable how a care home development in this location would contribute positively to the well-being of future residents.

Having regard to the above, Officers therefore consider the proposal has not satisfactorily demonstrated the care home facility proposed would provide an adequate standard of amenity for future residents, or due to its location, how it would make a positive contribution to the well-being of future residents.

4.2.4 Ecology

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests

that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

NRW have raised no objection to the proposal, subject to conditions being imposed to secure submission of an amphibian Conservation Plan which is required due to the likely presence of Great Crested Newt on the site

A Preliminary Ecology Appraisal has been submitted in support of the application, and details of luminance of external lighting has been submitted.

It is to be noted that the proposal includes the provision of an attenuation pond in the north-west corner of the site as part of the surface water drainage strategy, which could also function as a habitat feature subject to its detailing.

New planting is proposed within garden areas around the proposed building, however species lists have not been provided.

Planning conditions can be imposed requiring details of landscaping to be submitted for approval with a requirement to incorporate native species planting, and for the attenuation pond to be designed in a way to provide dual functionality for drainage and ecological purposes.

Having regard to the above, subject to necessary conditions being imposed, Officers are satisfied the proposal would not have an adverse impact on ecological interests and the proposal would be in general compliance with the policies listed above.

4.2.5 Drainage (including flooding)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

The site lies entirely within Zone A as defined by Welsh Government's Development Advice Map (DAM) as referred to in TAN15: Development & Flood Risk.

NRW raise no objection to the proposal on flood risk grounds.

Whilst the Council's Drainage Engineer has not commented on the application, at pre-application stage the Engineer had advised the site is at an elevation above the

ordinary watercourse that would preclude it flooding in the event that the ordinary watercourse became blocked, and therefore a flood consequence assessment would not be required.

An on-site sustainable drainage system is proposed to manage surface water including swales and an attenuation pond. Separate, formal approval from the SAB approval body would be required to the detailing of the on-site SUDs.

Having regard to the above, Officers would conclude the development would not be at an unacceptable risk of localised flooding and the surface water drainage scheme is considered to be acceptable in principle, and would be controlled through the separate SAB regulatory regime.

4.2.6 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and 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; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

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. These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

PPW 4.1.1 highlights the importance of locating new development so that people have a *“choice in transport and secure accessibility in a way which (...) supports sustainable development, increase physical activity, improves health and helps to tackle the causes of climate change and airborne pollution...”* National policy explicitly supports the implementation of the provisions contained in the Active Travel (Wales) Act 2013. PPW paragraph 4.1.31 stipulates that *“Planning authorities must support active travel by ensuring new development is fully accessible by walking and cycling. The aim should be to create walkable neighbourhoods, where a range of facilities are within walking distance of most residents, the streets are safe, comfortable and enjoyable to walk and cycle.”*

Highways Officers have raised no objection to the proposal subject to the imposition of conditions.

Welsh Government Trunk Road Highway Authority have not raised any specific objection to the proposal on highway safety, accessibility or capacity grounds.

Strategic Planning and Housing Officers have raised concerns on grounds of accessibility, as site is not within realistic walking distance to St Asaph or Bodelwyddan town centres, and owing to the market catchment identified, visitors to the proposed care home would likely travel by car.

With respect to parking, 100 parking spaces are proposed within the site of which 35 would be for staff parking only, with the remainder of the spaces unallocated so they can be used by staff or visitors.

Whilst the care home would employ in the region of 200 members of staff, the Transport Statement infers that due to shift work patterns, no more than 37 staff will

be at the site at any time. These numbers referred to relate to the core operation of the care home, and not ancillary provision within the site (retail unit, café etc.).

Nevertheless, as parking standards appear to have been met, and in addition to the sustainable location where other modes of transport are accessible to and from the location, the parking provision is considered to be adequate.

Having regard to the consultation response of Highway Officers, the proposal would appear to be acceptable in terms of the capacity of existing highway network, site access, site layout and parking.

Highways Officers have advised the nearest bus stops are easily accessible within 400m and 700m from the site which provide an hourly service, and the site is close to cycle / pedestrian links, however it has to be acknowledged that the site is not within a reasonable walking distance to the centres of Bodelwyddan and St. Asaph. The application is supported by an Active Travel Plan.

On balance, the proposal would not result in any unacceptable adverse impact to highway safety, and Officers do not consider a refusal on grounds of accessibility would be warranted in this instance.

4.2.7 Impact on Welsh Language and Social and Cultural Fabric

The requirement to consider the needs and interests of the Welsh Language is set out in Planning Policy Wales (PPW 11); TAN 20 and Policy RD 5 of the Local Development Plan.

TAN 20 (2017) provides the most up to date guidance on the consideration of the Welsh Language.

The development would be considered to be of a windfall nature for the purposes of TAN20, and therefore the impact of such a proposal on the linguistic character of the area needs to be assessed at application stage.

TAN20 came into force in October 2017 and the Council has accepted that the provisions of TAN20 take precedence over the LDP policy.

TAN20 at 3.2.2 states applications to develop windfall sites should be assessed against the strategy and policies of an adopted development plan, and with regards to relevant national planning policies. When a LPA receives a proposal for a large development on a windfall site in an area it has defined as linguistically sensitive or significant, an assessment of the likely impact of the development on the Welsh language may be undertaken.

The supporting information provided with the application does not make reference to the provisions of Policy RD5 or TAN20, however Officers would note the proposed care home would draw upon the Denbighshire and wider North Wales market, rather than from England.

No area in Denbighshire has been formally identified as being linguistically sensitive or significant, and on that basis, whilst neither a linguistic assessment nor a Welsh language statement has been provided, Officers do not consider a refusal due to lack of information on the impact of the proposal on the Welsh language would warrant a refusal on those grounds.

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 application is a re-submission of a previously refused application, which was refused on grounds on principle and residential amenity. The current proposal is the same as the refused scheme, however additional and updated information has been provided, (including a Planning Need Assessment and a more comprehensive Sequential Site Search Assessment) to address previous reasons for refusing planning permission.
- 5.2 The application site is located on the St. Asaph Business Park which is not within the development boundary of a settlement as defined in the adopted Denbighshire Local Development Plan. Land at the Business Park has been allocated and safeguarded for employment uses only.
- 5.3 The Health Board and the Council's Head of Community Support Services however, do not support the principle of the proposal, and have raised a number of significant concerns.
- 5.4 The applicant has demonstrated there is a clear shortfall in good quality en-suite care home beds in the identified market catchment area and Denbighshire respectively and that the proposal would make a contribution towards meeting the identified shortfall.
- 5.5 A Sequential Site Search Assessment has demonstrated there is no alternative site of equivalent size to meet the needs of the development.
- 5.6 Whilst the site is allocated for employment use, the applicant has demonstrated compliance with the tests contained in PSE3 and therefore a refusal on grounds of loss of employment land is not justified in this instance.
- 5.7 The site is close to the A55 trunk road and business / industrial units. Officers do not consider a noise mitigation strategy which relies on residents not opening windows for any length of time is practical or enforceable. There are questions over the well-being of future residents due the location outside of development boundaries, remote from established settlements and facilities and the proximity to the A55 and adjacent to business / industrial uses, with attendant noise and general disturbance.
- 5.8 The proposal is therefore recommended for refusal on grounds that the development would not provide a satisfactory standard of amenity for residents of a care home.

RECOMMENDATION: REFUSE- for the following reason:-

1. It is the opinion of the Local Planning Authority that having regard to the sensitive nature of the care home use / development proposed, the location of the site in an allocated employment area outside of any defined development boundaries, away from established settlements, in close physical proximity to a major trunk road and an existing B2 Use Class unit which would generate noise and general disturbance, it would not be possible to provide a satisfactory standard of amenity for the residents of the care home, which would be prejudicial to their well-being. The noise mitigation proposed is also considered to be imprecise and impractical to enforce. The care home proposed is therefore considered to be

incompatible use in this location, in conflict with the advice and guidance contained in the Development Management Manual paragraph 9.4.3, Policy 6 of Future Wales: The National Plan 2040, Sections 5.4.15, 6.7.2, 6.7.3, 6.7.19 and 6.7.20 of Planning Policy Wales (Edition 11, February 2021) and Technical Advice Note (TAN) 11: Noise (1997).