

Mark Roberts



Ymgynghorydd Cynllunio a'r Amgylchedd
Planning and Environmental Consultant

**27 Prince's Drive,
Bae Colwyn
Conwy
LL29 8HT**

07 [REDACTED] 8
01 [REDACTED] 8
05 [REDACTED] 9



TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Mr M. Kreft

AGAINST: The refusal of planning permission by Wrexham County Borough Council for the erection of a residents' pavilion and therapy room.

SITE: Pendine Park Nursing Home, Summerhill Road, Stansty Park, Wrexham, LL29 6AB

LOCAL PLANNING AUTHORITY REFERENCE:
P/2010/0888

THE PLANNING INSPECTORATE'S REFERENCE:
APP/H6955/A/11/2155138

STATEMENT on behalf of **Mr M. Kreft**

1. INTRODUCTION

- 1.1 This statement is prepared in the knowledge that both the appellant and the Inspector should have at their disposal copies of the following: -

- a) A copy of the completed planning application form, together with all drawings, plans and supporting information upon which the Council based its decision.
- b) Copies of written consultations undertaken by the Local Planning Authority and copies of any representations received.
- c) Copies of any third party representations received.
- d) A copy of the planning officers' report.
- e) A copy of the decision notice.

The following statement should be read in conjunction with the above

2. SITE DESCRIPTION

- 2.1 Pendine is a residential nursing care facility catering for older adults afflicted by 'Dementia/Alzheimer's disease' as well as adults of all ages who have suffered brain injury or organic degenerative illnesses such as 'Muscular Sclerosis' etc.
- 2.2 It has a high profile both locally and nationally. Pendine Park sets very high standards. It caters for a wide range of needs and offers quality accommodation and specialised care. Pendine Park is the single largest provider of such services to Wrexham County Borough Council and has been operating for 22 years.
- 2.3 The facility is comprised predominantly in 5 x 2 storey blocks known as 'Bryn Bella', 'Pen – y – Bryn', 'Highfield', 'Cae Bryn' and 'Bodlondeb. The first 4 are aligned east – west at the northern end of the site whilst the latter is located to the south of and in front of both 'Bryn Bella' and 'Highfield'.
- 2.4 'Bryn Bella' and 'Highfield' care homes are registered to provide 24 hour nursing care for adults of all ages who require residential, respite and day care.
- 2.5 'Pen – y – Bryn' specialises in caring for younger people with neurological problems caused by brain injury or conditions such as multiple sclerosis and stroke.
- 2.6 'Cae Bryn' was originally designed as a general nursing home in 1989. It is currently a specialist dementia care centre, providing 24 hour nursing care to individuals with profound levels of dementia.
- 2.7 To the south is an extensive area of landscaped gardens parts of which are overgrown. These comprise terraced lawns, mature and semi – mature deciduous trees and the remnants of buildings, follies, paths as well as a vehicular access

associated with the site's former use as a manor house. The highway frontage of the site is enclosed by a high wall, behind which are mature trees and shrubs.

- 2.8 The main entrance to the site is located in the north – eastern corner of the site. Access is obtained directly off the Summerhill Road which adjoins the whole of the eastern boundary of Pendine Park. Parking spaces about the northern and north – western boundaries of the site.
- 2.9 The whole of Pendine Park is located within the Green Barrier as defined in the Council's Unitary Development Plan

3 RELEVANT BACKGROUND PLANNING HISTORY

3.1	CB 1197	New brain injury and nursing home	Granted 1 st January 1997
	CB 1788	Extension to Cae Bryn	Granted 9 th February 1998
	CB 2494	Extension to nursing home	Granted 12 th October 1998
	CB 2519	Laundry facilities	Granted 9 th October 1998
	CB 2812	Surgery and base for out of hours Service	Refused 16 th January 1999
	CB 2848	Special care unit	Granted 12 th April 1999
	CB 3210	Office accommodation	Granted 14 th June 1999
	P/2002/0025	Nursing Home	Withdrawn
	P/2003/0143	Nursing Home	Granted 12 th May 2003
	P/2005/0657	Felling of / works to trees	Granted 25 th July 2005
	P/2006/0352	Amended details for Nursing Home	Granted 12 th May 2006
	P/2007/0203	Link Extension	Granted 23 rd March 2007
	P/2007/1026	64 bed Dementia Care Home	Granted 18 th February 2008
	P/2010/0821	Link Extensions	Granted 27 th October 2010

4 PROPOSED DEVELOPMENT

4.1 Internal Accommodation

4.1.1 The proposed pavilion would provide a multi – functional facility at Pendine. It would be used as: -

- an events room for residents and staff;
- a health and beauty suite;
- therapies area;
- for staff meetings and training;
- a first port of call for families who are contemplating placing a member into care at Pendine. They would meet the managers by appointment only.
- A small café would be open daily. It would be used to hold birthday parties for residents and to commemorate other special events in their lives.

4.1.2 As such it would provide a destination for them, enhance and diversify their daily living, and create interest. Such a facility does not currently exist at Pendine.

4.1.3 Some new members of staff would be required in the kitchen but not elsewhere.

4.2 External materials

4.2.1 Locally sourced vertical hardwood boarding, sedum roof, double-glazed upvc windows (grey coloured) and aluminium main entrance door.

4.2.2 A paved level patio area would be created at the rear and provide an external seating area in good weather. The approach to the front entrance would also be paved.

4.2.3 The proposed building would be distinguishable from the existing in appearance, form, and scale.

4.2.4 It would be single storey not double, smaller in size and rectilinear polygon in shape. It would be 3.6 m high x 28m long and gables measuring between 9.35 – 11.35m.

4.2.5 Its massing and external appearance would be uncomplicated. Its roof height would be uniform. The proposed building would adopt an elongated, flat emphasis with uniform roof height and an irregular window rhythm on all facades. The rectangular mass of the elevations would be broken by box shaped projections, the vertical timber boarding, glazed openings of varying shapes, sizes, width and emphasis and a monopitch canopy above the front main entrance.

4.2.6 The proposed building would make its own physical statement. Its built form, function, external materials and location would set it apart from the rest but in a complementary, muted, softer and inconspicuous manner. When viewed from the approach road it would be seen against a backdrop of rising land, trees and buildings of more massive construction.

4.3 Parking

4.3.1 A small lay – by / parking facility would be created at the rear for performers and for unloading hot food when required.

2.1.2 4 disabled parking spaces would be created at the front.

2.1.3 All proposed parking areas would have a paved access to the front and rear entrances which would not be stepped.

5. **RELEVANT NATIONAL AND LOCAL POLICIES**

5.1 Planning Policy Wales (February 2011; 4th edition)

5.1.1 Planning proposals should:-

- Make use of previously developed land in preference to green field sites.
- Locate development to obviate the need for car travel.
- Use renewable materials preferably those locally sourced.
- Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space.
- Maximise opportunities for community development and social welfare.
- Foster social inclusion, to ensure a more accessible environment for everyone that the development of land and buildings provides by means other than the private car.
- Contribute to the protection and improvement of people's health.
(Paragraph 4.4.2)

5.1.2 Good design exceeds aesthetics, includes the social, environmental and economic aspects of proposals and improves quality of life (paragraphs 4.10.1 and 4.10.2).

5.1.3 Good design also places people at its centre, “acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone” (paragraph 4.10.4).

- 5.1.4 Paragraph 4.10.9 emphasises that “the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.
- 5.1.5 ‘Green wedges’ should only be maintained where Local Planning Authorities can demonstrate that normal planning and development control policies cannot provide the necessary protection (paragraph 4.7.11). In defining green wedges it is important to include only land that is strictly necessary to fulfil the purposes of the policy. Factors such as openness, topography and the nature of urban edges should be taken into account. Inappropriate development within ‘green wedges’ should only be allowed in exceptional circumstances which outweigh the harm that would be caused to the green barrier (paragraph 4.7.12). Paragraph 4.7.16 outlines exceptional developments which may be allowed within a ‘green wedge’. This includes other uses of land which maintain the openness of the green wedge and which do not conflict with the purpose of including land within it. Paragraph 4.7.18 further states that other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of including land within it.
- 5.1.6 Previously developed land should be reused in preference to green field sites (section 4.8).
- 5.2 Technical Advice Note 12: “Design” (June 2009) (TAN 12) emphasises that design is the relationship between all elements of the natural and built environment, is integral to sustainable development, essential to ensure high environmental quality and reiterates the above mentioned PPW guidance in paragraph 2.4.
- 5.3 Technical Advice Note (Wales) 18: Transport (March 2007) (TAN 18) seeks to ensure that new development includes appropriate access provision for all traffic, including those with special access and mobility requirements. Conditions can be imposed to secure transport measures and improvements as part of proposed developments.
- 5.3 14th The Wrexham Unitary Development Plan 1996 – 2011 (UDP) was adopted on February 2005. The relevant policies are copied in the Local Planning Authority’s responses in the appeal questionnaire. Attention is drawn to the policies listed below.
- 5.3.1 **Policy GDP1** presents the Council’s design objectives. In part, this policy seeks to ensure that built development:
- In scale, design, layout and materials accords with its context and contributes positively to it;

- Is mindful of personal and community safety and security.
 - Ensures safe and convenient pedestrian and vehicular access both on site and off.
- 5.3.2 **Policy T8** states that approved development will be required to provide vehicle parking spaces in accordance with the Council's current parking standards.
- 5.3.3 **Policy T9** requires proposed developments to provide walking and cycling routes (where feasible and appropriate). In particular, those that link with existing or proposed walking and cycling routes, and integrate with the public transport system.
- 5.3.4 **Policy H11** of the UDP deals with residential care and nursing homes including development for specialist health care services. Extensions to existing facilities should not result in an over development of a site, detrimentally affect the integrity of the landscape or the townscape character. All such proposals must comply with Policy GDP1.
- 5.3.5 Under **Policy EC1** certain forms of exceptional development within a green barrier will be allowed and then only if they maintain its open character.
- 5.3.6 Paragraph 9.3 which provides the justification for **Policy CLF2** states that future development of health services is likely to take place during the life of the Unitary Development Plan.
- 5.3.7 **Policies PS1** and **PS2** are two of the UDP's strategic policies. They state respectively that new development for housing, employment and community services will be directed to within settlements / employment areas (PS1) and that development must not materially detrimentally affect countryside, landscape / townscape character, open space or the quality of landscape character (PS2).

6. THE APPELLANT'S CASE

- 6.1 'Development plan' policy is the primary material planning consideration in determining planning applications and appeals. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*.
- 6.2 Conversely, and as stated in paragraph 2.1.2 of PPW proposals that do not comply with relevant development plan policies should not be allowed unless material considerations justify granting planning permission.

6.3 The planning application was refused on the grounds that it represented additional development outside settlement limits and would erode the open character of the 'green barrier'.

6.4 Additional development outside settlement limits

6.4.1 'Pendine Park' is an existing large health institution within its own extensive grounds and well defined, established planning unit.

6.4.2 Policy PS1 of the UDP seeks to direct new housing, employment and community services to within existing settlements.

6.4.3 This proposal does not seek to provide a new community service, but to complement and enhance that which already exists at Pendine. It is designed to ensure greater flexibility of service provision and customer care on site.

6.4.4 Uppermost at Pendine is quality, both of care and of quality of life for those residing there. Excellence in this context is a combination of hard work and being at the forefront of improving provision and finding new ways to treat and deal with Alzheimer's/Dementia. It is a debilitating disease which afflicts an increasing number of people.

6.4.5 Neurologists studying the disease have identified differences in the two hemispheres of the brain. Intuitional, artistic functions can be attributed to the right side; language and verbal functions to the left. Early onset affects memory, logic, reasoning and verbalisation (left brain dominance). Communication through art, music and other therapies is known to activate and stimulate the right hemisphere.

6.4.6 The primary objective of the proposed development is to have a positive effect on dementia sufferers at Pendine by stimulating those areas of the brain which are still intact and maintaining communication with them for a longer period of time through the different stages of the disease. With some, verbal communication is not possible. Music and other intuitional therapies are designed and are known to improve quality of life, to raise self esteem and to promote well-being among dementia sufferers.

6.4.7 The demand for the proposed Pavilion has come from the residents and their families. It would provide a destination for them, enhance and diversify their daily living, and create interest. Such a facility does not currently exist at Pendine.

6.4.8 It is not a money spinning exercise. Members of the general public would not be allowed to use the pavilion only residents and their families.

6.4.9 The proposed development would provide a facility for 'assisted living' benefiting residents' social and emotional well being. As previously stated it

would provide a destination for them to enhance and diversify their daily living, and create interest. It could not readily be created in the existing structures at Pendine or within the existing complex without disrupting other provision. Residents are currently taken by mini-bus to Wrexham to experience such 'outings'. They are profoundly vulnerable and disabled people who are at risk every day of their lives. The necessary care and supervision would always be available at Pendine including during emergencies. Pendine is a safe environment.

- 6.4.10 The proposed facility would be sited so as to give the give the impression of being elsewhere for the residents. The residents could be taken to it by mini-bus or by wheelchair or they could walk depending on the weather and other circumstances.
- 6.4.11 Residents of care homes are largely independent and mobile. They are able to go shopping and to make use of community facilities. This is not the case with those who suffer from dementia or other degenerative brain diseases. Their needs and requirements are different from those of other people.
- 6.4.12 Whilst it makes sense to locate new care homes within settlements as required by Policy PS1 it is argued that Policy PS1 is not relevant to a small, additional and ancillary proposal such as this on an existing, established site.
- 6.4.13 To conclude, the proposed building would complement the existing facilities at Pendine in terms of function and need.

6.5 Erosion of the open character of the green barrier

- 6.5.1 The Pendine Park Centre occupies the site of the former Pendine Hall which was demolished in the late 1950's following a fire. It amounts to 5.4 ha in size. It comprises the existing care facilities at the northern end of the site and extensive former landscaped gardens to the south. These were associated with the manor house.
- 6.5.2 The highway frontage is enclosed by a high stone wall. The remaining boundaries are enclosed by post and wire fence, overgrown hedge plants and shrubs and trees. These define the boundary of the planning unit.
- 6.5.3 Work is already underway in creating gardens within the grounds of Pendine Park (appendix 1). This will provide another huge opportunity to contribute to the quality of life and well being of the residents and to provide attractive, pleasant surroundings for relatives, visitors and staff. The gardens will stimulate residents and help them enjoy 'everyday life' activity in line with Pendine's therapeutic community and person centred care and philosophy. When complete it will be another 'destination' for residents and their relatives.

- 6.5.4 The buildings and landscaped grounds provide the physical, social and medical and therapeutic treatment context for the proposed pavilion within a well defined planning unit.
- 6.5.5 The proposed building's built form, external materials and location would set it apart from the rest but in a muted, softer and inconspicuous manner. When viewed from the approach road it would be seen against a backdrop of rising land, trees and buildings of more massive construction. It would not be visible from outside the Park.
- 6.5.6 The proposed pavilion would be a complementary form of development on an established site that is used as a residential nursing care facility. Its use would be ancillary and incidental to that which already exists.
- 6.5.7 On a virgin site it would be an inappropriate form of development, but Pendine exists as an inlier within the green barrier and the proposed development would be ancillary to it. As the report to committee states *"I accept that the building will not be visible from the Summerhill Road due to the boundary wall and trees..."* It would only be visible from within the site.
- 6.5.8 Pendine Park is itself largely hidden to views from outside its boundaries.
- 6.5.9 The proposed building would not erode the openness of the green barrier and would not therefore conflict with Policy EC11 or paragraph 4.7.18 of PPW.

7. Other Issues

- 7.1 In respect of the requirements of paragraph 4.4.2 of PPW the proposed development would:
- Make use of previously developed land.
 - Obviate the need for car travel.
 - Use renewable materials.
 - Maximise the welfare of residents and their relations.
 - Provide a more accessible facility by means other than a private car.
 - Maximise the contribution made by Pendine Park to the improvement of people's health
- 7.2 The proposed development places people at the heart of the design process (paragraph 4.10.4), is intended to improve the quality of life and well – being of

the residents and their families, and in so doing has considered its social and environmental contexts.

7.3 All proposals for development must accord with the requirements of Policy GDP1. Each criterion will be dealt with in turn: -

- a) The proposed development complements the established character of the site in terms of its function, design, scale, layout and materials (as stated above).

Pendine Park is set within extensive grounds. The existing buildings are set well back from Summerhill Road. The Summerhill Road boundary comprises a high stone wall. Mature and semi-mature trees and shrubs grow extensively in the grounds and alongside the highway boundary wall. Transient views of 'Cae Bryn' the existing building nearest the Summerhill Road at Pendine is obtainable through the access into the Park. A large part of the Park would be unaffected by the proposed development.

Highfield Road bounds the northern part of the site. It is flanked by tall hedgerows. Views into the Park from it are not possible.

The proposed building would not be visible from either Summerhill Road or Highfield Road.

- b) Safety and security is a paramount consideration in the design of the proposed building externally and internally. This is vitally important to ensure that residents are cared for in a safe environment.
- c) The proposed building would enjoy a southerly aspect to maximise natural light and heating efficiency.
- d) and e) Pedestrian and vehicular movement on site is an important consideration. The safety of residents – because of their mental and physical condition – is always an overriding concern in the work of the Centre. Access and movement to and within the proposed development is considered in the design and access statement provided by the Local Planning Authority in response to the questionnaire.
- f) This is not relevant to the determination of this application.
- g) This is a matter for other legislation.
- h) The Park is not a Site of Special Scientific Interest and contains no other special designations. It contains no protected habitats and no protected species of animals or plants either. There is potential to create area/s of

interest at the Park as stated elsewhere and this is being actively pursued by the applicants

- i) Is not relevant.
 - j) Illness has no linguistic barriers and can affect all members of the community.
 - k) By the same token, the proposed development is part of the on – going process of delivering top class care and provision for those suffering with dementia at Pendine Park.
- 7.4 In terms of Policy H11 the proposed development is not for an extension or for the change of use of an existing building; it is for a free standing building. In functional terms, it would provide a destination (recreational facility) for residents and their families primarily and occasionally for staff. It would complement the existing, long – established provision at Pendine Park, sharing facilities and staff. It would not result in a cramped form of or over – development of Pendine Park, it would not detrimentally affect the integrity of the landscape and complies with Policy GDP1.
- 7.5 Parking to standard would be provided and residents could access the proposed facility by foot, wheelchair or mini – bus depending on circumstances. Consequently, it is not considered that the proposed development conflicts with Policies T8 and T9 of the UDP.

8. Conclusions

- 8.1 It is considered that the benefits of the proposed development within an area of identified need amount to very special circumstances. The proposed building would be functionally attached to the existing, long established provision at Pendine Park and complement and enhance it. These factors along with the limited harm that would arise to the openness of the “Green Barrier” are sufficient to outweigh the normal presumption against inappropriate development in the “green barrier”.



MARK ROBERTS

