

Appendix II: Report of Consultation – draft Site Development Brief: Former North Wales Hospital Denbigh (May 2014)

1. Introduction

- 1.1 This report sets out the consultation that was undertaken on the draft Site Development Brief (SDB) for the former North Wales hospital site in Denbigh, including a summary of the responses received and how they have been taken into account by the Council.
- 1.2 The Council consulted with members of the public on the draft document for a period of 8 weeks between 3rd March 2014 and 28th April 2014. The consultation exercise included public notices in local papers, press releases, and a letter to all people on the Denbighshire Local Development Plan 2006 – 2021 (LDP) database, including: City, Town and Community Councils, Councillors, Assembly members, Members of Parliament, adjacent local authorities, representatives of the site owner and the general public informing them of the consultation and telling them how to respond.
- 1.3 Approximately 200 households in the Upper-Denbigh area, surrounding the site, additionally received a leaflet informing them of the consultation exercises, where further information could be obtained and methods to respond. Two consultation boards and maps were also displayed at Denbigh Library and Council Offices (Caledfryn) in Smithfield Road, Denbigh.
- 1.4 Officers held two ‘drop in’ sessions at Denbigh Library on 19th March 2014 from 9:30 to 1pm and on 7th April 2014 from 1pm to 7pm. Residents and interested parties had the opportunity to talk to Officers from several Council departments, make comments and receive additional information. No written representations were received at these events.
- 1.5 Copies of the draft document were made available on the Denbighshire County Council website, in Public Libraries and the Council’s One Stop Shops.
- 1.6 In addition to the draft SDB document, the Council consulted on the Strategic Environmental Assessment (SEA) – screening document with Natural Resources Wales and Cadw to establish whether a full SEA exercise would be required for the SDB.

2. Responses received

- 2.1 The Council received a total of 21 responses to the draft SDB and the SEA screening document, including Denbigh Town Council, Natural Resources Wales, The Prince’s Regeneration Trust, Clwyd Powys Archaeological Trust, and Bhailok Fielding Solicitors (representing the site owner).
- 2.2 Responses to the public consultation raised the following issues:
 - Overall support for the document,
 - Question the need to restore the listed buildings,
 - Support for alternative forms of use for the site,

- Question the validity of the consultation process, and
- Emphasise community benefits gained from development.

2.3 Copies of all public consultation responses can be obtained by contacting the Planning Policy team in Denbigh by phone: 01824 706916 or by email: ldp@denbighshire.gov.uk. A summary of the consultation responses are included at the end of this report in Table 1.

3. *Changes proposed*

3.1 As a result of the consultation responses received, it is proposed to make a small number of minor amendments for clarification or editorial purposes, as indicated in Table 1.

3.2 In summary, Officers do not propose any major or fundamental changes to the draft SDB and SEA screening document prior to Adoption.

3.3 However, it was necessary to make minor amendments to the Site Development Brief due to factual changes and a point of clarification, as indicated in Table 2.

Table 1: Consultation responses

| <i>Representor/ Reference No.</i> | <i>Organisation</i> | <i>Comment (summary)</i> | <i>Council's response</i> | <i>Changes proposed</i> |
|---------------------------------------|--|---|---|---|
| Neill Hughes 3106/FNWH/1 | --- | Suggests a 'green travel network' for the Denbigh Hospital site (map provided) | A 'green travel network', incl. walking / cycling paths will be considered as part of the site design but is not shown on the masterplan due to indicative nature of Plan (see paragraph 8.3) | No change proposed. |
| Roger Jarvis 3119/FNWH/1 | --- | Supports the Council's attempt to bring the site back into use; wants to secure a buffer zone between house 'Castle Manor' and the AREA 03 shown on the masterplan for amenity reasons | Support welcomed. The masterplan is of indicative nature, AREA 03 boundary, layout and housing density will be determined at planning application stage. | No change proposed. |
| Ayub Bhailok 2049/FNWH/1 | Bhailok Fielding Solicitors on behalf of Freemont (Denbigh) Ltd. | Concerns that Denbighshire County Council have decided to move to public consultation having failed to undertake the following: (1) failed to consult the site owners and failed to give them the opportunity to consider the proposals; (2) failed to provide the site owner the Financial Viability Appraisal upon which this document is based; (3) no indication as to what weight is to be placed on the consultation document; (4) the document has been designed to create 'nil value' for | [1] National guidance (LDP Wales (2005)) requires that Supplementary Planning Guidance (SPG) / Site Development Brief (SDB) be produced in line with the Council's Community Involvement Scheme, and that interested parties should be consulted and their views taken into account before the SPG is finalised. The Denbighshire LDP CIS states that involvement 'will vary according to the content of each SPG. Paragraphs 1.1 to 1.7 set out all activities that were | Insert new paragraph 7.4 on developer's profit 'The Council would not deny developers a reasonable profit in return for their investment in line with guidance provided by English Heritage [2008] paragraph 5.12 onwards.' |

| <i>Representor/ Reference No.</i> | <i>Organisation</i> | <i>Comment (summary)</i> | <i>Council's response</i> | <i>Changes proposed</i> |
|---------------------------------------|---------------------|---|--|-------------------------|
| | | <p>the site to assist DCC's intention to CPO – enabling development should allow for profits; (5) disagrees with the suggestion that the proceeds from enabling development be directly invested into the Listed Buildings – considering issues of viability and reasonable profit for developers; (6) serious questions to the viability of the type of uses proposed in a location such as Denbigh; (7) the extent of enabling development is not defined in terms of site area;</p> <p>NB: The representation is accompanied by documents that query the 'enabling development' approach for this site in principal.</p> | <p>undertaken to enable interested parties to take part in the 8 weeks public consultation exercise. The Council therefore considers that the requirements of both national guidance and the CIS have been met.</p> <p>[2] The Site Development Brief is not based on a financial viability appraisal but drew information from planning guidance, legislation and information submitted with previous planning applications.</p> <p>[3] Chapters 1 and 2 set out the legal status and future use of the document;</p> <p>[4] The principal purpose of the Site Development Brief is to guide the future development on the former North Wales hospital site, not to de-value land for a future CPO – development may be carried out by either a private or public enterprises;</p> <p>[5] LDP policy VOE4 states that 'enabling development' on this site should be allowed to secure the future of the important listed buildings.</p> | |

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|---------------------------------------|----------------------------------|---|--|-------------------------|
| | | | <p>[6] The principles of 'enabling development' for the site, in line with Local Development Plan policy VOE4, were agreed when the Plan was adopted in June 2013.</p> <p>[7] Figure 6 and Figure 7 show the site boundary and indicate the listed buildings that may benefit from 'enabling development', the total extent of 'enabling development' can only be determined after all site features were subject to detailed scrutiny and survey.</p> | |
| Dave Burlison 3123/FNWH/1 | SP Power Systems / National Grid | Provided a map showing the Manweb equipment within the SDB area | Information welcomed. | No change proposed. |
| Mark Walters 3108/FNWH/1 | Clwyd-Powys Archaeological Trust | Supports the Council's attempt to bring the site back into use; points out the need to carry out various surveys of listed buildings prior to granting any consent | Support welcomed. Any planning proposal must comply with national / international legislation on historic environment prior to granting planning / listed building consent. (see paragraph 4.7) | No change proposed. |
| Dr Alistair Moulden 3109/FNWH/1 | --- | Absolutely opposes DCC's plans / attempt to CPO the site because only the people of Denbigh town should take this site forward (run as a Trust) to benefit the local community; | It is not intended to keep the site in DCC ownership, should the CPO process be successful, but hand it over to the newly-formed North Wales Building Preservation Trust. Paragraph | No change proposed. |

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|---------------------------------------|---------------------------------|--|--|--|
| | | would like the listed buildings to be used as a museum to reflect its heritage and impact on mental health services in north Wales. | 9.5 emphasises that any new development should recognise the historic connection between the site and the town, and attempts should be made to re-establish them, DCC welcomes proposals which would offer opportunities for the public to visit the site for cultural (e.g. exhibition), social, and recreational purposes. | |
| Eryl C Williams 3110/FNWH/1 | --- | Supports any development that supplies labour for local people; Proposals should include community and care facilities, and employment land | Support welcomed. | No change proposed |
| Edward Holland 3111/FNWH/1 | The Prince's Regeneration Trust | Supports the Council's attempt to bring the site back into use and broadly agrees with the principles of development and design as laid out in the draft SDB; would welcome more details on density, materials, style, and layout in paragraph 9.9; proposes minor editing changes (see column 'Changes proposed') | Support welcomed. Discussing any detailed design and layout matters at this stage would be too prescriptive to allow for general discussion of how to bring development forward. | Paragraph 7.2: replace 'urgent repairs note' with 'urgent works notice'; Appendix A1.6: replace 'butress' with 'buttress'; Consistent approach to spelling of 'Cadw' |
| Alex Litherland 3112/FNWH/1 | Bodfari Community Council | Does not wish to comment | Comment noted. | No change proposed. |

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|---------------------------------------|--|---|---|-------------------------|
| Medwyn Jones 3117/FNWH/1 | Denbigh Town Council | Denbigh Town Council resolved to accept and endorse the draft document | Support welcomed. | No change proposed. |
| Kate Roberts 3116/FNWH/1 | --- | Supports the LA's ambition to bring this site back into use. | Support welcomed. | No change proposed. |
| James Cooke 1977/FNWH/1 | Welsh Government (Land Use Planning Unit) | Does not wish to comment | Comment noted. | No change proposed. |
| DR J C Madoc-Jones 993/FNWH/1 | --- | Objects to re-development of site or installation of a museum in any listed building but would 'raze all the buildings to the ground' and favours creation of leisure park; any number of new houses should be deducted from overall number required by the Local Development Plan (LDP) | Demolition of all listed building is not considered to be an option for the Council. Any residential development on site would be regarded as 'windfall', contributing to the overall housing numbers required by the LDP. | No change proposed. |
| M.W. Moriarty 3121/FNWH/1 | Campaign for the Protection of Rural Wales | Paragraph 4.7 – request for rewording / strengthening the requirements for obtaining listed building extent '...a listed building might be demolished (...) when is has been established beyond all (emphasise in original) doubt the structure is in such a state...'; Paragraph 7.1 - would like to re-phrase the second | Paragraph 4.7 reflects the requirements set out in Planning Policy Wales - Edition 6: 'The demolition of any Grade I or Grade II* listed building should be wholly exceptional and require the strongest justification.' Paragraph 7.1 lays out the content of the masterplan, and does not advice on planning | No change proposed. |

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|--|---------------------|--|--|-------------------------|
| | | bullet point: <i>'All buildings with extant listed building consent (lbc) for which demolition is the only option, lbc will be required.'</i> | policy/ listed building consent – criteria. CPRW's concern is addressed in paragraph 4.7 | |
| Mrs Julia Jones Mr Austin Gleave 3123/FNWH/1 | --- | Concerned about impacts on the existing road network caused by individual car-based traffic generated from additional housing on the site; queries the feasibility of development on the site in general | The masterplan is indicative in nature, and the location of access points may be decided when detailed planning proposals have been submitted. Any development proposal that is likely to result in a significant trip generation (see TAN12: Transport, Appendix D), f. e. >100 houses, has to be accompanied by a Transport Assessment (TA). The TA highlights works required to mitigate adverse effects on the local walk/ cycle/ road network. The principles of 'enabling development', in line with Local Development Plan policy VOE4, were agreed when the Plan was adopted in June 2013. Individual planning proposals for the site have to be accompanied by financial appraisals to support the viability / feasibility of their elements. | No change proposed. |
| Raymond | --- | No work shall commence until | Any development proposal that is | No change proposed. |

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|---------------------------------------|-------------------------|--|--|-------------------------|
| Stobbart 3125/FNWH/1 | | the necessary infrastructure has been planned, approved and carried out; especially to the site access roads, pavements and the B4501 | likely to result in a significant trip generation (see TAN12: Transport, Appendix D), e.g. >100 houses, has to be accompanied by a Transport Assessment (TA). The TA highlights works required to mitigate adverse effects on the local walk/ cycle/ road network. | |
| Roger Matthews 3118/FNWH/1 | Natural Resources Wales | NRW supports the Officer's Strategic Environmental Assessment - screening exercise and is content that a full Strategic Environmental Assessment is not required. This is subject to any planning proposal being in accordance with the site development brief and national / international legislation on natural environmental protection. | Support welcomed. | No change proposed. |
| Naomi Luhde-Thompson 3128/FNWH/1 | --- | Concerned whether the best examples of sustainable development have been considered, particularly the close engagement between the development builders and the prospective community; design criteria should be included in the Site Development Brief and not | The principles of sustainable development are impeded in all planning activities and decision-making processes. Neither a potential developers nor prospective occupiers were identified while producing the Site Development Brief. However, the local community was invited to | No change proposed. |

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|---------------------------------------|---------------------|--|--|--|
| | | <p>left for developers to determine; development should aim to be largely self-supporting in terms of energy – renewables and district heating systems should be incorporated into the design; details on connectivity are insufficient and requests more details with regard to cycle storage, bus shelters and car parking areas; concerned about the provision of open space should viability indicate minimum provision merely feasible; Site should cater for an inclusive community addressing the need for all; clarification is sought whether the Council would access energy loan schemes for implementing renewables into any public building</p> | <p>put their views forward at this stage. Discussing any detailed design and layout matters at this stage would be too prescriptive to allow for general discussion of how to bring development forward. Paragraph 9.12 states that the Council will welcome innovation in any new development such as maximising renewable energy resources, passive energy capture, and sustainable urban drainage systems.</p> <p>Individual transport infrastructure requirements and proposals will be assessed in line with the Council's LDP policy / Supplementary Planning Guidance note and recommendations made in a proposal's accompanied Transport Assessment. Site Development Briefs / masterplan do not provide guidance on how landowners should finance particular design features.</p> | |
| Alban Cassidy 3126/FNWH/1 | Cassidy+Ashton | (1) The draft Site Development Brief has not been prepared in accordance with good practice – | [1], [4] National guidance (LDP Wales (2005)) requires that Supplementary Planning | Insert new paragraph 7.4 on developer's profit 'The Council would not |

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| | | <p>no consultation with landowner.</p> <p>(2) It does not take into account viability and an acceptable developer's profit which is contradictory to the very guidance which forms the basis for LDP policy VOE4.</p> <p>(3) It does not provide sufficient detail of the proposed development that would be considered to be acceptable and it would be a viable form of development.</p> <p>(4) The draft document should be withdrawn to allow for open discussions and negotiations with the landowner to agree an acceptable way forward for the site.</p> <p>NB: The representation is accompanied by documents that query the 'enabling development' approach for this site in principal.</p> | <p>Guidance (SPG) / Site Development Brief (SDB) be produced in line with the Council's Community Involvement Scheme, and that interested parties should be consulted and their views taken into account before the SPG is finalised. The Denbighshire LDP CIS states that involvement 'will vary according to the content of each SPG. Paragraphs 1.1 to 1.7 set out all activities that were undertaken to enable interested parties to take part in the 8 weeks public consultation exercise. The Council therefore considers that the requirements of both national guidance and the CIS have been met.</p> <p>[2] Agreed, a new paragraph (7.4) will be inserted to address developer's profits.</p> <p>[3] The Site Development Brief is not intended to be too prescriptive to allow for various proposals to come forward.</p> | <p>deny developers a reasonable profit in return for their investment in line with guidance provided by English Heritage [2008] paragraph 5.12 onwards.'</p> |
| Matthew Ellis 3129/FNWH/1 | Natural Resources Wales | Welcomes provisions concerning site based ground investigations, inclusion of | Support welcomed. Details of required surveys on natural environment, biodiversity and site | No change proposed. |

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|---------------------------------------|---------------------|--|--|-------------------------|
| | | provisions concerning the use and application of Sustainable Drainage Schemes; considers issues in respect of asbestos; provides further advise on the protection of Bats – need for surveys and advice on building materials; long term surveillance of populations of protected species is required; advises the consideration of ownership/ occupancy issues in respect of ecological areas; reminds the Council on its duties under the Natural Environment and Rural Communities (NERC) Act (2006). | maintenance / management matters will be discussed as part of the pre-application consultation and with the help of the Council's ecology officer. NRW will be invited to comprehensively comment on any planning proposal coming forward prior to considering granting planning permission / listed building consent. | |
| Suzanne Whiting 3130/FNWH/1 | Cadw | Cadw is satisfied that that the draft Site Development Brief need not be subject to SEA. | Comment noted. | No change proposed. |

Table 2: Factual and editorial changes proposed by Officers

| <i>Paragraph</i> | <i>Proposed Change</i> | <i>Justification</i> |
|------------------|---|---|
| 2.1 | Replace 'This site development brief was formally approved for public consultation by Denbighshire County Council's Planning Committee on 19th February 2014. /' with 'This site development brief was formally adopted by Denbighshire County Council's Planning Committee on XXXX .' | Editorial change to reflect document progress towards adoption by the Council |
| 2.3 | Replace 'Planning Policy Wales (Edition 5)' with 'Planning Policy Wales (Edition 6)' | Factual change – new document issued in February 2014 |
| 4.5 | Replace 'Planning Policy Wales [2012]' with 'Planning Policy Wales [2014]' | Factual change – new document |

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|-----|--|---|
| | | issued in February 2014 |
| 9.3 | Replace the following two sentences: 'The masterplan identifies various categories of proposed land use. One land use is for enabling development which is intended to release capital to repair the remaining listed building on the site.' with 'The masterplan identifies various categories of proposed land use and outlines the preferred approach to development - 'enabling development', which is intended to release capital to repair the remaining listed building on the site.' | To provide clarification on the fact that 'enabling development' is not a land use but approach to development. |
| 12. | Replace 'Welsh Government, Planning Policy Wales (Edition 5), November 2012' with 'Welsh Government, Planning Policy Wales (Edition 6), February 2014' | Chapter 12 – Contacts/ Sources: Insert updated document reference; Factual change – new document issued in February 2014, |

The Council would not deny developers a reasonable profit in return for their investment in line with guidance provided by English Heritage [2008] paragraph 5.12 onwards.