

Heading:

REFERENCE NO. 45/2014/0388/PF  
& 45/2014/0389/LB - 41-42 EAST PARADE  
RHYL

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Denbigh  
Denbighshire LL16 3RJ

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 Application Site

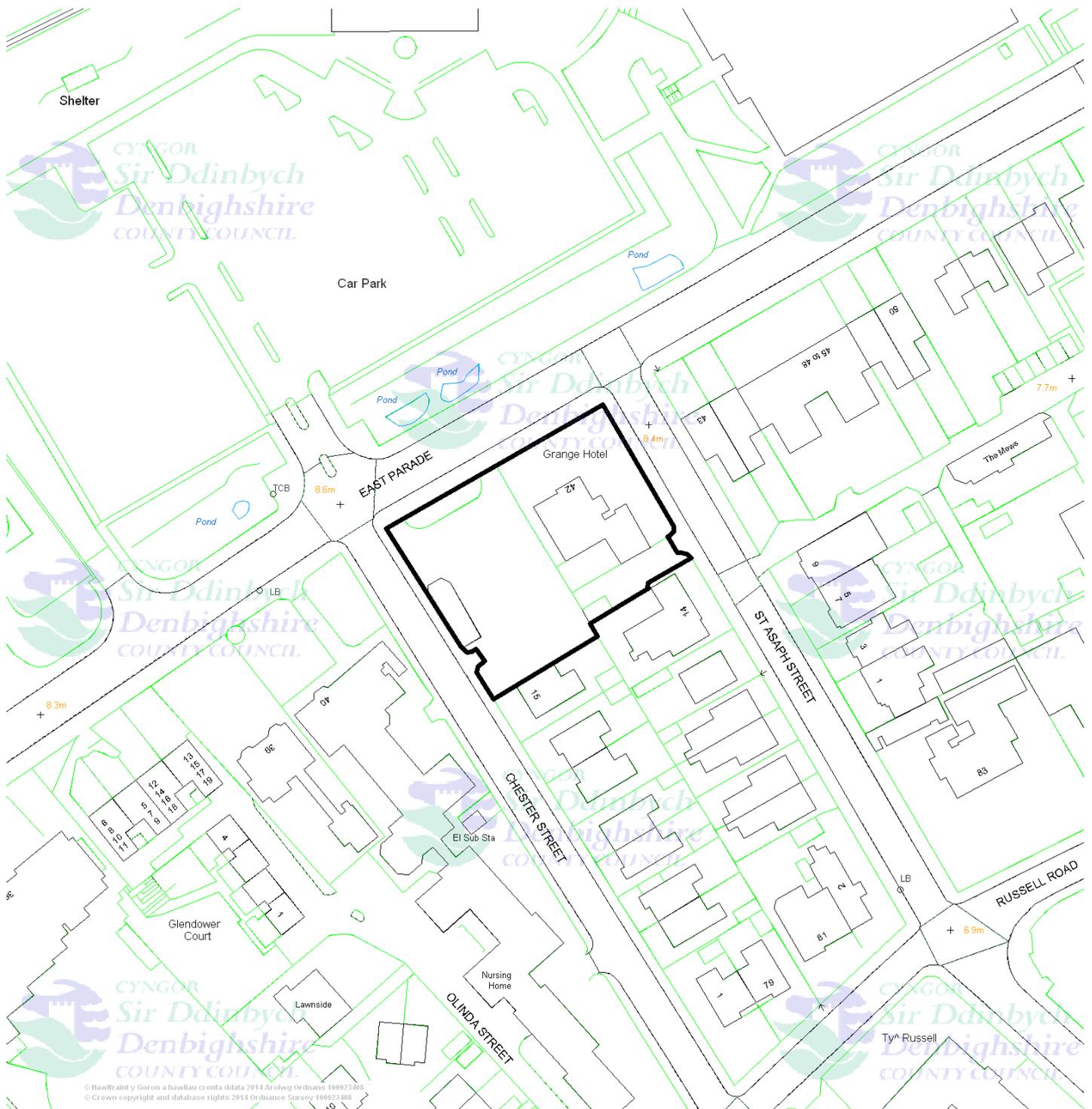


Date 24/11/2014

Scale 1/1250

Centre = 301156 E 381913 N

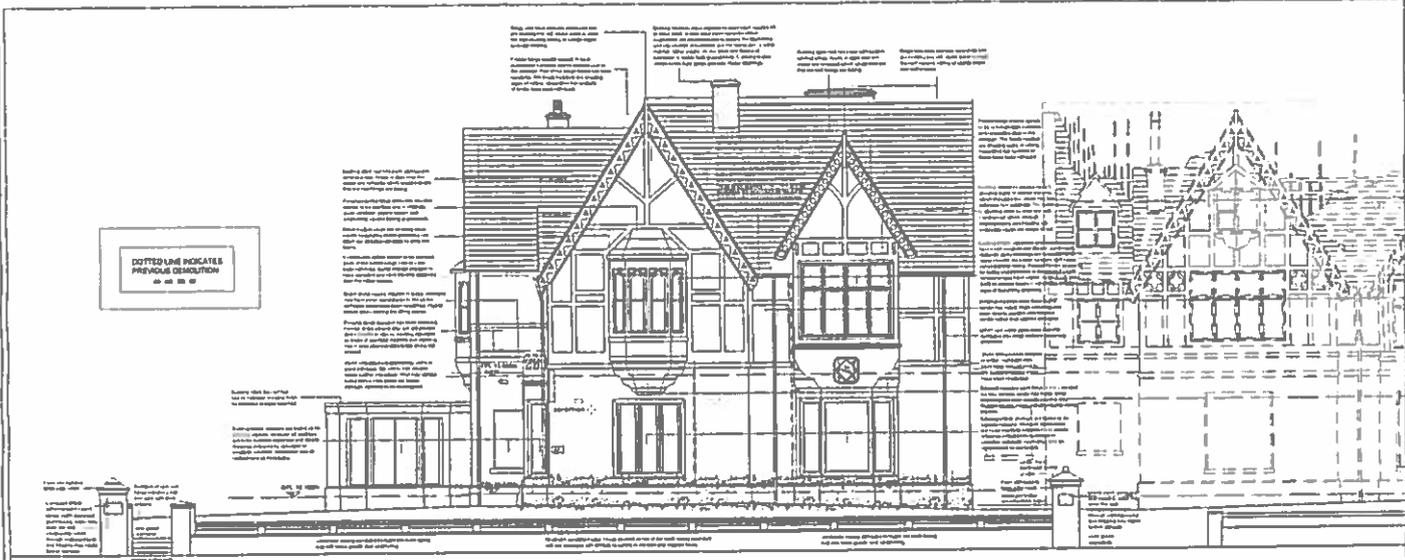
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.





# EXISTING BUILDING

EX10



EXISTING NORTH ELEVATION WITH BOUNDARY (Scaled 1:50)

### Architects Notes

1. This drawing shows the existing building as it appears on the ground. It is not intended to show the building as it would appear if it were completely reconstructed. The drawing is for planning purposes only and should not be used for any other purpose.

2. The drawing is based on a site visit on 10/10/10. The drawing is not to scale and should not be used for any other purpose.

3. The drawing is not to scale and should not be used for any other purpose.

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### FOR PLANNING PURPOSES ONLY

Project: EX10	
Client: J.P. ARCHITECTS	Architect: J.P. ARCHITECTS

EX08



EXISTING EAST ELEVATION (Scaled 1:50)

### Architects Notes

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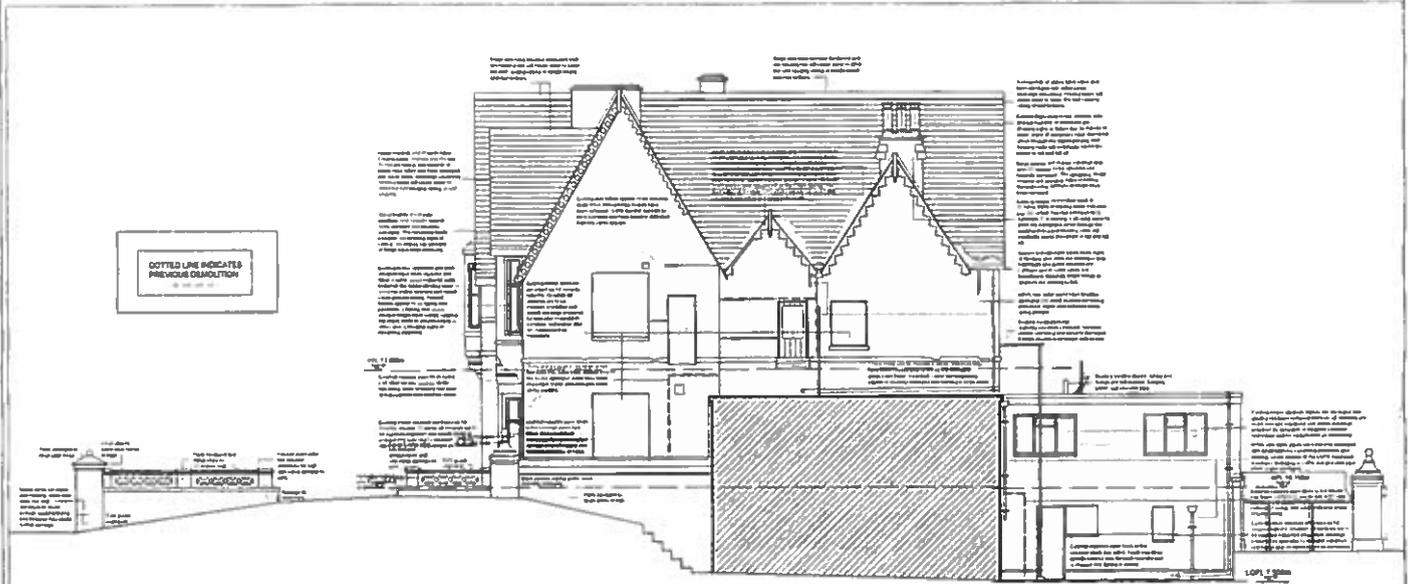
### FOR PLANNING PURPOSES ONLY

Project: EX08	
Client: J.P. ARCHITECTS	Architect: J.P. ARCHITECTS



# EXISTING BUILDING

EX11



EXISTING WEST ELEVATION WITH BOUNDARY (Scaled 1:50)

### Architects Notes

1. The drawing is for information only and is not to be used for construction purposes without the approval of the architect.

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3. The drawing is for information only and is not to be used for construction purposes without the approval of the architect.

4. The drawing is for information only and is not to be used for construction purposes without the approval of the architect.

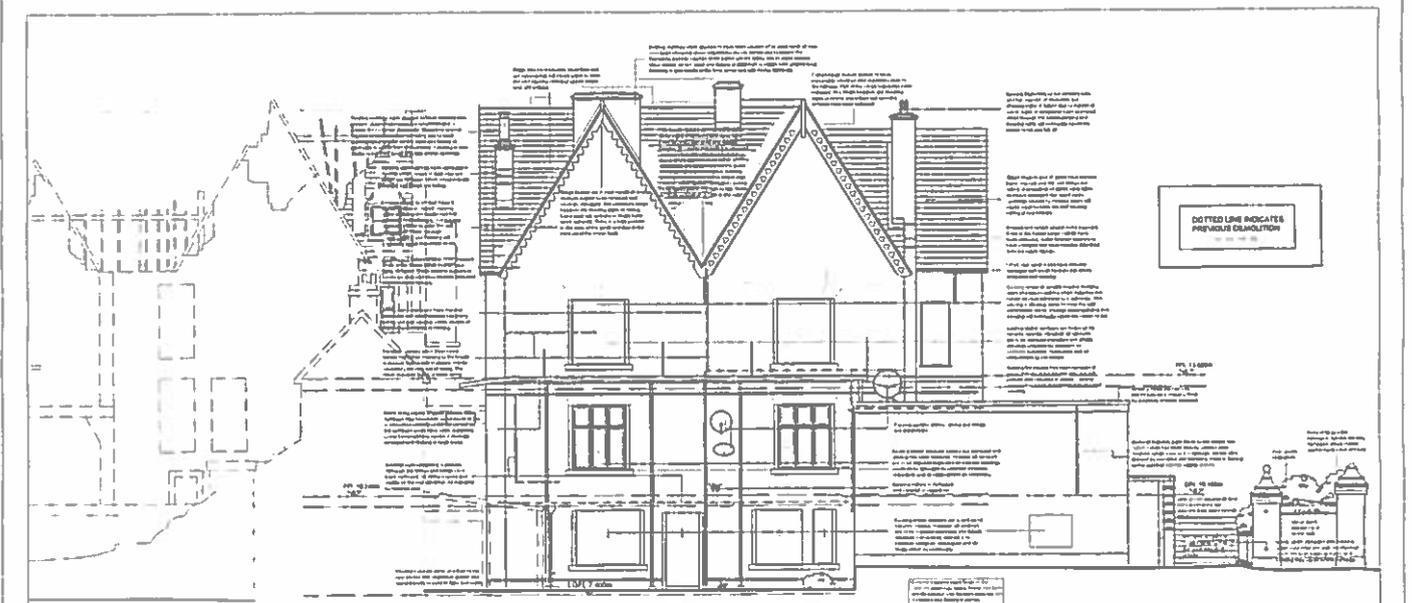
5. The drawing is for information only and is not to be used for construction purposes without the approval of the architect.

### FOR PLANNING PURPOSES ONLY

Project: EX11	
Client: J.P. ARCHITECTS	Location: [Blank]
Date: [Blank]	Scale: 1:50

# EXISTING BUILDING

EX06



EXISTING SOUTH ELEVATION COURTYARD (Scaled 1:50)

### Architects Notes

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### FOR PLANNING PURPOSES ONLY

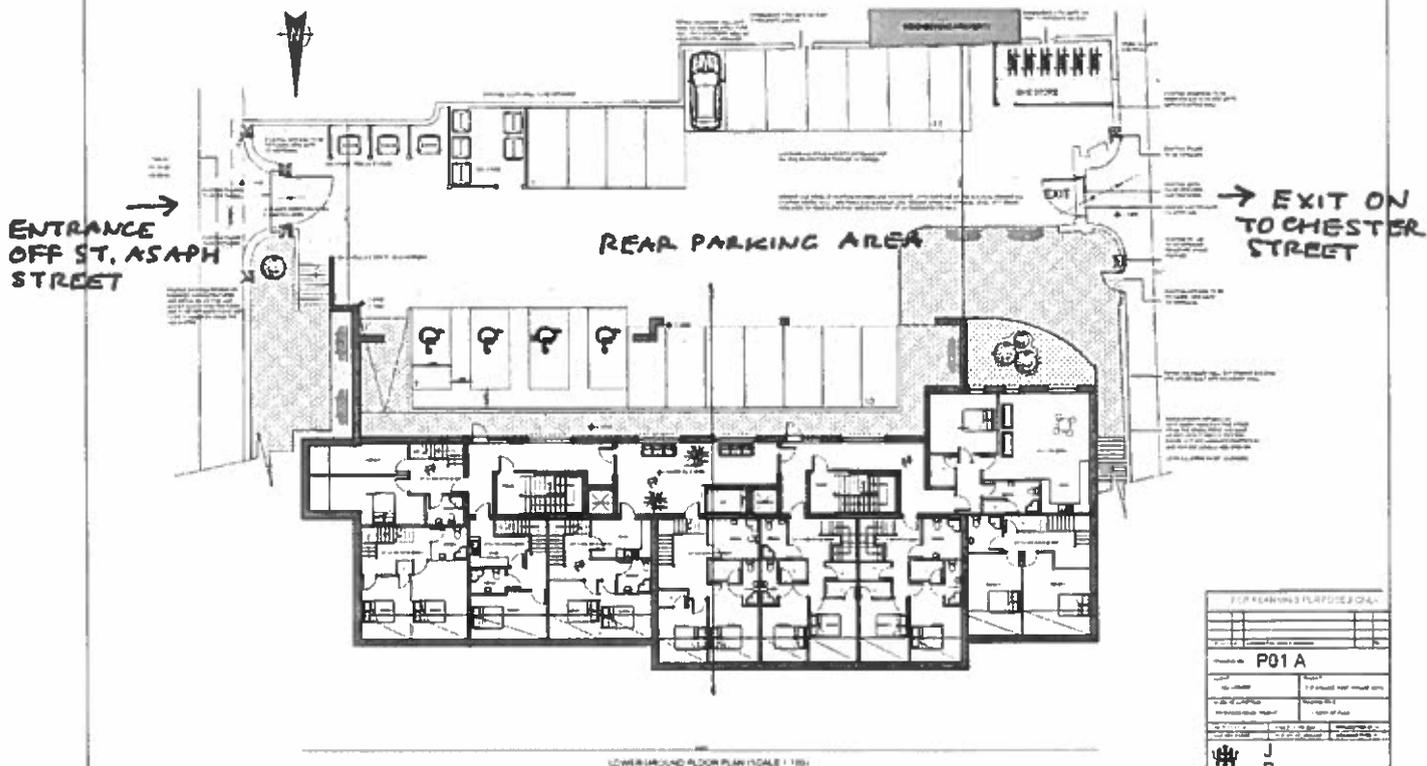
Project: EX06	
Client: J.P. ARCHITECTS	Location: [Blank]
Date: [Blank]	Scale: 1:50



# SITE LAYOUT AS PROPOSED

## LOWER GROUND FLOOR

P01 Rev.A

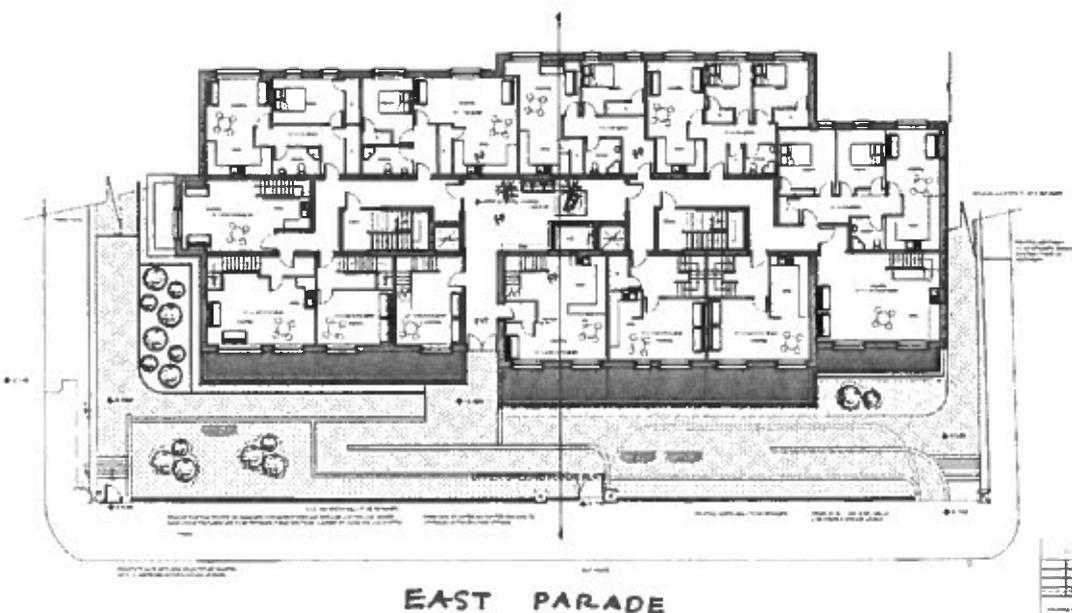


LOWER GROUND FLOOR PLAN (SCALE 1/8")

TOP PLANNING PLATES ONLY	
P01 A	
NO. SHEET	TOTAL SHEETS
DATE	PROJECT NO.
PROJECT NAME	CLIENT
ARCHITECT	SCALE
 <b>J P ARCHITECTS</b>	

## UPPER GROUND FLOOR

P02 Rev. A



EAST PARADE

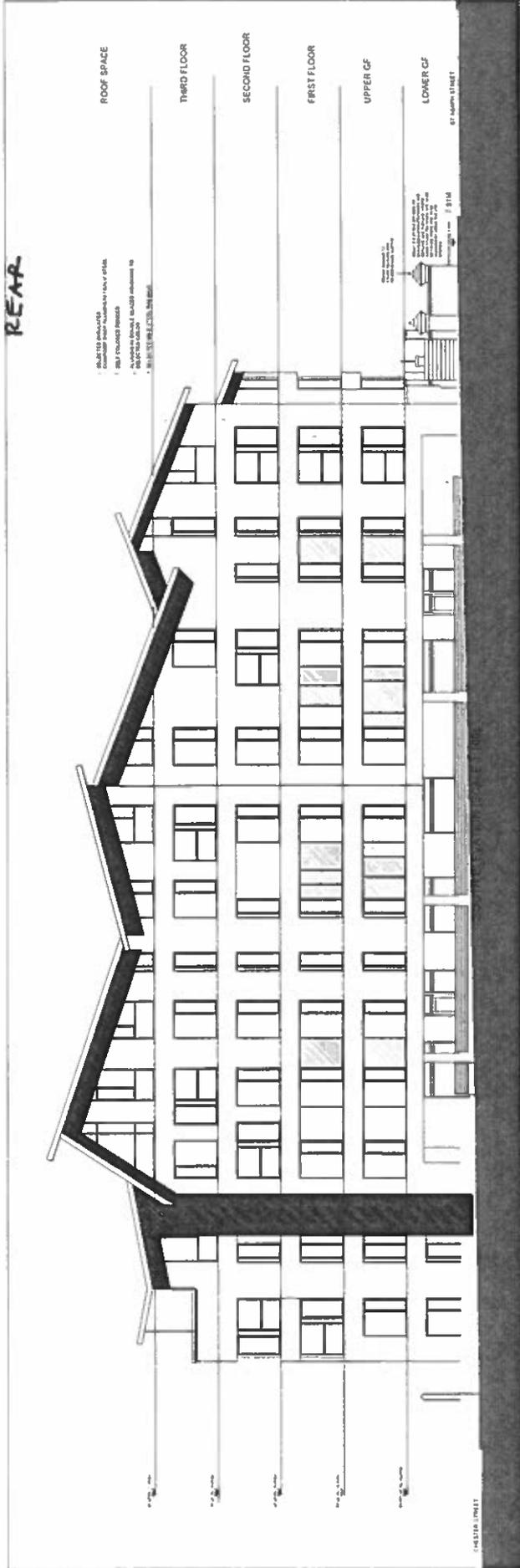
TOP PLANNING PLATES ONLY	
P02 A	
NO. SHEET	TOTAL SHEETS
DATE	PROJECT NO.
PROJECT NAME	CLIENT
ARCHITECT	SCALE
 <b>J P ARCHITECTS</b>	



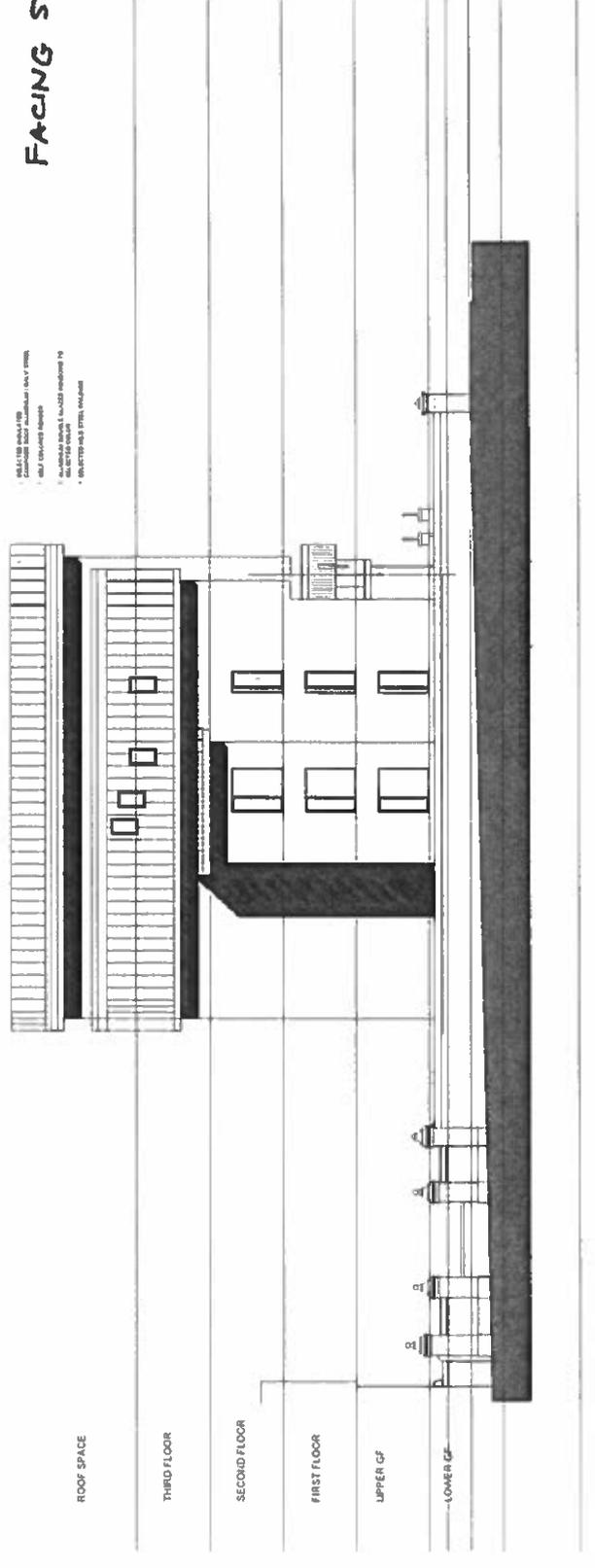




REAR



FACING ST. ASAPH STREET



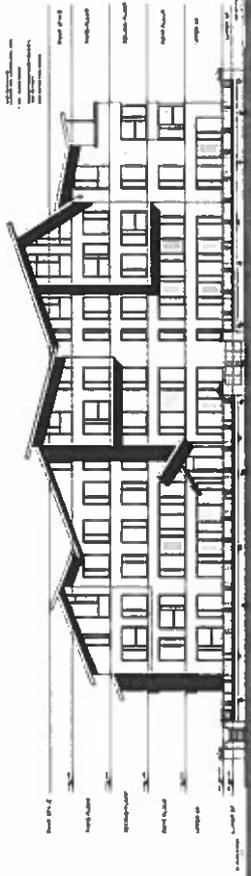
APARTMENT ELEVATIONS

FOR PLANNING PURPOSES ONLY	
PROJECT	P07 A
CLIENT	THE GENERAL EAST PARTNERSHIP
NO. COPIES	10
DATE	NOV. 15, 2011
PROJECT	ROOF & EAST ELEVATIONS
DATE	NOV. 15, 2011
PROJECT	REAR & WEST ELEVATIONS
DATE	NOV. 15, 2011
PROJECT	ROOF & WEST ELEVATIONS
DATE	NOV. 15, 2011
PROJECT	ROOF & EAST ELEVATIONS
DATE	NOV. 15, 2011
PROJECT	ROOF & WEST ELEVATIONS
DATE	NOV. 15, 2011

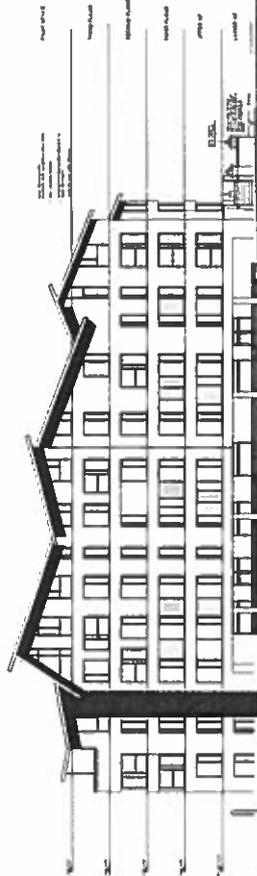
J P ARCHITECTS

1000 North Main Street, Suite 200, Portland, ME 04101  
 Tel: 603.734.1111 Fax: 603.734.1112  
 www.jparchitects.com

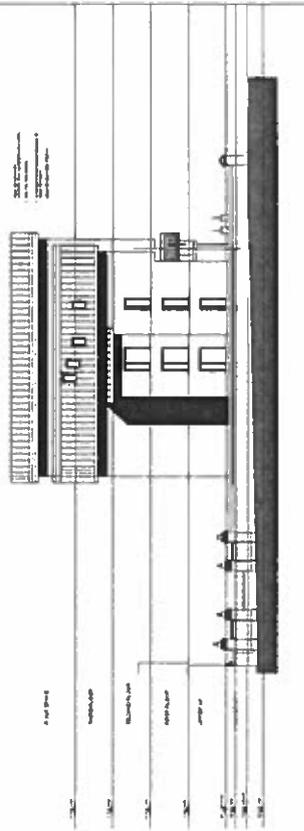




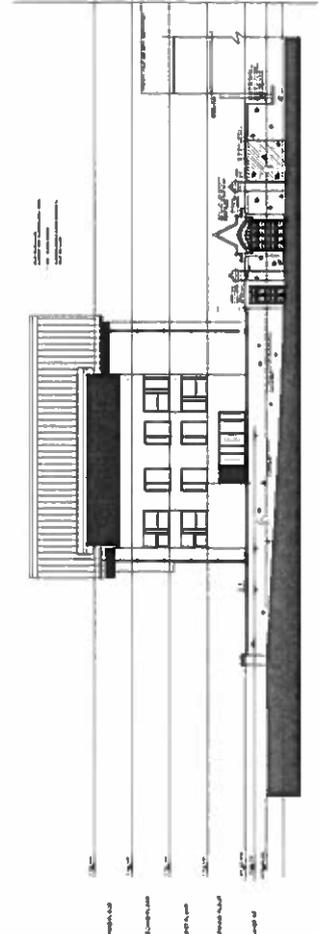
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

# PROPOSED APARTMENT BUILDING ELEVATIONS

FOR FURNISHING PURPOSES ONLY		PROJECT	
P05 A		THE GARAGE EAST PHASE (REV)	
DATE: 08/11/11	SCALE: 1/8" = 1'-0"	DESIGNED BY:	STUDIO PLANNING ELEVATIONS
DRAWN BY:	FILE NO. 11-0000-01	PROJECT NO. 11-0000-01	CONTRACT NO. 11-0000-01
ARCHITECTS		J P ARCHITECTS	
A PROFESSIONAL ARCHITECT FIRM		201 TOWN SQUARE	
1000 UNIVERSITY AVENUE, SUITE 1000		ANN ARBOR, MI 48106-1000	
CONTACT: PH: 313.763.1100		WWW.JPARCHITECTS.COM	

SHOWING RELATIVE HEIGHT OF ADJACENT DEVELOPMENT



Ian Weaver

**WARD :** Rhyl East

**WARD MEMBER(S):** Cllr Barry Mellor  
Cllr David Simmons

**APPLICATION NO:** 45/2014/0389/ LB

**PROPOSAL:** Demolition of easterly villa and westerly annex, and redevelopment of land by the construction of 44 apartments to include 21 on site parking spaces, restoration and alteration of the existing boundary walls and associated works (Listed Building application)

**LOCATION:** Grange Hotel Site 41-42 East Parade Rhyl

**APPLICANT:** Mr Andy Coombs

**CONSTRAINTS:** Listed Building

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

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

- Recommendation to grant / approve – Town / Community Council objection
- Member request for referral to Committee

**CONSULTATION RESPONSES:**

RHYL TOWN COUNCIL

**“DECISION: Objection on the following grounds**

1. The Council feels that the density of the number of proposed flats would represent an over intensification of the site in terms of the number of apartments proposed.
2. (notwithstanding the close proximity of the public car park), The Council considers the provision of only 21 on-site parking spaces for 44 apartments inadequate for the need and that this will result in significant on-street parking to the detriment of the occupiers of surrounding properties.

In the event that the application is approved by the Local Planning Authority then the Town Council would request that the following conditions be applied to any permission granted

1. That Standard Condition No. 1 be amended to require that any development permitted shall be commenced prior to the expiry of 1 year of the date of the grant of permission.
2. That a restriction be placed on the route of construction vehicles accessing and departing the site in consideration of the close proximity of particularly the Bradshaw Nursing Home and the frequent round the clock need for emergency vehicles to access that property.”

**ROYAL COMMISSION ON THE ANCIENT & HISTORICAL MONUMENTS IN WALES**

Comments on original submission

The remit of the Commission allows comment only on this historical significance and context of a movement or structure and on the adequacy or otherwise of the record. Note the Grange

hotel was listed for its special interest as a large mid 19<sup>th</sup> century villa in Tudor Gothic style, but since listing has become very derelict after fire damage, and has been partly demolished. Circular 61/96 makes it clear that listed buildings are only demolished in exceptional circumstances, but it is to be noted that the Grange Hotel is now a fragmentary structure. If consent is granted, will not need to make a special record of this building before demolition.

Comments on October 2014 revisions  
Reaffirm above comments.

#### GEORGIAN GROUP WALES

The date of the building does not fall within the Group's remit, hence defers to the Victorian Society. It is concerning that a listed building may be lost.

#### ANCIENT MONUMENTS SOCIETY

Comments on original submission

Objects to the application. Having regard to the background and the information submitted, feel there is insufficient justification for total demolition of the listed building. With reference to advice in 6.5.12 of Planning Policy Wales, consider that only modest efforts have been made to protect the building from acts of vandalism and that recent deterioration may have been the result of neglect. Are not convinced the building is beyond repair. Express dismay at the size and design of the replacement building which does not seem to reflect the existing character of the town, hence if the authority are satisfied the tests in PPW are met, an improved and less damaging proposal should be sought. Welcome the Council's recent efforts to protect Rhyl's historic properties, and the Townscape Heritage Initiative, and hope that the same degree of effort will be put into preventing the loss of this important contribution to Rhyl's seaside heritage.

Comments on October 2014 revisions

Maintain previous objections. Consider the financial considerations in the Addendum fail to justify demolition, and the new building falls short of expectations for this historically sensitive site.

#### COUNCIL FOR BRITISH ARCHAEOLOGY

Object to the proposals, which will result in the complete loss of the paired villas which are evidence of the town's Victorian past as a fashionable seaside resort. Consider that despite the belief that the building is beyond repair, it retains a good deal of original fabric and character. The present condition should not be seen as a barrier to restoration, but as a challenge aiming at incorporating the building into a new development. Urge that this option is fully explored before demolition.

#### VICTORIAN SOCIETY

Object to the proposal, which would result in the total loss of a designated heritage asset. The east villa remains an attractive Tudor Gothic villa. Do not consider the applicants argument that demolition is justified by the dilapidated state of the buildings is backed up by the structural survey which demonstrates that the building is generally structurally sound and could be restored. The submitted documents do not contain information confirming that the cost of restoring and incorporating the building into the redevelopment would be prohibitively expensive, and on the basis of the documents available a serious case for the demolition of the listed building has not been made. The approach in a previous application involving the conversion as part of a redevelopment is one that could be supported. In the absence of stronger justification, new development should be linked to the retention and restoration of this nationally important historic building.

#### CLWYD POWYS ARCHAEOLOGICAL TRUST

Have no objection to demolition but require a detailed photographic record of the buildings in their current state prior to demolition works commencing, which can be covered by planning condition.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

#### Conservation Architect

The documentation now submitted seems to suggest that retention of the listed building and development on the remaining site is not financially viable. The demolition of the listed building and a new building with a modified design on the entire site they say is now financially viable. Is unable to contradict this assertion but is very disappointed that demolition may now be granted consent. Has looked at the criteria in set down in S92 of WOC 61/96 and whilst is unsure whether significant efforts have been put into saving the building in recent years, generally speaking there seems to be no financially viable way of saving the listed building, and in the interests of benefits to the wider community I do not object to demolition.

#### **RESPONSE TO PUBLICITY:**

One representation has been made by a private individual in relation to the planning application for the redevelopment. This refers to the need to have regard to the listed status of the remaining building.

#### **EXPIRY DATE OF APPLICATION:**

#### **REASONS FOR DELAY IN DECISION (where applicable):**

- protracted negotiations resulting in amended plans
- 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 application seeks listed building consent to demolish the Grade II Listed Eastern Villa, to enable a redevelopment of the site at the former Grange Hotel, Rhyl.
- 1.1.2 The proposals are submitted in parallel with planning application 45/2014/0388/PF which relates to the detailing of the redevelopment of the site in the form of a 44 apartment building.
- 1.1.3 The application contains a range of information in addition to the forms and drawings, including a Design and Access Statement, a Structural Report, and an Order of Cost document. It has been supplemented by additional information in October 2014 dealing with the financial viability situation in respect of the options for refurbishment of the remaining building in association with a redevelopment.
- 1.1.4 Members are referred to the preceding report on the agenda which sets out the full background history and factual information of relevance to the planning merits of the redevelopment scheme.
- 1.1.5 Separate listed building consent is required for demolition of the listed building(s). If the Committee are minded to grant listed building consent, the application has to be referred to CADW, who would then decide whether to authorise the Council to issue the consent, or to instigate a 'call in' for determination of the application by the Planning Inspectorate.
- 1.1.6 The application is accompanied by sets of detailed drawings and a number of supporting documents, including commentary on the revisions undertaken in October 2014 to address issues raised in consultee responses on the original scheme. These set out the case for the proposals and include the following:

A Design and Access Statement

This 30 page document explains the proposals, the background to the submission, the design concept for the new apartment building and the justification for the demolition of the remaining buildings on the site.

In brief, the Statement refers to the extensive fire damage which occurred to the Western villa in March 2008, the previous scheme supported by the Council in 2010 to retain the easterly villa and western annex, and reasons why this never materialised.

The Statement accepts the historic importance of the site and the Grade II status of the remaining buildings. It explains the series of catastrophies and negative actions over recent years which it is argued have rendered the existing buildings beyond economic repair and restoration in relation to the importance of the listed building and the value derived from its continued use, given also there is no financial assistance from the Authority. It is stated the buildings and the site have been offered to the market as an unrestricted freehold, but to no avail, so the only logical option is to redevelop the site. The merits of alternative use have been considered but the overriding costs of any proposed restoration and repair would outweigh the cost of the works needed for any alternative use, causing any proposed use not to be viable.

There is a section dealing with the detailed condition of the east villa which explains every salvageable or reclaimable item has been broken out and removed, causing significant damage to the internal fabric, and there was a further fire in 2011. It explains the economic value of refurbishment in 2009 before the former owner went into liquidation, and current budget cost estimates. It refers to the separate document providing economic costings of refurbishment to support the case for demolition and redevelopment with residential use in keeping with the site and area – which it is considered would be attractive to a variety of potential residents.

There is a section explaining marketing attempts to accelerate restoration and the merits of alternative proposals for the site, in response to the tests in Welsh Office Circular 61/96, which conclude the case for demolition is made.

In respect of project viability, the Statement has been updated in an Addendum in October 2014 following reassessment of key parameters and the review of the original submissions by the District Valuer Service (DVS) who were engaged by the County Council to provide an independent evaluation of viability considerations. The Addendum indicates that a design review has resulted in the reduction of the proposed floor area, which would generate a saving of £480,000 on build costs, improving viability whilst reducing the overall mass of the building. It is argued that the refurbishment of the east villa is not financially viable, whichever permutations may be considered. It is anticipated some apartments would be offered for leasehold sale and some retained as a rental portfolio. It is considered the project can be shown to be viable.

The design concept has been developed with reference to the adjacent sea in mind, with roof forms being inspired by 'natural and powerful wave forms'.

In relation to key Planning Policy and guidance, it is indicated that the apartment and duplex units have been designed with regard to the Council's space standards; that 500 sq m outdoor space is to be provided, but Recreational Open space can not meet the SPG standards in an urban location.

#### An Order of Cost report

This confidential document submitted with the original application documents has been effectively superseded by the information in the October 2014 update (see the paragraph below)

#### A pre-assessment Code for Sustainable Homes report

This is a standard document setting out the ability of the proposed development to meet Code level 3 and associated credits.

#### A Structural Inspection report

This is a 5 page report from Patrick Parsons, Consulting Engineers, on the condition of the buildings on site. The report comments on the deteriorating condition of the buildings and questions the viability of the structures as part of any scheme.

(The annex to the west villa was removed in agreement with CADW in June 2014 having regard to its condition and health and safety fears given proximity to a public highway)

#### The October 2014 Addendum statement

The Addendum statement is an important document in relation to the submission as it updates and pulls together the applicant's case in support of the demolition of the remaining listed building and the financial viability of the redevelopment scheme, following consideration of these matters by the District Valuer Service (DVS)

The statement recognises the commentary from the DVS and contends that the redesign of the new build scheme has improved the financial viability whilst reducing the overall mass of the building. It suggests the reconfiguration of the building would reduce construction costs and would generate a residual profit, albeit below the level considered reasonable by the DVS to recognise the level of risk in the scheme. It argues that different permutations involving the refurbishment of the easterly villa as part of the scheme are not financially viable, and that the new build option would provide an interesting aesthetic reflecting the marine environment, providing an attractive opportunity to a variety of potential future purchasers.

The statement recognises the concerns of consultees over the loss of a listed building but stresses the benefits of the regeneration of a 'tired and prominent site' in the town.

- 1.1.7 The agents have submitted a planning application at the same time as this listed building consent application, under code no. 45/2014/0388/PF. As noted above, this forms the basis of the preceding report on the agenda.

#### 1.2 Description of site and surroundings

- 1.2.1 The Grange Hotel is located on the south side of East Parade, one of the main east-west seafront roads in Rhyl. It lies to the west of the Sun Centre, immediately opposite one of main car parks serving that facility. It is bound on the east side by St Asaph Street, and by Chester Street on the west side.
- 1.2.2 The Grange was historically run as a hotel, and a Grade 2 listed building consisting of two main 'villas', constructed in the 1850's with additions of varying styles. The west villa was severely affected by a fire in 2008 and has since been demolished, along with a stone annex to the West villa, which was removed in mid 2014 with CADW's approval on health and safety grounds. The east villa remains on site, and is in a very poor physical condition.
- 1.2.3 Vehicular access into the site has been possible from entrances off East Parade, Chester Street and St Asaph Street, with other pedestrian entrances on these roads. There appears to have been only limited on site parking available for users of the Hotel. The main 'service' accesses have been off Chester Street and St Asaph Street.
- 1.2.4 There are parking restrictions along East Parade and on both sides of Chester Street and St Asaph Street for a distance of some 15 metres down from the junctions with East Parade.
- 1.2.5 Ground levels fall down from the East Parade direction. There is an approximate difference in levels of some 3 metres between East Parade and the yard area at the rear of the site.
- 1.2.6 The predominant land use in the locality is residential, but there are a range of tourist related uses such as hotels, and residential/nursing homes nearby. The Royal Alexandra hospital is some 300 metres to the north east along East Parade.
- 1.2.7 Building styles in the locality vary considerably. There are 4.5 storey units immediately to the east at No's 43-50 East Parade; a 3 storey unit immediately to the west (Bradshaw Manor), 4 storey flats at Glendower Court; and mainly traditional 2

storey houses adjoining the southern boundary along both Chester Street and St Asaph Street. The 'modern' Sun Centre and Pavilion building is some 100 metres to the north east along East Parade.

- 1.2.8 The boundary between the site and the immediately adjoining dwellings on St. Asaph Street and Chester Street is defined by a mix of stone and brick walls of varying height, and there is a gap in the boundary alongside part of the walls between 15 Chester Street and the site.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary of Rhyl on the proposals map of the Local Development Plan.
- 1.3.2 Within the Plan, the site has no specific use designation. The area to the north side of East Parade (not including the site) is part of a Coastal Tourism Protection Zone, subject to Policy PSE 13 of the Plan, which does not support proposals which would result in the loss of tourism facilities.
- 1.3.3 As noted above, the remaining east villa is a Grade II Listed building and is of Tudor Gothic style.

### 1.4 Relevant planning history

- 1.4.1 Applications for planning permission and listed building consent to convert the original hotel into 20 apartments were refused under Officers delegated powers in 2007, based on the limited case advanced at that time to justify the loss of the Hotel use, and the detailing of the scheme.
- 1.4.2 An alternative scheme for planning permission and listed building consent, involving the demolition of the fire damaged westerly villa, the retention of the stone built annexe, restoration of the easterly villa, and part redevelopment creating a total of 20 apartments with the use of the lower ground floor as a restaurant/functions facility, was submitted in 2009.
- 1.4.3 Denbighshire's Planning Committee resolved to grant listed building consent for the demolition of the remains of the west villa, and this was consented to by CADW in 2010. Committee also resolved to grant the planning permission subject to the completion of a Section 106 Obligation to secure a clawback payment for an affordable housing contribution in the event that the development generated an agreed level of profit when implemented. The Section 106 Obligation was not however completed, and the planning permission has never been issued.

### 1.5 Developments/changes since the original submission

- 1.5.1 Having regard to the significance of the proposals, the District Valuer Service (DVS) was engaged to undertake a detailed assessment of the financial viability of the proposals, and this report has assisted the applicants to review the contents of their submissions. This led to the submission of an amended scheme and additional information developing the financial viability arguments in October 2014.

The main conclusions of the District Valuer Service on the original submission were –

- The viability testing results illustrate that the option of refurbishment and new build as previously proposed is unviable and, in the DVS opinion has no chance of becoming viable in the immediately foreseeable future. There may be different configurations of a scheme involving refurbishment and new build, but without some form of public, private or third sector subsidy the development would need to be substantially larger to have any prospect of viability and almost certainly larger to an extent which could lead to the new build element being incongruous to the refurbished element and surrounding architectural environment.

- The proposals for complete site clearance and development face significant viability challenges and based on the assessment are also currently unviable, but are far closer to being viable (potentially within the next 12 to 24 months) and so consideration could be given to approval of this scheme, subject to suitable safeguards to prevent the applicant or successors in title from manipulating any such consent beyond the Council's intentions.
- The viability results show that there is currently no reasonable prospect of the present development proposals delivering the Council's policy requirements in respect of affordable housing and open space and as such these requirements could, on the basis of economic viability, potentially be waived in this case. This is a decision for the Council having weighed all relevant factors.
- Finally, it may be that the applicant could consider revisions (to units sizes, development density etc) to the current proposals that may lead to improved viability and this might be something for the Council to give further consideration to and potentially review with the applicant.

1.5.2 As noted earlier in the report, the stone annex to the West villa was demolished in June 2014, following Health and Safety concerns, and with the consent of CADW.

#### 1.6 Other relevant background information

1.6.1 Assessment of the application needs to be undertaken alongside the parallel application for planning permission for the redevelopment of the site, which forms the subject of the previous application on the agenda.

1.6.2 The Grange has been identified as one of the County's 'Eyesore Sites' where multidisciplinary action has been targeted to remove or deal with issues.

1.6.3 The ownership of The Grange changed in 2013. The new owner has engaged positively with the Council in the course of developing the current planning and listed building applications.

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

2.1 The most recent history is :

45/2006/0705/LB

External refurbishment works

Granted 21/11/2006

45/2007/0800/PF

Conversion and alterations of existing hotel to create 20 no. Self contained apartments and construction of a new vehicular access.

Refused 8/1/2007

Reason for refusal: Conflict with policy TSM 8 – no evidence to demonstrate attempts to market property as serviced accommodation/site lies in important cluster of serviced accommodation uses which should be retained to ensure an adequate range of holiday accommodation in the town.

45/2007/0801/LB

Listed building application for conversion and alterations of hotel to create 20 no. Self contained apartments.

Refused 21/12/2007

Reason: Design and detailing unacceptable and would not preserve/enhance the character/appearance/special interest of the Grade 2 listed building.

45/2008/1043/LB

Demolition of fire damaged building (listed building)

Withdrawn 20/3/2009.

45/ 2009/0184/PF

Demolition of fire damaged westerly villa, retention of stone built annexe, restoration of easterly villa, and part redevelopment; creating a total of 20 apartments; use of lower ground floor as restaurant/functions facility, provision of off road parking, open space, refuse and cycle storage.

Committee resolved to grant subject to completion of a Section 106 Obligation (never completed)

45/2009/185/LB

Demolition of fire damaged westerly villa and part redevelopment (listed building application)  
Granted April 2010

### **3. RELEVANT POLICIES AND GUIDANCE:**

Government Policy / Guidance

Welsh Office Circular 61/96 - Planning and the historic environment: Historic Buildings and Conservation Areas.

Planning and Listed Buildings Act 1990

Planning Policy Wales 7 2014.

There is no statutory requirement to have regard to the provisions of the Development Plan in making a decision on listed building consent applications. The key requirements are set out in Circular 61/96, Planning Policy Wales 7, 2014 and the Planning & Listed Buildings Act 1990 which oblige consideration of the impact on the character and appearance of a listed building, and offer general advice on the tests to be applied to proposals to demolish such buildings.

### **4. MAIN PLANNING CONSIDERATIONS:**

In terms of guidance on matters relevant to the assessment of a listed building consent application involving demolition, Section 6.5.12 of Planning Policy Wales 7, 2014 and Welsh Office Circular 61/96 provide specific advice on the considerations to be applied by Local Planning Authorities. PPW reinforces the general presumption in favour of the preservation of listed buildings and essentially summarises the main contents of Paragraphs 92 and 93 of Circular 61/96, stressing that authorities should not authorise demolition to make way for new development unless it is certain that the new development will proceed.

Paragraph 92 of Circular 61/96 advises that the Secretary of State would not expect consent to be given for the total or substantial demolition of any listed building without convincing evidence that

—

- all reasonable efforts have been made to sustain existing uses or find viable new uses, and that these efforts have failed;
- that preservation in some form of charitable or community ownership is not possible or suitable;
- or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss from demolition

Para. 92 adds that it would not be expected that demolition consent be given simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building, or because the building was acquired at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic building.

Paragraph 93 sets out 3 separate considerations it is expected Local Planning Authorities to address in determining applications involving total or substantial demolition of a listed building:

- i. The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. This test suggests less favourable levels of rents and yields cannot be automatically assumed, and that any assessment should take account of the possibility of tax allowances and exemptions, and grants from public or charitable sources. Where it is clear a building has been deliberately neglected, less weight should be given to the costs of repair

- ii. The adequacy of efforts made to retain the building in use. This should include the offer of the unrestricted freehold of the building on the open market at a price reflecting the building's condition
- iii. The merits of alternative proposals for the site. This test indicates claims for the architectural merits of replacement buildings may be a material consideration, but should not in itself be held to justify the demolition of any listed building. It is suggested that even where it is thought the proposed works would bring substantial benefits to the community, it will often be feasible to incorporate listed buildings within new development, hence this option should be carefully considered, as the challenge presented by retaining listed buildings can be a stimulus to imaginative new design.

4.1 The main issues to address in relation to the application are therefore considered to be:

4.1.1 The acceptability of the proposals having regard to the tests of PPW 2014 and Welsh Office Circular 61/96

Consultee responses on the listed building consent application, as revised in October 2014, are mixed. Rhyl Town Council comment mainly on matters relevant to the land use planning merits of the redevelopment scheme, and not on the case for demolition. There are objections from the Amenity Bodies including The Ancient Monuments Society, The Council for British Archaeology, and The Victorian Society, the gist of their concerns being that the case is not fully made for demolition, either on the basis of the financial information or the structural condition of the building, and it is suggested that restoration is not prohibitively expensive. The indication is that stronger justification is required. The Royal Commission on Ancient and Historical Monuments in Wales and the Georgian Group do not express strong opinion on the proposals. The Council's Conservation Architect has reservations over the grant of consent for demolition, but accepts that if there seems to be no financially viable way of saving the listed building, in the interests of benefits to the wider community, does not object to demolition.

The basis of the applicants case in support of the proposals for demolition, in the context of PPW and tests as outlined in Circular 61/96 are summarised below -

- The information with the application highlights the difficult recent history at the site, and the attempts to sell the 2009 project for conversion and part redevelopment. It indicates that a number of developers and organisations had shown interest in the property, but without exception, the parties concluded that the site with the derelict Grade II building in place proved to make any development unviable. It confirms that the site and the development project was actively marketed by Elwy Estates and independently by the previous owners, all to no avail, and the site remained unsold until the demise of the previous owners, action by the bank and the official receivers. It states the current owner (who purchased the site in 2013) has also made attempts to attract alternative developers, in particular with Burinington Price and Llandrillo College, but both have confirmed they are not interested in the site.
- In relation to alternative proposals for the site, the submission refers to assessment of potential options of small scale housing, a nursing home, and a budget hotel. It mentions the policies of the Denbighshire Local Development Plan, which designates Rhyl as a low growth town and identifies the site as a housing commitment in the Proposals Map, suggesting there would be benefits to the town through delivery of much needed residential units. It concludes that the financial and viability model shows the mix of one, two, and three bedroom units will prove to be the best use for the site.
- With specific reference to the tests in Circular 61/96, the submission advises that :

- The condition of the buildings has deteriorated beyond the point of reasonable cost of repair and restoration in relationship to its importance and to the value derived from its continued use. In the absence of financial assistance to offset the cost of the works, demolition and rebuild as new would financially be the logical option. The viability review supports this conclusion.
- The buildings and site have been offered to the market as an unrestricted freehold but to no avail, making the only logical option to redevelop the site.
- The merits of alternative use has been considered but the overriding cost of any proposed restoration and repair would outweigh the costs of the works needed for any alternative use , causing any proposed change of use not to be viable.
- Having regard to the features mentioned in the listing description, from inspection and assessment it can be seen that almost all of the original internal features and architectural elements and components have now been destroyed or removed to a point where economical repair or restoration is not now viable. The document lists the features destroyed, missing and in poor condition.

Taking all the background information into account, Officers acknowledge there are factors here which weigh both for and against the grant of listed building consent for demolition. In addressing the issues in the context of PPW advice and in particular the tests of Welsh office Circular 61/96, Officers comments are as follows:-

#### Paragraph 91

The surviving building is what is left of two Grade II listed Victorian Villas. There is a volume of material submitted with the application offering 'evidence' in support of demolition, sufficient to form a reasoned judgement on the case for or against consent.

The submission outlines efforts which have been made over time to sustain the existing use, and to find viable new uses, which have failed. There is evidence that approaches have been made to external parties, including housing associations, who have not followed up any interest in taking on ownership. There is a sustainable argument that redevelopment would produce substantial benefits for the community by removing a derelict structure on the Council's Eyesore list, and providing a mix of housing in one of the County's low growth towns, contributing to the County's housing need figures – all of which may be factors in favour of outweighing the loss resulting from demolition. The financial viability information and the conclusions of the District Valuer Service on the viability of the conversion and the redevelopment options indicate this is not a situation where redevelopment is simply more attractive to the developer than repair and reuse of the historic building, or that the current owner acquired the building at a price reflecting the potential for redevelopment rather than the condition and constraints of the existing building.

#### Paragraph 92

(i) Detailed consideration has been given to the condition of the building, the cost of repairing and maintaining it in relation to the value derived from its continued use. There appear to be no realistic sources of grants from public or charitable causes. Interpretation of the DVS conclusion is that there is no realistic prospect of securing a viable scheme based on the retention of the remaining section of the listed building. There is no clear evidence that the building has been deliberately neglected, and in any event no responsibility for its current condition can be attached to the current owner.

(ii) It is difficult because of the change in ownership in the last year to be critical of efforts to retain the building in use. Its condition has gradually deteriorated over time, and the effect of the 2008 fire which destroyed the West Villa and contributed to the further degradation of the East Villa can not be underplayed in impacting on the feasibility and practicality of retaining the building in use. It is apparent from the contents of the

application that efforts have been made to sell the site on the open market at a price reflecting its condition.

(iii) The merits of the alternative proposals for the site are reviewed in the accompanying report on the planning application, and are considered to be a legitimate material consideration. There are differing opinions on the design merits of the redevelopment scheme but this is not considered by Officers to be a case where the justification for redevelopment rests solely on the architectural merits of the apartment scheme. The feasibility of incorporating the listed building within a new development have been scrutinised in detail by a 'neutral' body in the form of the DVS, in order to inform the decision making process; and significantly, as referred to earlier in this report, their viability testing results illustrate that the option of refurbishment and new build as previously proposed is unviable and has no chance of becoming viable in the immediately foreseeable future. Whilst the DVS accept it is impossible to rule out different configurations of a scheme involving refurbishment and new build, they state without some form of public, private or third sector subsidy the development would need to be substantially larger to have any prospect of viability and almost certainly larger to an extent which could lead to the new build element being incongruous to the refurbished element and surrounding architectural environment.

Finally, it is to be noted that this is an instance where a fully detailed redevelopment scheme accompanies the proposal to demolish the remaining listed building, so there is a level of certainty over a development proceeding should planning consent be granted for the application preceding this one on the agenda.

## **5. SUMMARY AND CONCLUSIONS:**

- 5.1 The report provides commentary on the tests of current policy and guidance on the considerations to be applied to the listed building application, to inform members on the key issues in the context of the submissions from the applicants and the consultee responses. Having regard to all these, it is suggested ultimately that this is a case where the issues are in the balance.
- 5.2 The submissions from the applicants argue that all reasonable avenues have been pursued to secure the retention of the east villa and that the conclusion that there is no reasonable prospect of devising a scheme to include the building which could be viable or acceptable to the Conservation bodies is supported by the District Valuer Service in its assessment of the proposals.
- 5.3 In concluding on the key issues, Officers are fully respectful of the opinions held by the Amenity Bodies in expressing reservations over the case for demolition. The reality here, unfortunately, is that what remains of a once significant building in the town's history is a sadly derelict fragment which blights this section of the seafront, with little obvious future potential for a viable use or salvation. Whilst recognising the importance of listing status and the need to address relevant tests when considering demolition proposals, having due regard to the substance of the submissions, the DVS assessment of the viability situation and the structural condition of the building, in the context of the tests of PPW and Circular 61/96, it is suggested that there is a justifiable case to support demolition linked to an early redevelopment. It is considered this is an instance where the benefits of redevelopment can be said to outweigh the loss resulting from demolition, and merit the Council's support.
- 5.4 The recommendation following is subject to referral of the listed building consent application to CADW for consideration, and authorisation from CADW that consent can be issued by local planning authority.

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

1. The works hereby permitted shall be begun before the expiration of one year from the date of this consent.
2. No demolition shall be permitted to commence until a contract for the carrying out the redevelopment has been made and evidence of the contract has been submitted to the local planning authority.
3. No demolition shall be permitted to take place until a suitable photographic record of the buildings has been undertaken, in a format to be agreed in writing by the Local Planning Authority, and such record has been deposited with the National Monuments Record of Wales.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of the 1990 Listed Buildings Act.
2. In the interests of visual amenity.
3. To ensure a suitable record of the building.

**NOTES TO APPLICANT:**

In connection with Condition 3 of the consent, you should discuss the photographic format with, and send the record of the building to Richard Suggett/Nicola Roberts at the RCAHMW, Plas Crug, Aberystwyth, Ceredigion, SY23 1NJ. (Tel. No. 01970 621211).