

INFORMATION REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

FORMER NORTH WALES HOSPITAL, DENBIGH

1. PURPOSE OF REPORT

- 1.1 The report provides a short factual update for the Committee on developments at the North Wales Hospital site, as requested by Members at the March 2015, meeting and is for information purposes only.
- 1.2 The last formal report to Planning Committee in relation to the site was in September 2013 when Members were requested to consider authorising the making of a Compulsory Purchase Order.

2 FACTUAL BACKGROUND

- 2.1 Members will be aware of the lengthy history relating to the site since closure in 1995 and disposal by the former Health Authority.
- 2.2 The planning consent granted in September 2006 for a mixed use redevelopment including enabling housing development within the grounds and restoration of listed buildings was issued following completion of a Section 106 Obligation which set out a range of requirements including the establishment of a Restoration Fund.
- 2.3 Listed building consent was granted in 2008 for the demolition of a number of peripheral buildings within the complex. Works of demolition were commenced in late 2008 but were stopped as the relevant Licence(s) to disturb Protected Species (bats) had not been obtained.
- 2.4 In December 2008, following a serious fire affecting the Main Hall, the Council served a Section 77 Notice under the Building Act 1984. This Notice was complied with and the building was demolished given its dangerous condition.
- 2.5 Whilst a number of detailed submissions were made in relation to the 2006 planning permission, not all conditions were complied with within the relevant period, and the permission expired in September 2009.
- 2.6 In March 2010, the Prince's Regeneration Trust was formally engaged by the Council to provide advice and support. The Trust produced a detailed Route Map document explaining the options facing the Council and recommending a way forward to be pursued in the event of continued neglect by the owner.
- 2.7 In October 2010, a Part II report was taken to Cabinet, where Members agreed to support the service of an Urgent Works Notice and Repairs Notice, and to the formation of a Single Purpose Vehicle in the form of a Building Preservation Trust, in accord with the Route Map.
- 2.8 In December 2010, Planning Committee authorised the service of an Urgent Works Notice and a Repairs Notice, and in the event of non compliance, the intention to proceed with a Compulsory Purchase Order.
- 2.9 The Urgent Works Notice was served in June 2011. On the basis of the response on behalf of the owners, Wye Valley Demolition were instructed to enter the site to carry out the urgent works in default. This contract spanned 14 months. Relevant demands were served on the

owner to reclaim the money spent, under Section 55 of the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990. The cost of the urgent works was approximately £930,000 and in brief relating to the main range buildings :

- 2.10 The Repairs Notice was served in May 2013.
- 2.11 In September 2013, Planning Committee authorised the commencement of the Compulsory Purchase of the hospital site in accordance with Section 47 of the 1990 Act.
- 2.12 A Public Inquiry was held in 3 sittings between April and July 2014 in relation to 3 of the 5 Section 55 demands (i.e. approximately half of the £930,000 spent on the urgent works). The Inspector's decision on this Inquiry is still awaited. The 2 S55 demands for which no appeal was submitted is money owned by the owner to the Council.
- 2.13 The Compulsory Purchase Order was made in June 2014, incorporating the related Statement of Reasons. An objection was made to the Order in September 2014, by the owners.
- 2.14 The Prince's Regeneration Trust submitted detailed proposals to the County Council for the development of the site in the form of a 'hybrid' planning application and a listed building consent application for further demolition, in November 2014. The planning application proposes the conversion of the main range buildings to 34 apartments, the mothballing of a number of other listed buildings, and the development of 5 hectares of land for residential purposes as 'enabling development' to help fund the restoration works. The Trust decided to pursue this course of action as they felt it would support the Compulsory Purchase Order and if successful would allow the North Wales Building Preservation Trust to sell 'enabling development' land as quickly as possible, in turn providing a capital injection to start making improvements to the site and carry out any further urgent works, at the earliest possible opportunity.
- 2.15 The November 2014 planning and listed building consent applications have been the subject of consultation and at the time of preparing this report the earliest it is possible to report the applications to the Committee for determination is the meeting on the 13th May, 2015.
- 2.16 The Inquiry into the objection to the Compulsory Purchase Order was the subject of a 3 week hearing held in Denbigh between the 3rd and 20th March, 2015. The objector was represented by Q.C and called 5 witnesses. The Council was represented by a barrister (specializing in Planning and Compulsory Purchase Orders) and called 9 witnesses. The Inspector's decision is awaited.
- 2.17 Officers will keep Members updated on developments.

3 ADDITIONAL INFORMATION

- 3.1 Members have been advised previously that the Council received £1.9m in relation to a dispute over the S106 and associated bond. The costs of the urgent works, advice from private and external legal costs have been paid for from this fund.
- 3.2 In 2006/7 the owner paid approximately £250k into the restoration fund. A balance of approximately £18k is still in the restoration fund. The owner had requested the return of the balance. The Council have retained the balance to off set the unpaid S55 demands.
- 3.3 A Building Preservation Trust, the North Wales Building Preservation Trust has been set up and if the Council is successful in the CPO the intention is to "pass on" the ownership of the

property to the NWBPT. The Chair of the NWBPT trustees gave evidence on behalf of the Council at the recent CPO Inquiry. A back to back agreement between DCC & NWBPT has been signed.

- 3.4 The owners have stated they intend to submit their own planning application for the site, which will not depart significantly from the principles of the PRT application, but may contain more enabling development land.
- 3.5 If the Council is successful in regard to the CPO inquiry then Member authorization is still required to formally take the ownership, and the level of compensation made to the owner will still need to be agreed, if necessary, set by an independent tribunal.

4 RECOMMENDATION

- 4.1 That Members note the contents of the report.

GRAHAM H. BOASE

HEAD OF PLANNING & PUBLIC PROTECTION