

WARD : Denbigh Upper / Henllan

WARD MEMBER(S):

APPLICATION NO: 01/2020/0315/ PF

PROPOSAL: Trosi, adfer, dymchwel rhannol ac addasu adeiladau rhestredig prif ystod at ddefnydd preswyl (34 annedd); dymchwel Cartref Nyrsys, Marwdy, ward ynysu, ward Aled a chyn adeiladau gwaith nwy; a datblygu tir o fewn tiroedd yr ysbyty ar gyfer defnydd cymysg fel datblygiad galluogi, gan gynnwys hyd at 300 o unedau preswyl ac oddeutu 1114 metr sgwâr o unedau busnes (yn cynnwys cymysgedd o ddefnyddiau A1, A2, A3, B1, C1, C2, C3, D1 a D2); lleoli Clwb Criced Dinbych; ac adeiladu mynediad, draeniad a gwaith cysylltiedig / Conversion, restoration, part demolition and adaptation of main range listed buildings to residential use (34 dwellings); demolition of Nurses Home, Mortuary, Isolation ward, Aled ward and former gasworks buildings; and development of land within the hospital grounds for mixed use as enabling development, including up to 300 no. residential units and up to 1114 square metres of business units (comprising a mix of A1, A2, A3, B1, C1, C2, C3, D1 and D2 uses); siting of the Denbigh Cricket Club; and construction of access, drainage and associated works

LOCATION: Former North Wales Hospital, Denbigh

APPLICANT: JonesJones Bros Ruthin Development Holding Limited

CONSTRAINTS: B Flood Zone
PROW
Listed Building

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:

Scheme of Delegation Part 2

- Referral by Development Manager

CONSULTATION RESPONSES:

DENBIGH TOWN COUNCIL

"The above applications were discussed at a Zoom meeting held yesterday (27th May 2021).

The town councillors are very pleased that the works are being completed by Jones Brothers of Ruthin to a high standard. The Former North Wales Hospital Site will be vastly improved to provide homes to many over the next 10 years as well as using local trades people to complete the works.

Concerns were raised on the following points.

- 1) The site is not within the LDP and the properties due to be built will be in addition to the LDP provision.
- 2) No provision made for affordable or social housing.
- 3) Current infrastructure in Denbigh – the town councillors felt strongly that discussions should be made between the contractor, DCC and the local health board to ensure that the roads in

Denbigh, School provision, Doctor provision and Dentists are addressed before any major works start. The infirmary also need to remain open with the reduced beds provision re opened.
4) Architecture – there is a fixture above the entrance to the nurses quarters that should either be removed and reused or given to the Denbigh Museum group.

The town councillors are requesting an independent traffic report to address the traffic issues in the whole of Denbigh.

Also, requesting a site visit at your earliest convenience. 6 town councillors to attend.

The town councillors would very much like an update on the above as well as confirmation of when a site visit (using social distancing) will take place.”

DENBIGH CIVIC SOCIETY

Awaiting response

DENBIGHSHIRE HISTORIC SOCIETY

Awaiting response

NATURAL RESOURCES WALES

NRW do not raise an objection to the proposal subject to appropriate conditions being imposed/planning obligations are entered into to ensure that there are no negative impacts on protected species or the nature conservation value of the site, and that ground water is protected.

In summary the planning conditions must:

- *Ensure the effective conservation of bats at each component phased of the proposed development;*
- *Ensure the long term provision of sites suitable for bat roosting purposes; including but not limited to the provision of two dedicated bat buildings; the inclusion of bat roosting features within retained structures; the provision of bat roosts in proposed new buildings; and the provision of appropriate bat boxes in ecology areas;*
- *The submission and implementation of an external lighting/internal light spillage scheme;*
- *Long term management plan that includes defined aims and objectives for bat breeding, sheltering, foraging, dispersal and hibernation; habitat management prescriptions; contingency measures that are capable of being implemented in the event of failure to undertake or to appropriately undertake identified or contingency actions; site liaison and wardening; licensing requirements for undertaking habitat management, building maintenance and surveillance; current and any proposed changes to tenure of the compensation area; [freehold] tenure of the compensation to be approved by the LPA in consultation with NRW ; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan*
- *Ensure the provision and availability of financial resources for habitat management, building maintenance, surveillance and wardening liaison purposes in the long term*
- *Tenure of ecology areas to be in the freehold tenure of the LPA or approved by the LPA with an appropriate ‘winding up policy’;*
- *Long term surveillance*
- *Ecological compliance audit*
- *Biosecurity risk assessment*

With regard to the planning obligation, NRW request that it includes provisions for

- (a) Defined commuted sum and/ requirement for index linked ground rent service charges to include ecological surveillance, management and wardening in perpetuity [costed management plan is required to inform costings];*
- (b) [Annual / biennial] liaison meetings;*
- (c) Management plan review;*
- (d) Tenure and any proposed changes to tenure shall be carried to the satisfaction of the LPA in consultation with NRW (or potentially in the future);*

(e) Restrictions on the occupation of the remaining each component phase of the development until all identified long-term actions have been implemented to the satisfaction of the LPA.

DWR CYMRU WELSH WATER (DCWW)

DCWW have previously commented that it is unlikely that sufficient capacity exists within the public sewerage system to accommodate the development without causing detriment to the existing services we provide to our customers, or in regard to the protection of the environment.

To this end, the applicants have commissioned DCWW to undertake a Hydraulic Modelling Assessment (HMA) of the local public sewerage network. The HMA is currently ongoing. The HMA will examine the existing network and consider the impact of the introduction of flows from the proposed development upon its performance. Where required and appropriate, the Assessment will then identify solutions and points of communication to ensure that the site can be accommodated within the system.

In the absence of known solutions to accommodate the proposed development, DCWW request that in the event that planning permission is granted for the proposal that conditions are imposed to ensure that any detrimental impact upon the capacity of the public sewerage system is adequately mitigated.

CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)

Suggests the Denbighshire CC Built Heritage Conservation Officer will be the primary consultee in this case with regard to appropriate materials to be used, fabric changes and layout alterations relating to those listed buildings which will be retained if this development is permitted.

Confirms prior archaeological assessment has been completed by CPAT for the historic buildings at the North Wales Hospital site in relation to application 01/2004/11445/PO in 2007. The assessment presented a phased historical development of the site layout and a basic record of those buildings which would be lost or converted to Historic England Level 2 standard. A number of buildings could not be accessed for health and safety reasons and others were only treated to a cursory photographic and descriptive survey. Further work would need to be done to bring this basic level of recording up to standard, particularly in mitigation for those buildings which will now be demolished rather than retained, but also for those buildings for which there was no prior internal access.

Notes the additional HIA report by Richard K Morris which accepts that some structural loss will be inevitable to retain the key listed buildings on this site and allow their renovation and re-use, and is in agreement with the sentiments and conclusions of this report but the additional losses must be addressed by appropriate recording.

Additional recording would be required for:

- The Aled Ward
- The Isolation and Mortuary Buildings
- The Nurses Home
- The Gas Works

The recording level would be to Historic England Level 4 where safety permits internal access. Alternatively an external elevation survey would be completed to this level. Internal and external access to the single storey Gas Works buildings should be entirely possible.

The setting of the hospital in views from the north is to be retained with open ground and this is welcomed. This open area should be retained in its present form with minimal change as a grassed area. Views from the south along the road frontage are also largely protected with a grass and foliage aspect.

To secure the appropriate level of additional recording for the buildings on this site which will now be demolished, suggests a scheme of investigation condition be attached to any permission.

CADW

"The application is accompanied by a Heritage Impact Assessment prepared by Richard K Morriss and this has considered the impact of the proposed development on the above designated heritage assets and concluded that apart from scheduled monument DE156 Denbigh Castle and Medieval Town there will be no effect on their settings.

The proposed development will be part of the panoramic views from scheduled monument DE156 Denbigh Castle and Medieval Town but will be partly screened by existing vegetation and this change will constitute a very slight, but not significant, adverse impact on the setting of scheduled monument DE156."

WELSH HISTORIC GARDENS TRUST

Awaiting response

WALES AND WEST UTILITIES

Awaiting response

SCOTTISH POWER

Awaiting response

OPENREACH (TELECOMMUNICATIONS)

Awaiting response

NORTH WALES FIRE AND RESCUE SERVICE

Response refers to Access for Fire Appliances and Water Supplies, and advises:

- The access road should be a minimum of 3.7m between kerbs with a minimum carrying capacity of 12.5 tonnes. Turning facilities should be provided in any dead-end access route that is more than 20m long.
- There should be vehicle access for a pump appliance to within 60m of all points within each dwelling.
- Fire hydrant should be provided within 90m of an entry point to the proposed properties and not more than 90m apart. It is noted that the private hydrant system on site is no longer in use and has not been maintained for a number of years.

NORTH WALES POLICE – Designing Out Crime Officer

Refers to the property being a demand on North Wales Police in terms of crime and disorder, the fact that it stands unoccupied being a major factor. For this reason, any development can only help reduce crime and disorder in the long term.

Note compliance with Part Q of the Building Regulations will ensure any dwellings benefit from having enhanced security doors and easily accessible windows.

WELSH AMBULANCE SERVICE

Awaiting response

BETSI CADWALADR UNIVERSITY HEALTH BOARD

Awaiting response

N WALES LOCAL MEDICAL COMMITTEE

Awaiting response

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

Highways Officer

No objections to the proposals. Detailed discussions have taken place with the applicants about the requirement for some off-site highway improvements to better link the site to the town of Denbigh. It has been suggested that these can be tied into any planning or highways agreement with relevant trigger points for the works to be completed.

Footpaths Officer

Has suggested some minor footpath improvements as part of planning/highways agreements. These will link the site to the Castle and town.

Drainage Engineer

Confirms the proposals will require separate SAB approval.

Pollution Control Officer

Requirement for usual construction phases controls to minimise impacts on neighbours.

Conservation Architect

Raises no objection to the proposals. It is commented that it is unfortunate to lose further listed buildings in the scheme but understands it is not financially viable to save them all. The priority is to renovate the Main Range, the Chapel and possibly the Aled Ward, if finances allow. Further clarification is required as to the precise timescale for works and 'milestones' in the project, and the precise end use of the Chapel. This can be adequately controlled through appropriate planning conditions/obligations.

Biodiversity Officer

Raises no objections to the proposal subject to conditions being imposed to ensure that there are no negative impacts on protected species or the nature conservation value of the site, and all reasonable steps have been taken to maintain and enhance biodiversity as required by Section 6.4 of Planning Policy Wales, Edition 11. The conditions suggested tie in with the request.

Local Housing Strategy and Development Officer

Understands the financial viability issues with this enabling development meaning a traditional affordable housing approach cannot be secured. However, it could be feasible for local RSL's to play some part in future housing phases given housing needs in this area. I am aware that discussions are on-going between RSL's and the applicants.

Minerals Officer

Awaiting response

Strategic Planning and Housing

"The Strategic Planning and Housing team welcomes the submission of a planning application for the former North Wales hospital; aiming to restore these important historic buildings with the long-term view of bringing them back into residential use.

Located outside the development boundary of Denbigh, the application site is not designated for any specific form of land use. Recognising the poor conditions of the listed buildings, it is however designated under Denbighshire Local Development Plan 2006 – 2021 (LDP) policy VOE 4 'Enabling Development'. You can find further guidance on the potential assessment criteria in the Council's Site Development Brief 'Former North Wales Hospital Denbigh' (2014), and Welsh Government (Cadw) document 'Conservation Principles for the sustainable management of the historic environment in Wales' (2011).

'Enabling development' generally allows for proposals which may not normally be acceptable in planning terms as a means of securing the future of a heritage asset designated as at risk, provided criteria set out in the policy are met. Any enabling development should be the minimum necessary to release sufficient funds to secure the long term future of the important listed buildings.

You may wish to grant planning permission on the basis that that the planning application is supported by sufficient evidence and material considerations that ensure compliance with local policy VOE 4 and the adopted Site Development Brief."

RESPONSE TO PUBLICITY:

In objection

None.

In support

None.

Neither in support or objection:

Kevin Mowbray, Ysgol Plas Brondyffryn
Dr Chris Madoc-Jones, 2 Llys Wynnes Parc, Denbigh
M. Cartwrigth, Cae Cerrig Pwll Clai, Brynford, Holywell

Basis of comments:

The respondents wish to emphasise the need to ensure that matters such as biodiversity, highway capacity and safety, and provision of infrastructure are all properly taken into account.

EXPIRY DATE OF APPLICATION: 05/07/2020

EXTENSION OF TIME AGREED: 08/9/2021

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)
- additional information required from applicant
- 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 This is the latest major planning application proposing developments at the former North Wales Hospital site.
- 1.1.2 It proposes works on the main range of listed buildings in connection with conversion to 34 dwelling units, demolition of a number of buildings formerly used in connection with the hospital, the development of land within the grounds for residential and business use as enabling development to fund the restoration of the main range buildings, and the creation of a new field for the town's cricket club.
- 1.1.3 There is an accompanying Listed Building Consent application relating to the demolition works, under Code no. 01/2020/0316/LB.
- 1.1.4 The planning and listed building applications are submitted by a planning consultancy, Les Stephan Planning Ltd., as agents acting on behalf of the applicants, Jones NWH Ltd. The application documents confirm that the relevant notices have been served on

Denbighshire County Council, who have been the owners of the site since 2018, following Compulsory Purchase proceedings.

- 1.1.5 The submissions indicate that Jones NWH Ltd. are a subsidiary of Jones Bros Ruthin Development Holdings Limited; a related party to Jones Bros Ruthin Co Limited, who have been selected to work in partnership with the Council to find a viable scheme for the site.
- 1.1.6 The proposals are submitted in the form of a 'hybrid' application similar to the ones previously lodged in 2004 on behalf of Acebench Investments Ltd (granted permission in September 2006) and the Prince's Regeneration Trust in 2014 (Committee resolved to grant permission in 2016, but as a Section 106 Agreement was not completed, no permission has been issued).

The current application involves a full details for the change of use and conversion of the main range listed buildings to residential use, and outline details for the development of land within the grounds for residential and commercial uses, hence in effect being in part for full planning permission and in part for outline permission.

In terms of the main elements of the proposals, as set out in the application documents:

The full application element seeks approval for the following:

- Repair and Conversion of the existing main range listed buildings to provide 34 residential units;
- Construction of 2 new main vehicular access points;
- Associated works including demolition, and car parking provision within the existing airing courts.

The outline application element seeks approval for the following:

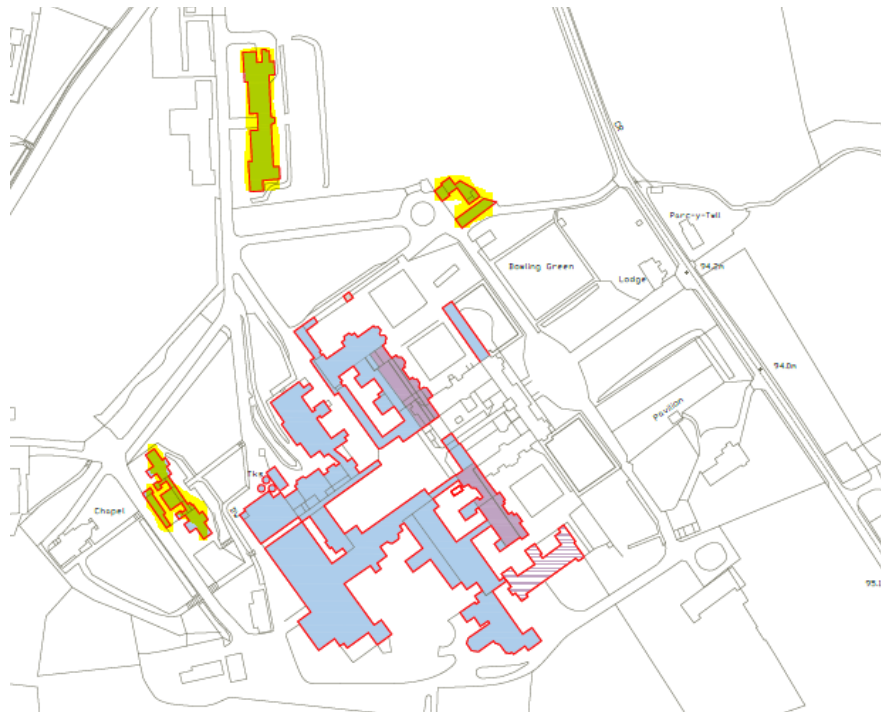
- Outline consent with all matters reserved apart from access;
- Enabling development of up to 300 units on 9 hectares of land for residential development and associated works;
- Associated development of up to 1114 square metres of business units (comprising a mix of A1, A2, A3, B1, C1, C2, C3, D1 and D2 uses) and associated works;
- Illustrative layout and positioning of Denbigh Cricket Club ground and pavilion;
- Provision and retention of open space and parkland, and attenuation water features.
- Potential restoration of Aled Ward, subject to further financial support being made available.

- 1.1.7 The Design, Planning and Access Statement refers to two scenarios explored in the Financial Viability Assessment for the development which are put forward for consideration, and illustrated on two separate 'Site masterplan' drawings:
- Scenario 1 - involving retention and conversion of part of the Main Range hospital building, the retention of the Chapel, demolition of the buildings specified in the description of the application, and the associated enabling residential development. It is stated this is considered the most realistic approach as it requires the lowest amount of public funding.
 - Scenario 2 – involving retention and conversion of part of the Main Range hospital building, the retention of the Chapel and Aled Ward, the demolition of the other buildings specified in the description of the application, and the associated enabling residential development. In respect of Aled Ward, the submission indicates if further public funding is made available beyond what is required for

Scenario 1, this building may be retained, and it is suggested any permission which may be granted be subject to a planning obligation that prevents the demolition of the Aled Ward unless it is further demonstrated that it is financially unviable to retain it. This will be dependent on exploring additional external funding.

1.1.8 In terms of detail:

- The listed buildings to be retained are the Main Range buildings and the Chapel, with the option as explained above of retaining the Aled Ward building.
- In addition to buildings already consented for demolition in previous applications, it is proposed to remove additional listed buildings including the old nurses home, the former mortuary and Isolation ward, buildings associated with the old gasworks, and buildings attached to the rear of the Main Range buildings
- The plan below shows the extent of demolition. That shown in light blue was the extent of demolition accepted in principle under application 01/2014/1330. The additional demolition now proposed is highlighted in yellow:



- Two new main vehicular accesses are proposed to serve the site, both off the Pont Ystrad / Prion road
- The Phasing Statement document refers to the carrying out of the demolition and site clearance works, and securing and weatherproofing of existing buildings to be retained, in advance of 5 potential phases of development, with the development areas numbered shown on the Phasing and Area plan at the front of the report.
- The document states commencement of the conversion and restoration of the main range listed building and restoration of the wider parkland setting will be staggered throughout phases 1 to 5.

The details of the phasing as set out in the document are as follows, referring to the development areas shown on the plan at the front of the report:

Phase 1

- Phase 1 comprises of Areas 3 and 4;

- Installation of the new access road off Pont Ystrad Road;
- The proposed capital from the sale of the houses will be used to fund the following:
- The most urgent works to the listed buildings;
 - Initial infrastructure workings including new vehicular access and improved pedestrian access;
- Associated landscaping works.

Phase 2

- Phase 2 comprises of Area 5;
- This area will utilise the new access road off Pont Ystrad Road;
- The proposed capital from the sale of the houses will be used to continue to fund the restoration and conversion of the main range listed building.

Phase 3

- Phase 3 comprises of Area 7;
- This area will utilise the new access road off Pont Ystrad Road.
- It may be that this phase exclusively provides business units and live/work units or a mix of business units, live/work units and residential units in accordance with para 1.9. It is proposed that these units will be sold or rented out;
- It would also be a good location for a retirement village style complex;
- Its development is likely to be concurrent with conversion of the main range listed building;
- It is proposed that the capital receipt will fund the restoration and conversion of residential dwellings in part of the main range of listed buildings

Phase 4

- Phase 4 comprises of Area 8;
- This area will utilise the new access road off Pont Ystrad Road.
- It is proposed that the capital receipt will fund the restoration and conversion of residential dwellings in part of the main range of listed buildings.

Phase 5

- Phase 5 comprises of Area 9;
- Removal of temporary development associated with planning ref: 01/2018/0992;
- It is proposed that the capital receipt will fund the final restoration and conversion works of the residential dwellings in the final part of the main range of listed buildings.

(NB – Members are advised that although this is the suggested phasing by the applicants, Officers are reserving the final agreement of the phasing strategy by way of condition and legal agreement. This is discussed later in the report.)

The Use Classes referred to involve the following generic uses:

- A1 – Shops
- A2 – Financial and professional services
- A3 – Food and drink
- B1 - Business
- C1 - Hotels
- C2 – Residential institutions
- C3 - Dwellinghouses
- D1 – Non residential institutions
- D2 – Assembly and leisure

- 1.1.9 The separate listed building consent application seeks approval for demolition of the buildings referred to in the description of the planning application.

1.2 Other relevant information /supporting documents in the application

1.2.1 The planning application was submitted in May 2020. It comprises the following documents :

- a Design Planning and Access Statement
- a Design and Phasing Statement
- a Financial Viability Assessment (Confidential document)
- a Heritage Impact Statement
- a Transport and Access Statement and associated documents
- an Ecological Assessment and associated documents
- an Arboricultural Report
- a Flood Consequences Assessment and Drainage Strategy
- a Ground Investigation and Infiltration report
- a Community and Linguistic Assessment
- a Landscape Study
- a Pre-Application Consultation report
- the application forms, ownership certificate, and a range of plans showing the Main Range of buildings; buildings to be demolished; two site masterplans showing the extent of the proposed 'enabling' development, the main access roads and the new cricket field (one plan showing the retention of Aled Ward, the other showing its removal).

1.2.2 A summary of the basic contents of the main supporting documents follows. With the exception of the confidential Financial Viability Assessment, these are all available for inspection on the Council website. The detailed contents are reviewed further where relevant in the topic / impact assessments which follow in Section 4 of the report:

The Design Planning and Access Statement

This document outlines the proposals, and includes detailed commentary on a range of matters considered relevant to them. There is a 'Justification Statement of Demolition and protection of the setting of the Main Range listed Building', and sections dealing with Design Principles, phasing, drainage, highways, landscaping; a review of planning policies and sustainability and deliverability.

The section dealing with the demolition explains the strategic aim is to secure the most important historic asset – the Main Range of the original building, and that to achieve this, the demolition of other buildings is necessary in order to ensure minimal 'enabling' development to deliver the overall scheme. In referring to the Financial Viability Assessment, it is stated that this 'conclusively demonstrates that viability can only be achieved through focusing on the Main Range listed building and through the creation of appropriate new build'. The Statement at Para. 3.5 advises:

'The Assessment clearly sets out that there is still a shortfall in the conversion of the main range listed building following contribution from the enabling development. If further buildings were to be retained the shortfall would increase and further public funding would be needed.'

It goes on to state that:

'it is envisaged the public funding will come from grants and the North Wales Growth Fund (NWGF). Within the NWGF this development would be eligible as a Housing Enabler Project.'

In relation to the Financial Viability Assessment, the Statement outlines the two scenarios it explores:

“The Financial Viability Assessment explores two scenarios. Scenario 1 appears to be the most realistic approach as it requires the lowest amount of public funding.

Scenario 1 involves the retention and conversion of part of the main range hospital building and chapel only. However, if further public funding was made available beyond what is required for scenario 1 the applicant would like to follow Scenario 2.

Scenario 2 outlines the costs involved in converting the Aled Ward in addition to the retention and conversion of part of the main range hospital building. The applicant would like to suggest a condition for the Listed Building Consent for demolition which states that following planning approval the Aled Ward will not be demolished until a later date [edited] in case further public funding is made available which will cover the shortfall of converting the Aled Ward.

Market research has indicated no current or forecast future demand for renewed institutional use and the only clear demand is for residential use. The adaptation of the key buildings to residential use requires some flexibility to ensure appropriate access and amenity can be provided.

The extent of demolition is vital to enable a viable scheme and the protection of the most important asset.

Retention of the Nurse’s Home, Isolation Ward, Mortuary and Aled Ward were all considered fully, and every effort has been made to look at ways in which they can be retained. However, the building costs to convert these buildings are estimated at £196.76 per sq. ft. and market research in the area has shown that the value of the dwellings following conversion is £170 per sq. ft. Therefore, with every building that is retained the bigger the deficit will be and an increase in public funding will be needed. As mentioned, the applicant would like to allow a reasonable time for additional public funding to be secured to finance the shortfall in converting the Aled Ward.

This application takes a realistic approach on what is achievable at the site and is in accordance with paragraph 91 of the Welsh Office Circular 61/96. Paragraph 91 states that the demolition of Grade 2 listed buildings should be avoided given their interest. This application seeks to protect the Grade 2* listed building within the FNWH.”*

Section 13 of the Statement sets out commentary on planning policy considerations. It suggests the principle of development is in accordance with the Local Development Plan, and it provides a detailed outline of how it is considered the proposals meet the 7 tests in policy VOE4 which need to be met to justify permitting ‘enabling development’ as a way of resolving the status of heritage assets designated ‘at risk’. These tests are reviewed in section 4.2.2 of the report.

The concluding paragraph of the Design Planning and Access Statement provides:

‘This statement sets out how the development will contribute towards achieving the Welsh Government’s well-being goals by acting in accordance with the sustainable development principles. The Council is encouraged to give this application favourable consideration and acknowledge the benefits which it will provide.’

The Design and Phasing Statement

This document explains the general site wide design principles to be adopted in relation to the development following appraisal of the site and the character of existing development in the town. It sets out approaches to the design and detailing of each of the proposed areas for development, and the potential phasing of the development.

The document states the Masterplan's principal aim is to ensure that development on the site generates sufficient income to restore the Main Range listed building, and it suggests the proposals provide a realistic approach to achieve this.

It is explained that the approach to phasing will need to be flexible and subject to change depending on market demand and the availability of public funding, all to be discussed and agreed with the Council.

The details of the proposed phasing are set out in section 1.1.8 of this report.

Since funding for the Aled Ward is unknown at this stage, the Statement indicates proposals for this building are not included in this application and would be subject to separate applications.

It is stated the construction of the Cricket Club is subject to a further planning application and further discussions with the Denbigh Cricket Club.

The Financial Viability Assessment

The document contains the findings of an independent assessment of the viability of the proposed development to determine the level of revenue contribution and enabling development that will be required in order to retain and convert a part of the main hospital building and the Aled Ward building into private residential dwellings.

The document contains sensitive financial information and has not been put into the public domain. Its findings are referred to in the Design, Planning and Access Statement, and the key sections are referred to above in the summary of the contents of that document.

The Heritage Impact Statement

This Statement provides historic perspective on the development of the hospital and the situation which has come about since the former use ceased in 1995.

Its summary notes that despite several ambitious schemes to redevelop the site, nothing has progressed, and the Grade II* and Grade II buildings are falling rapidly into ruin. Previous schemes have resulted in permissions to demolish many of the buildings on the site. The present proposal is to retain, restore and convert to residential use the two key buildings – the original hospital buildings and the Chapel – and to demolish the rest; the grounds will be landscaped and new housing will be built in stages on parts of them – leaving a swathe of open space to the north.

The Statement advises the Impact Assessment was prepared under the guidelines of Planning Policy Wales and provides an assessment of the impact on the listed buildings and the overall setting, and on the settings of any other heritage assets adjacent to it. It concludes that given the distressing context of the recent history of the site, the proposals, though drastic in part, probably represent the last reasonable hope of preserving a very important part of Welsh history.

The Transport and Access Statement

The documents submitted with the application include a Transport and Access Statement which cross reference to a full Transport Assessment (TA) prepared and

submitted by Asbri Transport originally on behalf of the Prince's Regeneration Trust for the 2014 application, included as an appendix document.

The Statement suggests the 2014 proposals were assessed using an overly robust housing figure of 325 dwellings, whereas the proposals for this application are for 300 dwellings. It mentions that the TA concluded when the site was operational as a hospital it would have generated more movements than the proposals, and in the future year of 2025, generated traffic will easily be accommodated by the highways network. It is stated that since the application was recommended for approval at planning committee, no new proposals in the scoped area of the TA, or even further afield in terms of highways schemes or major planning applications have come forward, hence there has been no change or additional demand on the network.

The Statement explains that the application proposes two new vehicular access points on to Pont Ystrad Road, which is along the eastern boundary of the site. These new access points are to be located to the north and south of the existing access to the hospital which will be retained for pedestrian and cycle access only.

In conclusion, the Statement provides that "it is considered that the proposed development is in accordance with relevant national, regional and local planning and transport policies, and will have a marginal impact on the existing transport network within Denbigh".

The Ecological Assessment and Bat Status report

The updated Ecological Assessment refers to surveys undertaken, assesses potential impacts on a range of species, and sets out mitigation measures.

The Assessment concludes that considering the habitat of the site and its location – with the adoption of appropriate mitigation measures – it is not envisaged that the proposed development(s) would negatively affect the conservation status of either of the designated wildlife sites or the individual animal and plant species that reside within them. It notes that there are records of bat, bird, Great crested newt, Hedgehog, Otter, plants, Polecat and Slow-worm within 2km of the site, and reviews the potential impacts on these species, with recommendations for further assessment and mitigation where necessary.

The Arboricultural Report

This provides an update on, and revisions to the previous tree report in 2014. It identifies areas where trees have been lost over time and advocates the planting of other species to replace these, particularly if the objective is to restore the Hospital's grounds – in which case an extensive tree planting scheme will be required. It notes that Woodland areas require management, and that tree safety within these areas may also be a consideration if they are to become public open spaces.

The Flood Consequences Assessment and Drainage Strategy

The Assessment confirms the majority of the site is located within Flood Zone A – an area considered to be at little or no risk of flooding. An unnamed watercourse is identified immediately north of the site and is understood to cross the site in a culverted channel, but the risk of flooding from this is low and would be constrained to an area of open space in the north-eastern extent of the site. The risk of flooding from all other sources has been assessed and the flood risk to the site is considered to be low.

The proposed development will introduce impermeable drainage area in the form of buildings and access, which will result in an increase in surface water runoff requiring introduction of sustainable drainage / attenuation systems. These will accommodate the 1 in 100 year plus 30% climate change allowance event on site,

provide surface water treatment, amenity and biodiversity benefits. Additional SUDS features should be provided, including swales as flow conveyance features where possible and property level SUDS such as box planters and rain gardens. Permeable surfaces should be used throughout. The developer should either seek opportunities to remove surface water runoff from the public combined sewer to free up space for development foul flows; or consult with Welsh Water in regards to upgrading the sewer.

The Ground Investigation and Infiltration report

This technical report sets out the results of a detailed site investigation. This found the ground conditions underlying the site were highly variable comprising a limited depth of made ground and/or topsoil overlying alluvial deposits in the southern and eastern extents and glacial deposits in the northern and western extents.

The infiltration testing found that the soil permeability varied throughout the site reflecting the varied nature of the underlying deposits, but recorded infiltration results sufficient to support infiltration drainage techniques such as soakaways primarily within the southern and eastern extents of the site. It notes locations where granular glacial deposits are present may also present favourable infiltration rates, although these deposits are more likely to be variable in nature and sporadic in terms of lateral continuity.

The Community and Linguistic Assessment

This Assessment has been undertaken in accordance with Policy RD5 of the Development Plan and guidance in the Council's SPG – Planning and the Welsh language, and evaluates positive and negative impacts of development on factors including Population characteristics, Quality of life, Economic factors, Infrastructure supply, and Social and cultural aspects.

The conclusion of the assessment is that the proposed development would have an overall positive impact on the Welsh language, as it will allow for the retention of existing Welsh speakers within the community, which presently has a strong percentage of people with Welsh language skills, along with the conservation and regeneration benefits of the area which the proposals will deliver.

To maximise the benefits of the scheme in terms of the Welsh Language the Assessment refers to the following proposals which will be considered within the development as suggested in the SPG:

- It is likely that the phasing of housing will take place over 10 years in order to assimilate change;
- Bilingual signage and place names;
- Contribution towards community facilities and groups;
- Employment initiatives and training.

The Pre-Application Consultation report

- The application forms, ownership certificate, and a range of plans showing the Main Range of buildings and others to be demolished, plans of the restoration of the Main Listed Building, a site masterplan and phasing plans, showing the extent of the proposed 'enabling' development, the main access roads and the new cricket field
- 1.2.2 The application has been the subject of a public consultation exercise on receipt of the application in May 2020. The publicity has been by way of a Press Notice, site notices, and notification to owner / occupiers of properties in the vicinity of the site. A range of consultation bodies have been notified of the application at the same time.

Representations received up to the time of drafting this report are referred to in the Consultation Responses and Response to Publicity sections earlier in the report.

1.3 Description of site and surroundings

- 1.3.1 The application site is roughly triangular in shape and is located immediately to the south of the town of Denbigh, lying between the Nantglyn Road (B4501) on the north west side, Pont Ystrad / Prion Road on the north east side, with its southern boundary defined by the track from Ystrad Road to the dwellings at Kingsmills Cottages.
- 1.3.2 The site is in an attractive open setting surrounded by fields and scattered agricultural buildings and dwellings.
- 1.3.3 In the immediate vicinity are buildings to the north west which formed part of the old hospital complex, but have been in use as a regional centre for children with autism; open land to the north and north east between the site and residential development at Ael y Bryn and the grounds of Denbigh castle; buildings at Pennant Farm on the opposite side of Ystrad Road, which were formerly in use for agricultural purposes in connection with the hospital use, but now converted to residential use; land to the south which formed the old sports fields associated with the hospital; and to the south west, private properties at Kingsmills and at Cai Dai. The remains of Denbigh Castle are approximately 600 metres to the north of the Main Range of buildings on the site.

1.4 Relevant planning constraints/considerations

- 1.4.1 In relation to the Local Development Plan, the site is outside the development boundary of the town of Denbigh, which runs along the southern boundaries of existing housing development at Ael y Bryn, Llewelyn's Estate and Bryn Stanley to the north.
- 1.4.2 With the exception of one field parcel which runs south from the junction of the B5401 (Nantglyn Road) and Ystrad Road, the site is annotated as being the subject of Policy VOE 4 of the Local Development Plan, which relates to Enabling Development (see later paragraphs of the report). The field parcel referred to is annotated as part of a Green Barrier, being subject to policy RD2 of the Development Plan.
- 1.4.3 The site and land around it is also within a large Minerals Safeguarded Area for Sand and Gravel, which is the subject of policy PSE 15 of the Development Plan.
- 1.4.4 The Clwyd Powys Archaeological Trust records show the western boundary of the Ystrad Character Area of the Vale of Clwyd Registered Historic Landscape Area runs along Pont Ystrad Road, hence the site is outside this designation.
- 1.4.5 There are a number of listed buildings within the site. The main buildings are Grade II* and many of the remaining buildings around it are of Grade II status. All the buildings are on the Cadw Buildings At Risk Database.
- 1.4.6 There are no Scheduled Ancient Monuments within the site, although there are 7 within 1km of the site. Each one relates to Denbigh Castle, which is on higher ground to the north of the site.
- 1.4.7 The site is not in a flood risk area.
- 1.4.8 Public Footpath 46 runs along the track from Ystrad Road to Kingsmills Cottages, and along the western side of the site up to the B5401, but is outside the site boundary.
- 1.4.9 Denbigh is identified as a low growth town in the Local Development Plan.

1.5 Relevant background information and planning history

1.5.1 Members will be aware that there is a lengthy background to the application, which provides a context for consideration of the proposals now before the Authority. It is not proposed to set this out at length, hence in summary:

- The history of the Hospital is well documented. The original sections of the complex were built between 1844 and 1848 as a facility for the care of Welsh speaking people suffering from mental illnesses. It was known as the North Wales Counties Lunatic Asylum. There were a number of subsequent phases of expansion which created a significant complex which housed up to 1500 patients in 1956, and there were some 700 staff at peak operation. The main building is a Grade II* Listed Building and many of the surrounding and individual buildings within the grounds are Grade II buildings.
- A reorganisation in the provision of adult Health Services in the former County of Clwyd culminated in the Health Authority approving plans in 1987 for the phased closure of the entire Hospital complex. Welsh Office funding approval enabled an acceleration of the proposed 10 year closure programme, and the hospital was finally vacated in late 1995.
- The former Health Authority sought to secure alternative uses for the building complex, and to market the site. The failure of these efforts reflected the difficulties arising from the sheer scale of the complex of Listed Buildings, and the practicality of adapting buildings to new uses to meet modern standards. Options considered were a Category C prison, Army Barracks, Army Personnel Centre, a Welsh Medium Tertiary College, a National Lottery Site, Central Government Office Relocation, Welsh National Equestrian Centre, Hotel / leisure uses, a museum for Wales and a base for the Welsh Assembly.
- The planning history section of the report records the series of applications submitted following the closure of the Hospital in 1995. This includes proposals by a number of potential developers for residential and mixed use development, conversions of listed buildings and varying extents of demolition of buildings. Most were refused permission on the basis of conflicts with Development Plan policies in place at the time.
- The main hall serving the hospital was destroyed in a severe fire in November 2008. Other buildings have been damaged by fires since that time.
- Denbighshire County Council served an Urgent Works Notice and Dangerous Structures Notice on the owners in June 2011, and subsequently undertook emergency repairs on the main buildings. A Repairs Notice was served in 2013 and the County Council served a Compulsory Purchase Order Notice with an offer to purchase the site, in June 2014. A 3 week Inquiry took place in relation to this Order in March 2015. The Order was granted in September 2015. The Council took possession of the property in 2018.

1.6 Developments / changes since the original submission

1.6.1 Since the initial submission the application has been subject to extensive discussions relating to the presence of European Protected Species. The discussions resulted in a biodiversity and eco-resilience plan being submitted along with a scheme of bat mitigation measures, including 2 standalone bat roosts.

1.6.2 Additional work has also been undertaken on the Financial Viability of the development proposal taking into account, amongst other things, rising costs of construction over the last 12 to 18 months.

2 DETAILS OF PLANNING HISTORY:

Applications prior to closure in 1995 were for a range of minor extensions and alterations to parts of the complex in relation to its use as a hospital. The main applications since are referred to below:

1/595/96/PO – Development of 12ha (29.6 acres) of land for residential purposes and conversion of existing former hospital buildings to residential use (outline application) (Kerringtons application) – REFUSED permission at January 1997 Planning sub-committee for the following reasons:-

1. “ The release of residential land outside the development boundary of the town would be contrary to policies of the operative development plan (Glyndwr District Plan and Clwyd County Structure plan: First Alteration) in particular the housing provision policies of the local plan including H1 and H2 and F5 (ii), and B2 and B3 of the Structure Plan.
2. The grant of permission would be premature in advance of the production of the Unitary Development Plan and would prejudice the outcome of the plan process, in that it would predetermine decisions on the development strategy, scale, location and phasing of new development which ought properly to be taken in the development plan context.
3. The number of residential units which would result from the new housing development would, together with existing commitments, be in excess of the likely need or demand for housing in the town over the next 15 years.
4. The local highway network is considered inadequate to accommodate the likely volume of traffic which would result from the development.
5. The scale of development proposed is considered likely to have an unacceptable impact on the town in terms of the effect on its character and community services.
6. The new housing development and associated works is considered likely to have an adverse impact on the setting of the hospital buildings, the Castle, the local landscape, and archaeological remains.”

The decision certificate was dated 10th January 1997.

01/55/97/PO – Development of 3.4ha (8.4 acres) for residential purposes and conversion of existing former hospital buildings to residential use (outline application). (Kerringtons application) – REFUSED permission at April 1997 planning sub-committee for the following reasons:-

1. “The release of residential land outside the development boundary of the town would be contrary to policies of the operative development plan (Glyndwr District Local Plan and Clwyd County Structure Plan : first alteration), in particular the housing provision policies of the local plan including H1 and H2 and B2 and B3 of the structure plan.
2. The grant of permission solely on the basis of enabling development in the absence of any proven detail financial feasibility study would, having regard to the previous proposal, make it difficult for the Council to refuse permission for additional residential land to fund the reuse of the hospital site. This prejudice the outcome of the development plan process in that it would predetermine decisions on the development strategy, scale, location and phasing of new development which ought properly to be taken in the development plan context.
3. The new build housing development is considered likely to have an adverse impact on the setting of the Hospital buildings and local landscape.”

The decision certificate was dated 3rd April 1997.

1/926/97/PO – Proposed use of land and buildings for mixed use development including : - industrial, commercial, residential, education and research, hotel/leisure/sports including recreation (incorporating details of Monoplas Development) (Monoplas application)
WITHDRAWN - following appeal against non-determination in May 1998.

1/927/97/LB – Partial demolition of listed building to rear of main front block (mainly 20th century buildings, including main hall, adjoining block canteen and workshops) (Monoplas) – WITHDRAWN – Following appeal against non-determination in May 1998

The following 6 applications were submitted in 2000 by NWH Limited but were never progressed to formal determination on the basis of insufficient information to allow for proper consideration of key issues:

01/2000/172/PF – Change of use of isolation ward to workshop/training facility (Use Class B1 & D1), and alterations to existing vehicular and pedestrian access (full application)

01/2000/173/PF – Change of use of former Erddig Ward to adult education unit (use class D1), and alterations to existing vehicular and pedestrian access (full application)

01/2000/174/PF – Use of former Nurses' home and adjacent land for educational purposes and alterations to existing vehicular and pedestrian access (full application)

01/2000/175/P – Development of 2.7 ha of land for residential purposes (21 dwellings) and alterations to existing vehicular and pedestrian access (outline application)

01/2000/176/PF – change of use of former chapel to dwelling (full application)

01/2000/177/LB – Listed Building consent for alterations in connection with change of use of former chapel to dwelling.

The most recent applications are -

01/2004/1445/PF – Restoration and partial demolition and change of use of former north Wales hospital to residential, business and community uses, and development of adjacent land and buildings for residential, commercial, and parkland uses, including change of use to B1 (Business Use), creation of new access and landscaping (outline application) – GRANTED 29/09/2006

01/2007/0750/LB – Listed building consent for partial demolition of listed buildings – GRANTED 19/03/2008

01/2014/1330 - Conversion, restoration, part demolition and adaptation of main range of listed buildings to residential use (34 dwellings), and development of land within the hospital grounds for mixed uses as enabling development, including up to 200 no. residential units and up to 1114 square metres of business units, access and associated works – Planning Committee resolved to GRANT November 2016, subject to completion of a Section 106 Obligation. This agreement was not completed, and the permission remains unissued.

01/2014/1331 - Proposed works on main range buildings including partial demolition and reconstruction, and demolition of buildings to rear and north of main range (Listed Building application) – GRANTED 25/11/2016

01/2018/0992 – Change of use of land to a site construction training area, erection of a building for use as a workshop, plant repairs and storage; alterations to existing access and associated works. – GRANTED 20/02/2019

3 RELEVANT POLICIES AND GUIDANCE:

3.1 The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD5 – The Welsh language and the social and cultural fabric of communities
Policy RD2 – Green Barriers
Policy BSC1 – Growth Strategy for Denbighshire
Policy BSC3 – Securing infrastructure contributions from Development
Policy BSC4 – Affordable Housing
Policy BSC11 – Recreation and open space
Policy PSE4 – Re-use and adaptation of rural buildings in open countryside
Policy PSE15 – Safeguarding minerals
Policy VOE1 - Key areas of importance
Policy VOE4 – Enabling Development
Policy VOE5 – Conservation of natural resources
Policy VOE6 – Water management
Policy ASA2 – Provision of sustainable Transport Facilities
Policy ASA3 – Parking standards

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note - Recreational Public Open Space
Supplementary Planning Guidance Note - Access for all
Supplementary Planning Guidance Note - Affordable Housing in New Developments
Supplementary Planning Guidance Note - Residential Development Design Guide
Supplementary Planning Guidance Note – Conservation and Enhancement of Biodiversity
Site Development Brief – Former North Wales Hospital

3.3 Government Policy / Guidance

Planning Policy Wales Edition 11
TAN 1: Joint Housing Land Availability Studies (2016)
TAN 2: Planning and Affordable Housing (2006)
TAN 5: Nature Conservation and Planning (2009)
TAN 12: Design (2016)
TAN 15: Development and Flood Risk (2004)
TAN 18: Transport (2007)
TAN 20: The Welsh Language – Unitary Development Plans and Planning Control (2017)

English Heritage document – ‘Enabling Development and Heritage Assets - Historic Environment Good Practice Advice in Planning: 4’ (June 2020)

Welsh Office Circular 13/97: Planning Obligations

CADW Good Practice guidance on The Historic Environment in Wales, 2017:
Heritage Impact Assessment in Wales
Managing Change to Listed Buildings in Wales
Managing Historic Character in Wales
Managing Listed Buildings at Risk in Wales
Setting of Historic Assets in Wales

Wildlife legislation includes:

1992 ‘Habitats’ Directive (92/43/EEC) and the 2009 ‘Birds’ Directive Birds’ Directive (2009/147/EC)

The Conservation (Natural Habitats Etc.) Regulations 1994,

The Conservation of Habitats and Species Regulations 2010,

Article 16 of EU Council Directive 92/43/EEC – Conservation of natural habitats, wild fauna and flora.

Future Wales 2021

Other:
Environment Act 2016

4 MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of this report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Consistency with Local Development Plan Policy VOE 4 and Supplementary Planning Guidance – Site Development Brief 'Former North Wales Hospital, Denbigh'
- 4.1.3 Impact on Listed Buildings and the historic environment
- 4.1.4 Visual amenity / landscape impact
- 4.1.5 Residential amenity
- 4.1.6 Ecology
- 4.1.7 Drainage
- 4.1.8 Highways
- 4.1.9 Archaeology
- 4.1.10 Affordable Housing
- 4.1.11 Open Space
- 4.1.12 Education

- 4.1.13 Contaminated land
- 4.1.14 Density / housing mix
- 4.1.15 Impact on Welsh Language and Social and Cultural Fabric
- 4.1.16 Minerals

Other matters

Adequacy of legal Agreements / mechanism for securing the restoration of the listed buildings.

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning policy and guidance.

- *Development Plan policies:*

In terms of the Local Development Plan, there are some key policies of relevance to the principle of the proposals.

The main policy relevant to the principle of new housing development is Policy BSC 1. This policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages. It encourages provision of a range of house sizes, types and tenure to reflect local need and demand and the Local Housing market assessment.

Denbigh is identified as one of 8 'lower growth' towns in the Plan which are expected to provide for housing and employment needs primarily to meet local demand, and an indicative figure of 341 houses is shown in the table in the policy as a contribution from new allocations and existing commitments in the town over the plan period (this includes consented sites at Cae Topyn and Brookhouse).

The hospital site is not within the development boundary of Denbigh as shown on the Proposals Map in the Local Development Plan, but is the subject of a separate policy, VOE4 (referred to below), which allows for housing development in specific circumstances, to underpin proposals to secure the retention of heritage assets.

Policy VOE 4 of the Development Plan relates to 'enabling development' and is of direct relevance to proposals for the application site. The North Wales Hospital is designated under this policy in order to secure the future of heritage buildings designated as 'at risk'. The policy makes specific provision for 'enabling development' as a means of achieving this, but sets a number of tests including whether the amount of development is the minimum necessary to achieve the objective. The proposals are reviewed in detail against the seven tests in VOE 4 in the following section of the report.

Policy PSE4 of the Development Plan relates to the re-use and adaptation of rural buildings in open countryside. In Officers' view, the policy is aimed primarily at conversions of redundant agricultural buildings to an alternative use rather than proposals of the nature and scale involved in the current application. Nonetheless, it is suggested the application is not inconsistent with the objectives of the policy, which seeks to retain the historical / architectural features of buildings, and the application documents outline the history of efforts to seek a viable alternative use and the financial viability reasons why conversion to affordable units would not be realistic. These latter issues are reviewed in the following sections of the report.

- *Supplementary Planning Guidance:*

Also relevant to the principle of the developments proposed is the Supplementary Planning Guidance adopted by the County Council in May 2014 in the form of a Site Development Brief 'Former North Wales Hospital, Denbigh'. This is a 21 page document with appendices, containing background information on developments at the site and a strategy for meeting the principal aim of preserving the original Grade II* 'U' shaped

hospital building and finding an alternative use for the site. The Brief sets out a 'Masterplan framework' with ideas for phasing, access, movement, design principles and planning obligations, as a guide for all parties involved in the process, and ultimately to assist in the determination of any planning applications.

In terms of status, the Site Development Brief is not part of the Development Plan, but having gone through public consultation and Council approval, it can be treated as a material planning consideration in the determination of an application by the Council, and by Planning Inspectors and Welsh Government in relation to planning appeals.

- *Planning Policy Wales Edition 11:*

In respect of the principle of development within the grounds of a former hospital, there is relevant guidance from Welsh Government in Section 3.55 of Planning Policy Wales 11, which sets out a preference for the re-use of previously developed (or brownfield) land in preference to greenfield sites, where it is suitable for development. This support is however guarded as the Notes providing the definition of 'Previously Developed Land' clarify that this does not mean the whole of a curtilage of a site should be developed – and with specific reference to a hospital it suggests the whole site should not be developed to the boundary of the curtilage – leaving the judgement to the local planning authority having regard to how the site relates to the surrounding area and requirements for on-site open space, buffer strips and landscaped areas. PPW contains a range of other land use impact considerations which need to be addressed in the determination of planning applications, which are the subject of review in separate sections of the report.

- *English Heritage guidance:*

Development Plan Policy VOE 4 and the Site Development Brief both refer to guidance on 'enabling development' and conserving the historic environment from English Heritage. The Justification section of VOE4 outlines circumstances in which enabling development may be merited to secure the future of a heritage asset, and refers to the application of the principles in English Heritage guidance.

The application documents provide a volume of information which enable the Authority to assess the merits of the case made for the enabling development, and in Officers' opinion there is sufficient material to make a reasoned judgement on the issues relevant to a determination in relation to the tests of VOE4, which permits enabling development subject to meeting these tests.

- *CADW Best Practice Guidance 2017*

o *Managing Listed Buildings at Risk in Wales*

This document explains why listed buildings at risk are important and how they contribute to well being. It outlines the critical relationship between building users, ownership and condition and how the careful balance between these elements can be managed to ensure a sustainable future.

o *Managing change to Listed Buildings in Wales*

This document sets out general principles to consider when making changes to listed buildings aimed principally at owners of listed buildings and agents acting on their behalf to help them understand the implications of owning a listed building and making changes to it, and what principles need to be taken into account to achieve high-quality sensitive change.

Representations and consultation responses on the application:

There are no representations raising matters relevant to the principle of the development. The Strategic Planning and Housing Manager confirms that at both local and national level there are planning policies which support the broad concept of development which serves to preserve buildings of significant historic value which is at risk.

Officer assessment:

Taking all the aforementioned policies and guidance into account, Officers would suggest that the principle of restoring significant listed buildings through conversion into apartments, with residential and commercial development in part of the grounds as

'enabling development' is potentially acceptable. However, the proposals do require detailed scrutiny in relation to the key policies and in relation to their localised impacts in order to draw a balanced conclusion on the planning merits. These matters are dealt with in the following sections of this report.

4.2.2 Consistency with Local Development Plan Policy VOE 4 and Supplementary Planning Guidance – Site Development Brief 'Former North Wales Hospital, Denbigh'

Planning policy and guidance

Policy VOE4 is considered to be a key consideration in relation to the application and is set out in full with commentary below to assist Members deliberations on how the proposals sit in respect of its 7 detailed tests. The policy and its supporting text are printed in bold and *italics* to distinguish them from the Officer commentary:

Policy VOE 4 – Enabling Development

Enabling development may be permitted as a way of resolving the status of heritage assets designated as 'at risk', provided all of the following criteria are met:

Factually, the listed buildings at the North Wales Hospital are on the Cadw Buildings At Risk Database, reflecting their condition and concern over their future.

- i) ***The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of an asset, or materially harm its setting; and***

The applicants' case is that the proposals consider the setting of the listed building and ensure this is retained and enhanced. They point to the proposals to secure the retention of the Grade II* Main Range, and to enhance the setting through removal of more modern and unsightly buildings. In relation to the enabling development, they suggest this has been carefully thought out and located, and along with the access arrangements, would avoid adverse impact on the setting of the listed buildings. They refer to ecological and landscape assessments which suggest limited overall effects on matters of interest. The conclusion is that there will be no material harm to the setting.

Representations and consultation responses on the application:

There are no representations in relation to test (i). It is noted that the Clwyd Powys Archaeological Trust, CADW and the Councils Conservation Officer do not raise objections to the detailing of the proposal and the potential impacts on the archaeological, architectural, historic, landscape interest of the building(s). With regard to biodiversity issues, it is further noted that neither NRW nor the Councils Biodiversity Officer object to the proposal.

Officer assessment

Officers' opinion, based on the responses from the key consultees is that there is a potential for the enabling development to impact on the historic interest of the remaining listed buildings and their setting by way of inappropriate siting and design details, but that this can be mitigated through the introduction of strict controls over the physical location and form of new development and associated landscaping, to the extent that material harm can be minimised. It is clear that without the level of enabling development proposed that it would not be possible to save the Grade II* Main Range of buildings and accordingly it is considered that the impact on the listed buildings is justified. The impacts of the additional dwellings on the heritage asset can be adequately mitigated through careful design and appropriate landscaping.

ii) the proposal avoids detrimental fragmentation of management of the heritage asset; and

The applicants' case is that the submission of the application in its hybrid form will ensure the restoration works and the enabling works are integrally linked, with a legal agreement between the applicant and the Council which will include phasing and delivery; and that the consent for the surrounding land will generate monies for the restoration works.

Representations and consultation responses on the application:

There are no representations in relation to test (ii).

Officer assessment

Officers' opinion is that the basis of the proposals is to ensure the coordinated management of the retained key listed buildings and that this would avoid its fragmentation, in accord with test (ii). In the event a permission were to be considered, it would be relevant to seek a suitable obligation within any Section 106 Agreement to secure arrangements for the future management of the heritage asset to insure against fragmentation, to accord with test (ii).

iii) the proposal will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose; and

The applicants' case is that the main purpose of the application is to secure the long term future of the Main Range listed building, and that its residential use is a sympathetic use for the buildings in this location and will ensure the long-term maintenance of the fabric of the buildings. Without this proposed development it is considered very unlikely that the Main Range listed building will be restored and retained. It is stated the previous application raised many concerns over its viability and as a result the proposals need revising, and the applicant has worked hard to amend and revise the previous application to create a scheme which can be made viable and therefore will secure the future of the heritage asset.

Representations and consultation responses on the application:

There are no representations in relation to test (iii).

Officer assessment

Officers' opinion is that the proposals are geared primarily at securing the future of the main Grade II* buildings, which are assessed as being the key heritage asset. The mechanism for achieving this is similar to that proposed in previous applications, through a combination of renovation works linked to funding released through enabling development, and in this case through the proposed use of the Main Range block as apartments, thereby introducing a positive longer term use with a guarantee of maintenance of the fabric of these buildings. The relevance of the viability arguments is dealt with elsewhere. The proposed residential use of the main block is considered to be a sympathetic use of the buildings in this location, having regard to the scale of the use and the design approach being adopted to conversion, also in accord with test (iii). It is difficult to comment in detail on the potential for securing the future of the 'to be retained' building in the complex (Aled Ward) given the financial variables, but the proposals do leave the door open for retaining these buildings. Whilst there are some conflicts with policy regarding the proposed additional loss of grade II listed buildings, Officers consider that a strong case has been made that additional demolition of lower grade listed buildings is justified so as to save the higher status Grade II* Main Range. It is considered that without these further losses and the 300 dwellings, there would be little to no chance of saving the Main Range in the future without even more enabling development and demolition being required.

iv) the problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid; and

The applicants' case is that the proposals are clearly made pursuant of the needs of the listed building. They refer to the long and unsuccessful history of efforts to secure alternative suitable uses and the urgent need to protect the asset, given the physical condition of the building which continues to decay. The applicant, who also intends to be the developer, intends to develop the site with the intention of protecting the Main Range listed building identified for retention.

Representations and consultation responses on the application:

There are no representations in relation to test (iv).

Officer assessment

Officers' opinion in relation to this test is that the application is proposing a planning solution to meet the basic objective of saving key listed buildings on the Buildings at Risk list, this is recognition that the problem arises from the inherent needs of the heritage asset, as required by test (iv).

v) *sufficient financial assistance is not available from any other source; and*

In essence this criteria of the policy requires the applicant to prove that all avenues of funding to save a heritage asset have been explored **before** proposing enabling development (in this case 300 residential units) to fund any restoration. The reality with this redevelopment proposal is clearly set out within submitted viability appraisals. These clearly show that even with the minimum proposed enabling development there would still be a large viability gap. The combination of enabling development and public funding would be the only way to save the most valued heritage assets on this site. The applicant has set out the commitments within the application to ensure that capital from the sale of the proposed housing alongside public funding would be used to save and restore the main range buildings and chapel. The saving of the Aled Ward may also be feasible should sufficient public funding be made available.

Representations and consultation responses on the application:

There are no representations in this respect.

Officer assessment

Officers consider that this criteria of the Policy is fully met. Additional viability information has been submitted which further shows that enabling development is required. It is clearly impossible to fund the restoration of the heritage assets remaining without both enabling development of the scale proposed and public funding.

vi) *it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises dis-benefits; and*

The applicants have provided detailed Financial Viability Assessments produced by fully competent and professional valuers. These documents have been scrutinised and verified by the Council's legal officers and also representatives of the North Wales Economic Ambition Board.

It is abundantly clear from the submitted information that even with 300 residential units the redevelopment scheme is not viable. Further enabling development had been considered to address the shortfall. However, it became questionable as to the market demand for increased levels of housing beyond 300. Furthermore, the inevitable increased encroachment on the setting of the remaining Listed Buildings by more housing would have resulted in an unacceptable dis-benefit.

The only way that this accepted minimum level of enabling development could be delivered in order to save the relevant Listed Buildings would be via an injection of public funding via the North Wales Growth Deal.

Representations and consultation responses on the application:

North Wales Economic Ambition Board (NWEAB) have confirmed that North Wales Growth Deal capital funding to assist with the delivery of the proposed refurbishment of the former Hospital and the re-development of the above site as detailed in the above planning applications is approved in principal subject to the following provisions:

- Completion and approval of an appropriate Full Business Case for the Project.
- Completion of a funding agreement between NWEAB and Jones Bros Ltd.
- Confirmation that the proposed intervention funding is within the General Block Exemption Rules under the old EU State Aid or there equivalent under the new UK Subsidy Support system to come into force in 2022.
- Planning and other statutory approvals.
- The transfer of title of the site to Jones Bros.

Officer assessment

Officers must conclude that the proposed development is the minimum necessary to secure the future of the heritage assets. The amount of development proposed will need to be supported by public funding and given the formal input from the NWEAB, Officers feel confident that this funding can be used to minimise and mitigate any dis-benefits. The controls which can be imposed within any consent relating to siting, design and high quality landscaping will further serve to minimise the impacts of the enabling development. Officers conclude that this policy criteria is met.

vii) *the value or benefit of the survival or enhancement of the heritage asset outweighs the long term cost to the community (i.e. dis-benefits) of providing the enabling development.*

The applicants' case is that the cost to the community of Denbigh is minimal and the town is only set to gain by the development. They suggest the proposals will ensure a key part of the area's history will be secured in perpetuity through the restoration of the Main Range listed building. The business uses would create new employment opportunities for local people, which will have a positive effect on the local economy. There is reference within the supporting documents to the relatively recent planning permission for the Jones Bros construction training area within the main site. This, along with the subsequent re-development of the main site, will provide many benefits to the local community in terms of a co-ordinated training and local employment regime designed to provide opportunities to local young people to learn trades and make careers within this sector.

There is reference to the proposed improvements to local pedestrian and cycle routes to Denbigh town, which will make the site accessible to the local community who can enjoy the parkland setting. The scheme proposes to relocate Denbigh Cricket Club at the site, as they have outgrown their current site and this development will provide an opportunity for them to continue to develop and ensure their future to the benefit of the community.

Representations and consultation responses on the application:

There are no representations in relation to test (vii).

Officer assessment

Having regard to the responses from key consultees, Officers' opinion is that there would be limited dis-benefits from the scale of development proposed, phased over a 10 year period.

Development Plan colleagues advise in relation to the housing need / demand issue, that the development would not prejudice the policies or strategy of the Local Development Plan. Highways Officers raise no objections to the proposals in terms of the capacity / adequacy of the highway network. There are no specific objections from service providers to the application.

There are clear and uncontested heritage and environmental benefits from securing the future of the Grade II* buildings at the hospital and the restoration of the grounds, which it is suggested outweigh the dis-benefits of development at the site. To this end, Officers would highlight the offsite highway works which would be of benefit to the wider community, the benefits of a local employment strategy that could provide an additional 1200 jobs to the area, and a potential boost to the local economy of £75 million. Officers are therefore of the clear opinion that the benefits of the proposal, (of which the immediate benefits are the saving of a Grade II* listed building, the provision of additional housing, and local employment growth), weigh clearly in favour of supporting the proposal. The loss of grade II listed buildings is regarded as acceptable in order to save the Grade II* Main Range.

The former North Wales Hospital, Denbigh is designated under this policy in order to secure the future of these important listed buildings. Any enabling development must be the minimum necessary to achieve this.

Justification

Enabling development is development which would normally be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out and which could not otherwise be achieved. In some rare cases the only way of securing the future of a heritage asset is to allow enabling development, which normally would not be allowed, thereby releasing funds. This will only be allowed where all the criteria in this policy are met. In addition, the guidance as set out in the document "Enabling Development and the Conservation of Heritage Assets" published by English Heritage will be applied.

Enabling development, as an approach, will only be considered in relation to heritage assets designated as 'at risk' and not to any other heritage asset or other type of building / facility.

Overall assessment

On the basis of the review of the tests of Policy VOE4, Officers' opinion is that the proposals are in accordance the policy, which deals with the overarching principle of enabling development as a means of resolving the status of a significant heritage asset. The proposal meets the 7 tests of policy VOE4. The viability assessment demonstrates unequivocally that the amount of enabling development proposed is justified and the impacts on the heritage asset are not considered to be unacceptable subject to appropriate assessment at the reserved matters stage.

In relation to the Site Development Brief – Former North Wales Hospital, Denbigh

The Site Development Brief was drafted in 2014 to assist with the development and consideration of proposals for the site in the context of policy VOE4 of the Development Plan. Its indicative ideas for the retention of listed buildings and the scale of enabling development were based on the circumstances pertaining at that time (condition of buildings, financial viability issues, etc.), and formed the 'template' for the Princes Trust planning application which was submitted later that year. Respectfully therefore, the contents of the Brief need to be viewed with due caution given the passage of time since its preparation and the inevitable changes in circumstances which have occurred in the following 6 years.

In terms of status, the Site Development Brief approved at Planning Committee in May 2014 is intended to amplify the policies of the Local Development Plan, and like all Supplementary Guidance, is not part of the Development Plan, but can be treated as a material consideration when determining planning applications and appeals.

The relevant contents of the Brief are set out in the following paragraphs, with commentary on its relevance to the current proposals.

The Brief proposes planning uses and development principles for the site, and contains a Masterplan Framework which provides an indicative land use development and road pattern to guide future development. The Masterplan Framework set out in Section 7.1 of the brief refers specifically to the following - printed in *italics* - with Officer comments below:

- ***Key historic buildings, Grade II and II*, to be restored and developed;***
The Masterplan identifies the key historic buildings to be restored and converted as the Main Range Buildings, the Chapel, the Mortuary and Isolation ward and the Nurses Home.

Officer assessment

The current application seeks only to retain the Main Range buildings and the Chapel (and possibly the Aled Ward subject to funding being found). It therefore involves the loss of additional listed buildings annotated as key historic buildings in the Brief. The justification for additional demolition is the financial viability situation in 2021, as outlined elsewhere in the report – which has to be factored in as a consideration in weighing the significance of any departures from the Site Brief. The proposal seeks to retain and restore the higher status, and most significant listed buildings on the site.

- ***Buildings with extant listed building consent for demolition and other listed buildings for which demolition is supported but listed building consent is required;***

The Site Brief Masterplan annotates two of the large wards at the rear of the main range buildings as ‘buildings which may be demolished’.

Officer assessment

The two buildings identified on the Site Brief masterplan were subsequently proposed for demolition as part of the 2014 Princes Trust listed building application, which was consented following authorisation from CADW. The current submission clearly proposes more demolition outside that indicated on the Site Brief Masterplan. As stated previously, the additional demolition is considered unavoidable, and essential so as to allow the restoration of the Grade II* Main Range and Chapel. Without the additional demolition there is little chance of bringing forward a viable scheme to save the Main Range and Chapel.

- ***Buildings which may be considered for demolition but could be retained if a viable / suitable end use is found;***

The Site Brief Masterplan annotates Aled Ward and two wards attached to the rear of the main range buildings as ones which may be considered for demolition but could be retained.

Officer assessment

Listed building consent was granted in 2014 for the demolition of the majority of the wards attached to the rear of the main range buildings. In the current application, Aled Ward is shown for demolition but as a building which could be retained if a funding and a suitable end use can be found. It is proposed to include controls in the legal obligation to ensure that the Aled Ward is not demolished until such time as it is shown that funding for its restoration is not available and reasonable efforts have been undertaken to secure the necessary funding. Such an agreement will also provide for options to restore the building (as a preferred choice) should funding become available.

- ***Areas for residential development (marked 02 to 05) taking advantage of outstanding locations and views, without compromising the setting of the key listed buildings;***

The Site Brief Masterplan annotates areas considered suitable for residential and mixed use development within the site, primarily to the south and west of the main range buildings.

Officer assessment

The current application proposes residential development on the same areas as shown on the Site Brief Masterplan, but extends the residential development area up to the location of the Nurses Home building, which is proposed for demolition. On balance Officers consider this an acceptable extension of development in order to save the remaining buildings. This is supported by the Council's Conservation Officer and CADW and it is not considered that development in this area would have an unacceptable material impact upon the setting of the Main Range, subject to appropriate assessment at the reserved matters stage.

- ***An area for residential and mixed use development (marked 06), for example employment live / work units, including areas retaining certain existing buildings if a suitable end use is found and is supported by viability arguments;***

The mixed use development area is shown on the Site Brief masterplan immediately to the rear of the main range buildings.

Officer assessment

This current application shows the mixed use development area in the same location, but extends it to include the land currently occupied by the Mortuary and Isolation ward buildings, which are proposed for demolition. As set out above Officers consider this an acceptable incursion outside of the Site Brief area.

- ***Land to remain undeveloped but potentially transformed into recreation open space at a later stage;***

This area is not specifically annotated on the Site Brief Masterplan.

- ***Despite not being specifically marked on the master plan, the former nurses home may be used for residential purposes or community facilities;***

The Site Brief masterplan annotates the Nurses Home as a key historic building to be restored and converted

Officer assessment

The current application proposes the demolition of the Nurses Home. As stated previously, the additional demolition of grade II listed buildings has, in Officers opinion, been justified through the financial requirements of restoring the Grade II* Main Range.

- ***Main routes for vehicular movement; and***
- ***Possible vehicular access points.***

The Site Brief masterplan shows the main access routes into the site as an improved access off the Nantglyn Road past the Nurses Home, and a new access off the Pont Ystrad road close to the Pennant Farm buildings.

Officer assessment

The current application proposes two new main access points into the site, both off Pont Ystrad Road. This replicates access points agreed in principle on the 2014 application.

Overall assessment

In reviewing the spatial strategy for the development as now proposed in application 01/2020/0315 against the guidance in the 2014 Site Brief, it is apparent that there are elements of similarity in the basic areas proposed for residential and mixed use development, but inconsistencies in relation to the number of buildings to be retained, and the actual extent of residential development.

The site brief contains additional guidance on considerations to be given to design and landscape matters, which are acknowledged in the application documents. The issue of Planning Obligations and infrastructure contributions are also addressed and are reviewed elsewhere in the report.

In concluding on the current submission when assessed against Development Plan policy VOE 4 and the Site Development Brief, it is Officers' view that given the passage of time and changing circumstances, it is inevitable that elements of the policy and the Site Brief are no longer achievable or realistic. These have to be weighed against the arguments set out in the application documents and elsewhere in the report which explain the realities of the situation facing all parties in securing a future for the historic asset. Officers consider that the scheme as presented represents the least amount of enabling development required to save the key listed buildings. This situation is not likely to improve in future years, but to worsen given the increasing costs of development and the inevitable further deterioration of the buildings condition. The Financial Assessment is unequivocal in its conclusion that the proposal represents the only real option to save any element of the former North Wales Hospital

4.2.3 Impact on listed buildings and the historic environment

Planning policy and guidance

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

TAN24 indicates the setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Setting is not itself a historic asset, though land within a setting may contain other historic assets.

The context for assessment of applications involving alterations, extensions, and demolition of listed buildings which require planning permission is set by TAN 24 and Planning Policy Wales (Section 6), which also stress the importance of protecting the historic environment. PPW 6.1 refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest; and 6.5.9 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.

The test in policy VOE 4 relating to assessment of impacts of enabling development is addressed separately in the preceding section of the report.

Representations and consultation responses on the application:

There are no representations raising matters relevant to the impact of the development on the listed buildings and the historic environment. Statutory consultees CADW, CPAT and the councils Conservation Officer do not raise an objection to the proposal.

Relevant details in the application

The application documents provide a volume of material explaining the rationale and justification for the proposals for works on the listed buildings in connection with conversion / adaptation to apartments, for the demolition of buildings and parts of buildings at the rear of the main Grade II* range, and the location of the enabling development. The Justification Statement for demolition indicates demolition is unavoidable given the condition of the buildings and the constraint they pose on viable redevelopment of the site, which is the key to securing the future of the Main range.

The Heritage Impact Assessment takes this point on in acknowledging the obvious harm to heritage assets that will occur through the proposed demolitions and changes, but pointing to the equally obvious benefit of off-setting of such harm by simply saving a highly significant heritage asset from ruination and the ensuring of its long-term future, through restoration of the original asylum buildings and associated airing courts.

Officer assessment

Planning policy and guidance seek to protect historic buildings from harm, and there is a clear emphasis in TAN 24 and CADW guidance on securing retention unless there are compelling circumstances which might justify an alternative approach. In this case, it is respectfully suggested that the circumstances are somewhat unique, and this is recognised in the Local Development Plan by virtue of its inclusion of policy VOE 4 which sets specific tests to be applied to determine the acceptability of enabling development as a way of resolving the status of heritage assets designated as 'at risk'.

Policy VOE1 requires development proposals to maintain and where possible enhance sites of built heritage. Highlighting the unique nature of the proposal being considered it is clear the redevelopment scheme both complies and conflicts with this policy. Clearly the loss of some listed buildings is in conflict with policy VOE1. However, under the umbrella of enabling development, this is justified as the key listed buildings on the site would be restored. Without the loss of those other buildings, and the development of 300 dwellings, the most important listed buildings would not be restored. On that basis, officers consider that the benefits to the Grade II* listed building outweigh the impacts to Grade II listed buildings, and the proposal is compliant with policy VOE1.

As noted above, the policy VOE 4 tests relating to proposals impacting on the listed buildings and their setting are reviewed in section 4.2.2 of the report. It is not proposed to repeat the contents here, other than to highlight key points. There is a separate section later in the report dealing with archaeological impacts, as this is a related historic environment consideration.

There can be no argument that the loss of additional listed buildings is a negative factor in the consideration of the application. Residential development in the grounds of the Hospital will have an impact on the setting of the remaining listed buildings. These impacts have to be weighed carefully against the overall objective of retaining what has been identified as the key historic asset, the Grade II* Main Range buildings, and the steps which may be taken to minimise the impacts on the setting through careful control over new development and associated landscaping.

It is clear in this instance that the scheme has been developed following significant deliberations over the value of the whole complex, and that if the objective of conserving the Main Range buildings is to be achieved, a compromise has to be found which accepts there will be some negative impacts from the developments proposed.

In this context Officers consider it reasonable to attach greater weight to the positive aspects of the proposals. Hence whilst acknowledging the impacts of the proposals on listed buildings and their setting, Officers would lay stress on minimising these effects through controls over matters of detailed design, layout and landscaping at detailed plan stage, to ensure a high quality of development around the retained buildings and the recording of the architectural features of the buildings.

4.2.4 Visual amenity/ landscape impact

Planning policy and guidance

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

Policy VOE2 of the Local Development Plan obliges due consideration of the impact of proposals on the Area of Outstanding Natural Beauty, seeking to resist development which may cause unacceptable harm to its character and appearance.

Policy RD2 relates to development in Green Barriers, which are areas designated around some historic towns to preserve their character, and seeks to resist development within them unless the open character and appearance of the land is not prejudiced. The hospital site is not within a Green Barrier, although land to the north east below Denbigh castle is included.

PPW 11 Section 6.3.3 states 'All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.'

Representations and consultation responses on the application

There are no representations raising matters relevant to visual amenity / landscape impacts.

Relevant details in the application

Design issues are touched on in the submission, including in section 5 of the Design and Phasing Statement, which sets out individual area design principles, with design objectives for the conversion works on the main buildings, and within each of the proposed housing areas.

Officer assessment

Detailed drawings of the proposed alterations to the Main Range are included at the front of this report. There are no detailed drawings of the Chapel or Aled Ward, or any of the new dwellings which may be developed within the site. Full details will therefore be required of all these elements of the scheme, along with proposals for associated landscaping, when full assessment can be made of potential visual and landscape impacts.

In general terms, Officers would suggest that there is sufficient control at detailed plan stage to ensure the localised visual and landscape impacts of the conversion works and new developments proposed are acceptable. Nonetheless, it is suggested that any permission would need to oblige the development of a more detailed 'Masterplan' including relevant Design Themes / Objectives for each phase of development, to guide future submissions based on the approach adopted in the current submission. This would ensure development around the main listed buildings is of a suitably high quality recognising the significance of the buildings and the setting, also respecting relationships with existing development around the site.

On the separate issue of the impact of the demolition of the buildings specified in the application description, Officers concede that any loss of listed buildings is regrettable, but would suggest the visual impact of the demolition proposed would be localised since only the Nurses Home building is immediately visible from public viewpoints around the site.

In respect of the wider landscape impacts of the proposals, given the location of the site, local topography and tree cover, it is considered that the conversion works and new housing development would have minimal effect on the AONB (it's ridgeline being some 7 to 8 km to the east) and would not give rise to unacceptable harm to its character and appearance. Likewise, it is not considered the proposals would prejudice the Local Development Plan's Green Barrier designation which includes land between the site and the town, including the field between the Nantglyn Road and Ystrad Road, since the policy relates to control of development within such areas. The Hospital site is outside the Vale of Clwyd Historic Landscape Area, although the western boundary of this designation runs along Pont Ystrad Road.

In summary, whilst there would inevitably be localised impact from new residential development in the grounds of the hospital, having regard to the site characteristics and location, with suitable controls over the location and detailing of new development and associated landscaping, localised impact can be minimised on the setting of the listed buildings themselves, and on the setting of the hospital and Denbigh Castle. It is not considered that there would be adverse impacts on the visual amenity or landscape of the Green Barrier, and the wider Historic landscape of the Vale of Clwyd, and views from or into the more distant Clwydian Range AONB, subject to adequate mitigation being agreed and implemented.

4.2.5 Residential amenity

Planning policy and guidance

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

The Residential Design Guidance and the Residential Development SPG offers advice and guidance on the principles to be adopted when designing new residential development.

The Residential Space Standards SPG specifies minimum internal floorspace standards and standards for external amenity space for new dwellings.

Representations and consultation responses on the application:

There are no representations raising matters relevant to residential amenity issues.

Relevant details in the application

As there are no detailed drawings of the conversion scheme or any dwellings at this point, the submission does not include material specific to residential amenity considerations.

Officer assessment

In Officers opinion, the residential amenity issues likely to arise in relation to existing properties from the development would be limited as there are only a relatively small number of dwellings in close proximity to the site. Actual impacts are difficult to assess at this point given the application seeks 'in principle' agreement to areas of land for residential use, and there are no details of dwellings in those areas close to existing houses.

It is respectfully suggested that residential amenity impacts can be adequately addressed at detailed plan stage, when proper assessment can be given to the acceptability of relationships between properties, including potential for overlooking / loss of privacy, etc. There are no residential amenity issues likely to arise from the conversion of the main listed buildings to apartments, given the considerable distances between these buildings and the nearest dwellings outside the application site. Detailed plans of units within the proposed housing areas would allow opportunity to ensure there are no unacceptable residential amenity issues for future occupiers.

4.2.6 Ecology

Planning policy and guidance

Policy VOE 5 of the Local Development Plan requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (Section 6.4), current legislation and SPG 18 – Nature Conservation and Species Protection, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and

crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

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

Representations and consultation responses on the application

There are no representations raising matters relevant to ecological issues. Following initial objections and concerns being raised by NRW and the County Biodiversity Officer, neither consultee now raises an objection to the proposal subject to conditions being imposed and a planning obligation being entered into.

Relevant details in the application

The application contains a range of documents providing ecological information, including assessments of individual species. The Design Planning and Access Statement advises the site is not designated as a statutory or non-statutory conservation site or in the close vicinity of one, and that there are no extensive ecological features that would represent a significant constraint to development. It refers to a Master Plan drawing which demonstrates the location of a wildlife buffer zone, 'strategically placed to link up with existing tree lines and therefore ensure wildlife and habitat connectivity'.

The applicant's ecological submission has considered the presence of bats. The conclusions of this submission included the identification of the following species of bats:

- (i) Lesser horseshoe bat;
- (ii) Soprano pipistrelle bat,
- (iii) Common pipistrelle
- (iv) Brown Long-eared bat

In addition, it is understood that other species of bat including Myotis and Noctule were identified during dawn/dusk external surveys. The ecological submissions are considered to be satisfactory for the purposes of informing the public decision making process in respect of the outline proposal.

In this case, the bat report concludes that the proposal is likely to impact adversely on the bats present at this site and, therefore implementation of the proposal will to be subject a European protected species derogation licence.

Officer assessment

Lengthy discussions have taken place between all parties with respect to the proposals impact upon ecology. The two key areas are the presence of European Protected Species, and ground water. NRW and the county ecologist do not raise an objection subject to conditions being imposed which:

- Ensure the effective conservation of bats at each component phased of the proposed development;
- Ensure the long term provision of sites suitable for bat roosting purposes; including but not limited to the provision of two dedicated bat buildings; the inclusion of bat roosting features within retained structures; the provision of bat roosts in proposed new buildings; and the provision of appropriate bat boxes in ecology areas;
- The submission and implementation of an external lighting/internal light spillage scheme;
- Long term management plan that includes defined aims and objectives for bat breeding, sheltering, foraging, dispersal and hibernation; habitat management prescriptions; contingency measures that are capable of being implemented in the event of failure to undertake or to appropriately undertake identified or contingency actions; site liaison and

wardening; licensing requirements for undertaking habitat management, building maintenance and surveillance; current and any proposed changes to tenure of the compensation area; [freehold] tenure of the compensation to be approved by the LPA in consultation with NRW ; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan

- Ensure the provision and availability of financial resources for habitat management, building maintenance, surveillance and wardening liaison purposes in the long term
- Tenure of ecology areas to be in the freehold tenure of the LPA or approved by the LPA with an appropriate 'winding up policy';
- Long term surveillance
- Ecological compliance audit
- Biosecurity risk assessment

The legal agreement will need to cover:

- (a) Defined commuted sum and requirement for index linked ground rent service charges to include ecological surveillance, management and wardening in perpetuity [costed management plan is required to inform costings];
- (b) Annual / biennial liaison meetings;
- (c) Management plan review;
- (d) Tenure and any proposed changes to tenure shall be carried to the satisfaction of the LPA in consultation with NRW (or potentially in the future);
- (e) Restrictions on the occupation of the remaining each component phase of the development until all identified long-term actions have been implemented to the satisfaction of the LPA.

In respect of ground water, it is noted that the area around the hospital buildings have not been investigated and are more likely to have contamination of soil and groundwater from previous uses – for example, former gas works area and old heating oil tanks etc. Prior to development commencing, additional investigation will be required in this respect. However, this can be secured through appropriate planning conditions which require further investigation and mitigation methods to be submitted.

Having regard to the technical consultee responses, Officers are of the opinion that the proposal is acceptable in terms of its impact upon ecology, subject to the aforementioned conditions being imposed and legal agreement being entered into.

4.2.7 Drainage

Planning policy and guidance

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- o new development can be justified in that location, even though it is likely to be at risk from flooding; and
- o the development proposal would not result in the intensification of existing development which may itself be at risk; and
- o new development would not increase the potential adverse impacts of a flood event

Representations and consultation responses on the application

There are no representations raising matters relevant to drainage issues.

Relevant details in the application

The application contains a Flood Consequences assessment and Drainage Strategy document. The Design Planning and Access Statement advises the site is not located within an area at risk of flooding due to its elevated position above the River Ystrad and there are no watercourses crossing the site. The Ground Condition report concludes that ground conditions are thought to be favourable for infiltration, but attenuation features such as ponds and basins will be in place to serve each development phase. A hydraulic Modelling Assessment is being prepared to examine the existing sewer network and to consider the impact of the introduction of flows from the development on its performance, and where required and appropriate, will then identify solutions and points of communication to ensure that the site can be accommodated within the system.

Officer assessment

Factually, no parts of the site are shown at risk of flooding in the Development Advice Maps accompanying TAN 15 – Development and Flood Risk.

Officers' conclusion is that there are no drainage issues of concern arising from the responses of the key statutory consultees. Appropriate details of surface water regulation measures within the site would need to be submitted for further approval at detailed design stage, and can be covered by conditions in the event of a permission being granted. SAB would take a leading role on this, and ultimately would be the body to consent the surface water drainage scheme.

4.2.8 Highways

Planning policy and guidance

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Policy ASA 3 of the Local Development Plan requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (Section 8) and TAN 18 – Transport, in support of sustainable development.

Representations and consultation responses on the application

Representations have been received which raise concerns over the highway implications of the proposals. These point to the impact of the additional volume of traffic likely to be generated by the development on the local highway network and to its users within Denbigh.

Relevant details in the application

The application documents explain that the application proposes two new vehicular access points onto Pont Ystrad Road, which is along the eastern boundary of the site. These new access points are to be located to the north and south of the existing access to the hospital which will be retained for pedestrian and cycle access only. It is intended to relocate the 30mph speed limit signs in conjunction with the project. Parking provision will be in accordance with the Council's adopted standards.

The Transport Assessment concludes in relation to vehicle movements that the peak hour flows would be significantly less than that which could have been generated by the uses of the site as a hospital, that the development will have a marginal impact on the operation of the existing /

proposed highway network, and that existing junctions have sufficient capacity to accommodate the likely volumes of traffic in peak periods in 2025.

Officer assessment

It is not considered in the context of the Highway Officer's comments, and with respect to objections raised, that there are strong highway grounds to refuse permission. The previous use of the site is a relevant consideration in assessing this application, and it is apparent that the traffic likely to be generated by the development proposed will be considerably less than that which would have arisen from the active hospital use. It is recognised that improvements would be necessary to the approach roads and footway links to the town, but these can be secured through conditions on any permission.

4.2.9 Archaeology

Planning policy and guidance

Local Development Plan Policy VOE1 seeks to protect sites of built heritage from development which would adversely affect them, and requires that development proposals should maintain and wherever possible enhance them for their characteristics, local distinctiveness and value to local communities.

Planning Policy Wales (PPW 11), Section 6 'Distinctive and Natural Places' recognises the need to conserve archaeological remains. The consideration of archaeological remains and their setting is a material planning consideration in determining planning applications, whether those remains are a scheduled monument or not.

Section 4 of TAN 24 - The Historic Environment sets out similar considerations to be given by a local planning authority to the determination of applications involving archaeological remains, and their settings. It outlines different scenarios obliging consideration of impacts and stresses the need for submissions to include relevant surveys, studies and assessments, and mitigation proposals.

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The impact on archaeology may therefore be regarded as a potential material consideration.

Representations and consultation responses on the application

CPAT have confirmed that they have completed prior archaeological assessment for the historic buildings at the Hospital site in relation to the 2004 application (in 2007), but advise further work would need to be done to bring this basic level of recording up to standard, particularly in mitigation for those buildings which will now be demolished and for those buildings for which there was previously no prior internal access. They note additional recording would be required for Aled Ward, the Isolation and Mortuary Buildings, the Nurses Home and the Gas Works buildings. CPAT state the setting of the hospital in views from the north is to be retained with open ground, and this is welcomed; and suggest this open area should be retained in its present form with minimal change as a grassed area. They comment that views from the south along the road frontage are also 'largely protected with a grass and foliage aspect.'

Relevant details in the application

There is limited specific archaeological information in the submissions, the main historic reference material being in the Heritage Impact Statement. Detailed photographs of the buildings proposed for demolition are attached to the listed building consent application.

Officer assessment

There are no significant archaeological issues raised in the CPAT response. In line with their recommendations, it is suggested that any permission should contain a condition requiring the

relevant archaeological recording be carried out in advance of demolition and redevelopment works.

4.2.10 Affordable Housing

Planning policy and guidance

Local Development Plan Policy BSC 3 sets out a requirement, where relevant, for development to contribute to the provision of infrastructure to meet the additional social, economic, physical and/or environmental infrastructure requirements arising from the development. The policy lists a range of priorities which it states will vary depending on the nature and location of the development, and includes affordable housing provision, which is detailed further in policy BSC 4. BSC 4 seeks to ensure, where relevant, 10% affordable housing on site on developments of 10 or more residential units, but states “In recognition of differing characteristics throughout the County, negotiations to determine the actual provision of affordable housing will be based on factors outlined in the Council’s Affordable Housing Supplementary Planning Guidance”.

The Supplementary Planning Guidance adopted in May 2014 confirms that the requirement for Affordable Housing applies to new build and conversions to residential units, but in the sections on the scenarios applying to delivery, indicates that no affordable housing provision should only be considered in exceptional circumstances once all other options have been exhausted. Circumstances referred to in the guidance which may constitute ‘exceptions’ are where the history of the site makes this unreasonable, such as previous consents; and where a proposal meets an ‘identified, acknowledged, and overriding regeneration aim or project in accord with an approved regeneration strategy and where affordable housing would seriously prejudice this’. The Development Plan policies and Supplementary Planning Guidance develop Welsh Government policy and guidance in Planning Policy Wales and Technical Advice Note 2 : Planning and Affordable Housing.

Representations and consultation responses on the application

The Town Council raise concern that there is no provision for affordable housing.

Relevant details in the application

The Design Planning and Access Statement contains commentary on the issue of Affordable Housing provision. It refers to the Council’s Affordable Housing Supplementary Planning Guidance adopted in May 2014, which confirms that the requirement for Affordable Housing applies to new build and conversions to residential units. However, it is noted that the document indicates that no affordable housing provision should only be considered in exceptional circumstances once all other options have been exhausted. The applicants consider that this site meets these exceptional circumstances as the planning history makes it unreasonable to require affordable housing. They state the proposal meets an identified, acknowledged and overriding approved regeneration aim or project in accordance with an approved Council regeneration strategy, and, the provision of affordable housing would seriously prejudice this.

Officer assessment

As recorded in the preceding sections of the report, the viability of the development scheme has been subject to close scrutiny in order to inform consideration of key issues. The Financial Viability Assessment assumes there will be no requirement for affordable housing.

It is apparent from the financial information provided with the application and from the scrutiny it has been subject to, that the viability of the scheme is further dependent on public funding. Such public funding will seek to address the huge infrastructure costs and to enable the reasonable prospect of the restoration of the Listed Buildings shown to be saved. The implications of obliging provision of affordable housing would simply be to increase the amount of residential development to generate the funding, which would be in conflict with one of the main tests of policy VOE4, which is to restrict the amount of enabling development to the minimum necessary to secure the future of the heritage asset. Officers’ view on the

issue is therefore that it would be contrary to the intentions of policy VOE4 to insist on affordable housing provision, and that the financial viability arguments for this stance constitute the 'exceptional circumstances' set out in the Supplementary Planning Guidance on Affordable Housing, to justify no provision. As controls are exercisable on housing mix and type within a development, Officers suggest an appropriate condition be attached to any permission requiring agreement to these details, along with a suitably worded note to applicant encouraging discussion prior to submission of detailed plans to ensure inclusion of smaller dwellings within the development. The Housing Officer's response to consultation reflects this conclusion. The provision of some 300 dwellings at this site in Denbigh does mean that more affordable dwellings within the town could become available as people choose to move onto this site. Whilst the scheme's viability dictates that there is no potential to insist on a traditional provision of affordable dwellings as a percentage of the overall residential offer, Officers consider that by providing a mix of dwelling sizes and types within phases there will be an affordable offer on the site for local people. Furthermore, local RSL's may choose to invest in the site once planning permission is in place as with other large residential sites in the County.

4.2.11 Open Space

Planning policy and guidance

Local Development Plan Policy BSC 3 sets out a requirement, where relevant, for development to contribute to the provision of infrastructure to meet the additional social, economic, physical and/or environmental infrastructure requirements arising from the development. The policy lists a range of priorities which it states will vary depending on the nature and location of the development, and includes open space provision, which is detailed further in policy BSC 11.

Policy BSC 11 requires proposals for all new residential development to make provision for open space, which should always be on site. The alternative of commuted sum payments are only acceptable where it can be demonstrated that circumstances justify that approach including where provision would impact on the financial viability of a development.

Representations and consultation responses on the application:

There are no representations raising matters relevant to open space issues.

Relevant details in the application

The applicants have indicated that it is intended to provide open space throughout the scheme and to open up undeveloped areas of the site for wider public enjoyment. It is suggested that details of open space provision be agreed through the mechanism of a planning condition.

Officer assessment

From observation, it is apparent that the development offers considerable scope for provision of open space, incorporating and enhancing the open areas around the site for the benefit of occupiers of properties to be developed and for a wider population, and with an added dimension of including a new field for the town's cricket club. There are potential recreational and landscape benefits from securing the retention and improvement of open areas in and around the main range buildings. Suitably worded planning condition(s) could be attached to any permission to secure a strategy for appropriate provision and treatment of open space, and the detailing of the cricket club area in connection with the redevelopment of the site.

4.2.12 Education

Planning policy and guidance

Objective 12 of Chapter 4 of the Local Development Plan indicates that the Plan will ensure that an adequate level of community infrastructure (including schools) will be provided alongside new developments. Policy BSC 3 seeks to ensure, where relevant, infrastructure contributions from development.

The Planning Obligations SPG states that Education contributions will be sought from proposed developments which comprise of 5 or more dwellings, or a site area of 0.2 hectares or more, that have the potential to increase demand on local schools.

Representations and consultation responses on the application:

There are no representations raising matters relevant to education provision.

Relevant details in the application

There is no specific reference in application documents to education provision, arising from the likely demands from a 300 dwelling development.

Officer assessment

As stated previously, this is a unique application for which the main driving force behind the proposal is the desire to save the Grade II* listed building. The financial information provided with the application clearly shows that the viability of the scheme is further dependent on public funding. Such public funding will seek to address the huge infrastructure costs and to enable the reasonable prospect of the restoration of the main Listed Buildings shown to be saved. The implications of obliging a commuted sum to be paid to extend existing schools would simply be to increase the amount of residential development to generate the funding, which would be in conflict with one of the main tests of policy VOE4, which is to restrict the amount of enabling development to the minimum necessary to secure the future of the heritage asset. Officers' view on the issue is therefore that it would be contrary to the intentions of policy VOE4 to insist on financial contributions towards education provision.

4.2.13 Contaminated land

Planning policy and guidance

The Development Management Manual advises at paragraph 9.4.3 as to what can be considered a material consideration, and states that the effects of a development on the neighbourhood and environment can be a material consideration. It is therefore considered that contaminated land and land stability issues are potential material considerations.

This reflects general advice in Planning Policy Wales Section 6.9.16 – 21, which sets out a range of considerations to be given to the assessment of contaminated land issues, and 6.9.22 – 28 which relates to land instability.

The need to consider the potential impact of contaminated land in relation to development proposals is contained in Chapter 6 of Planning Policy Wales. Sections 6.9.16- 21 set out the requirement to take account of potential land contamination hazards and remedial measures where necessary, and the need for investigation and risk assessment. Where contamination may be present, planning permission may be granted subject to conditions where acceptable remedial measures can overcome such contamination.

Representations and consultation responses on the application:

As mentioned previously NRW have raised the issue of contaminate land, and have suggested further investigative work could be carried and mitigation measures included.

Relevant details in the application

The application contains a Ground Investigation Report geared primarily at identifying the suitability of soil / subsoil for drainages and construction purposes, but this notes there was no evidence of visual and /or olfactory contamination of shallow soils in any of the exploratory holes; however, the presence of isolated areas of contamination associated with the site's former use cannot be fully discounted.

Officer assessment

Officers' opinion is that any contamination issues can be addressed through controls in standard planning conditions as used in permissions on other developments in the County, which was the approach adopted in relation to previous schemes. The conditions need to oblige suitable surveys of potential contaminants on the site and submission and approval of detailed proposals for treatment and disposal dependent on the findings of the surveys.

4.2.14 Density / housing mix

Planning policy and guidance

General guidance on residential density is contained in Local Development Plan Policy RD1 test ii), which seeks to ensure the most efficient use of land by achieving densities of a minimum of 35 dwellings per hectare, unless there are local circumstances that dictate differently. Whilst the wording of RD1 relates to support for proposals within development boundaries, the guidance provides a benchmark for consideration of proposals on the fringes of one of the County's main towns.

The main Local Development Plan Policy which refers to housing type and mix in new development is Policy BSC 1. The policy seeks to make provision for new housing in a range of locations, concentrating development within development boundaries of towns and villages, and sets out an expectation on developers 'to provide a range of house sizes, types and tenure to reflect local need and demand and the results of the Local Housing Market Assessment'.

Representations and consultation responses on the application

There are no representations raising matters relevant to density and housing mix issues

Relevant details in the application

The application is in outline form in relation to the development of land for residential use, and provides only basic information in relation to the numbers of dwellings within the individual areas shown for housing – it refers to a total area of land for housing development in the order of 9 hectares and the indicative number of new dwellings up to 300, suggesting an average density of 33 to the hectare. At this stage there are no details of the housing mix which may be proposed within the phases of development.

Officer assessment

Officers' opinion on the issue of density is that the site may be capable of accommodating an average of 33 dwellings to the hectare, but the detailed plans would need to demonstrate that this is possible to achieve in terms of satisfactory physical relationships between dwellings, taking account of the impacts on the listed buildings, the setting and the surroundings. On the basis of the information submitted, it is not considered reasonable to conclude that the proposals would result in an overdevelopment of the site likely to result in an unacceptable cramping of the available site area by buildings.

In respect of housing mix, it would be reasonable to attach a suitably worded condition on any permission to draw attention to the Council's policies and guidance, to ensure an appropriate balance of dwelling types and sizes in the different phases of development.

4.2.15 Impact on Welsh Language and Social and Cultural Fabric

Planning policy and guidance

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

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

The site lies outside the development boundary of the town and is therefore a windfall site for the purposes of TAN20. TAN 20 and Policy RD 5 of the Local Development Plan. Policy RD 5 sets out the requirement for submission of a Community Linguistic Impact Assessment with all applications in settlements involving developments of over 20 dwellings.

Representations and consultation responses on the application

There are no representations raising matters relevant to the impact of the development on the Welsh language and culture.

Relevant details in the application

A Community and Linguistic Assessment has been submitted with the application. This concludes that the development would have an overall positive impact on the Welsh language, as it will allow for the retention of existing Welsh speakers within the community, which presently has a strong percentage of people with Welsh language skills, along with the conservation and regeneration benefits of the area which the proposals will deliver.

To maximise the benefits of the scheme in terms of the Welsh Language, the Assessment refers to the following proposals which will be considered within the development as suggested in the SPG:

- It is likely that the phasing of housing will take place over 10 years in order to assimilate change;
- Bilingual signage and place names;
- Contribution towards community facilities and groups;
- Employment initiatives and training.

Officer assessment

In Officers' opinion, a phased residential development of the scale proposed on this site on the fringe of a town the size of Denbigh would not by virtue of its size, scale, and location cause significant harm to the character and language balance of the community. The site has been in use as a hospital for many years and its development by way of housing spread over at least 10 years is not considered likely to have a detrimental impact on the Welsh language and social and cultural fabric of the town or the wider community. Further controls and requirements to recognise the importance of the Welsh Language and culture for this historic site will be imposed within any s.106 agreement.

4.2.16 Minerals issue

Planning policy and guidance

Policy PSE 15 of the Local Development Plan looks to safeguard high quality resources of minerals in the County from development which may result in its permanent loss or hinder future extraction. In areas identified for safeguarding, the policy only permits extraction where it can be demonstrated that the need for the development outweighs the need to protect the mineral resource; or where such development would not have a significant impact on the viability of that mineral being worked; or where the mineral is extracted prior to the development.

Representations and consultation responses on the application

The Minerals Officer has advised previously that given the small size of the site, any loss of sand and gravel is likely to be minimal and outweighed by the need to ensure the preservation of the listed buildings, and has suggested that the proposal meets criteria (i) of PSE 15, i.e. that it can be demonstrated that the need for the development outweighs the need to protect the mineral resource in this instance.

Officer assessment

Factually, the application site is shown on the Minerals Proposals Map accompanying the Local Development Plan within a Mineral Safeguarded Area (Sand and Gravel). However, having regard to the previous comments of the Minerals Officer, it is considered that there are no conflicts with the minerals safeguarding policy in the Local Development Plan.

4.3 Other matters

Adequacy of legal Agreements / mechanism for securing the restoration of the listed buildings

Members will appreciate that it is standard practice for Officers to negotiate with applicants/agents, on a 'without prejudice basis potential conditions and Heads of Terms of a

possible Section 106 obligation to address matters which cannot reasonably be covered through planning conditions, to make a development acceptable. This was the route followed in relation to previous applications.

To ensure that the Planning Committee are content with the final section 106 agreement it is proposed that, in the event planning permission is resolved to be granted, the final section 106 agreement is brought back before Planning Committee for approval prior to the section 106 agreement being completed. This will allow the Planning Committee to scrutinise the obligations within the section 106 agreement to ensure that it provides the required safeguards and obligations to make the proposed development acceptable.

Having regard to the circumstances relevant to the current proposals, Officers and the Council's appointed legal representatives have engaged with the applicants / agents on a range of possible Heads of Terms of a legal agreement, including the following, to ensure:

Phasing Plan - Restoration of the Main Range Listed Buildings

The restoration of the Main Range Listed Buildings shall be completed on a phased basis and be linked to the phased development of the residential enabling development. It is proposed that the section 106 agreement will either set out the details of the phases for both the restoration of the Main Range Listed Buildings and residential enabling development or require that the phases are agreed prior to the commencement of any development and ensure that certain phases cannot be commenced without others first being completed. This will be heavily reliant upon both the amount of public funding and the timing of the receipt of the funding. Members should be reassured that any s.106 will strive to secure restoration alongside any wider development.

Restoration of the Aled Ward

Again, this is reliant upon public funding being secured. The intended s.106 agreement will set out strict timescales for this to be resolved. Any eventual decision to demolish the Aled Ward would need to be fully justified by the submission of relevant supporting financial information. The proposed obligations within a s.106 agreement for this element could be as follows:-

"To use reasonable endeavours to secure public funding for the restoration of the Aled Ward by [31 December 2023] and submit evidence to the Council of the same every 6 months from the grant of planning permission for their written approval. To consider and implement reasonable suggestions by the Council to secure public funding for the restoration of the Aled Ward.

In the event that public funding is secured for the restoration of the Aled Ward the Aled Ward shall not be demolished and the developer shall within 12 months of securing the public funding submit relevant planning applications to the Council for its restoration.

In the event that public funding is not secured by [31 December 2023] and the Council have confirmed that they consider that reasonable endeavours have been made by the developer to secure public funding and there is no reasonable prospect of securing funding in the near future then the developer shall be permitted to demolish the Aled Ward after [31 December 2023]. "

Estate Management Plan

This element of the s.106 will deal with the longer term management of the historic site and grounds within a co-ordinated strategy to be approved by DCC. Again, no development (save for agreed demolition) will be allowed to proceed on site until such a masterplan for the estate is agreed. Officers envisage that this management plan will cover the whole application site and relate to issues such as preserving the historic character of the buildings and ground by setting clear conservation management and maintenance standards.

Liaison Committee

Officers suggest that a Liaison Committee would be a preferred way of ensuring the long term intrinsic historic character of the site is maintained and enhanced. The s.106 agreement will look to set out the framework for such a Committee and suggested obligations could be as follows:-

“Within six months of the commencement of development a Liaison Committee shall be established with members from the developer, Council, NRW, current or future residents of the development and any other relevant non statutory organisations with the purpose of providing advice and recommendations to the Management Company set up under the Estate Management Strategy on the development.

The developer shall be responsible for the full costs of the implementation and running of the Liaison Committee unless otherwise agreed in writing with the Council”

Open Space

Officers consider that, linked to the overall Estate Management Strategy, the s.106 agreement will need to ensure any formalised areas of open space such as the parkland, cricket club or other public spaces are managed and maintained. This will need to be funded by the development. The suggested obligations for any s.106 terms could be as follows:-

“The development of any phase shall not be commenced until an Open Space Scheme detailing the location of the Open Spaces, equipment, timetable for delivery and maintenance arrangements has secured the Council’s written approval. The approved Open Spaces Scheme(s) shall thereafter be implemented, managed and monitored in accord with any agreed Scheme.”

Relocation of Cricket Club

Officers consider that it may be necessary to link the s.106 terms to the relocation of Denbigh Cricket Club. This is to ensure that all parties involved in this are fully aware of their obligations and commitments to the relocation and future management and maintenance of any private club areas.

Highway Works

Officers are aware that certain off-site highway improvements will be required to link the proposed development site with Denbigh town. Whilst conditions and separate highway agreements could deal with these there is also the option of capturing the works and trigger points for delivery within the s.106 agreement. The suggested obligations within any s.106 could be as follows:-

“The development shall not be commenced (save for agreed demolition) until highway agreements have been entered into for the delivery of the following highway works: improvements to PROW linking the B4501 with St David’s Lane; improvements to PROW linking Lon Llewellyn and Smithfield Road; Lenten Pool roundabout improvements and Love Lane / A534 junction improvements. The highway works will be required to be completed to the satisfaction of the Council at the relevant agreed stages of the development.”

Ecological Enhancement/Mitigation

The key consultees of NRW and the Council’s Ecologist have worked extremely closely on the proposals over the past year. In order to ensure that the development proceeds in full compliance with all statutory provisions and relevant national and local policies and strategies (including the Council’s Climate Change and Ecological Emergency Strategy) there will be the need for a detailed section within the s.106 agreement dealing with ecology and biodiversity. The development proposals have been designed around the extremely diverse range of species which exist on the site, with areas of the site devoted to their longer term protection and enhancement.

Officers consider that, like the Estate Management Strategy and Liaison Committee there will need to be a similar strategy and committee set up specifically for the ecological and

biodiversity elements of the site. This will deal with the implementation of specific mitigation and havens for wildlife across the site along with their longer term maintenance and management. Much of this has been captured within the submitted ecology documents from the applicants appointed consultants (RML). The precise details of these arrangements will be captured within the s.106 to ensure an appropriate body manages the existing and future habitats on the site.

Renewable Energy/Health and Travel Plan

As with many development sites of this scale Officers consider it appropriate to seek details of the above within any s.106 agreement. This will set out commitments within the development to provide facilities for charging points, cycle parking and storage alongside any other enhanced walking routes linking the site to other areas of Denbigh. Given the fact that public funding will be required to progress this scheme key national and local government targets on reducing carbon emissions, promoting health and encouraging sustainable travel will need to be set out within a holistic plan for this site.

Welsh Language Enhancement Strategy

Officers consider that a development of this scale should contain a strategy for the above. The history of this site both for Denbigh and the County should not be ignored and any s.106 should contain an obligation to promote and enhance the Welsh language and Culture. This could link to education and training programmes from the developers as well as on-site bilingual information boards and other information. Road signs and other advertisements located within the site should form part of an overall strategy to ensure the Welsh language is promoted on this site.

Local Labour Plan

The applicants are a local company who are committed to promoting local training and employment opportunities. It is normal for a development of this scale to contain a s.106 agreement clause which will ensure every opportunity to promote the use of local labour and the supply chain.

The applicant's agent has confirmed that the Heads of Terms above are acceptable as a basis for progressing matters. Officers would suggest that, subject to detailed drafting and legal scrutiny, these Heads of Terms in conjunction with the suggested conditions on any permission would provide safeguards and positive gains from the development, and are a material consideration to be weighed in relation to the merits of the application.

Relevance of previous permissions / applications

These have some relevance to the current applications in that the Council has indicated acceptance of the principle of a mixed use 'enabling development' in the grounds of the hospital as a means of securing the future of the key listed buildings. The grant of listed building consent for some demolition signifies CADW's acceptance that some demolition of historic buildings is acceptable in association with positive proposals for the development of the site and the restoration of the key listed buildings.

It is to be noted nonetheless that the 2006 permission was granted having regard to a specific policy in the Unitary Development Plan (MDA4), and to the particular proposals for a mixed use scheme submitted at the time. The permission has long expired and the Unitary Plan has been replaced by the Local Development Plan, which contains a policy relating to the principle of 'enabling development' – VOE4 – which sets a different context for the consideration of the current application. The Council considered the Princes Trust scheme submitted in 2014 to be acceptable in terms of this policy and associated Supplementary Guidance.

Consequently, in accepting the previous applications are of interest as background to the consideration of the current proposals, they should have limited bearing on the assessment of the merits of the current submission as this has to be reviewed in relation to the tests of up to date policy and guidance, and with regard to circumstances and material considerations applying in 2020.

Impact on local services

There are concerns expressed by the Community Council over the impact of development on local services, including on schools and health services.

There are no specific objections raised in consultation responses from service providers to the proposals, including drainage bodies in terms of the capacity of the sewerage system or the treatment works. The Health Board have suggested the need for a suitable Health Impact Assessment and consideration of contributions to future provision of services.

In noting local reservations over the potential impact on local services, Officers suggest it would be difficult to sustain an objection based on the comments from the main providers. There is a responsibility on all service providers to plan ahead for the delivery of their own service, based on potential population changes, in connection with which there is clear approved strategy and proposals in the adopted Local Development Plan. Respectfully, the impact of the likely scale of development phased over a number of years at the site and elsewhere in the town and the County should be capable of being accommodated reasonably in the forward planning of all service providers. The carrying out of a Health Impact Assessment, as recommended by the Health Board, is not a statutory requirement as part of a planning application, but could be used as part of the development of the phases of development, in order to help inform the preparation of detailed layout plans with proposals encouraging the health and wellbeing of future residents.

In the particular circumstances applying to this application / site, the provision of financial contributions towards education, health and other services is not justifiable, given the clear objective to secure the future of the listed buildings and the marginal viability of the scheme.

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed development.

5 SUMMARY AND CONCLUSIONS:

- 5.1 The application involves a range of proposals, including works to secure the restoration of the main Grade II* listed buildings as apartments, and the development of land within the grounds for mixed residential and business use as 'enabling development' to help fund the restoration works. The scheme also proposes demolition of a number of buildings within the site. The report highlights the basis of the submissions which argue the case for the restoration of the main range buildings and the associated enabling development.
- 5.2 The North Wales Hospital has a unique place in the history of the town. The report sets out in some detail the complex background leading to the submission of the application, and notes

that the buildings and grounds have suffered badly from neglect since closure of the hospital, more recently involving fires resulting in the loss of the main hall, and damage to other buildings. The remaining buildings are on the CADW 'buildings at risk' database, which reflects the level of concern over their deteriorating condition.

- 5.3 The planning application raises a number of issues which oblige careful consideration. There have been a small number of individual representations on the application, those opposing the proposals include concerns over the effect on local services, the need for housing, the impact on the setting and on the highway network. Officers have considered the responses received, and consider that such objections would be difficult to sustain given the lack of objection from technical consultees.
- 5.4 There is a specific policy in the Local Development Plan, VOE 4, which relates to enabling development, and the Plan designates the North Wales Hospital under this policy in order to secure the future of the important listed buildings. The policy is a significant consideration in the weighing up of the proposals. Its tests are reviewed in detail in the report, along with other planning policies, Supplementary Planning guidance and legislation.
- 5.5 The Financial Viability Assessment accompanying the application has been the subject of review and the conclusions suggest the amount of enabling development would be the minimum necessary to secure the future of the heritage asset.
- 5.6 It is suggested, having regard to consultation responses, representations and the considerations relevant to the determination of the application, that the proposals are broadly compliant with the objectives of current Development Plan policies, and in particular the key policy, VOE4, which permits enabling development as a way of resolving the status of heritage assets designated as 'at risk' - subject to inclusion of suitable conditions and to completion of a Section 106 Obligation. In Officers' opinion, the development is in accordance with the Development Plan and there are no material planning considerations which indicate the Council should come to a different conclusion and refuse permission.
- 5.7 In concluding, Officers acknowledge the loss of additional listed buildings is a negative factor in the consideration of the application, and that housing development in the grounds of the Hospital will have an impact on the setting of the remaining listed buildings. The report accepts these impacts have to be weighed carefully against the overall objective of retaining what has been identified as the key historic asset, the Grade II* Main range buildings, and the steps which may be taken to minimise the impacts on the setting through careful control over new development and associated landscaping. The report notes that if the objective of salvaging the main range buildings is to be achieved, a compromise has to be found which accepts there will be some negative impacts from the developments proposed.
- 5.8 Taking the range of policies and guidance, material considerations and representations into account, Officers consider it reasonable to attach greater weight to the positive aspects of the package of proposals, as they offer a realistic prospect of saving nationally important listed buildings and the restoration of the grounds of the Hospital, with significant economic and environmental benefits for the town.

RECOMMENDATION

The Officer recommendation therefore is to GRANT permission subject to –

A. Completion of a Section 106 agreement to secure the following basic Heads of Terms, to ensure:-

1. The phasing of works of restoration and conversion on the Main Range buildings and Chapel is linked to the phasing of enabling residential development and the release of capital from the sale of land for development.

2. Requirements to use reasonable endeavours to secure funding to allow restoring the Aled Ward.
3. An Estate Management Strategy is agreed which includes details of the open space, including the Cricket Club relocation, to be provided and suitable arrangements are in place for a Management body to assume responsibility for the future management of the Main Range building complex and its environs, to avoid its fragmentation.
4. The establishment of a liaison group including Denbighshire County Council, the site owner, developer(s) and relevant interested parties, to oversee the development of the site, restoration of the listed buildings and its management.
5. Requirements for highway works to be undertaken and the timescales for completion of the works.
6. A renewable energy, health and travel plan to ensure key national and local government policies and targets are met within this development scheme.
7. An agreed Welsh Language and Culture strategy providing support from the development towards community facilities and groups, education programmes, employment initiatives and training.
8. Proposals for a local Labour Plan / training initiatives to promote the use of local labour and the supply chain alongside schemes for training as part of the development
9. Ecological enhancement measures and the longer term management and maintenance across the site.

The terms of the Section 106 Obligation will need to be developed further through negotiation and would be reported back to Planning Committee at a future date for consideration and ratification before any agreement is completed.

B. The following planning conditions listed below

The Certificate of Decision will be released only on completion of the Section 106 Obligation. It is also clear that through the negotiation of the section 106, that some conditions may need to be re-drafted. It is therefore proposed that when the s106 agreement is presented to committee for scrutiny, that a final set of planning conditions are also presented for approval by members.

The conditions are:

In relation to the submission of detailed plans and the commencement of development

1. In relation to applications for the approval of details in connection with works of demolition, the conversion of the main range buildings, and the mothballing of buildings to be retained, such details shall be submitted for the consideration of the Local Planning Authority no later than 2 years from the date of this permission, and the developments / works as approved shall be commenced no later than one year from the date of the respective approvals.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, and to ensure the works are carried out in a reasonable timeframe to secure the future of the main range buildings.

2. In relation to applications for the approval of 'reserved matters' details in connection with the commercial units and new residential development, such details shall be submitted for the

consideration of the Local Planning Authority no later than 10 years from the date of this permission, and the developments / works as approved in relation to each phase of the development shall be commenced no later than two years from the date of the respective approvals.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990

General matters

APPROVED PLANS AND DOCUMENTS

3. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:

- (i) Location Plan (Drawing No. 0103.01) received 24 April 2020
- (ii) Retention Removal Plan (Drawing No. 0103.02) received 24 April 2020
- (iii) Masterplan (Drawing No. 0103.03 Rev. A) received 17 June 2020
- (iv) Masterplan Option B (Drawing No. 0103.03 Rev. A) received 17 June 2020
- (v) Phasing and Area Plan (Drawing No. 0103.04) received 24 April 2020
- (vi) Illustrative Layout Plan (Drawing No. 0103.05) received 24 April 2020
- (vii) Illustrative Layout Plan Option B (Drawing No. 0103.05) received 24 April 2020
- (viii) Site Plan in relation Denbigh (Drawing No. 0103.06) received 24 April 2020
- (ix) Cross Section Plan (Drawing No. 0103.07) received 24 April 2020
- (x) Road Entrance Specification Plan (Drawing No. 0103.08) received 24 April 2020
- (xi) Information and Constraints Plan (Drawing No. 0103.09) received 24 April 2020
- (xii) Photographic Examples (Drawing No. 0103.10) received 24 April 2020
- (xiii) Basement Floor Plan as Existing (Drawing No. 0103.11) received 24 April 2020
- (xiv) Ground Floor Plan as Existing (Drawing No. 0103.12) received 24 April 2020
- (xv) Ground Floor Plan as Existing (showing parts of building to be demolished) (Drawing No. 0103.12) received 24 April 2020
- (xvi) First Floor Plan as Existing (Drawing No. 0103.13) received 24 April 2020
- (xvii) Second Floor Plan as Existing (Drawing No. 0103.14) received 24 April 2020
- (xviii) Elevations as Existing - side and rear (Drawing No. 0103.15) received 24 April 2020
- (xix) Elevations as Existing (Drawing No. 0103.16) received 24 April 2020
- (xx) Illustrative Basement Floor Plan (Drawing No. 0103.17) received 11 May 2020
- (xxi) Illustrative Ground Floor Plan (Drawing No. 0103.18) received 11 May 2020
- (xxii) Illustrative First Floor Plan (Drawing No. 0103.19) received 11 May 2020
- (xxiii) Illustrative Second Floor Plan (Drawing No. 0103.20) received 11 May 2020
- (xxiv) Proposed Elevations Plan (front) (Drawing No. 0103.21) received 24 April 2020
- (xxv) Proposed Elevations Plan (rear) (Drawing No. 0103.22) received 24 April 2020
- (xxvi) Demolition Plan (Drawing No. 0103.23) received 11 May 2020
- (xxvii) Proposed Demolition Plan (Drawing No. 0103.24) received 11 May 2020
- (xxviii) Design, Planning and Access Statement received 11 May 2020
- (xxix) PAC Report received 11 May 2020
- (xxx) Design and Phasing Statement received 11 May 2020
- (xxxi) Community and Linguistic Assessment received 11 May 2020
- (xxxii) Landscape Study (Drawing No. LA3460 Rev. A) received 24 April 2020
- (xxxiii) FCA and Drainage Strategy received 24 April 2020
- (xxxiv) Ground Investigation and Infiltration Report received 24 April 2020
- (xxxv) Transport and Access Statement received 24 April 2020
- (xxxvi) Arboricultural Report received 24 April 2020
- (xxxvii) Biodiversity and Eco-Resilience Management Plan (Ref: 3162/11 r02) received 21 June 2021

4. The physical extent of enabling development permitted in association with the retained buildings shall not exceed that shown on the submitted Masterplan, reference 0103 Dwg.03.

Reason: For the avoidance of doubt and in the interests of protecting the essential setting of the listed buildings and Denbigh Castle.

5. No applications shall be made to seek the detailed approval of plans for the conversion of the main range buildings, any phases of new build residential units, or the commercial units until the written approval of the Local Planning Authority has been obtained to a detailed Masterplan document setting out the principles to be adopted in the preparation of those submissions, in relation to all of the following:
 - a) The phasing of development including the timing of demolition works, the phasing of works of conversion within the main range buildings, the phases of new residential development including indicative numbers of units in each, and the phasing of the commercial units;
 - b) Detailed design objectives for the works of conversion and for each phase of new residential and commercial unit development, to include design codes / principles, road layout hierarchies and design principles for new buildings and open spaces, conservation management and landscaping proposals;
 - c) A Landscape and Ecological Protection and Enhancement Plan and Biodiversity Method Statement including:
 - i. a full survey of all trees, hedgerows; features of nature conservation interest such as wooded areas, bat flightlines, wildlife corridors, foraging areas; grassland and parkland areas;
 - ii. details of proposals to retain, protect, work or remove trees and hedgerows, new areas of tree and other planting, and hard and soft landscaping works
 - iii. proposals for the mitigation of impact, the protection and enhancement of habitat, structural landscaping and the enhancement of planting in the woodland along the south east boundary of the site.
 - iv. relevant updated surveys and details of protected species mitigation and compensation measures, shown on appropriate scale maps and plans, and relevant schemes of Reasonable Avoidance Measures, including for reptiles and badgers.
 - v. details of an external lighting scheme including light spillage
 - vi. a timetable for implementation of mitigation and compensation, referencing the construction of the development
 - vii. arrangements for post project monitoring and long term wardening, management, and surveillance of the site, including persons responsible for implementing and supervising the works, as well as compliance auditing
 - viii. a Management Scheme for the Landscape and Ecological Protection and Enhancement Plan, incorporating details of required aftercare and long-term maintenance and monitoring.
 - d. An overall drainage scheme for the site which shall include plans for the carrying out of works in relation to each phase of the development, in accordance with guidance on Sustainable Urban Drainage Systems in CIRIA publications C.522 SuDS- Design Manual for England and Wales, and C523 SuDS - Best Practice Manual; to ensure:
 - (i) no land drainage run off or any net increase of surface connects directly or indirectly to the public sewer system;
 - (ii) separate foul and surface water discharges from the site;
 - (iii) surface water generated from new impermeable surfaces are limited to equivalent Greenfield rate for the site, to be agreed with the Local Planning Authority.
 - e) Proposals for a Travel Plan , the creation of new and improved links to the town centre for pedestrians, cyclists and walkers; the improvement of the footway along the whole length of

the Ystrad Road frontage; the enhancement of links with Public Footpath No 46; and the establishment and maintenance of a public transport link to the town centre;

f) Proposals for the restoration and treatment of the grounds around the listed buildings and the areas to be retained as open land within the site, including provision, enhancement, and maintenance of amenity and recreational open space within the site, to include provision for Community Recreational Open Space and Children's play space; the enhancement of the walled gardens, bowling green, and the responsibility for the provision and future maintenance of these areas.

h) A Health Impact Assessment, to inform the preparation of detailed layout plans with proposals encouraging the health and wellbeing of future residents.

Reason: The proposals involve the phased development of land and require further detailing to guide the submission of future applications, and in order that the Local Planning Authority retains control over development in the interest of the proper planning of the site.

Demolition works

6. No demolition works shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to proposals for :
 - a The storage and re-use of stone and slate, and other historic featurework in connection with the development of the site.
 - b The aftertreatment of the land occupied by the buildings and the areas immediately surrounding them, including proposed final levels, hard and soft landscaping and planting, and the timing of the completion of the restoration works.

The works shall be carried out strictly in accordance with the details as approved.

Reason: In the interests of sustainable principles, to make efficient use of building material within the site, and in the interests of visual amenity and the setting of the listed buildings.

Conversion of the main range buildings

7. No demolition works, or works on the conversion of the main range buildings to residential units or community space shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to all the following details:
 - a) the full extent of demolition works and means of securing the structure of the buildings during those works,
 - b) proposals for the storage and re-use of stone and slate, and other historic featurework in connection with the development of the site.
 - c) proposals for the making good and reconstruction of sections of the buildings,
 - d) the proposed means of vehicular and pedestrian access
 - e) all floor layout plans and elevational details,
 - f) external wall and roof materials,
 - g) architectural detailing of all external features,
 - h) proposals for the treatment of the land around the buildings, including circulation arrangements, provision of parking areas, bin stores and clothes drying areas, private external amenity areas for residents, and the reinstatement of open areas including the bowling green, around the buildings,
 - i) the provision to be made to secure suitable access for disabled people.
 - j) the foul and surface water drainage proposals
 - i) any external lighting
 - j) proposals for the timing of the conversion works.

The development shall be carried out strictly in accordance with the details as approved.

Reason: To ensure the local planning authority retains control over the detailing of works on the main buildings to protect the character and appearance of the listed buildings

8. Prior to their application, details/samples of the proposed materials and colour finishes to be used on the walls, roofs, windows, doors, residential paths and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include stonework, slates, coping stones, bargeboards, fascias, pointing and painting. The development shall be carried out strictly in accordance with the details as approved.

Reason: To ensure the local planning authority retains control over the detailing of works on the main buildings to protect the character and appearance of the listed buildings

9. Any existing external openings to be blocked up as part of the proposed demolition works and / or existing walls and stonework to be restored in accordance with the approved plans shall be carried out with materials that match those used on the existing walls of which they form part, in texture, type, colour, mortar and pointing unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the local planning authority retains control over the detailing of works on the main buildings to protect the character and appearance of the listed buildings

10. No demolition works shall be permitted to commence on the rear walls of the main range buildings until the written approval of the Local Planning Authority has been obtained to:
- the detailing of the making good works,
 - evidence of a contract for the carrying out of the works of reconstruction of the walls and making good of exposed sections of the retained buildings has been provided to the Local Planning Authority
 - the written approval of the Local Planning Authority has been obtained to the commencement of the works.

All works shall be carried out in accordance with the details approved under this condition.

Reason: To ensure the works of demolition and reconstruction of the rear walls of the main range buildings are coordinated and do not put the building at risk, and to ensure the local planning authority retains control over the detailing of works on the main buildings to protect the character and appearance of the listed buildings

Treatment of the Chapel and Aled Ward

11. No works shall be permitted to commence on the alteration and conversion of the main range buildings to residential units, or on any of the phases of residential development or commercial development until the written approval of the Local Planning Authority has been obtained to detailed proposals for the mothballing of the Chapel building to be retained, and the timing of the works thereon. The works shall be carried out strictly in accordance with the details as approved.

Reason: To ensure suitable measures are undertaken to secure the Chapel building and to prevent deterioration which would threaten its future.

12. No works shall be permitted to commence on the alteration and conversion of the Chapel building until the written approval of the Local Planning Authority has been obtained to all of the following:
- the proposed use(s)
 - all floor layout plans and elevational details,
 - external wall and roof materials,
 - architectural detailing of all external features,

- e) the proposed means of vehicular and pedestrian access
- f) proposals for the treatment of the land around the buildings, including circulation arrangements, provision of parking areas, refuse stores, private external amenity areas, hard and soft landscaping, and the reinstatement of open areas around the building,
- g) the foul and surface water drainage proposals
- h) any external lighting
- i) the provision to be made to secure suitable access for disabled people.
- j) proposals for the timing of the conversion works.

The development shall be carried out strictly in accordance with the details as approved.

Reason: In the interests of visual amenity, the residential amenity of any nearby residents, and to protect the character and appearance of the listed building and its setting.

13. No demolition works shall be permitted to commence on the Aled ward building until there has been submitted to and approved in writing by the Local Planning Authority, evidence to demonstrate all reasonable attempts have been made to secure funding to secure its retention and a viable alternative use can not be found.

In the event that Aled ward is to be retained, and no formal submission has been made to the Local Planning Authority for its alternative use and associated detailing by 31st December 2021, detailed proposals to secure its mothballing and the timing of those works shall be submitted for the consideration and approval of the Local Planning Authority no later than 31st March 2022.

The works shall be carried out strictly in accordance with the details as approved under this condition.

Reason: To ensure all reasonable attempts are made to retain the building.

14. No works shall be permitted to commence on the alteration and conversion of the Aled Ward building until the written approval of the Local Planning Authority has been obtained to all of the following:

- a) the proposed use(s)
- b) all floor layout plans and elevational details,
- c) external wall and roof materials,
- d) architectural detailing of all external features,
- e) the proposed means of vehicular and pedestrian access
- f) proposals for the treatment of the land around the buildings, including circulation arrangements, provision of parking areas, refuse stores, private external amenity areas, hard and soft landscaping, and the reinstatement of open areas around the building,
- g) the foul and surface water drainage proposals
- h) any external lighting
- i) the provision to be made to secure suitable access for disabled people.
- j) proposals for the timing of the conversion works.

The development shall be carried out strictly in accordance with the details as approved.

Reason: In the interests of visual amenity, the residential amenity of any nearby residents, and to protect the character and appearance of the listed building and its setting.

15. Other than the main range buildings, no further works or uses shall be permitted on any of the buildings shown to be retained on plan 0102.23 without the prior written approval of the Local Planning Authority to all the following details:

- a) the proposed use(s)
- b) all floor layout plans and elevational details,

- c) external wall and roof materials,
- d) architectural detailing of all external features,
- e) the proposed means of vehicular and pedestrian access
- f) proposals for the treatment of the land around the buildings, including circulation arrangements, provision of parking areas, refuse stores, private external amenity areas, hard and soft landscaping, and the reinstatement of open areas around the buildings,
- g) the foul and surface water drainage proposals
- h) any external lighting
- i) the provision to be made to secure suitable access for disabled people.
- j) proposals for the timing of the conversion works.
- k) proposals for the protection of bats which may be affected by works on each building, to demonstrate how the works will be consistent with the principles and proposals set out in the Ecological Protection Plan and the Demolition Protocol which have to be submitted and approved in relation to Condition 5 of this permission.
- l) how the proposals are consistent with the principles and details approved in connection with Condition 5 of this permission.

The development shall be carried out strictly in accordance with the details as approved.

Detailing of the commercial units

16. No works shall be permitted to commence on any of the commercial units until the written approval of the Local Planning Authority has been obtained to all the following details:
- a) the proposed use(s)
 - b) the siting and layout
 - c) all floor layout plans and elevational details,
 - d) external wall and roof materials,
 - e) the proposed means of vehicular and pedestrian access
 - f) the foul and surface water drainage proposals
 - g) proposals for the treatment of the land around the buildings, including circulation arrangements, provision of parking areas, refuse stores, private external amenity areas, hard and soft landscaping, and the treatment of open areas around the buildings,
 - h) the provision to be made to secure suitable access for disabled people.
 - i) any external lighting

The development shall be carried out strictly in accordance with the details as approved.

Reason: In order that the Local Planning Authority retains control over future uses and the detailing of the development in the interests of visual and residential amenity, and to protect the setting of the listed buildings.

Detailing of the new build residential development

17. In respect of each of the phases of new build residential development approved under Condition 5, no development shall be permitted to commence until the written approval of the local planning authority has been obtained to all the following details:
- a) the access, appearance, landscaping, layout and scale of the proposed development; including the number type and mix of dwellings and the density of development, proposed finished floor levels, land levels and boundary fences and walls;
 - b) all proposed highway works, including new roads and footways, improvements to existing highways and footways, cycleway and pedestrian routes, the links to adjoining phases of development, the closing off of any existing accesses, lightning and signing, traffic calming, parking, turning and unloading, the provision of access for disabled persons, arrangements for access by emergency services; and the timing of carrying out and completion of the

- highway works relative to the bringing into use of the developments proposed;
- c) the design, layout and construction of the foul and surface surface water drainage systems;
- d) the provision of public and private amenity open space and equipped play areas;
- e) any external lighting;
- f) the provision to be made to secure suitable access for disabled people; and
- g) how the proposals are consistent with the principles and details approved in connection with Condition 5 of this permission.

The development shall be carried out strictly in accordance with the details as approved and none of the dwellings shall be occupied until the relevant infrastructure relating to them has been completed.

Highways / Parking matters

18. Notwithstanding the submitted plans and documents, no works shall be permitted to commence on the demolition of any parts of the main range buildings, or in connection with their alteration and conversion to residential units, or on any of the phases of residential development or commercial development until the written approval of the Local Planning Authority has been obtained to full details of the vehicular accesses and associated highway works and internal estate roads, including the detailed design, layout, construction, visibility splays, drainage and street lighting, measures for traffic calming, pedestrian links and turning areas which are to serve that part of the development. None of the residential units, commercial buildings, or uses permitted in the mothballed buildings shall be permitted to be occupied until the approved highway works have been completed for that element of the development.

Reason: To ensure the development is served by a suitable highway network, in the interest of the free and safe movement of traffic within the site and on the adjacent highway.

19. No development in connection with the alteration and conversion of any buildings to residential units, or on any of the phases of residential development or commercial development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to full details of proposals showing how the development will provide safe pedestrian and cycle routes linking into the existing highway network. The improvements identified shall be completed in accordance with the approved plans or as otherwise agreed in writing before the development is brought into use.

Reason: To ensure pedestrian, cycle and highway links to the town are improved in conjunction with the development

20. None of the residential units in the main range buildings shall be occupied until the access and parking arrangements relating to them have been completed in accordance with the relevant approved plans. The access and parking arrangements shall be maintained as approved at all times.

Reason: To ensure the provision of adequate parking and access arrangements are in place for occupiers of the apartments

21. No works of demolition, or any development associated with the conversion of the main range listed buildings and other retained buildings, or any phase of new residential development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to details of a Construction Environmental Management Plan (CEMP) in

connection with those works. Each CEMP shall include the following details:-

- a) Measures for construction/site traffic management to include the access, parking, turning, loading and unloading of all vehicles using the construction site.
- b) Measures for construction/site management to include the access, parking, turning, loading and unloading of all vehicles using neighbouring sites via any shared access.
- c) Piling techniques if necessary
- d) Storage of plant and machinery
- e) Provision of site security to include hoarding and lighting
- f) Protection of trees, hedgerows and other natural features
- g) Proposed means of dust suppression and noise mitigation
- h) Measures to deal with any mud from vehicles on shared access roads or on nearby County roads during construction, including wheel washing facilities
- i) All construction/demolition working and operational times
- j) Details of the outside storage of spoil or other excavated material including location and height of storage.

Construction/demolition in each phase shall not be carried out otherwise than in accordance with the approved CEMP unless amendments have been agreed in writing by the Local Planning Authority.

Reason: To ensure demolition and construction stage works are suitably controlled in the interest of highway safety, users of local highways, and amenities of occupiers of property in the vicinity.

Ecology

22. No development shall commence until a bat conservation plan detailing bat avoidance, mitigation, compensation, and enhancement measures, has been submitted to, and approved in writing by, the LPA. This. The approved measures shall be implemented in full.

Reason: To ensure that there are no negative impacts on protected species or the nature conservation value of the site

23. No development shall commence until a conservation plan detailing a scheme of bat avoidance, mitigation and compensation measures, has been submitted for **each species** of bat that has been identified roosting at the site. This plan shall consider overall conservation objectives for each species, and must clearly demonstrate that the development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the populations of bat affected by the proposals in the long-term. This must include provision of features to be used for defined roosting purposes; the provision and management of foraging and dispersal habitats; and future surveillance and monitoring requirements (including target key performance indicators), and the mechanism for funding management of these features in perpetuity. This should show the location of bat mitigation on the appropriate plans and drawings. This should be approved in writing by the LPA. The approved measures shall be implemented in full.

Reason: To ensure that there are no negative impacts on protected species or the nature conservation value of the site

24. An external lighting/internal light spillage scheme, designed to avoid negative impacts on bats, must be submitted and approved in writing by the LPA. This should follow the guidance set out in Guidance Note 08/18 Bats and artificial lighting in the UK (2018) Bat conservation Trust & The Institute for Lighting Professionals. A warm white spectrum (ideally <2700Kelvin) should be adopted to reduce blue light component. Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats. The approved measures shall be implemented in full.

Reason: To ensure that there are no negative impacts on protected species or the nature conservation value of the site

25. Prior to the commencement of the development, details of an external Ecological Compliance Audit (ECA) for the scheme shall be submitted to and approved in writing by the Local Planning Authority. The ECA shall be completed in accordance with the submitted details.

Reason: To ensure that there are no negative impacts on protected species or the nature conservation value of the site

26. Works which could result in the damage or destruction of active bird nests must take place outside the of the bird breeding season (March - August, inclusive) or immediately following a nesting bird check conducted by a suitably qualified ecologist.

Reason: To ensure that there are no negative impacts on protected species or the nature conservation value of the site

27. Each new dwelling and business unit must contain provision for roosting bats or nesting birds. The number, location and specification of these features* should be determined by a suitably qualified ecologist, and shown on appropriate plans and drawings. The updated plans should be submitted to the LPA for approval and the approved measures shall be implemented in full.

Reason: To ensure that there are no negative impacts on protected species or the nature conservation value of the site

28. No development shall commence until a report detailing a scheme of reptile avoidance, mitigation, compensation, and enhancement measures, has been submitted. This must provide details of surveys completed to date, and show the location and management of reptile mitigation areas on the appropriate plans and drawings. This should be approved in writing by the LPA. The approved measures shall be implemented in full.

Reason: To ensure that there are no negative impacts on protected species or the nature conservation value of the site

29. The development should include access through site boundaries for hedgehogs. The location and specification of these features should be determined by a suitably qualified ecologist, and shown on appropriate plans and drawings. The updated plans should be submitted to the LPA for approval and the approved measures shall be implemented in full.

Reason: To ensure that there are no negative impacts on protected species or the nature conservation value of the site

30. No development shall commence until a detailed landscaping scheme must be submitted to, and approved in writing by, the Local Planning Authority. This must include a minimum of 30% of the total site area, set aside for nature conservation purposes. This must include a species list for the new planting, and only feature species of known benefit to wildlife. No species listed on schedule 9 of the Wildlife and Countryside Act (1981), as amended, or species listed on the Invasive Alien Species of Union concern (EU Regulation 1143/2014 on invasive alien species) should be included in the planting list. The development shall proceed strictly in accordance with those details as approved.

Reason: To ensure that there are no negative impacts on protected species or the nature conservation value of the site

31. No development shall commence until a habitat management plan has been submitted. This must provide details of the management schedule for all areas set aside for nature conservation, supported by appropriate plans and drawings. This should be approved in writing by the LPA. The approved measures shall be implemented in full.

Reason: To ensure that there are no negative impacts on protected species or the nature conservation value of the site.

32. Prior to the commencement of development, Biosecurity Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with those details as approved.

Reason: To ensure that there are no negative impacts on protected species or the nature conservation value of the site

Landscaping / Open Space

33. All planting, seeding, turfing, fencing, walling or other treatment comprised in the approved details of landscaping in relation to the different elements of the development shall be carried out in the first planting and seeding seasons following the completion of that part of the scheme to which they relate, and any trees or plants which, within a period of five years of being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Other than those specimens which are permitted to be removed or worked on by virtue of plans approved in relation to other conditions of this permission, no trees within the site shall be lopped, topped or removed without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to protect and enhance the setting of the listed buildings.

Heritage / Conservation / Archaeology

34. No demolition or development shall be permitted to take place until the written approval of the Local Planning Authority has been obtained to a programme of archaeological work in accordance with a written scheme of investigation. The programme of work shall be undertaken and completed in accordance with the relevant Standards and guidance laid down by the Chartered Institute for Archaeologists, and a copy of the resulting report shall be submitted to the Local Planning Authority, the Development Control Archaeologist, (Clwyd-Powys Archaeological Trust, The Offices, Coed y Dinas, Welshpool, SY21 8RP Email: mark.walters@cpat.org.uk Tel: 01938 553670), and to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the Historic Environment Record and a copy to the National Monuments Record, RCAHMW.

Reason: To secure preservation by record of all archaeological remains which will be impacted by the development

Contamination

35. No demolition works, works on the conversion of the main range buildings and other retained buildings, or the development of any phases of new residential development and commercial units shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a comprehensive survey over the entire site of soils and buildings to determine whether any of the land is contaminated and whether there is hazardous material in the buildings; such survey to be in accord with BS: 10175:2001 ("The Investigation of Potentially Contaminated Sites").

Reason: To ensure suitable safeguards are in existence to establish the presence of hazardous or contaminated material, and to protect the interests of existing residents, potential users of the land, wildlife, and the quality of water drainage in local streams.

36. In the event that the site survey required by Condition 35 of this permission reveals the presence of any contaminated or hazardous material, no demolition works, works on the conversion of the main range buildings and other retained buildings, or the development of any phases of new residential development and commercial units shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a detailed site specific risk assessment to identify risks to water resources, surrounding land and property, wildlife, building materials and future users of the site, and any other person; and to detailed proposals for addressing the risks, specific measures for decontaminating the site and dealing with any unsuspected hazardous material or contamination which becomes evident during the development of the site. The development shall be carried out strictly in compliance with the detailed measures approved by the Local Planning Authority.

Reason: To ensure suitable safeguards are in existence to establish the presence of hazardous or contaminated material, and to protect the interests of existing residents, potential users of the land, wildlife, and the quality of water drainage in local streams.

37. In the event that any areas of unexpected contamination become evident in the course of demolition or construction works, all works in the vicinity of that contamination shall be suspended immediately, and the Local Planning Authority shall be notified within 24 hours. No work shall be permitted to continue in the affected area until the written agreement of the Local Planning Authority has been obtained to details of the measures proposed to remove or contain any hazard presented by the contaminants, and the method of rendering harmless such contamination. The development shall only be permitted to proceed in accordance with the details approved.

Reason: To ensure suitable safeguards are in existence to establish the presence of hazardous or contaminated material, and to protect the interests of existing residents, potential users of the land, wildlife, and the quality of water drainage in local streams.

Cricket Club development

38. No development or site works in connection with the re-contouring of the land involved in the creation of the cricket field shall be permitted to commence until there has been submitted to and approved in writing by the Local Planning Authority, all of the following:
- a. An existing site survey drawing showing levels, all existing natural features, and sectional plans through the site,
 - b. Proposed plans including details of proposed finished levels and the reconfiguration of the land, and associated cross sectional details,
 - c. Full land drainage details
 - d. Proposals for hard and soft landscaping, including the timing of planting and arrangements for replacing planting which fails or is damaged.

The development shall be carried out strictly in accordance with the details approved under this condition.

Reason: In the interests of visual amenity and to protect the setting of the listed buildings and Denbigh Castle.

39. No development in connection with the construction of the cricket club pavilion and ancillary buildings relating to the functioning of the cricket club, the proposed parking area and access to serve the cricket field shall be permitted to commence until there has been submitted to and approved in writing by the Local Planning Authority, all of the following:
- a. An existing site survey drawing showing levels, all existing natural features, and sectional plans through the site,
 - b. Proposed plans of the pavilion and any other buildings including details of proposed finished levels and the surfacing / treatment of surrounding land and associated cross sectional details,
 - c. Details of foul and surface water disposal arrangements

- d. Details of the location, layout, surfacing and drainage of the cricket club car park and access, which shall not be as shown on the Site Masterplans
- e. Proposals for hard and soft landscaping associated with a.- d. of this condition, including the timing of planting and arrangements for replacing planting which fails or is damaged.

The development shall be carried out strictly in accordance with the details approved under this condition.

Reason: In the interests of visual amenity and to protect the setting of the listed buildings and Denbigh Castle.

NOTES TO APPLICANT:

1. The Site Masterplans (Drawings 0103 03) are considered to form an acceptable general framework for the development of the site, and a basis for the preparation of further detailed plans in connection with the phasing of new development and the conversion of the main range buildings. You should discuss the progression of your proposals in relation to the submission of details required by the conditions of this permission with the Council's planning, conservation and highway officers.
2. You are advised that separate listed building consent is required for the demolition or alteration of the listed buildings on the site, and that the grant of planning permission can not convey any indication of the prospect for such consent being granted. Strictly no demolition or other works requiring listed building consent should be undertaken without that consent being obtained.
3. Your attention is drawn to the attached Highway Supplementary Notes:
 - (i) Highway Supplementary Notes Nos. 1,2,3,4,5,6,7,8,9 & 10.
 - (ii) New Roads and Street Works Act 1991-Part N Form.
 - (iii) Denbighshire County Council Specification for Road Construction.
 - (iv) Denbighshire County Council General Notes for Highway Lighting Installations.
 - (v) Denbighshire County Council's General Requirement for Traffic Signs and Road Markings.
9. In connection with the surface water drainage proposals, the County Council and Natural Resources Wales advocate the use of Sustainable Urban Drainage Systems (SuDS). You are asked to discuss the proposals for the development of the Surface Water Drainage Strategy incorporating the principles of a SuDS with NRW and the general approach to the drainage systems with Dwr Cymru Welsh Water prior to the submission of any details.
10. You are advised to contact the relevant Statutory Undertakers prior to the preparation of detailed plans and the commencement of any demolition or new building works, to ascertain the precise location of apparatus, and the need for separate consents if there is likely interference. Questions of access for emergency vehicles should be taken up direct with the Fire and Ambulance Services.
11. The Council's Transport and Infrastructure section has drawn attention to the need to safeguard Public Footpath 46 during site works, and advises that no building materials are to be stored on the right of way which may cause a nuisance or obstruction to any users, that there should be no diminution in width of the footpath as a result of development, and that no barriers should be placed across the right of way of either a temporary or permanent nature.
12. You should contact the Council's Footpaths Officer in connection with proposals to develop links to Public Footpaths No 46 and to the town centre, and the Highways / Transportation Officers to

discuss proposals for the highway detailing, the need for road widening, the development and enhancement of cycleways and public transport links.

13. You should contact Natural Resources Wales and the County Ecologist in connection with the requisite wildlife surveys and mitigation proposals, including the approach to be adopted to bat mitigation prior to the carrying out of any demolition works, and you are reminded of the developer's responsibilities in complying with protected species legislation. The response from Natural Resources Wales is attached to this Certificate and sets out specific advice in relation to the Licencing process and relevant contacts.
14. You are advised that the Betsi Cadwaladr University Health Board recommend the undertaking of a Health Impact Assessment as part of the progression of the plans and you should discuss the approach to developing an Assessment with Officers of the planning section and the Health Board, to inform the strategy for the layout of the new residential areas.
15. You are reminded that the permission is the subject of a separate Section 106 Obligation with specific terms relevant to the progression of the development.
16. Your attention is drawn to the attached copy of the consultation responses from Natural Resources Wales and Dwr Cymru Welsh Water, setting out a range of considerations to be applied to the development of detailed plans for the development.
17. You are encouraged to contact the County Council's Planning and Conservation Officers in connection with the development of detailed plans in relation to the main buildings, proposals for the Chapel and Aled Ward, and related matters as required by the conditions of this permission.
18. Your attention is drawn to the following advice from North Wales Fire and Rescue Service:
 - The access road should be a minimum of 3.7m between kerbs with a minimum carrying capacity of 12.5 tonnes. Turning facilities should be provided in any dead-end access route that is more than 20m long.
 - There should be vehicle access for a pump appliance to within 60m of all points within each dwelling.
 - Fire hydrant should be provided within 90m of an entry point to the proposed properties and not more than 90m apart. It is noted that the private hydrant system on site is no longer in use and has not been maintained for a number of years.
19. Your attention is drawn to the Council's policies and guidance in respect of housing mix which are geared to ensuring an appropriate balance of dwelling types and sizes within new developments. You are advised to contact the Council's Planning and Housing Officers prior to the preparation of plans for the different phases of housing development to discuss the approach to securing a suitable mix, including the development of smaller dwellings.
20. With regards to contaminated land matters, you are advised, in accordance with Section 6.9.21 of Planning Policy Wales 10, that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and /or landowner. The Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, but this does not mean the land is free from contamination.
21. In relation to the development of the plans for the cricket field, you are advised to contact the Council's Planning and Conservation Officers prior to any formal submission, to discuss the approach to the re-contouring of the land, the design of the pavilion building, any ancillary store buildings, and the layout and location of the parking area.

NOTES FOR ADMIN.

**PLANS AND
DOCUMENTS SUBJECT
TO THE DECISION:**

- (i) Location Plan (Drawing No. 0103.01) received 24 April 2020
- (ii) Retention Removal Plan (Drawing No. 0103.02) received 24 April 2020
- (iii) Masterplan (Drawing No. 0103.03 Rev. A) received 17 June 2020
- (iv) Masterplan Option B (Drawing No. 0103.03 Rev. A) received 17 June 2020
- (v) Phasing and Area Plan (Drawing No. 0103.04) received 24 April 2020
- (vi) Illustrative Layout Plan (Drawing No. 0103.05) received 24 April 2020
- (vii) Illustrative Layout Plan Option B (Drawing No. 0103.05) received 24 April 2020
- (viii) Site Plan in relation Denbigh (Drawing No. 0103.06) received 24 April 2020
- (ix) Cross Section Plan (Drawing No. 0103.07) received 24 April 2020
- (x) Road Entrance Specification Plan (Drawing No. 0103.08) received 24 April 2020
- (xi) Information and Constraints Plan (Drawing No. 0103.09) received 24 April 2020
- (xii) Photographic Examples (Drawing No. 0103.10) received 24 April 2020
- (xiii) Basement Floor Plan as Existing (Drawing No. 0103.11) received 24 April 2020
- (xiv) Ground Floor Plan as Existing (Drawing No. 0103.12) received 24 April 2020
- (xv) Ground Floor Plan as Existing (showing parts of building to be demolished) (Drawing No. 0103.12) received 24 April 2020
- (xvi) First Floor Plan as Existing (Drawing No. 0103.13) received 24 April 2020
- (xvii) Second Floor Plan as Existing (Drawing No. 0103.14) received 24 April 2020
- (xviii) Elevations as Existing - side and rear (Drawing No. 0103.15) received 24 April 2020
- (xix) Elevations as Existing (Drawing No. 0103.16) received 24 April 2020
- (xx) Illustrative Basement Floor Plan (Drawing No. 0103.17) received 11 May 2020
- (xxi) Illustrative Ground Floor Plan (Drawing No. 0103.18) received 11 May 2020
- (xxii) Illustrative First Floor Plan (Drawing No. 0103.19) received 11 May 2020
- (xxiii) Illustrative Second Floor Plan (Drawing No. 0103.20) received 11 May 2020
- (xxiv) Proposed Elevations Plan (front) (Drawing No. 0103.21) received 24 April 2020
- (xxv) Proposed Elevations Plan (rear) (Drawing No. 0103.22) received 24 April 2020
- (xxvi) Demolition Plan (Drawing No. 0103.23) received 11 May 2020
- (xxvii) Proposed Demolition Plan (Drawing No. 0103.24) received 11 May 2020
- (xxviii) Design, Planning and Access Statement received 11 May 2020
- (xxix) PAC Report received 11 May 2020
- (xxx) Design and Phasing Statement received 11 May 2020
- (xxxi) Community and Linguistic Assessment received 11 May 2020
- (xxxii) Landscape Study (Drawing No. LA3460 Rev. A) received 24 April 2020
- (xxxiii) FCA and Drainage Strategy received 24 April 2020
- (xxxiv) Ground Investigation and Infiltration Report received 24 April 2020

2020

(xxxv) Transport and Access Statement received 24 April 2020

(xxxvi) Arboricultural Report received 24 April 2020

(xxxvii) Biodiversity and Eco-Resilience Management Plan (Ref: 3162/11 r02) received 21 June 2021