

Heading:

13/2011/1276 & 1277
Pool Park Nr Ruthin
Location Plan 1:10000

3

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

 Application Site

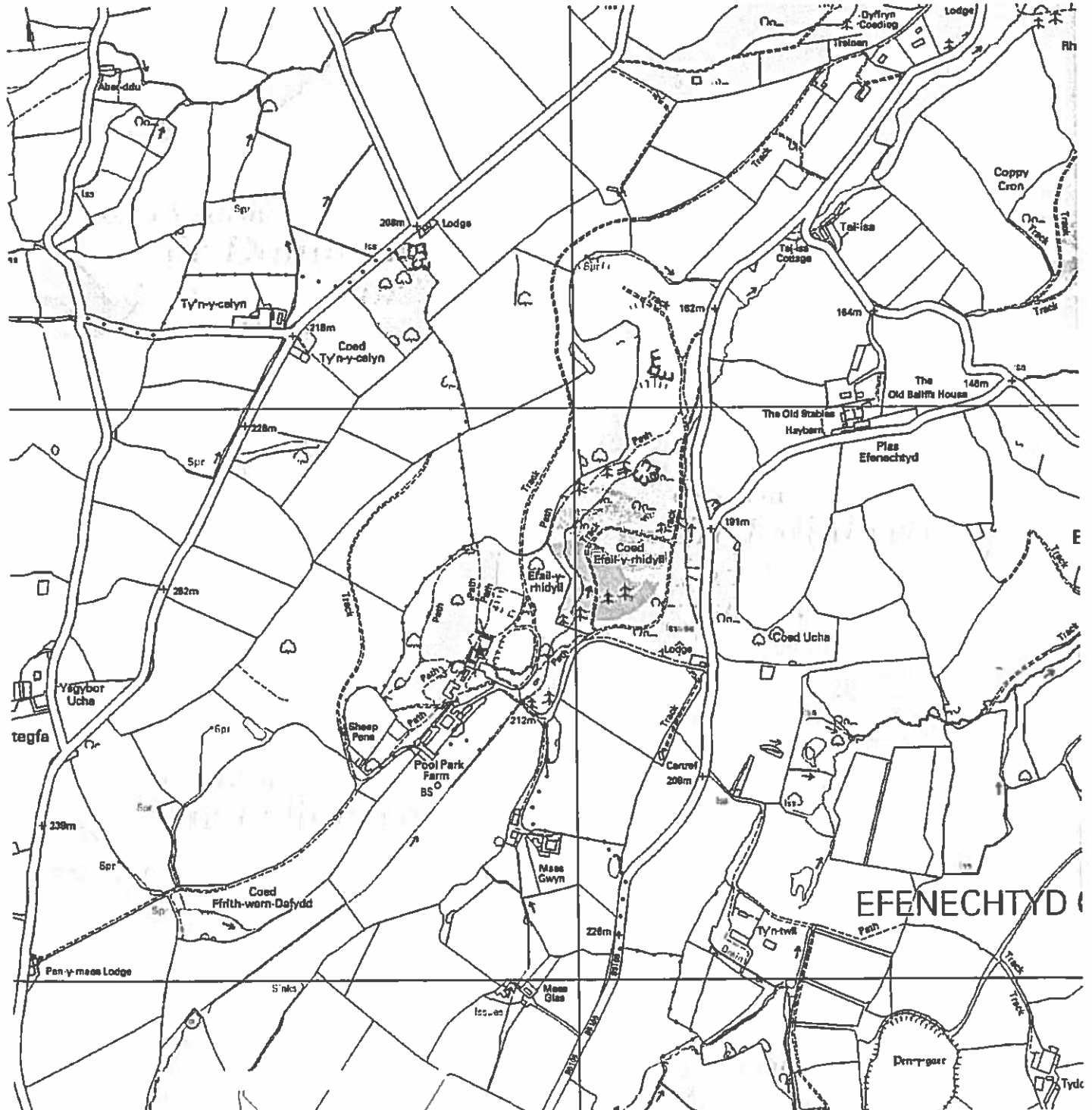


Date 11/7/2013

Scale 1/10000

Centre = 309948 E 355741 N

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



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EXISTING SITE FEATURES

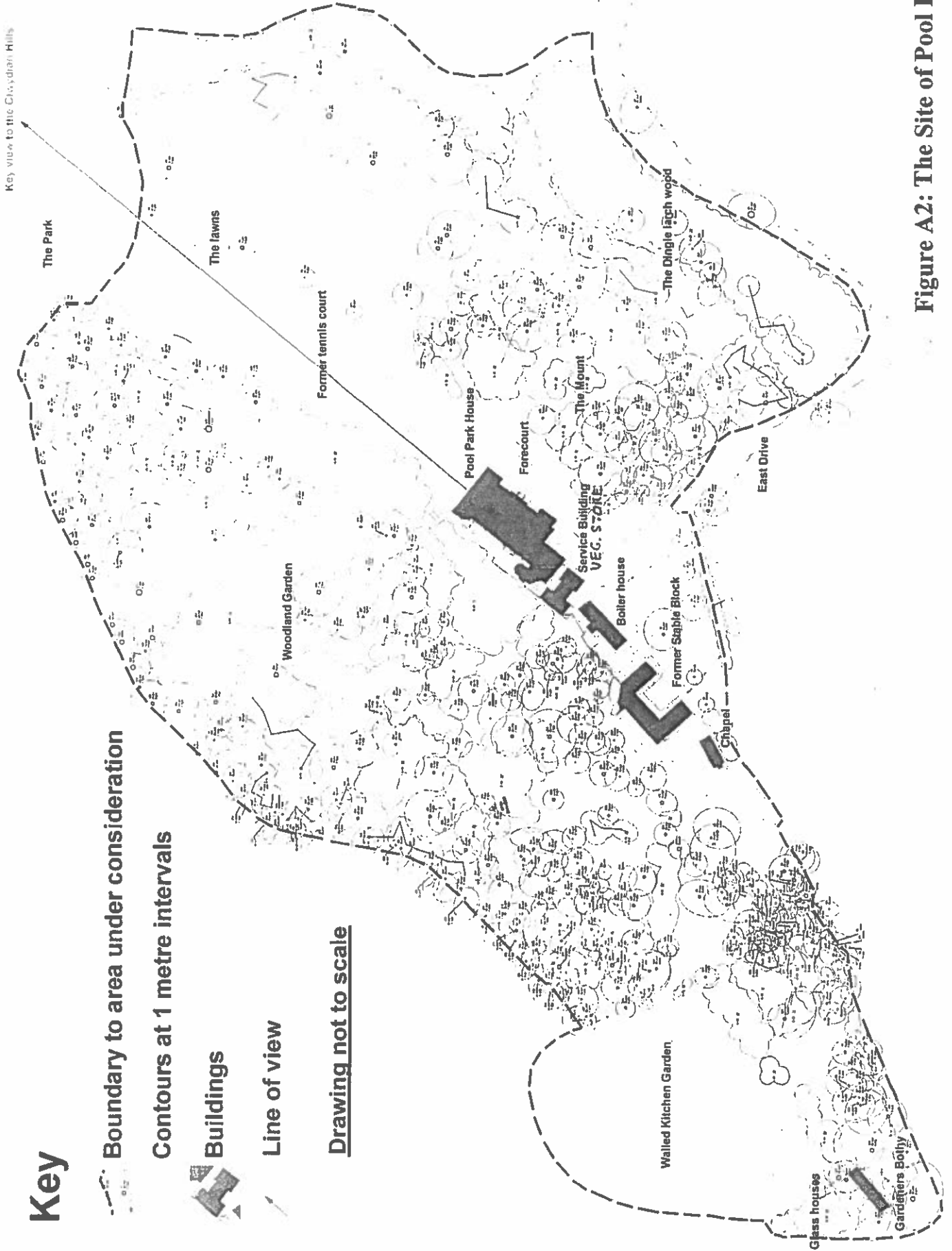
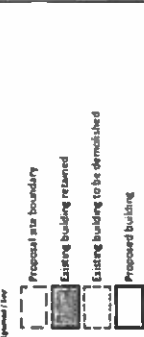


Figure A2: The Site of Pool Park

Roberts Homes
 Weyre House
 Lion Partner Business Park
 Rother
 Omburgrove GL15 3NU

POOL PARK
 Environmental Impact Assessment

FIGURE 3
 Site Layout Plan

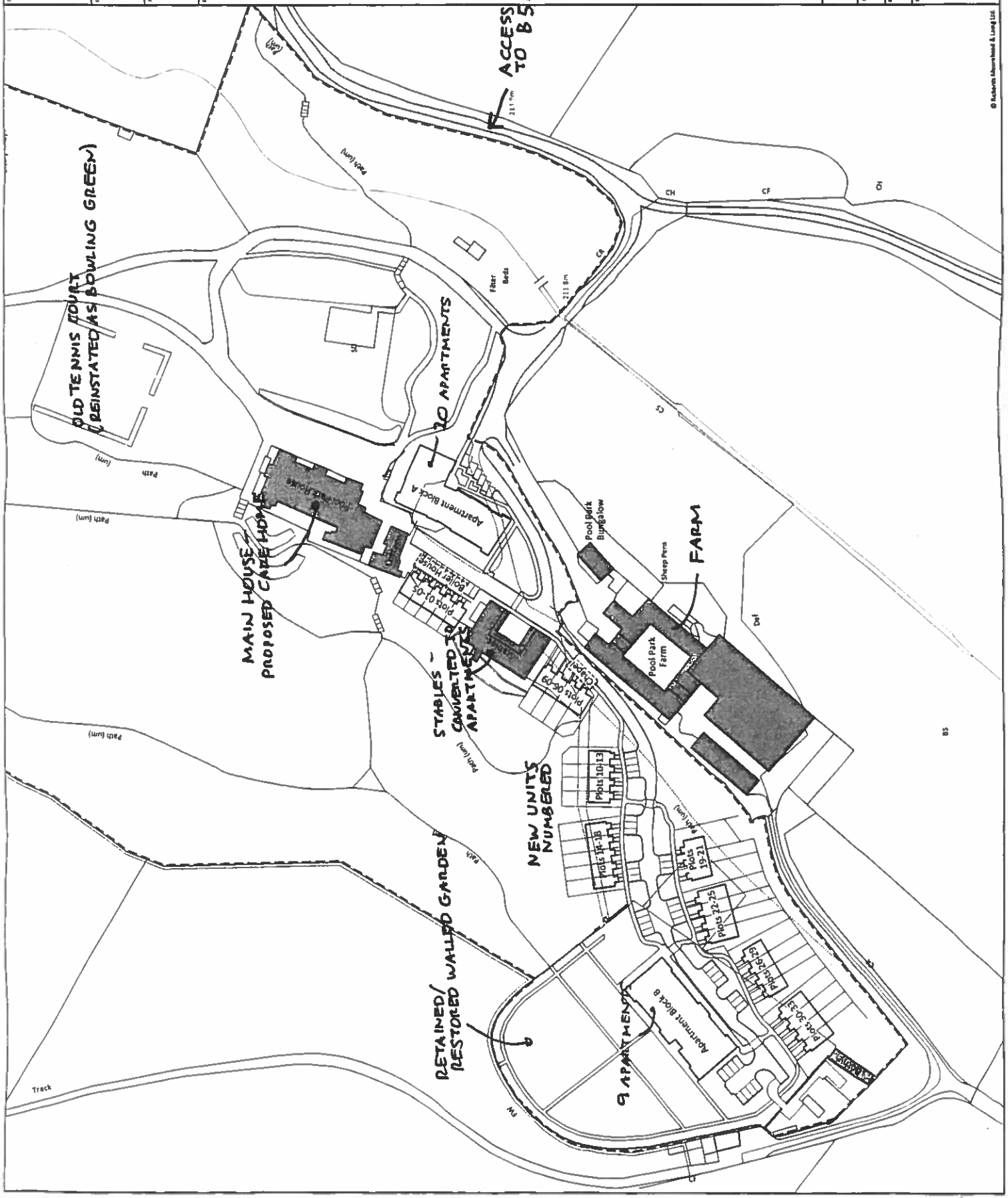


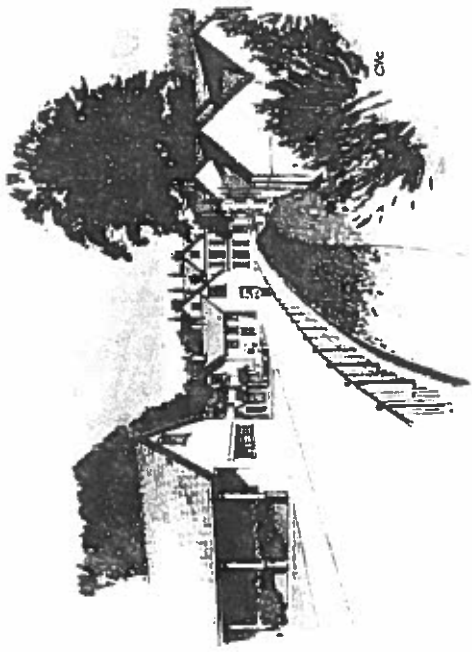
BASIC SITE LAYOUT PLAN

AS PROPOSED!
 MAIN ELEMENTS
 HIGHLIGHTED

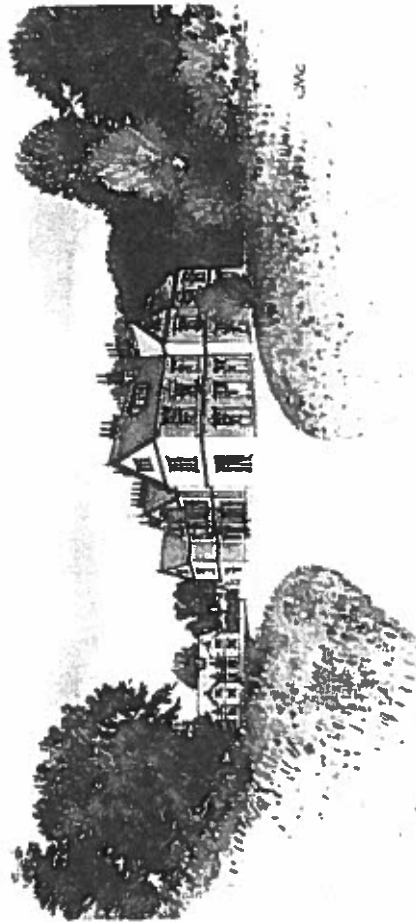
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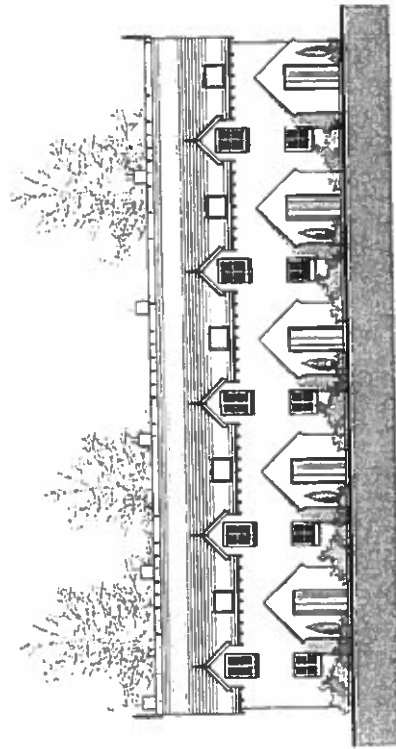


Sketch view of the development looking north to the house from beside the Stable Block

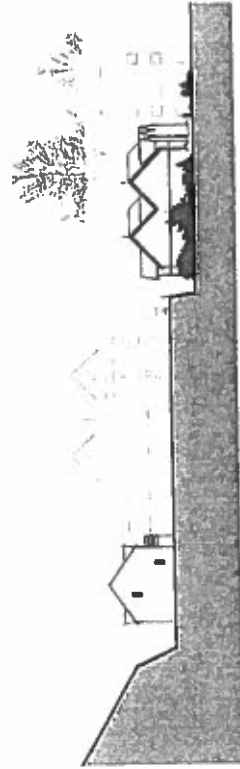


Sketch view from the north east of Pool Park House and the forecourt with new building to south

SKETCH VIEWS

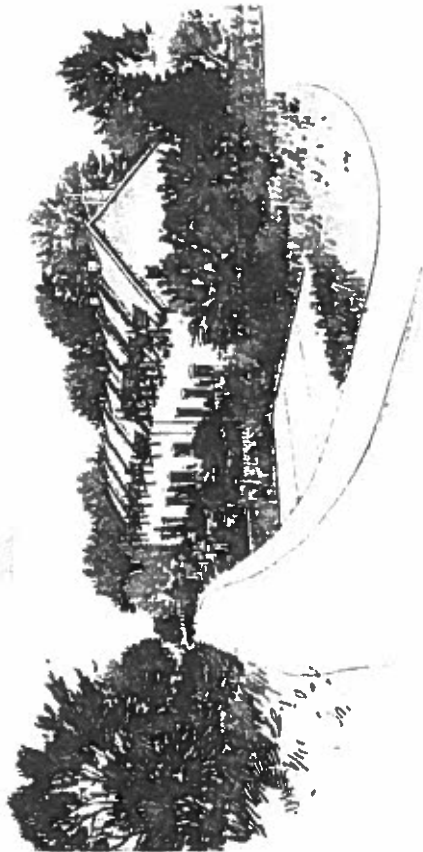


Front elevation of the proposed cottages on the site of the former boiler house

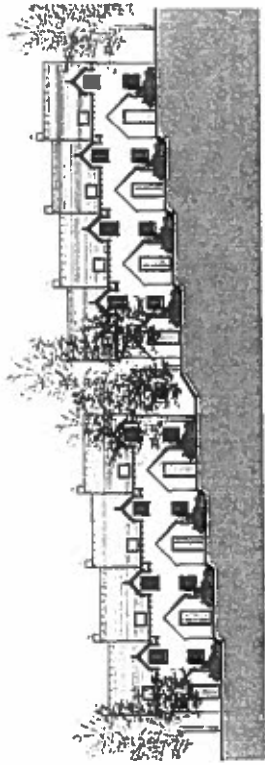


Cross-section through the cottages replacing the boiler house looking north to the house and Apartment Block A

Figure B1: Views and elevation of Pool Park House and adjacent development



Sketch view of cottages on the south side of the proposed access road facing the walled garden



Front Elevation of cottages on the south side of the proposed access road

SKETCH VIEWS

Figure B2: View and elevation of cottages south of walled gardens



ITEM NO: 3

WARD NO: Efenechtyd

APPLICATION NO: Councillor Eryl Williams
13/2011/1276/ PF

PROPOSAL: Redevelopment to provide care village comprising 38-bedroom nursing home within the main house, refurbishment of existing buildings to provide 6 No. dwellings, demolition of former boiler house and chapel. Provision of 62 No. apartments and dwellings within the grounds as enabling development, together with provision of new services and facilities and restoration of the grounds

LOCATION: Pool Park Complex Pool Park Ruthin

APPLICANT: Roberts Homes Ltd.

CONSTRAINTS: PROW Listed Building Historic Park Ancient, Semi Natural Woodland

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

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

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

EFENECHTYD COMMUNITY COUNCIL

"At a meeting of Efenechtyd Community Council (The Council) held on March 7th 2012 the Council was unanimous in its objection to the proposed applications in their present form.

I give below the Council's observations which they would like the County Council to consider when it deals with the applications.

1. The location and scale of the housing and apartments proposed by the enabling development would normally be considered contrary to National and local planning policy. Council requests that you carefully consider the effects of any departures from the prevailing policies and in particular please look at the objectives that the policies were designed to achieve and the amenities that they were designed to protect.

Policies established at national and in the local development framework cannot be lightly overturned. It is particularly important to consider the objectives of all planning policies that the proposed enabling development would contravene and the local strategic and long term implications of those contraventions.

Whilst the council is in favour of rural diversification and the job opportunities it may bring, it considers that any proposals for rural diversification schemes should always conform to a local development plan.

2. The need for major funds to secure a sustainable future for a place often arises because its condition has been allowed to deteriorate over a long period of time. In this instance, Council considers that the conservation deficit and hence the need for subsidy through enabling development would either not have arisen or would have been much smaller if the owner had taken timely action to prevent or limit deterioration, or in default the planning authority had used its statutory powers promptly when it was clear there was a problem.

3. The applicant does not appear to have shown in the application submitted that sufficient subsidy is not available from any other source.

The County Council supplementary planning guidance note No. 14 Listed Buildings Para 11.1 states that:

"Discretionary grants for the repair of Listed Buildings are available from CADW".

There does not appear to be any information in the application concerning the potential for grant aid.

4. From the documents submitted with the application there does not appear to be any evidence that real efforts have been made, without success, to find alternative uses for Pool Park.

There also does not appear to be any evidence that the property has been properly and extensively marketed.

Is there an audit trail available for inspection so that it can be demonstrated that every reasonable effort has been made to find a purchaser for the property.

5. With regard to the statement of pre application consultation submitted it is stated that approximately 50 visitors attended the exhibition that was held.

Of these only 3 comment forms were completed.

However based on this consultation the conclusion is reached that:

The local community welcomed proposals that would restore the building.

There was no objection to the particular use proposed.

The amount of enabling development involved was accepted, indeed in discussions a number of people commented that the site was so well hidden few people would even be aware that it was there.

There does not appear to be any tangible body of evidence to support this conclusion.

Having canvassed local opinion the Community Council has received no comments in favour of the proposed enabling development.

6. There does not appear to be any evidence submitted with the application to show that there is a proven demand for a care village at this location.

What input, if any, will Social Services have in the decision making process?

7. The Design and Access Statement submitted (para. 4.4.2) states that "There are a range of properties within the care village which provides for **two** and three **bedroom** houses and apartments. This statement would appear to be somewhat misleading inasmuch as the Planning application and listed buildings consent form submitted refers to:

Proposed Housing

14 two bed Houses

17 three bed houses

8 four bed houses

29 two bed flats/maisonettes

Council ask that you seek an explanation from the applicant as to why it is necessary to provide 4 bed houses if the development is intended as a Care Village.

This type of dwelling would normally be found on a purely residential development.

Has the applicant shown that there is a demand for 4 bed houses in a care village?

8. It is the Council's opinion that the shared access route from the public highway is substandard and unsuitable for the scale of development proposed.

The perceived increase in vehicle movements to and from the site has the potential to create considerable conflict between competing users.

9. Design and Access Statement submitted Part 7.1.1 (Public Transport) states:

"The proposed development lies close to the B5105 and so public bus services will be accessible from the Care Village. There is also a demand led Flexi - bus service".

Having checked Denbighshire bus timetables it would seem that the only public bus service to this location is the Flexi - bus service. This requires at least one hours notice, in some cases two hours.

This bus service will pick up and drop off passengers at the end of the Pool Park Drive. This will leave elderly care village residents with a long walk to and from the bus, especially arduous on their return facing an uphill walk.

Council would question therefore and ask you to look carefully at the assumptions made in the Design and Access statement regarding car use by Care Village residents.

10. There does not appear to be any provision for affordable housing within the proposals. If approval is granted and there is an "affordable allocation", then it should be ensured that "off setting" is prohibited.

11. Council is concerned that a development of this scale in a rural location such as Pool Park will have an adverse effect on Welsh language and culture.

12. If the development goes ahead would there be any public access to Pool Park. In the statement of pre-application submitted Para 4.2 D it states that "It is hoped that once the gardens have been restored It will be possible to arrange days when they will be open to the public". The Council therefore concludes that there is no firm commitment to allowing public access to the house or grounds.

13. Should approval ultimately be granted by the County Council, appropriate measures are needed to safeguard Pool Park's long term use as a Care Village.

The Council requests that a legally enforceable agreements is drafted linking the use and occupancy of the houses and apartments to the care village concept.

The Council asks for similar enforceable agreements and mechanisms to be put in place to secure the long term management and maintenance of Pool Park House, etc.

In conclusion, the Council, whilst concerned about the condition of Pool Park house feels that the public benefit that would be achieved by renovating the Listed Building is not sufficient to justify the scale of the proposed enabling development.

From the County Council's own policy (General Settlement & Development Considerations). This states that where development does take place it should generally conform with Planning Policy Wales (2002) which states in Paragraph 9.3.1. "New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid crating ribbon development, coalescence of settlements or a fragmented development pattern".

The proposed care village (in effect a type of housing development) does not comply with the above and the application in its current form is deemed to be an undesirable urbanisation of a rural setting".

CLOCAENOG COMMUNITY COUNCIL

"The Council has the following observations to the above planning application:-

1. Fully support the observations made by Efenectyd Community Council
2. Fully support the concerns of the local residents in the Pool park area.
3. Fully support the main house only should be redeveloped to preserve the historical building.
4. The remainder of the development would create a vast new village which should not be allowed. There is no local demand for such development.
5. The access road and entrance cannot cope with the extra traffic demands of the application development.
6. The proposed development is too close to local residents and is out of character for the local area."

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY JOINT ADVISORY COMMITTEE

No observations

CADW

No objection. The proposed development is located, scaled, designed and landscaped so as to be sympathetic to the present and past historical landscape of the site. It is considered that the proposals respect the site's historic and visual significance and aim to preserve and enhance its most sensitive and important areas.

NATURAL RESOURCES WALES

No objection subject to the inclusion of conditions requiring compliance with recommendations in the ecological reports and the submission of a surface water regulation system.

DWR CYMRU / WELSH WATER

No objection

CAMPAIGN FOR THE PROTECTION OF RURAL WALES

Although supportive of the rehabilitation of the main house, outbuildings and gardens, have reservations about the concept of housing large numbers of elderly people in a fairly remote rural location. If permission is granted, strict conditions are required restricting to those in need of care.

WELSH HISTORIC GARDENS TRUST

Object. The proposal is wholly inappropriate development of the Grade II Historic Park and Garden and does not meet the enabling development criteria. The proposal would completely destroy the archaeological, architectural, historic and landscape interest of the site.

CLWYD POWYS ARCHAEOLOGICAL TRUST

No objection subject to the inclusion of conditions requiring a photographic survey of the main building, stable block and walled garden, and an archaeological watching brief.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Transport and Infrastructure

- Highways Officer

No objection, has considered the Transport Assessment and had regard to the previous use of the site as a psychiatric hospital.

- Footpaths Officer

No objection

Senior Biodiversity Officer

No objection subject to a derogation licence being obtained; submission of a long-term monitoring scheme, including third party audit scheme which follows the principles in the report dated October 2012; mitigation and compensation measures as per the Environmental Statement dated June 2011; a Reasonable Avoidance Measures scheme; Long-term security and maintenance of mitigation and compensation measures as per the principles outlined in the report dated October 2012 and a Biosecurity risk assessment and method statement.

Further information should be submitted regarding reptiles and badgers, this is suggested as a planning condition and should include details of a Reasonable Avoidance Measures scheme for reptiles; details of an artificial reptile hibernacula to be constructed within the woodland to compensate for any potential habitat loss and a plan indicating where glades and paths are to be created within the woodland to be submitted for approval. If these are to result in work within 30m of a badger sett then a licence will need to be obtained and appropriate mitigation submitted for approval

Pollution Control Officer

No objection

Conservation Architect

No objection. There will be an effect on the setting of the Listed Buildings, however this would be a positive impact. Supports the proposals to reinstate and renovate the Listed Buildings.

Archaeologist

No objection, an archaeological watching brief is required.

Adult Services

Concerns over the demand for this level of residential and supported living arrangements in this location.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

E.A., A.W., and E.F. Edmunds, Pool Park Farm, Pool Park, Ruthin

R.M. & T. B. Edmunds, 2, Llys Wynnes Park, Brookhouse Road, Denbigh

K. Evans, T&CPS and NFU Cymru on behalf of Mr. E.A. Edmunds, Mr A.W Edmunds, and Mrs E.F. Edmunds, Pool Park Farm

Miss I. H. Jones, Maes Gwyn Farm, Pool Park, Ruthin
Mr. C. D. Jones, Maes Gwyn Farm, Pool Park, Ruthin
Mrs. S. W. Jones, Pen y Ffridd, Clawddnewydd, Rhuthun
Mr John Price, and R. Price, Clawddnewydd, Ruthin
Mr Rob Atkinson, The Lodge, Pool Park, Ruthin
Mr Eric Hogg, Pool Park Bungalow, Pool Park, Ruthin
Mr E C Edwards, Dyffryn Coediog, Llanfwrog
Antoinette Sandbach AM.

Summary of planning based representations in objection:

Highway Concerns

Serious concerns regarding the suitability of access as the traffic flow would be significantly higher/increased use of a steep, single track road with blind bends and no passing points is wholly inappropriate and dangerous/the local highway network already has a high volume of traffic/the road around Llanfwrog Church, the Catholic Church and Mwrog Street is only suitable for single lane traffic/reference made to a letter by the Director of Highways to planning applications submitted in 1992 to the unsuitability of the access for increased use/suitability for larger and emergency vehicles.

Siting, Amount and Scale of the 'Enabling development' proposal

Support the restoration of the main buildings but strongly object to the siting and scale of new development which outweighs any benefits that might be gained/creating a new village on previously agricultural land/fears that houses will be built first and listed buildings will not be renovated/questions over need for the development and the idea of 3 or 4 bed units in a 'Care Village' development/unclear arrangements over ownership and future sale of units.

Amenity Concerns

Concerns over the proposed proximity of dwellings to the agricultural operations at Pool Park Farm/proximity of new development and access road to Pool Park Farm which will be overlooked/visual intrusion of the proposed development in the immediate vicinity of the site and to neighbouring farms/huge increase in residents within the area will result in loss of privacy for existing residents.

Setting of Listed Buildings

Concerns over impact of new development on Pool Park Farm which is a group of Listed Buildings/impact on buildings from passage of contractors vehicles.

Unsustainable Location

The development is entirely unsustainable, car dependent development with no on site services like shops provided.

Loss of woodland and biodiversity

Damage to the surrounding area which will result in a decrease of wildlife and birds.

Other Comments

The development would put pressure on Council services.

EXPIRY DATE OF APPLICATION: 31/1/2012

REASONS FOR DELAY IN DECISION:

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposals are in the form of a full planning application, relating to a number of linked developments at Pool Park which would create what is referred to as a Care Village.
- 1.1.2 The application involves a number of elements, including the provision of 62 apartments / dwellings within the grounds of Pool Park, the refurbishment of the main Pool Park House for use as a

Nursing Home and the conversion of outbuildings to dwellings. New services and facilities such as nursing and medical support, laundry, library, hairdressing and mini bus services are also proposed.

1.1.3 At the heart of the proposals is the intention to secure the future of the main building in the complex, a Grade II* Listed building, through an element of new build 'enabling development' to generate funds to dedicate to its restoration.

1.1.4 The application refers to the following detailed proposals :

Conversion, demolition and refurbishment

- * Conversion and refurbishment of the main Pool Park House into a 38 bed Nursing Home (Class C2)
- * Demolition of Boiler House
- * Restoration of the Vegetable Store Building and conversion to 1 no. dwelling
- * Restoration of the gardeners Bothy and conversion to 1 no. dwelling
- * Conversion of the Stable Block to 4 no. dwellings
- * Provision of laundry, library, hairdressing and on site nursing/medical care.

New Build – Located to the South East of Pool Park House

- * Development of 29 apartments in 2 no. separate blocks, Block A = 20 units and Block B = 9 units
- * Development of 33 terraced cottages, comprising a mix of 2, 3 and 4 bed properties.

The proposal also includes the restoration of the walled garden, and a programme of restoration for the gardens and parkland.

Members are referred to the plan at front of the report for details of the proposed site layout.

1.1.4 As part of the planning application, the following information has been submitted:

* An Environmental Statement which includes a Non Technical Summary and the following Specialist Assessments:

- Landscape and Visual Assessment
- Cultural Heritage Assessment (includes Archaeology, Built Heritage and Historic Landscape)
- Ecology and Nature Conservation Assessment
- Transport Assessment
- Noise Assessment
- Air Quality Assessment
- Drainage Assessment
- Landscape Conservation Management Plan

- * Design and Access Statement with supporting Planning Statement
- * Code for Sustainable Homes Report
- * Statement of Pre-Application Consultation
- * Financial Appraisal

1.1.5 The documentation explains the Care Village proposal in detail. The concept is to provide an opportunity for more elderly people to live in a community where purpose built accommodation and support services are provided, to enable them to live in a secure and enjoyable environment avoiding some of the problems that can arise in existing residential areas from isolation and an increased inability to care for both themselves and their property.

1.1.6 It is proposed to offer a full range of accommodation and facilities on site. In terms of accommodation it is proposed to offer nursing and support facilities within Pool Park House along with self contained residential units within the grounds through the conversion of existing outbuildings and new build units. The proposal is to provide a range of accommodation to suit differing needs, the majority of units being smaller 2 and 3 bed units, and it is proposed to provide 8 no. 4 bed units, designed for those who may wish to live in larger properties and have room to accommodate family/visitors to the property. The new units would be available to purchase, but it is envisaged that they would be sold by means of shared equity or alternatively rental. The units would only be available to those over the age of 60 and/or in need of care. In all cases, a

management company would control forward sales.

- 1.1.7 In addition to on site nursing and medical care being available as and when required, there would be services such as social activities, laundry, library and hairdressing available within the proposed care village.
- 1.1.8 The care village would be accessed via the existing access track off the B5105. Public Footpath 4 (Llanfwrog Community) exits at the Pool Park complex.
- 1.1.9 The proposal has been developed to secure the future of the main building in the complex, a Grade II* Listed building, through an element of new build 'enabling development' to generate funds to dedicate to its restoration. The enabling development in this case is the erection of 62 new residential units. The case for this amount of new development has been set out in a Financial Appraisal, explaining that the proposals would be wholly unviable due to the significant gap between the cost of renovation and conversion and the ultimate value of the development. The submission states that the site has been marketed for a number of years with no interest from potential buyers.
- 1.1.10 For Member's information the Council's 'At Risk' register has identified the following actions which are required to the Grade II* Pool Park House:
- * Maintenance required to roof coverings
 - * Major repairs required to roof flashings
 - * Major repairs required to roof lights and dormers
 - * Maintenance required to chimneys
 - * Major repairs required to rainwater goods
 - * Maintenance required to rendering/cladding
 - * Major repairs required to window frames
 - * Full reglazing required
 - * Major repairs required to doors and frames

The Sundial and Walled garden to the former garden at Pool Park (including The Bothy) are also all on the 'At Risk' register and major repairs have been identified as actions required to secure the future of the building.

- 1.1.11 As part of the application an assessment of the costs of refurbishing and converting the existing buildings has been undertaken, based on a site survey and schedule of works by a Quantity Surveyor. The final conclusion is a 'conservation deficit' in the region of £1.4million. A conservation deficit is the difference between the cost of repair and conversion, and the value of the building when the work is complete. This led the applicants to the conclusion that 'enabling development' was required and the details of this are set out within a Financial Appraisal.

1.2 Description of site and surroundings

1.2.1 The site is located within the open countryside some 3.5km south west of Ruthin off the B5105.

The complex comprises the main house which is a Grade II* Listed Building, a number of Grade II Listed outbuildings and structures all set within a Grade II Registered Historic Park and Garden. Access to the site is off the B5105 via a single track, some 500m in length.

- 1.2.2 Pool Park House is located at the centre of the designated parkland on gently sloping ground with a steep wooded escarpment to the west and the deeply incised and wooded dingle to the east. South of the site is Pool Park Farm, which is in separate ownership.
- 1.2.3 Historically, the site of Pool Park originated as a medieval deer park, one of 5 belonging to Ruthin Castle. A gentry house has been established at the site since at least the Sixteenth century. The present house and its associated buildings were laid out between 1826 and 1829 for the second Lord Bagot. In 1937 the house became a convalescent home and subsequently a psychiatric hospital, which is thought to have ceased use in 1992.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located in the open countryside. It is a Grade II Registered Historic Park and Garden, containing a number of Listed Buildings, the main house of Pool Park being a Grade II* Listed Building.

1.4 Relevant planning history

1.4.1 None specific to the application site.

1.5 Developments/changes since the original submission

1.5.1 Additional information has been submitted in respect of ecological, noise and odour issues. Adult Services have met with the applicant and agent to discuss the proposal.

1.6 Other relevant background information

1.6.1 The application has been developed following pre-application discussions with Planning Officers, the Council's Conservation Architect, Valuation and Property Manager and due to the constraints and sensitivity of the site, CADW have also been involved.

2. DETAILS OF PLANNING HISTORY:

2.1 A series of applications were approved in 1992 for the development of the main building to a Hotel; with the conversion of other buildings on the site to a total of 3 dwellings. These permissions were not taken up.

3. RELEVANT POLICIES AND GUIDANCE:

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 BSC3 - Securing Infrastructure Contributions from Development
Policy BSC 4 - Affordable Housing
Policy BSC 11 - Recreation and Open Space
Policy BSC 12 - Community Facilities
Policy PSE 4 Re use and adaptation of rural buildings in open countryside
Policy VOE 1 - Key areas of Importance
Policy VOE 4 - Enabling Development
Policy VOE 5 - Conservation of natural resources
Policy VOE 6 - Water Management
Policy ASA 2 - Provision of Sustainable Transport Facilities
Policy ASA 3 - Parking Standards

Supplementary Planning Guidance
Supplementary Planning Guidance 4: Open Space Requirements in New Developments
Supplementary Planning Guidance 21: Parking Requirements in New Developments
Supplementary Planning Guidance 22: Affordable Housing in New Developments

GOVERNMENT GUIDANCE

Planning Policy Wales Edition 5 November 2012
TAN 5: Nature Conservation and Planning (2009)
TAN 12: Design (2009)
TAN 20: The Welsh language – Unitary Development Plans and Planning Control (2000)
TAN 22: Sustainable Buildings (2010)

The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990
Circular 60/96: Planning and the Historic Environment: Archaeology
Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas

English Heritage publication 'Enabling Development and the Conservation of Heritage Assets'

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Impact on Visual Amenity, historic landscape and setting of Listed Buildings
- 4.1.3 Impact on residential amenity
- 4.1.4 Highway Considerations
- 4.1.5 Affordable Housing
- 4.1.6 Open Space

- 4.1.7 Design and Access/Sustainability Code Considerations
- 4.1.8 Biodiversity Issues
- 4.1.9 Archaeological Issues
- 4.1.10 Drainage
- 4.1.11 Impact on The Welsh Language and the Social and Cultural Fabric of Communities

Other Matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Welsh Government's general Objectives for sustainable development are set out in Section 4 of Planning Policy Wales. In the open countryside, development opportunities are necessarily limited to accord with these Objectives, but there is a basic requirement that planning policies, decisions and proposals should ensure the conservation of the historic environment.

This application relates to a number of developments involving an existing group of Listed Buildings along with new build development within the grounds. The new build element is presented as 'Enabling development', i.e. a means of generating funds to secure the future of a recognised heritage asset.

Conversion of Existing Buildings

In terms of general principle, Policy PSE 4 of the Local Development Plan relates to the re use and adaptation of buildings in open countryside, with a preference for employment use. Where residential use is proposed, the policy requires that an employment use has been demonstrated not to be viable and that the unit(s) are affordable to meet local needs.

Policy VOE 1 in the adopted Denbighshire Local Development Plan looks to protect sites of built heritage and historic landscapes, parks and gardens from development that would adversely affect them. This reflects the general advice in Planning Policy Wales, and in Circular 61/96 which establish the general presumption in favour of the preservation of Listed Buildings, and to ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise their special architectural and historic interest.

The two policies provide scope for proposals to convert, renovate and repair listed buildings in principle, subject to tests. The following sections of the report, and the report on the listed building consent application which follows (13/2011/1277/LB) provide further commentary on these policies.

Enabling Development

Enabling development is a form of development which would normally be unacceptable in planning terms but for the fact that it may bring public benefits sufficient to justify it being carried out, therefore being a positive factor to weigh against other considerations. In some rare cases the only way of securing the future of a heritage asset may be to allow enabling development, to release funds sufficient to secure the asset.

In terms of the Local Development Plan, there is specific provision for 'enabling development' in Policy VOE 4, which sets a number of tests which need to be met. The justification to the policy refers to guidance as set out in the document "Enabling Development and the Conservation of Heritage Assets" published by English Heritage which may assist the consideration of development proposals. Significantly, this indicates that enabling development, as an approach, should 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.

Pool Park has been on the Council's 'at risk' register since 2002. All Local Authorities in Wales are required to survey their stock of listed buildings and to prepare a register indicating which of these buildings are at risk due to neglect or decay.

Listed buildings are classified in grades to show their relative importance.

The grades are:

Grade I - Buildings of exceptional, usually national, interest;

Grade II* - Particularly important buildings of more than special interest;

Grade II - Buildings of special interest, which warrant every effort being made to preserve them.

The heritage assets at Pool Park consist of the following:

* Pool Park House - a Grade II* Listed Building, listed as an early and largely unaltered example of Jacobethan revival style, and for its particularly fine staircase.

* The Sundial – Grade II Listed for its special interest as a dated Seventeenth Century garden sundial

* Walls to former Kitchen Garden at Pool Park including the former Gardeners Bothy – Grade II Listed for their special interest as a good and well preserved sequence of kitchen garden walls relating to, and contemporary with, the 1820's rebuilding works at Pool Park.

To place the above in context, within Denbighshire, there are a total of 1813 Listed Buildings, comprising of 28 Grade I's, 164 Grade II*'s and 1621 Grade II's. This equates to 9% of the total of Listed Buildings in Denbighshire being Grade II*, and 11 of these buildings are 'at risk'. Pool Park is one of these buildings.

In addition, the site is located within a Grade II Registered Historic Park and Garden included on the CADW/ICOMOS Register of Parks and Gardens of Special Historic Interest in Wales.

Purely with regard to the basic principles of the Pool Park proposals, and in relation to the tests of Policy VOE 4:

Test 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;

In order to support a case for enabling development, the balance between harm and benefit to the historic assets of the site needs to tip in favour of benefit. Having regard to all of the information submitted, consultation responses and the detailed impacts assessed in the report, Officers believe there is an argument that the proposal tips in favour of benefit. This view is supported by both the Council's Conservation Architect and CADW. The Council's Conservation Architect is supportive of the scheme to repair and adapt the heritage asset as this would result in the long term security of an important heritage asset within Denbighshire.

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

The Care Village would be run as a single use, maintaining the entire site within one ownership, thereby enabling its future management to be undertaken in a comprehensive fashion. A Section 106 Legal agreement could be considered to secure future control and management of the site.

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

It is considered that the proposals are a way to secure the long term future of the heritage asset. The proposed Care Village, including the renovation and restoration of all the key buildings and grounds would provide a viable use for the heritage asset, and there is an opportunity to secure a long term management, maintenance and conservation regime for the site.

Test 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;

The problem at Pool Park has not arisen from the circumstances of the present owner or purchase price paid for the site. A Financial Appraisal has been submitted with the application demonstrating that the proposal responds directly to the needs of the heritage asset.

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

With respect to the Community Council's concerns, CADW can grant aid repairs to Grade II* Listed Buildings, but very few buildings are getting grant aid, and where they are successful the grant tends to be low and nowhere near the scale of assistance necessary to address the problems with the main building, and other listed buildings. There are no other sources of financial assistance available.

Test 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 disbenefits;

A Financial Appraisal has been submitted with the application and has been assessed by the

Council's Valuation and Estates Manager. It sets out the details of the enabling development and cost of works to the heritage asset. The conclusion is that 62 new dwelling units in the grounds of Pool Park is the minimum necessary to secure the long term future of the heritage asset which would allow the conversion, renovation and repair of all listed buildings on the site along with extensive landscaping works in the grounds.

The response from the Valuation and Estates Manager indicates that the scale of enabling development is the minimum necessary to secure the future of the heritage asset.

Test vii) the value or benefit of the survival or enhancement of the heritage asset outweighs the long term cost to the community (i.e. disbenefits) of providing the enabling development.
It is accepted that Pool Park is not in a location where significant new build development would normally be permitted, however the restoration of the very extensive range of listed buildings at Pool Park, together with the historic gardens may be viewed as a tangible benefit, which would result in the long term retention of a historic asset of great significance. The 'costs' to the community through 'enabling development' are not considered a significant negative factor here.

In Officers' opinion the application of the basic tests of Policy VOE 4 suggests there is a basis for support for the principle of enabling development at Pool Park. The overall acceptability of the proposals is however dependent on consideration of a wider range of factors reviewed in the following sections.

4.2.2 Impact on Visual Amenity, historic landscape and setting of Listed Buildings

The site is located within open countryside, comprising a complex of listed buildings set within a Historic Park and Garden.

Policy VOE 1 looks to protect sites of built heritage and historic landscapes, parks and gardens from development that would adversely affect them. Development proposals should maintain and wherever possible, enhance these areas for their characteristics, local distinctiveness and value to local communities.

Policy VOE test i) requires that any enabling development does not materially detract from the landscape interest of an asset or materially harm its setting.

Policy PSE 4 requires that proposals for conversions of rural buildings make a positive contribution to the landscape and ensure an architectural and/or historic features are retained.

Planning Policy Wales Section 6.5.9 confirms 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, or any features of special architectural or historic interest which it possesses, reflecting the contents of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application is accompanied by a Landscape and Visual Assessment, which reviews the disruption or change likely to the character and quality of the landscape. The Assessment takes into consideration all of the visual and landscape effects that would arise from the proposed development, and includes the following:

- *Site clearance and removal of parts of the scrub woodland required as space for development
- *Establishment and operation of contractors temporary compound
- *Earthworks to modify site ground levels
- *Construction of building foundations and road base
- * Laying of on-site piping and cabling
- * Erection of new buildings and restoration/repair of existing buildings
- *Site reinstatement, landscape works and woodland management in the wider setting.

The conclusions of the assessment are that the proposed enabling development would have no detrimental effect on the wider landscape of the Denbigh and Derwen Hills or the Castle Wood Visual and Sensory Aspect Areas identified in LANDMAP. It indicates the landscape and visual impacts caused by the development would be quite limited with few properties affected and the landscape virtually unchanged.

In terms of the impact of the proposed enabling development on the setting of Pool Park Farm, which is a concern of the owners of the farm, there have been no concerns expressed by the Conservation Officer in this respect.

In respect of the impact of the proposals on the historic park and garden, concerns have been raised by the Welsh Historic Gardens Trust over the appropriateness of a development of this scale in such a sensitive area and the Trust considers the impact on the historic landscape to be considerable.

As the statutory consultee in considering proposals affecting Scheduled Ancient Monuments or Registered Historic Landscapes, Parks and Gardens, CADW have provided a detailed response. In summary, it is CADW's view, that despite their scale, the development proposals have been located, scaled and designed so as to be sympathetic to the present and past historical landscape of the site and to minimise their impact on the most sensitive parts of the site. Although there will be adverse effects in some areas, these are both visually and historically of lesser value than the areas that are to be preserved and enhanced and CADW are of the view that the benefits of the development to the registered historic gardens would be considerable. Whilst some areas of the lower walled garden would be lost, it is the view that the gain, in terms of restoration, preservation and enhanced management outweighs the loss.

In terms of the impact of the proposed enabling development on the setting of the listed buildings at Pool Park, it is considered that there would be a positive impact. There is evidence that there was a building on the south side of the main entrance courtyard, and the proposals to construct a new building in that location would have the benefit of recreating a sense of enclosure and separating, as was originally intended, the service or lower status areas of building from the main entrance.

In conclusion on this matter, based on the above consultee responses, Officers believe the proposals have been reasonably located, scaled, designed and landscaped to respect the sensitivity and constraints of the site. It is considered that the proposals do respect the site's historic and visual significance and aim to preserve and enhance its most sensitive and important areas. On these grounds, Officers consider there would be no unacceptable adverse impact on visual amenity, the historic landscape or setting of the listed buildings.

4.2.3 Impact on residential amenity

Planning Policy Wales 5, 2012 (PPW) confirms the general requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'(Section 3.1.2). Paragraphs 3.1.3 and 3.1.4 set the basic parameters that these must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably related to the development concerned. In terms of matters specific to the assessment of an individual application, PPW refers to what may be regarded as material considerations and that these 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. Residential and visual amenity impacts are therefore standard tests on most planning applications.

SPG 1 and 24 offer guidance and suggest acceptable separation distances and siting guidelines in relation to residential development, to ensure suitable standards of residential amenity are achieved in conjunction with new development.

There are few existing residential properties in close proximity to the application site. Located at the entrance to the site is 'The Lodge' which is approximately 360m away from Pool Park House; further south, which is accessed off the main drive to Pool Park is 'Cartref' which is approximately 350m away from Pool Park House; the boundary of Pool Park Farm adjoins the south western boundary of the site with the farmhouse, agricultural buildings and Pool Park Bungalow located within close proximity to the siting of proposed new dwellings and further south are a pair of semi detached dwellings 'Maes Gwyn', which are approximately 340m away from Pool Park House and also accessed off the main access track to Pool Park.

At the closest point, the corner of plot 9 would be sited approx 13m away from the closest agricultural building at Pool Park Farm. In this location, the application site slopes downwards with the boundary of the site then sloping upwards quite steeply, then Pool Park Farm is at a lower level

again.

In terms of amenity, 'The Lodge', 'Cartref' and the dwellings of 'Maes Gwyn' are in excess of 300m away from existing or proposed buildings at Pool Park and therefore it is not considered that the proposals in terms of the use and siting of new buildings would have an adverse impact on the amenities of occupiers of these properties.

The closest property to the site is Pool Park Farm and a number of concerns have been raised by the owners of the farm and local residents in terms of the siting of the new development in close proximity to the farm buildings. These concerns are also set out by the NFU.

Following receipt of these concerns, echoed by the Council's Pollution Control Officer, additional information was requested to progress the application in respect of the potential noise and odour generated by Pool Park Farm, and its impact on future residents of the care village.

The siting of the proposed new build units in this part of the site is clearly dictated by the historical sensitivity and features of interest. Plots 6 to 9 are sited on an area of flat ground adjacent to the existing Stable Block, and are the closest of the new development proposed to Pool Park Farm. These properties are traditional 2 storey cottage style properties with small rear gardens that would adjoin the boundary with Pool Park Farm.

The additional information in respect of noise and odour has been submitted by specialists in this field following discussions with the Council's Pollution Control Officer. In terms of odour, the additional information explains that a 'whole-house ventilation scheme' can be installed in the units closest to the farm, and whilst it may not be possible to filter out all odour, the air intake can be directional and located on elevations away from the farm and the potential odour source. In terms of noise, the additional information confirms that noise levels will fall within relevant criterion for internal noise. It is acknowledged that a sustained lowing may sometimes occur from an over-wintering herd in the barn, meaning that the equivalent continuous noise level in the nearest dwelling could be in the order of 40dB (A) which would not be regarded as acceptable, and further attenuation may be required. Up-rated double glazing is proposed in the units affected. It is to be noted that the Council's Pollution Control Officer has raised no objection following consideration of the additional information received.

In conclusion on this matter, Officers believe the proposals have been designed to take reasonable account of neighbouring properties and farming activities. It is recognised that the siting of an element of the proposed new build is in relatively close proximity to Pool Park Farm but this has to be balanced against the site's historical significance and the aim to preserve and enhance its most sensitive and important areas. For this reason, and having regard to the mitigation suggested to protect the amenities of future residents in closest proximity to the farm, the proposal is considered acceptable in terms of residential amenity impacts.

4.2.4 Highway Considerations.

Planning Policy Wales 5, 2012 (PPW) confirms the general requirement that planning applications should take into account the impacts of proposed development on travel demand; the level and nature of public transport provision; accessibility by a range of different transport modes; the willingness of a developer to promote travel by public transport, walking or cycling, or to provide infrastructure or measures to manage traffic to overcome transport objections to the proposed development; the environmental impact of both transport infrastructure and the traffic generated and the effects on the safety and convenience of other road users of the transport network (Section 8.7.1).

Transport Assessments are an important mechanism for setting out the scale and nature of anticipated impacts a proposed development, or redevelopment, is likely to have. They assist in helping to anticipate the impacts of development so that they can be understood and catered for.

The submitted Transport Assessment provides this evaluation. The study methodology considers the impact of the proposals and has been based on comparisons between the traffic flows of the proposed development and traffic generation at the former psychiatric hospital. The traffic flows have been calculated from trip rates generated by a database called 'TRICS'. The database offers baseline data on a number of Class C2 institution sub categories including homes with cars, nursing homes, sheltered accommodation and retirement flats.

The conclusions of the Transport Assessment are as follows:-

- * A comparison between the former psychiatric hospital and the proposed use has shown that the former hospital may have generated up to 50% more traffic per day than a proposed Care Village;
- * The Transport Assessment shows that the B5105 carries only a small number of vehicles even during the peak morning and afternoon hours and that only a small increase in traffic would be generated by the proposal;
- * The B5015 would readily accommodate the small increase in traffic;
- * No physical improvements to roads or the junction to the B5105 are required.

To enhance the sustainability of the proposal, the demand to use private vehicles for travel will be reduced by:

- * The provision of a mini bus service for the use of staff and residents for routine trips to Ruthin and for organised trips to other destinations.
- * The local bus service which follows the B5105 from Ruthin to Clawddnewydd and then continues to Bontuchel will be available.
- * There is a demand-led Flexi-Bus service which runs from Monday to Saturdays and can be picked up in Ruthin, or booked by telephone, this would pick up and drop off at the end of Pool Park drive.
- * A range of services for residents will also be provided, including an on site café, mobile/on site library and mobile hairdressers.

Concerns have been raised by the Community Council and local residents that the shared access route from the public highway is substandard and unsuitable for the scale of development proposed and the perceived increase in vehicle movements to and from the site has the potential to create considerable conflict between competing users.

Details of the application and Transport Assessment has been reviewed by the Highways Officer and having regard to all information, no objection has been raised.

In conclusion on this matter, based on the above information and responses, Officers consider there are no significant highway grounds on which to justify a refusal recommendation. However, due consideration would need to be given to imposition of a condition to secure improvements to the access road to the site, the provision of a footpath which would link to the existing public footpath which ends at Pool Park, and to a legal agreement to secure a commitment to provide bus links etc.

4.2.5 Affordable Housing

Policy BSC 4 in the Local Development Plan requires development of 3 or more units to provide a minimum of 10% affordable housing either on site on developments of 10 or more units or by way of a financial contribution on sites of less than 10 units. Policy PSE 4 requires conversions of rural buildings to be affordable to meet local needs, and to demonstrate that employment use is not viable.

The Community Councils have expressed concerns at the absence of any proposals for affordable housing. On the basis of the proposal for 62 new build dwelling units and the formation of an additional 6 dwelling units through the conversion of existing buildings, the affordable housing requirement would equate to 12 being provided on site. At the time of writing this report, the formula for calculating the details of this provision in the form of a commuted sum has not been formally adopted. There is no indication in the submission of any employment use test on the 6 units to be converted to dwellings.

The Financial Appraisal submitted in support of the application states that there is no flexibility for provision or contributions to be made for affordable housing provision on site or elsewhere, as the viability of the proposals would be compromised. This conclusion is supported by the Council's Valuation and Estates Manager.

Having regard to the circumstances of this case, Officers would acknowledge that there is conflict with the requirements of BSC 4 and PSE 4 but that there is an argument that in order to achieve the overall objectives of saving the heritage asset, it may be unreasonable to insist on the application of an employment use test or affordable housing being provided with this development.

4.2.6 Open Space

Policy BSC 11 in the Local Development Plan requires new developments to provide open space in accordance with the County's minimum standard of 2.4ha per 1,000 population. Open Space should always be provided on site, and commuted sums will only be acceptable where it is demonstrated that development would not be financially viable should the full requirement of open space be provided on site or where it is impractical to provide the full requirement on site.

On the basis of the proposal for 62 new build dwelling units, along with the formation of an additional 6 dwelling units through the conversion of existing buildings, the open space requirement would equate to 3265sq m of Community Recreational Open Space (CROS) and 1632 sq m of Children's Play Space. A Commuted Sum payment for this provision would be a total of £180, 923.52.

The Care Village would be set in extensive grounds and landscaped gardens available for the enjoyment of residents of the site. Due to the nature of the use, in this particularly unique setting the applicants' case is that it is not reasonable to request formal on site open space provision. In terms of a commuted sum, the Financial Appraisal again makes it clear that there is no flexibility for contributions to be made.

Officers conclusion is that there is inevitably conflict with Policy BSC 11 but that having regard to the circumstances of this case, this conflict has also to be weighed against the wider benefits of securing the heritage asset.

4.2.7 Design and Access/Sustainability Code Considerations

Guidance in TAN 12 Design and TAN 22 Sustainable Buildings has introduced an obligation on applicants to demonstrate the approach to a range of design considerations, including how inclusive design and standards of environmental sustainability are to be achieved.

In the case of this submission, the application is accompanied by a Design and Access Statement and Code for Sustainable Homes Pre-Assessment which demonstrates that the requirements of TAN 12 and TAN 22 can be satisfactorily addressed. Suitably worded conditions can be attached to ensure development is carried out in accordance with the requirements of the Sustainability Codes.

4.2.8 Biodiversity Issues

The requirement to consider the impact of development on biodiversity interests is set out in Planning Policy Wales, TAN 5 and Policy VOE 5 in the Local Development Plan.

The application has been submitted with an Ecology and Nature Conservation Report, with an addendum Bat Mitigation report submitted following discussions with the Council's Biodiversity Officer and Natural Resources Wales.

No objections have been raised by consultees, subject to a range of details being submitted and approved. These include a derogation licence, a long-term monitoring scheme, including third party audit for approval, to follow the principles in the report dated October 2012; mitigation and compensation measures as per the Environmental Statement dated June 2011; a Reasonable Avoidance Measures scheme; long-term security and maintenance of mitigation and compensation measures as per the principles outlined in the report dated October 2012; and a Biosecurity risk assessment and method statement. Further information is also required regarding reptiles and badgers, which could be dealt with as a planning condition and should include details of a Reasonable Avoidance Measures scheme; details of an artificial reptile hibernacula to be constructed within the woodland to compensate for any potential habitat loss and a plan indicating where glades and paths are to be created within the woodland to be submitted for approval. If these are to result in work within 30m of a badger sett then a licence will need to be obtained and appropriate mitigation will need to be submitted for approval.

On the basis of the above, Officers do not consider the development would give rise to adverse impacts on protected species and that subject to the inclusion of suitable conditions and advisory notes, the requirements of policy and guidance would be met.

4.2.9 Archaeological Issues

Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology sets out the

provisions for the protection of sites of significance. This is considered further in Planning Policy Wales 5, 2012 (PPW Section 6.5) which confirms the general requirement that planning applications should take into account the desirability of preserving ancient monuments and their setting and in cases involving lesser archaeological remains, Local Planning Authorities will need to weigh the relative importance of archaeology against other factors, including the need for the development.

An Archaeological Assessment has been undertaken and submitted as part of the application. The conclusions of the assessment show that the buried surviving remains of demolished buildings, namely the farmhouse and the older Pool Park House would be adversely affected but proposed mitigation in the form of recording and excavation would reduce impacts. It indicates the adverse impact on the area within the walled garden would be neutral to slight with mitigation in the form of recording and excavation. It advises that the impact on Pool Park gardens would be generally positive with extensive work carried out within the site to reinstate something of the character of the early to mid 19th century gardens as the setting for Pool Park House. The recommendations of the assessment are that further archaeological investigations are required. The overall effects of the proposed development will be minimal on the archaeological evidence.

The County Archaeologist and Clwyd Powys Archaeological Trust are happy with the proposals and assessment undertaken, but would like photographic recordings and an Archaeological Watching Brief Condition imposed in the event of planning permission being granted.

In conclusion on this matter, based on the above information and responses, Officers consider there would be no adverse impact on archaeological features within the site and any permission could be subject to the imposition of conditions requiring further photographic recording and an Archaeological Watching Brief.

4.2.10 Drainage

The requirement to consider the adequacy of water supply and the sewage infrastructure of a development is set out in Chapter 12 of Planning Policy Wales. Policy VOE 6 in the Local Development Plan requires that run-off from any new development be equal to greenfield run-off.

A Drainage Assessment has been undertaken and submitted with this application.

The site is not within an area of flood risk, but is within 20m of a watercourse. The proposal is to dispose of the surface water drainage by utilising the existing watercourse. The surface water runoff for new units will also be collected and controlled in accordance with the guidance given in the Code for Practice for Sustainable Drainage Systems (SuDS). A detailed drainage design will need to avoid, reduce and delay the discharge of rainfall to the watercourse so that the risk of localised flooding and damage to the watercourse is reduced and pollution and other environmental damage are avoided,

In relation to foul drainage, the installation date of the existing sewage treatment works is unknown and therefore it is proposed to install a new foul water treatment facility. The proposed facility would be installed on the site of the existing works, to minimise damage and disturbance to established trees and vegetation.

Natural Resources Wales (former EA) and Dwr Cymru Welsh Water have raised no objections to the proposal, subject to a condition requiring details of a surface water regulation scheme.

In conclusion on this matter, Officers consider that subject to the inclusion of a condition requiring details of a surface water regulation scheme, the proposal is acceptable and in line with planning policy guidance.

4.2.11 Impact on The Welsh Language and the Social and Cultural Fabric of Communities

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

The application has been supplemented by a Community and Linguistic Impact Assessment, which considers the potential impact of the development on local communities and the use of the Welsh language. This assessment has been produced in the absence of a detailed Supplementary Planning Guidance Note at this point in the Local Development Plan process.

The 'impacts' that have been identified within the assessment are as follows:

*Whilst the application proposal will result in an increase in the local population, many of the residents are likely to be drawn from the local area.

* The fact that a care village is proposed at Pool Park means that the development will be relatively self-contained and will not have a detrimental impact on the age balance of a particular community in the way that a development within an established settlement might otherwise, have.

*The proposal should have a positive impact on the health of the community, providing care facilities that are at a mid-way point between the general residential community and the care provided in a care home (albeit also provided within the development), thereby providing an alternative for people who are unsuitable for care in the community, but who do not need to be in full-time care.

* The proposals would result in the restoration/conservation of Pool Park and its gardens, whilst accepting the need for new development as part of the package of proposals, the overall impact on amenity will be positive and an important part of the history/cultural value of the area will be safeguarded for the future.* In overall terms, the proposal is likely to have a positive impact on local businesses since both private individuals and the care village management will purchase significant amounts of their requirements from local businesses.

*The proposal is likely to result in the equivalent of 20 full-time jobs being created, many of these jobs will be available to local people.

*In overall terms the development is a modest development which will not bring large numbers of new people into the area, those people moving into the development are likely in many cases to vacate other houses in the County and, consequently, the proposal could have a positive impact on the availability of housing for local people.

* The proposal will have no impact on local schools as there will be no children resident within the development.

* The proposal is unlikely to have any detrimental impact on health care provision within the locality. Experience elsewhere suggests that local health care services frequently contract out their responsibilities to the care facility's on-site staff, thereby reducing pressure on existing services.

* The development will not have a significant impact on local services, but where it does, then it is likely to provide support to these businesses through increased custom.

*The absence of significant impact on the existing population or on local communities indicates that it is highly unlikely that the proposal will result in social tension, conflict or divisions within the locality.

The conclusion of the assessment is that there is no evidence to suggest the proposal may cause a significant harm to the character and language balance of a community.

Concerns have been raised by the Community Council that a development of this scale in a rural location will have an adverse effect on Welsh language and culture.

Analysis of the Community and Linguistic Assessment suggests there would be positive, neutral, and negative impacts from the development, in terms of specific factors such as population, quality of life, economic factors, infrastructure, and social and cultural aspects. The positives are in relation to Welsh Language and community life factors including quality of life, the economy and infrastructure, and the negatives are in relation to community social cohesion from attracting older people to a self contained site. In accepting the need to balance impacts, it is considered the proposals offer tangible benefits including the potential for local job creation, that weigh in favour of supporting the grant of permission. In order to assess impacts on the language and community, suitable monitoring arrangements would be necessary as the development progresses. A condition and note to applicant would be appropriate to encourage a bilingual approach to site signage and marketing.

4.2.12 Other Matters

In noting that Denbighshire's Adult Services raises concerns over the demand for such a facility in this location this is not considered to be a significant material planning consideration in the determination of this application as there is no planning policy requirement to assess the demand/need for a Care Village.

5 SUMMARY AND CONCLUSIONS:

- 5.2 The application has been submitted with a wide range of detailed assessments and supporting documents which contain detailed information on all aspects of the development proposed. The application has been prepared following extensive pre-application discussions with CADW and Officers of the Council in order to try to resolve the difficult situation at Pool Park. The applicant indicates that the scheme follows from these discussions and meets the enabling development policy/guidance.
- 5.3 It is Officers' opinion that the decision to grant or refuse largely rests on the weight to be attached to the need to secure the future of the heritage assets at Pool Park. The balancing exercise has to be made in the context of controls which can be exercised by the Authority in relation to the development through planning conditions and a separate legal obligation to achieve related policy objectives. A legal obligation would be necessary to deal with matters which cannot properly be dealt with by normal planning conditions e.g. establishing funds for specific works and the mechanism for securing the renovation works on the listed buildings.
- 5.4 In this instance, whilst fully respecting reservations expressed by the Community Councils and other consultees and individuals, the view is taken that significant weight should be given to secure the future of the heritage assets at Pool Park, provided any permission is sufficiently watertight to guarantee funding for the early restoration of the Grade II* Pool Park House and other Listed Buildings on the site. To justify supporting this application, consideration has been given to the following:
- * The restoration and reinstatement of an important group of Grade II* and Grade II listed Buildings set within a Registered Historic Park and Garden that have been vacant in excess of 20 years and been on the County's 'At risk' register for 11 years.
 - * An acceptable level of 'enabling development' supported by a Financial Appraisal establishing the minimum necessary to generate the capital for the restoration of the heritage assets
 - * The proposal would secure an appropriate long term use for the buildings consistent with its former use
 - * In addition to the restoration of all of the built heritage assets, the proposal would secure the enhancement and management of the grounds.
 - *The absence of any formal objection from the main technical consultees
 - * The existence of a unique set of circumstances which counters concerns over setting a precedent by granting planning permission.
- 5.5 In planning policy terms, it is Officers opinion that the basic tests of Policy VOE 4 support the principle of enabling development at Pool Park. In addition, Section 66 of the Town and Country Planning Listed Buildings and Conservation Areas Act 1990 states that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. It is considered that full and special regard has been given to the desirability of preserving the listed buildings and their setting.
- 5.6 Ultimately the recommendation is for the grant of planning permission, taking account of the conflicts with affordable housing and open space policies and weighing significance of the aforementioned considerations, based on the assurances which suitably worded conditions and legal obligation can give to secure the future of the listed buildings.

RECOMMENDATION: - GRANT subject to: -

A. Officers entering into detailed negotiation with the applicants over the precise terms of a Section 106 obligation in accordance with the basic heads of terms set out below and the completion of the Obligation within 6 months of the date of the resolution of Planning Committee.

Basic heads of terms

In order to ensure that the enabling development provides the funding for the restoration works to meet the primary objectives in planning and conservation terms, the following terms are suggested:

1. The occupancy of the new units shall be restricted to at least one person in the household being either over 60 years of age and/or in need of care. Details of the how the site will be managed to be agreed.

2. Phase 1: Comprising Pool Park, The Vegetable Store, The Stables, Units 1 – 5 and Block A.

None of the dwellings shall be occupied until the initial restoration of Pool Park House has been completed and the use of the Nursing Home established. Details of the specified works to Pool Park House to be set out within the definitions/appendices of the Section 106 agreement.

3. Phase 2: Comprising Units 6 – 21

No more than 5 of the dwellings shall be occupied until the specified works for the conversion and restoration of The Bothy have been completed.

4 Phase 3: Comprising The Bothy, Units 22-33, and Block B

No more than 15 units shall be occupied unless works for the restoration and laying out of the Walled Garden have been completed. Details of the specified works to the walled garden would be set out within the definitions/appendices of the Section 106 agreement.

5. The preparation of a more detailed Conservation Management Plan seeking out the works proposed to the grounds, a programme of works and specifications is linked to the phasing and timings set out in the other Heads of Terms.

B) Compliance with the following conditions: -

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. PRE COMMENCEMENT

Prior to the commencement of development of any new dwelling units, the written approval of the Local Planning Authority shall be obtained in respect of the walls and roof materials to be used for the development hereby permitted and no materials other than those approved shall be used.

3. No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to an approved in writing by the Local Planning Authority. The archaeological works shall be undertaken as approved and as laid down by the Institute of Archaeologists. On completion of site work and any post excavation analysis a reports on the investigations shall be submitted for approval to the Local Planning Authority and the Development Control Archaeologist, Clwyd Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR.

4. PRE-COMMENCEMENT

Prior to the commencement of development details of the safeguards to be put in place to protect historical features during construction works, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed strictly in accordance with the approved details.

5. Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be forwarded on a CD or DVD to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. Tel. 01938 553670.

6. In relation to ecological matters, no development shall be permitted to commence until the following information has been submitted to and approved in writing by the Local Planning Authority: -

* Long-term monitoring scheme, including third party audit scheme which follows the principles in the report dated October 2012;

* Reasonable Avoidance Measures scheme for bats;

* Long-term security and maintenance of mitigation and compensation measures as per the principles outlined in the report dated October 2012

* Biosecurity risk assessment and method statement submitted for approval.

* Reasonable Avoidance Measures scheme for reptiles;

* Details of an artificial reptile hibernacula to be constructed within the woodland to compensate for any potential habitat loss and a plan indicating where glades and paths are to be created within the woodland.

If these are to result in work within 30m of a badger sett then a licence will need to be obtained and appropriate mitigation submitted for approval. The development shall then proceed in accordance with the approved details in addition to the recommendations contained within the ecology reports dated June 2011 and October 2012.

7. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010. The development

shall be carried out entirely in accordance with the approved assessment and certification.

8. Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Code Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010

9. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Code Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide 22 November 2010

10. Prior to the commencement of development, details of additional passing places along the site access track to the B5105 shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with the approved details and shall be completed prior to the commencement of any site works.

11. No development shall be permitted to commence until the approval of the Local Planning Authority has been obtained to proposals for whole house ventilation scheme to mitigate potential odour/smell from Pool Park Farm. The scheme shall be implemented in accordance with such approved details before any of the dwellings incorporating these measures are first occupied, and the measures shall be retained at all times.

12. No development shall be permitted to commence on the new dwellings until the details of the method for piling foundations (if piling is to be used) shall be submitted to and approved in writing by the Local Planning Authority. The piling shall then be undertaken as per the approved details.

13. No development shall be permitted to commence until details of a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.

14. No development shall be permitted to commence until details of the new foul water treatment facility has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with the approved details and shall be completed prior to the commencement of any site works.

15. Notwithstanding the provisions of Classes A,B,C,D and E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development permitted by the said Classes shall be carried out without further grant of planning permission of the Local Planning Authority.

16. Facilities shall be provided and retained within the site for the loading/ unloading, parking and turning of vehicles in accordance with the approved plan and shall be completed prior to the development being brought into use.

17. No development shall be permitted to commence until an addendum to the Landscape Conservation Management Plan, detailing a programme of works and specifications has been submitted to and approved in writing. The development shall proceed strictly in accordance with the approved details.

18. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to the proposed phasing of the development. The scheme shall proceed only in accordance with the approved phasing details.

19. No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a scheme of mitigation against impacts on the Welsh language within the local community.

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

1. To ensure the early commencement and completion of works on the listed buildings.
2. In the interests of visual amenity.
3. To safeguard the site of archaeological interest.
4. To safeguard the site of archaeological interest.
5. In the interests of investigation and recording of historic/listed buildings.
6. In the interests of Nature Conservation.
7. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
8. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
9. To comply with the provisions of TAN 22: Planning for Sustainable Buildings.
10. In the interest of safety and residential amenity.
11. In the interest of residential amenity.
12. In the interests of residential amenity.
13. To prevent the increase risk of flooding on and off-site.
14. To ensure proper drainage of the site

15. In the interests of residential and/or visual amenity/setting of Pool Park.
16. In the interest of residential amenity.
17. In the interests of visual amenity.
18. In the interests of proper planning.
19. In the interests of safeguarding the character and language balance of the community.

NOTES TO APPLICANT:

Biodiversity

You are advised that a Derogation licence may be required, in connection with which contact should be made with Natural Resources Wales.

Control of Pollution and Noise during construction

- (a) Work which is audible beyond the site boundary shall be carried out between 08:00 to 18:00 Monday to Friday, 08:00 to 13:00hrs on Saturday and not at all on Sundays or Bank Holidays.
- (b) The quietest available items of plant and machinery shall be used on site, Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels.
- (c) Deliveries shall only be received within the hours detailed above
- (d) Adequate steps shall be taken to prevent dust causing nuisance beyond the site boundary. These could include the use of hoses to damp stockpiles of materials which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes.
- (e) There shall be no burning on site
- (f) Only minimal security lighting shall be used outside the hours stated above. Further details of these measures can be obtained from the Council's Environmental Health Division.

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.

Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).

Dwr Cymru Welsh Water Notes

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. In order to perform our Statutory Duty we have rights of access to our apparatus at all times.

Conditions for Development near watermain(s) are attached. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer.

Natural Resources Wales

You are encouraged to actively promote a bilingual approach to site signage and marketing material for attracting occupants and workforce, to enhance the profile of the Welsh Language.

