

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **2<sup>ND</sup> OCTOBER 2019**

**REPORT BY:** **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

**SUBJECT:** **FULL PLANNING APPLICATION – REPAIR AND REFURBISHMENT OF VACANT HISTORIC (LISTED) FORMER HOSPITAL BUILDINGS, WITH ASSOCIATED NEW BUILD HOUSE/APARTMENTS TO PROVIDE A TOTAL OF 89 DWELLING UNITS AT LLEUSTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL**

**APPLICATION NUMBER:** **059663**

**APPLICANT:** **McCORY BRICKWORK LTD.**

**SITE:** **LLEUSTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL**

**APPLICATION VALID DATE:** **27<sup>TH</sup> MARCH 2019**

**LOCAL MEMBERS:** **COUNCILLOR P JOHNSON**

**TOWN/COMMUNITY COUNCIL:** **HOLYWELL TOWN COUNCIL**

**REASON FOR COMMITTEE:** **SCALE OF DEVELOPMENT**

**SITE VISIT:** **YES**

**1.00 SUMMARY**

1.01 This is a full planning application for a residential development of 89 units at the former Llesty Hospital, Old Chester Road, Holywell. This application follows the previously consented scheme for 89 units which members will recall was determined at planning committee on the 20<sup>th</sup> July 2016. However, during the transfer of site ownership the permission lapsed, expiring in late August 2018. This new application therefore seeks to reinstate the permission to allow the

implementation of the previously approved scheme of works. The scheme comprises the following:

- 42 no. Apartments within the converted buildings comprising a mix of one and two bedroom units;
- 8 no. three bedroom town house units;
- 12 no. three bedroom terraced house units; and
- A new build block of 27 no. apartments comprising 7 no. one bedroom units and 20 two bedroom units.

1.02 As a result of viability and market testing it has been demonstrated that if the provision of affordable housing is enforced, the proposed development as a whole cannot achieve the necessary values per unit type to offset the significant costs incurred to repair and convert the Listed Building. The proposed scheme has therefore been developed in liaison with local estate agents with the aim of creating a viable development to ensure the preservation of the Listed Building. Viability was the crux of the previous scheme which was accepted by the Council in 2016. Following further viability testing, the same issues persist and are now considered to be far greater given the listed building has suffered increased neglect since 2008.

1.03 It is considered that the proposed development provides a scheme of conversion and new build which will provide a long term viable reuse of the Listed Buildings without significantly comprising the historic character. The proposed scheme will also deliver a housing allocation in the UDP and will contribute to the housing land supply in a sustainable location.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-**

2.01 That conditional planning permission be granted subject to the Applicant entering into a Section 106 Obligation to provide the following:

- An off-site commuted sum of £1,100 per dwelling and/or £733.00 per apartment unit in lieu of on-site provision for toddler play provision at Fron Park play area and Teenage Play Provision at Holway play area. The sum is to be split equally between the two projects.
- Provide that a Management Company is incorporated for the management and future maintenance of the roads, footways and communal landscaped areas.

Conditions:

1. Time Commencement
2. In Accordance with Plans

3. Archaeological watching brief for early stages
4. Details for the footway and junction works
5. Completion of the above works prior to occupation
6. Details of siting, layout and design of the means of access
7. Visibility splay of 2.4m x 43m
8. Visibility splays to be kept free of obstruction
9. Access gates shall open inwards only and position a minimum distance of 5.0m from the edge of the carriageway
10. Transport Implementation Strategy
11. Full Travel Plan
12. Site investigation prior to commencement of new build
13. Works in accordance with Bat Mitigation and NRW Licence Method Statement
14. Scheme for the long term management of Bat Barn and associated habitats
15. Replacement nesting places for House Martins and Swifts
16. Scheme for External Lighting in accordance with Bat Conservation Trust Guidance Note 08/18
17. Biosecurity Risk Assessment
18. Ecological Compliance Audit
19. Tree protection measures during construction and construction of hard surfaces around trees to be in accordance with Tree Survey
20. Foul Drainage Scheme
21. Details and samples of windows including glazing, doors, rooflights, rainwater goods and external materials
22. Hard and Soft Landscaping details and implementation
23. Cycle rack details
24. Refuge storage details

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Head of Planning be given delegated authority to REFUSE the application.

### **3.00 CONSULTATIONS**

#### **3.01 Local Member Councillor Paul Johnson**

I have no objection to the proposed development, however, I would like to make the following observations:

1. The road junction of Halkyn Road and Old Chester Road will be dealing with not only the 89 proposed dwellings, but also the adjacent 29 dwellings proposed in the Llesty Infirmary development. That is a significant increase in usage, and it is important that this junction has the capacity to deal with this.

2. In the planning report for the recently pass Llesty Infirmary proposal, reference was made to the development being in walking distance to the town centre. Currently the most direct route would be down Old Chester Road which has no footpath for much of its route. Given that the same approach will be taken for the Workhouse development this being a walking route to the town centre must be evaluated and considered in greater detail. Unfortunately, the alternative walking route along Halkyn Road only has a narrow pavement and as the speed limit is 40 mph, it is not conducive of walking. Further, what guarantees can local residents living along Old Chester Road be given, that this narrow road with a 30mph speed limit that (both) developments will not increase traffic levels. Can traffic from the Llesty developments be channelled away from Old Chester Road.
3. The junction of Old Chester Road and Halkyn Road are very close to the junction of Milwr Road and the entrance to Stamfordgate farm. Local residents have already raised concerns about the Milwr Road junction, and there are also developments planned on this junction on this site of the old Calcot Public House. Could the close proximity of these two junctions be taken into account when the remodelling of the Old Chester Road junction is considered. Traffic travelling from Llesty towards Mold would literally pull out from the Old Chester Road junction and then have an almost immediate right turn.
4. In addition to the above mentioned junctions, there is a proposed further new junction at the new development serving 44 houses, next to Holywell Community Hospital. Given the increase in local traffic using these junctions, is the current speed limit of 40 mph on Halkyn Road appropriate?

This proposed development will be welcomed by local residents. It will make a significant impact on Holywell, but the highways and travel proposals must encompass both the development sites on the Llesty site. While I fully support the development of the Llesty site, I would be remiss not to raise these issues.

#### Holywell Town Council

No objection providing highways considerations are managed appropriately, including a review of the speed limit in the vicinity, the access from the junction onto Chester Road, pedestrian considerations and pavement widening.

#### Highways Development Control

In highways terms the application appears identical to the details previously consented under ref:055006; similar conditions should therefore be carried forward on any future consent.

Condition 8 of 055006 refers to the set back of gates from the edge of the highway but specifies gates adjacent to block A. It would appear from the submitted site plan that gates/barriers are proposed adjacent to block E. If individual gates need to be specified block E should be added to the condition wording. The Highway Authority therefore raise no objection subject to the imposition of conditions.

#### Community and Business Protection

No objections in principle to this application, however, the site has an extensive historical use as a Work House and Hospital and there was also a gas works on site and there could also be asbestos present in the building fabric. In addition the site is in an area which includes an extensive lead mining history, therefore, there is considerable justification to believe that contamination could be present in all or part of the site. Additionally the proposed development which includes residential accommodation could be particularly vulnerable to the presence of contamination. No objections subject to the imposition of a conditions requiring a site investigation prior to the commencement of development of the new build.

#### Education

##### **Affected Schools:**

Primary School: Holywell, St Winefride's Catholic Primary School

Current NoR, excluding nursery, at January 2019	=	149
Capacity, excluding nursery, at January 2019	=	187
Number of Surplus Places	=	38
Percentage of Surplus Places	=	
20.32%		

Secondary School: Holywell, Ysgol Treffynnon

Current NoR, excluding nursery, at January 2019	=	464
Capacity, excluding nursery, at January 2019	=	600
Number of Surplus Places	=	136
Percentage of Surplus Places	=	
22.67%		

#### **Exceptions**

The exceptions to the provision of school places will be the following type of residential development from which planning authorities will note seek contributions:

Housing specifically designed for occupation by elderly persons (i.e. restricted by planning condition or agreement to occupation by those over aged 55 years or more).

1 bed dwellings or 1 bed apartments or flats.

### **Formula**

The figures are arrived at from a combination of formula application and practical experience, informed by sufficiency criteria.

The formula reads:

Number of housing units x 0.24 (primary school formula) = Child Yield (after calculating the 5% surplus where appropriate) x £12,257 cost multiplier per pupil = Developer Contribution (using the Cost Multiplier figures from 2008/09)

### **Primary School Calculations**

School Capacity 187 x 5% = 9.35, rounded to 9  
Trigger for Contributions is therefore 187 - 9 = 178

Number of Units, 74 x Primary Multiplier, 0.24 = Child Yield, 17.76 rounded to 18  
Child Yield, 18 x Cost per Pupil Multiplier, £12,257.00 = Developer Contribution, £220,626.00

Current Numbers on Roll, 149 + Child Yield, 18 = Potential Numbers on Roll, 167

The Potential Numbers on Roll **do not** exceed the Trigger for Contributions.

Therefore contribution requirement would be **£0.00**

### **Secondary School Pupils**

School Capacity 600 x 5% = 30.00, rounded to 30  
Trigger for Contributions is therefore 600 - 30 = 570

Number of Units, 74 x Primary Multiplier, 0.174 = Child Yield, 12.88 rounded to 13  
Child Yield, 13 x Cost per Pupil Multiplier, £18,469.00 = Developer Contribution, £240,097.00

Current Numbers on Roll, 464 + Child Yield, 13 = Potential Numbers on Roll, 477

The Potential Numbers on Roll **do not** exceed the Trigger for Contributions.

Contribution requirement would be **£0.00**

**NOTE:** The Primary and Secondary formula multipliers are used by other Welsh local Authorities, and provide a reliable and demonstrated weighted for education contribution calculations.

## **Conclusion**

### **Primary School: Holywell, St Winefride's Catholic Primary School**

- It is our intention not to seek a Section 106 contribution.

### **Secondary School: Holywell, Ysgol Treffynnon**

- It is our intention not to seek a Section 106 contribution.

### Aura

In accordance with Planning Guidance Note No. 13 POS provision, the Council would require a commuted sum payment of £1,100.00 per dwelling and £733.00 per apartment in lieu of onsite provision. The payment would be used to enhance toddlers play provision at Fron Park play area, and Teenage recreation at Holway play area. The total sum is to be split equally between these two projects. Working with Planning Policy, we confirm that the contribution thresholds have not been exceeded for these locations.

### Clwyd-Powys Archaeological Trust (CPAT)

A heritage assessment was formerly carried out in 2013 to level 2 standard and no further work is required on the buildings. In section 10 of the heritage assessment, it was recommended that the watching brief was maintained on any ground reduction works within the area of the former workhouse due to the proximity of earlier ranges of workhouse buildings which may be revealed by works for services, drains, landscaping etc. CPAT therefore raise no objection subject to the imposition of a condition which requires an archaeological watching brief as per the recommendation.

### Welsh Water/Dwr Cymru

No response at the time of writing.

### Natural Resources Wales

No objection subject to the imposition of conditions relating to the protection and management of the ecological features identified on site.

## **4.00 PUBLICITY**

### 4.01 Press Notice, Site, Notice, Neighbour Notification

5 no. objections on the grounds of;

- Scale of development will increase flow of traffic along Chester Road

- Old Chester Road is narrow and unlit
- No pavement for pedestrian use along Old Chester Road
- Old Chester Road should be made to be 'one way'
- Increase noise

## **5.00 SITE HISTORY**

5.01 055006 Amendment to planning application No 051727 Li to include additional 1No. apartment to Block B, 12No. apartments to Block C, 5No. apartments to Block A (Chapel) and a new build residential block to include 27No. apartments, to give a total of 89 residential units. Approved 24.08.16

055008 Listed Building Application for amendment to Listed Building Consent 051728 to include additional 1 no. apartment to Block B, 12 no. apartments to Block C, 5 no. apartments to Block A (Chapel) and a new build residential block to include 27 no. apartments, to give a total of 89 residential units. Approved 23.08.16

051727 Residential development of 47no. units including part demolition of existing modern buildings, conversion of retained modern buildings into 8no. three bedroom town houses, conversion of listed buildings into 1no. four bedroom detached house (chapel) and 26no. apartments (8no. one bed and 18no. two bed) and erection of 12no. three bedroom terraced houses. Approved 14.08.14

051278 Listed Building Application - Residential development of 47no. units including part demolition of existing modern buildings, conversion of retained modern buildings into 8no. three bedroom town houses, conversion of listed buildings into 1no. four bedroom detached house (chapel) and 26no. apartments (8no. one bed and 18no. two bed) and erection of 12no. three bedroom terraced houses. Approved 14.08.14.

045131 Residential development (69 no. units) comprising the conversion of historic buildings (38 no. units) and the erection of new build dwellings (31 no. units). File closed 20.11.13

045133 LISTED BUILDING APPLICATION - Residential development (69 no. units) comprising the conversion of historic buildings (38 no. units) and the erection of new-build dwellings (31 no. units) File closed 20.11.1

## **6.00 PLANNING POLICIES**

6.01 Flintshire Unitary Development Plan  
 STR1 - New Development  
 STR4 - Housing  
 STR7 - Natural Environment



STR8 - Built Environment  
GEN1 - General Requirements for New Development  
GEN2 - Development Inside Settlement Boundaries  
D1 - Design Quality, Location and Layout  
D2 - Design  
D3 - Landscaping  
TWH1 - Development Affecting Trees and Woodlands  
L1 - Landscape Character  
WB1 - Species Protection  
HE2 - Development Affecting Listed Buildings and their Settings  
AC13 - Access and Traffic Impact  
AC18 - Parking Provision and New Development  
HSG1 - New Housing Development Proposals  
HSG8 - Density of Development  
HSG9 - Housing Mix and Type  
HSG10 - Affordable Housing within Settlement Boundaries  
SR5 - Outdoor Play Space and New Residential Development

SPGN no. 2 Space Around Dwellings  
SPGN no. 6 Listed Buildings  
SPGN no. 8 Nature Conservation and Development  
SPGN no. 11 Parking Standards

PGN no. 13 Open Space Requirements

### **Planning Policy Wales Edition 10 (December 2018)**

TAN 24 – The Historic Environment

## **7.00 PLANNING APPRAISAL**

### **7.01 Introduction**

This is a full planning application for a residential development of 89 units at the former Llesty Hospital, Old Chester Road, Holywell.

### **7.02 Site Description**

Llesty Hospital is situated to the west of Holywell town centre and is elevated above the town. It was built as a workhouse and used more recently a community hospital. The workhouse itself and the adjacent chapel and entrance buildings are Grade 2 Listed. There are a number of more modern buildings in the grounds. The site also contains the former Infirmary building which is not part of the application site and in separate ownership. The site has been vacant since the hospital closed and has fallen into disrepair prior to the change in ownership. The site has sloping topography and is therefore a prominent site in terms of the landscape setting of the town of Holywell.

**7.03** The site is located to the west of Old Chester Road and is situated in a predominately residential area with Llys Emlyn Williams and the entrance to a residential development opposite the site. To the north

is a further residential development with open land sloping upwards to the south west. To the east is the Old Infirmary building and beyond that a further residential development known as the Beeches. There is a petrol filling station on the other side of Old Chester Road and The Stamford Gate Public House off Halkyn Road to the east. The site is accessed from the south from the A5026 Halkyn Road off Old Chester Road. There is also a secondary access to the north of the site behind the former chapel off a minor road which leads to the B5121.

7.04 Proposed Development

This is a full planning application for residential use of the Lluesty Hospital site. This proposal concerns principally the conversion scheme in the Listed buildings and the new build elements that comprise the 2014 scheme and the amended scheme in 2016. The need to revisit this site is due to the lapse of the 2016 permission which expired in August 2018 despite works starting on site to repair the Listed Buildings. The Applicant therefore wishes to reinstate the permission in order to implement a scheme that was previously accepted and approved by the Council.

7.05 The new build elements in the previously approved 2014 scheme in the form of the conversion and alterations to the 1960's ward block to 8 no. three bedroom townhouses and the 12 no. new build three bedroom houses on land to the south west of the existing complex of buildings remain the same. In accordance with the 2016 scheme a new build block adjacent to the 1960's ward block in the form of additional 27 apartments over three storeys is proposed. This is in place of a car parking area which has been redistributed around the site.

7.06 The scheme involves a mixture of conversion of the existing buildings and new build creating a mix of property types. It is proposed to convert the workhouse building into apartments; one bedroom and two bedroom. The two buildings on the site frontage would be converted to 1 one bedroom and 2 two bedroom apartments. The majority of the apartments are split over 1 and 2 levels. The new three storey apartment block is three storey with a slate roof and would have a stone clad elevation to complement the other buildings on site.

7.07 This application is in duplication of the previously approved 2016 scheme and comprises the following:

- 42 no. Apartments within the converted buildings comprising a mix of one and two bedroom units;
- 8 no. three bedroom town house units;
- 12 no. three bedroom terraced house units; and
- A new build block of 27 no. apartments comprising 7 no. one bedroom units and 20 two bedroom units.

The total number of units being provided by this scheme would be 89.

- 7.08 There are no significant external changes as a result of the changes to the way the building is converted. The amendments have tried to work with the current internal layout of the building to minimise any required alterations.
- 7.09 Access into the site would be via a one way system with an entrance off Old Chester Road at the western extent of the site and the exit from an existing access between two existing buildings. 6 units would be accessed off the existing Brynford Road access; 5 apartments and the chapel. The entrance to the site would have security gates and railings designed to an agreed specification to respect the Listed Building. New paths and footways are to be provided within the site. Bin stores and cycle stores are proposed in appropriate locations for each element of the residential scheme. Due to the location of the site within proximity of Holywell town centre a cycle rack has been provided on the site. The roads and footways on the site are to be privately maintained through a management company for the site as a whole. The existing pavement on Old Chester Road is to be extended to provide safe pedestrian refuge. 122 parking spaces are provided within the site for the proposed residential units in the form of driveways and parking courts.
- 7.10 The proposed scheme would utilise the existing foul drainage which was used for the site's previous use. Surface water drainage will also utilise the existing system although site investigations have been undertaken for the use of soakaways on the site.
- 7.11 Principle of Development  
The application site is allocated within the Flintshire Unitary Development Plan for residential development. The Council produced a Development and Conservation Brief for the site in 2006 to support the UDP residential allocation under policy HSG1. This set out which buildings the Council wanted to retain and which would be supported for demolition along with identifying areas for new development. The site as a whole is allocated for 70 dwellings within policy HSG1 of the UDP.
- 7.12 The site is within Holywell which is a Category A main town within the UDP. It is considered the proposed scheme concurs with the strategic aims the Council has for this site, respecting the character of the Listed Building while providing a new use in accordance with its residential allocation. While the number of dwellings is in excess of what was initially envisaged and is only for part of the site, it is not considered to be an issue in planning terms. The site is within a Category A settlement which is a focus for growth and is within walking distance of the town centre. It is also a previously developed site. The development therefore meets the aims of Planning Policy Wales and would make a significant contribution to the housing land

supply. The number of units in itself is therefore not an issue provided the parking requirements can be met and the scheme preserves the character of the Listed Building.

7.13 Impact on Heritage Asset

The historic buildings on the site vary in age and comprise; the former workhouse, which is a cruciform building of classical proportions completed in 1840 by John Welch; a chapel in the Gothic style by John Douglas of Chester completed in 1884 and a nursing home extension in a classical style with interior elements of art nouveau completed in 1902. There are two stone faced buildings dating from the mid Victorian period of a domestic scale on the north eastern frontage of the site facing Old Chester Road. During the 20th century a number of functional brick and concrete buildings and extensions were added to serve the hospital use of the site.

7.14 A Heritage Statement has been submitted with the application which describes the character of the buildings and their attributes along with the impacts of the proposal on them. The workhouse and the chapel were Grade II Listed by CADW in 1991 as “an especially good Classical example of a former workhouse building”. It has the standard workhouse grid plan with separate courtyards for men and women with a linking central octagon. There may have been alterations in 1869 and it was enlarged to the right in 1902 with modern extensions during its hospital use.

7.15 It is proposed to demolish a number of the buildings and modern extensions. These are of little architectural merit and will assist in exposing parts of the Listed Buildings. The demolitions are therefore deemed to be acceptable. The proposed redevelopment aims to conserve historic features of the buildings and sympathetically replace missing features. Internally the building has been extensively modernised with internal partitioning and no significant features of historic or architectural significance remain. The internal layout aims to maintain the original character with the recording and preservation of any features of historic interest.

7.16 The proposed scheme aims to convert the buildings to a residential use to ensure the preservation of the buildings as heritage assets, without significantly affecting the exterior and preserving the workhouse’s appearance. This is to be achieved by maintaining the historic quadrant, retaining the front wall and sloping grassed areas, retention of external chimneys and internal staircases and limiting the number of new door openings in the external fabric, closure of existing door openings creation of new window openings and closure of existing window openings. The open spaces in the quadrant areas will be resurfaced with the introduction of new formal planting along with discrete parking areas.

- 7.17 The scheme for the conversion of the chapel proposes its conversion into 6 one bedroom units with the insertion of a floor within the building to provide 6 apartments over two floors. As this is a large building it is considered that the approved scheme converting the chapel into 1 dwelling creates a unit which is too large in terms of the market demand in this area and it does not have any private amenity space which would be expected with a 4 bedroom unit. The Victorian Society have expressed concerns about the increase in units in this building however, although there is an increase in the number of apartments within the building the impact on the external appearance of the building does not change from the consented scheme. The only changes being the insertion of roof lights in the roof of the building. It is therefore considered that current proposed option of converting the scheme into 6 units is acceptable in terms of the impact on the Listed building and achieving a viable use.
- 7.18 The workhouse building is an imposing structure and is three and four storey in places. Behind the workhouse the site slopes upwards with a significant change in levels. The retention of the ward block and its reuse assists in providing a transition between the different areas of the site and the new build properties on the elevated ground. The proposed apartment block provides an additional 27 apartments follows on this form of development providing a form of development which assists in this visual transition. The height of the block and the design has been amended during the course of the application to reduce the height of the building and to create a more simpler design which will be clad in stone, instead of the initial more modern glazing and panel clad design to be more in keeping with the character of the workhouse and its surroundings.
- 7.19 Viability  
The application is supported with a financial assessment, which argues viability implications in respect of providing affordable housing. The assessment was independently assessed on behalf of the Council by an appointed valuer in August 2019. This included a breakdown of repair and construction costs, benchmark land values and site acquisition, estimated sales and marketing values of the properties and gross development value to determine the profit to be made.
- 7.20 Members are reminded that this application is identical to the 2016 approved scheme, which is a revision of the 2014 scheme following evidenced viability concerns. The 2016 scheme was subject to a financial appraisal which concluded that any financial contributions towards S106 requirements, including the provision of affordable housing, education and public open space would make the scheme unviable. The Council accepted this position and granted permission on the basis that the requisite developer contributions would not be sought. This application highlights that development viability remains a concern, and as such would be difficult to provide affordable

housing as part of the proposed scheme. The Council therefore requested that these claims be subject to viability testing in order to confirm the reality.

- 7.21 The independent valuer acknowledges that Llesty Hospital is of significant historic importance and has been subject to neglect since 2008. In this time the listed buildings have suffered by the hands of vandals, theft, and damage from the elements due to its exposed location, impinging upon the building's structural integrity and overall setting and appearance. The development proposed would bring the site back to economic use and benefit the wider area and economy. Further to market evidence provided by local estate agents, the proposed scheme is considered to be financially viable and would produce a small profit percentage for the developer. If affordable housing were sought, then this would sway the balance in terms of whether the developer can safely commit further investment in the site. The main objective of developing this site is to realise the reuse of the Listed Buildings, which is predominately a conversion scheme with some elements of new build. Conversion schemes particularly of Listed Buildings, and notwithstanding the extensive repair work now required at Llesty, inevitably have higher build costs in comparison to conventional developments. In his opinion, the valuer concludes that enforcing the provision of affordable housing would result in a development that is financially unviable and risks the preservation of a heritage asset.
- 7.22 In considering the above viability case and the independent review, I am mindful of the position set out within PPW10 concerning up-to-date development plans, site delivery and viability. Paragraph 4.2.21 of PPW10 sets out a clear stance that it is *"for either the Applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning it are up-to-date, and any change in circumstances since the plan was adopted. Such circumstances could include, for example, where further information on infrastructure or site costs is required or where a recession or similar significant economic changes have occurred."*
- 7.23 In accordance with PPW10, it is considered that the applicant has reasonably and without obscurity demonstrated an exceptional circumstance that justifies a relaxation to the relevant policies which concern affordable housing. It is understood that in order to support the delivery of this heritage conversion and new build scheme, the Council needs to be mindful of the significant investments made by the developer to date, the economic conditions and the developer risks faced in establishing this site. I therefore consider that in the context of this application significant weight should be given to the

viability assessment for the proposed scheme for the reasons discussed.

7.24 Affordable Housing

The Council's starting point for affordable housing in accordance with policy HSG10 for allocated sites within settlement boundaries. This site raises different issues to 'normal' greenfield development sites. A significant portion of this site is the conversion of Listed Buildings which has higher cost implications in terms of the work necessary and the level of detail involved. The new build development therefore assists in funding these elements. Any provision of affordable housing is deemed to be un-viable by the developer. However it is considered that as the development would provide a mix of housing types with a significant number of one and two bedroom apartments, by virtue of the housing market in this area these would be affordable by nature. It is therefore considered that in order to achieve a scheme for the restoration of the Listed Building in light of these overriding special circumstances that no affordable housing is requested.

7.25 Impact on the Natural Environment

Extensive ecological surveys have been undertaken since 2008 as part of the previous application, with additional surveys carried out more recently to allow the commencement of repair works required on the Listed Buildings.

7.26 The area immediately around the buildings is hardstanding with some areas of amenity grass and borders with shrubs, however, most of this has now been removed. The site is bounded by a line of mature trees, bushes and vegetation from the south eastern corner around the southern boundary and along the western edge of the site to its north west corner. A number of mammal pathways were observed during the surveys, with the latest being carried out by CES Ecology in July 2019. There was no conclusive evidence of badgers on the site. The site proposed for the new build development is generally of moderate ecological value. The retention and protection of the mature and semi-mature trees and enhancement of the hedgerows as key boundary features are important in terms of maintaining connective features of the site and screening of the development. Evidence of swifts has also been noted on the site and replacement roosts should be provided. I therefore propose a condition to this effect.

7.27 Bats are a European Protected Species under the Conservation and Species Regulations 2010 (as amended). European protected animal species and their breeding sites or resting places are protected. It is an offence to damage or destroy a breeding or resting place of such an animal. A licence will be required to allow the development works and to provide the necessary mitigation. The three tests under the regulations need to be demonstrated before further licences are granted.

- 1) Regulation 53(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”. In this case the development works are for the preservation of a Listed Building which will also involve making the building safe in terms of public safety and preserving it for future generations in the public interest. There will also be social and economic benefits in terms of construction jobs created and the creation of a variety of housing types.
- 2) Regulation 53(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”. The application site is a residential allocation within the Unitary Development Plan. Alternatives to providing residential development within Holywell have been considered through the development plan process in allocating the site. There is also the requirement under other legislation to protect Listed Buildings and works are required to the building to prevent further deterioration.
- 3) Regulation 53(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.” The Listed Building is deteriorating due to vandalism and exposure to the elements. The suitability of the building as a resting place for bats is therefore declining. The restoration of the building and mitigation in the form of retention and repair to the roof space will provide a betterment and therefore improve the favourable conservation status of the bat.

7.28 Further to the works so far carried out on site, which includes the demolition of Block F, additional bat surveys and monitoring has been undertaken, with the latest Bat Survey carried out in July 2019. This concludes that Block C was the only building, of those remaining, on site at which roosting bats was confirmed. A single common pipistrelle bat was recorded re-entering a gap in the stonework in Block C during the dawn survey. No other bats were recorded to emerge from or re-enter the buildings on site. Bat activity at the site was less than that recorded during the 2018 surveys, with lesser horseshoe bats only recorded during the first dusk emergence survey. This is likely due to the demolition of Block F, which supported roosting lesser horseshoe bats in 2018. This building and the attached Link Room have been demolished under licenses granted by NRW ref S086181/1 and S086181/2, respectively. These licenses covered works to Block F and the Link Room only. Passes by common pipistrelle, soprano pipistrelle and noctule were recorded at the site. Due to the ‘open’



nature of the buildings on site it is considered that bats can, and probably do continue to roost in a very transient way in most, if not all, of the buildings on site. This is particularly true for the pipistrelle species which are most numerous around the site. None of the roosting recorded on site are considered to include maternity roosts.

- 7.29 Further to the Conservation and Species Regulations 2010 (as amended), a licence amendment from NRW will be required and must be obtained before disturbing works take place at Blocks A, B, C, D and E.
- 7.30 Following the recommendations, a dedicated stand-alone bat barn will be provided for lesser horseshoe bats in the proposed bat mitigation area, located on land to the north of the proposed new build Block H. This structure will provide roosting opportunities for both hibernating bats and maternity roosting. Twelve Schwegler 2F bat boxes will be erected on trees within the bat mitigation area and two habitat boxes will be installed in the southern gable walls of the new Blocks F, G and H to provide roost sites for pipistrelle species at the site. The County Ecologist and NRW raise no objection to the proposed mitigation measures, however request conditions are imposed to ensure the works are carried out in accordance with the approved strategy and Licence statement, including details of the long term management of the Bat Barn and associated habitats.
- 7.31 A Tree Survey was undertaken in September 2013 in accordance with BS5837. None of the trees on site are covered by a Tree Preservation Order. The tree cover on the site is principally peripheral. The survey assessed the condition of the trees on the site and considered whether they were worthy of retention or required removal. The report recommends tree protection measures are undertaken to avoid damage to the retained trees during construction. These can be conditioned. A landscaping scheme has been drawn up for the whole site.
- 7.32 Highways & Parking  
The site would have historically had significant traffic generation associated with its use as a hospital. The 2016 scheme which originally increased the consented units to 89 from 47, provided a transport assessment which was undertaken by SCP Transportation Planning. Amendments to this were made during the course of the application following discussions with highways. Given this application is identical with the 2016 scheme which no changes to access and parking arrangements, the same Transport Statement has been provided in support.
- 7.33 Due to the presence of Listed Buildings on the site and the desire to retain them, this has implications for what can be achieved in terms of the internal road layout and any external highway improvements. In addition, due to the topography of the site and the location of the

buildings the proposed layout of the internal access roads does not conform to the requirements for adoptable public highway, therefore these would remain in private ownership. I therefore propose to secure the management and maintenance of the internal roads and footways by way of a Management Company through S106 Legal Agreement.

- 7.34 It is proposed to provide a new length of footway along the frontage between blocks A and E and to change the roundabout junction at the entrance to Yr Aber to a T junction. Provision of the footway will enable the existing road junction (adjacent to block A) to be modified resulting in significant improvements to visibility. This can be provided through a S278 highway agreement.
- 7.35 The existing wall fronting the site severely restricts the visibility of drivers existing the main access. It is therefore proposed to use this as an entrance only, with the exit via an existing access located between Blocks E and D. Visibility from this exit is restricted but can be improved to an appropriate 2.4 x 43m. It is proposed to improve visibility from the existing access point (adjacent to Block A) by setting back the wall which achieves a visibility splay of 2.4 x 43m. There is no objection to the use of Brynford Road for the limited number of units.
- 7.36 122 parking spaces are proposed. Given the location of the site and the sustainable travel measures proposed this is considered to be acceptable and in accordance with Policy AC18. A condition requiring the submission of a Travel Plan and Transport Implementation Strategy have been imposed to ensure that these measures are put in place. The Highways Authority therefore confirms that there is no objection to the proposed development subject to conditions.
- 7.37 Furthermore, I note objections raise concerns of increased noise and disruption as part of the construction phases on site. The Highway Authority would otherwise request the submission of a Construction Traffic Management Plan for developments located within built up areas, or have the potential to cause undue disruption and nuisance. The Applicant recognises that this would be a concern and has therefore sought to allay such concerns by providing a Construction Traffic Management Plan as part of the submitted information. As such this plan seeks to control and minimise disruption where possible and aims to engage with the local community by providing a newsletter to the immediate surrounding residential properties to the site. The newsletter would inform residents of the proposed works in accordance with the phase of development and will provide residents with an opportunity to raise their concerns. The Highways Authority raises no objection to the proposed Plan provided.
- 7.38 Public Open Space

Local Planning Guidance Note 13 requires developments for 25 dwellings or more to provide the minimum of 56.65 square metres of open space per dwelling. In this instance due to the nature of the site and the limited amount of open land this is not achievable. The 2016 scheme agreed to put forward the sloping land to the south east of the development site as use for residents for informal recreation. This would be the land located beyond the new build block H. However, as discussed above, this land has now been committed as the bat mitigation area and is proposed to house the bat barn. It is therefore considered that the use of this land as informal public open space (POS) for the purposes of dog walking and free play would not be compatible with the safeguarding nature of ecological mitigation. To use this area as informal POS would be detrimental to how this area functions and will cause unacceptable disturbances to the species it seeks to provide refuge for.

7.39 With reference to Viability, the applicant's financial assessment only refers to the provision of affordable housing having a detrimental impact on the feasibility of the development. I therefore consider it appropriate to request a commuted sum of £1,100.00 per dwelling and/or £733.00 per apartment. This is in accordance with Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where on site provision is not possible. I am informed that the total sum is to be equally split to improve toddler play provision and teenage recreation at Fron Park and Holway Play Area, Holywell. The commuted sum will be secured by the proposed Section 106 agreement.

7.40 S106 and CIL Compliance

The infrastructure and monetary contributions that can be required from proposals have to be assessed under the Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Welsh Office Circular 13/97 'Planning Obligations'. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, if the obligation does not meet all of the following Regulation 122 tests:

1. Be necessary to make the development acceptable in planning terms;
2. Be directly related to the development; and
3. Be fairly and reasonably related in scale and kind to the development.

7.41 An off-site commuted sum of £1,100.00 per dwelling and £733.00 per apartment unit in lieu of on-site provision. The total sum is to be equally split to improve toddler play provision and teenage recreation at Fron Park and Holway Play Area, Holywell. This is in accordance with Planning Guidance Note 13: Open Space Requirements which requires off-site open space contributions where on site provision is

not possible. There have not been 5 contributions towards these projects to date.

7.42 It is considered that this meets the Regulation 122 tests.

## **8.00 CONCLUSION**

It is considered that the proposed scheme provides a scheme of conversion and new build which will provide a long term viable reuse of the Listed Buildings without significantly comprising the historic character of the Listed Buildings. The proposed scheme will also deliver a housing allocation in the UDP and will contribute to the housing land supply in a sustainable location.

### **8.01 Other Considerations**

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

### **LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents  
National & Local Planning Policy  
Responses to Consultation  
Responses to Publicity

**Contact Officer:** Katie H Jones  
**Telephone:** (01352) 703257  
**Email:** [katie.h.jones@flintshire.gov.uk](mailto:katie.h.jones@flintshire.gov.uk)