

**FLINTSHIRE COUNTY COUNCIL**

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

**DATE:** **28<sup>TH</sup> October 2020**

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

**SUBJECT:** **RESIDENTIAL DEVELOPMENT INCLUDING 15 NO. NEW HOUSING UNITS AND THE CHANGE OF USE/CONVERSION OF THE FORMER INFIRMARY WING INTO 14 NO. APARTMENTS AT LLUESTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL**

**APPLICATION NUMBER:** **061230**

**APPLICANT:** **B.A.K BUILDING CONTRACTS LTD.**

**SITE:** **INFIRMARY WING, LLUESTY HOSPITAL, OLD CHESTER ROAD, HOLYWELL**

**APPLICATION VALID DATE:** **26<sup>TH</sup> MAY 2020**

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

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

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

**SITE VISIT:** **NO**

**1.00 SUMMARY**

1.01 This is a full planning application for the change of use of the former Llesty Hospital Infirmary building to provide 14 no. self-contained residential units, 15 no. new build residential units with the total development providing 29 no. residential dwellings together with associated landscaping and infrastructure on land at Llesty Hospital, Old Chester Road, Holywell.

Members are advised that a previous application ref 057006 was brought before the planning committee on the 3<sup>rd</sup> April 2019 where it

was resolved to grant planning permission subject to conditions and the completion of a S106, securing obligations for affordable housing, financial contributions to public open space and the provision of a management company. The site has since changed ownership which resulted in a review of the S106 obligations whereby the Applicant evidenced that the obligations set would render the development unviable. As the S106 could not be agreed or completed, the Council regrettably had no option but to refuse the application as the scheme could not be implemented.

The Applicant has since resubmitted the same scheme for consideration with the addition of viability, which has been evidenced and independently assessed by the District Valuer on behalf of the Council. As such affordable housing provision and financial contributions towards public open space are not sought as part of this resubmission.

Whilst the lack of support to affordable housing and public open space is disappointing. Developers and Housebuilders alike are continuing to face increased challenges in development viability, more so in light of the unprecedented circumstances of Covid-19 and the significant impact this has had on both the local and national economy. We must therefore finely balance the merits of proposals to ensure any harm or loss is outweighed. As such it is considered that the proposed development provides a scheme of conversion and new build which will provide an alternative, long term reuse of a curtilage listed building, without significantly comprising the historic character and appearance of the Heritage Asset, Lluesty Hospital. In addition, the proposed scheme will deliver a housing allocation within 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:

1. Provide that a Management Company is incorporated for the management and future maintenance of the estate roads and footways, communal landscaping areas and the long term maintenance of the Bat Conservation Area.

Conditions

1. Time Commencement
2. In accordance with Plans
3. Materials of all external finishes
4. Hard and Soft Landscaping Scheme and Implementation

5. Contaminated Land Investigation
6. Level 3 Building Survey
7. Scheme of mitigation for House Martins and Swifts
8. No works to take place during the bird nesting season unless otherwise agreed
9. Detailed scheme for the re-alignment of the Chester Road/Halkyn Road Junction subject to S278 Agreement of the 1980 Highways Act
10. No dwelling to be occupied until all works are completed per agreement
11. Siting, layout and design of means of site access in accordance with details to be submitted and approved
12. Detailed scheme for the provision of site access
13. The works associated with forming the means of the site access shall be kerbed and completed to the carriageway
14. Visibility splays of 2.4m x 43m
15. Visibility splays to be made available and kept free from obstruction during site construction work
16. Facilities to be provided for parking and turning
17. Garages to be set 5.5m from the footway
18. Detailed layout, design, means of traffic calming and signing, surface water drainage, lighting and construction of internal estate roads
19. Positive means to prevent surface water run-off onto the highway
20. Gradient of the access from the edge of the existing carriageway and for a minimum of 10m shall be 1 in 24 and a maximum of 1 in 15 thereafter
21. Construction Management Plan
22. Full Travel Plan
23. Transport Implementation Strategy
24. Scheme for the removal of surface water
25. Prevention of surface/land water directly or indirectly entering Public Sewerage Network.
26. Conservation conditions (window construction, rainwater goods, etc)

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 P Johnson

I have no objections to this this development. My views are the same as for the previous application on this site, that this will be a significant and welcome development at this end of Holywell. As previous, I

have concerns in respect of the capacity for the road junction where Old Chester Road joins Halkyn Road, and about this traffic joining a 40mph Road where there is also a traffic joint the road from the Stamford gate Hotel, the service station and the junction with Milwr Road. I and local residents living along Old Chester Road do not want this road to become a rat run into Holywell as it does not have the capacity to do so. I am sure that these highway issues can be addressed as the application is progressed, but they do not take away from my support for the overall scheme.

Holywell Town Council

No objections raised.

Head of Assets and Transportation

In relation to highway matters, the application appears similar to that previously submitted as 057006. The following is an extract from a response dated 8 November 2018; the comments, the request for a S106 agreement and the recommended conditions remain relevant and carried forward in response to the current application:

I have previously raised concern that the full extent of the proposed layout does not lend itself to highway adoption and have suggested that the extents of adoption should be to the rear of Plot 3 and alongside Plot 12. This has been discussed and agreed with Engineer's working on behalf of the applicant; minor modifications to the road/footway road layout will be required but could be covered by condition.

It is expected that maintenance responsibilities on other roads and footways would be the responsibility of a Management Company; a Section 106 agreement will be required to ensure this.

No objection subject to the completion of S106 and the imposition of conditions.

Head of Public Protection

No objection in principle, however the site has an extensive historical use as a Work House and Hospital and there are also gas works on site. There could also be asbestos present in the building fabric. In addition, the site is in an area which includes extensive lead mining history. Therefore the imposition of a condition requiring a contaminated land investigation is requested.

Welsh Water/Dwr Cymru

Welsh Water raises no objection subject to the imposition of the conditions as below:

- No development shall commence until a scheme for the removal of surface water contributing area to offset the anticipated peak foul flows associated with the proposed

development is submitted to and approved in writing by the Local Planning Authority. No dwellings/apartments shall be occupied until the agreed scheme has been completed in full.

- No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

#### Clwyd-Powys Archaeological Trust (CPAT)

The 1913 Edwardian Infirmary building is not in itself listed, but included within the curtilage of the Lluesty Hospital Grade II Listed Buildings. The application is for the conversion of the Infirmary to residential use and there are some satellite structures that are to be demolished including two unrecorded WWII period air raid shelters. These buildings were not included in the original 2013 heritage assessment and are therefore currently unrecorded. While we have no objection to the proposals there will inevitably be some loss of original fabric, fixtures and fittings relating to the former use as an infirmary and it would be useful to obtain a record of the structure in its near original and prior to any development taking place. In addition the removal of the WWII air raid shelters will result in their total loss and these should be fully recorded before they are demolished. This advice is in accordance with PPW and TAN24 The Historic Environment.

We therefore recommend that a study of the infirmary and air raid shelters is completed prior to conversion, which includes a detailed photographic and written descriptive record. In this case the equivalent of a Historic England Level 2 survey of the building is advised, and it is therefore kindly requested that a condition is imposed to this effect.

#### Natural Resources Wales

NRW confirms that they raise no objection to the proposal subject to the long term maintenance of the bat conservation area including monitoring is safeguarded by an appropriate management company secured by a S106 legal agreement.

#### Housing Strategy

Holywell is an area of significant housing need so it is disappointing the site may have viability issues.

Current housing need figures are (as at 1<sup>st</sup> October 2020)

	1bed flat	2bed flat	2 bed house	3 bed house	4+ bed house	1 bed bungalow	2 bed bungalow
SARTH social rent	217	35	61	7	29	20	16
Tai Teg intermediate rent			6	6			
Tai Teg affordable ownership			2	4			

The specialist housing register (wheelchair/ level access/ larger properties) also demonstrates the need for:

- 1 x 1 bed wheelchair property
- 1 x 2 bed wheelchair property
- 1 x 6 bed + property

Due to the levels of demand we would support the original provision of 4 gifted units. In light of the viability issues it is disappointing that gifted units are no longer possible. However, as noted within the applicant's submission, recognition should be given to the fact that in the absence of affordable social housing onsite, the applicant is offering units in accordance with the help to buy scheme with a clear focus towards first time buyers.

#### Education

The following primary, St Winefride's and secondary, Ysgol Treffynnon would be within the catchment area of the proposed development. However through consultation, the Education Department confirm that the proposal will not trigger the need for contributions for either primary or secondary. Therefore no contributions are requested.

#### 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 (£733.00 per dwelling if affordable and/or apartments) 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.

## **4.00 PUBLICITY**

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

The application was advertised by way of press and site notice.

No representations in objection have been made in respect of the application.

1 no. letters of support.

## **5.00 SITE HISTORY**

5.01 057006 - Residential development including 15No. new housing units and the change of use/conversion of the former Lluesty Hospital Infirmary Wing into 14No. Apartments. Refused 06.04.20

In addition to the above, the following history relates to the remainder of the site which comprises the Lluesty Hospital Complex:

059663 - Repair and refurbishment of vacant historic (listed) former hospital buildings, with associated new build houses/apartments to create a total of 89 dwellings. Approved 14.05.20

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 th 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 20.11.13

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Unitary Development Plan**

STR1 New Development

STR4 Housing

STR 7 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

WB1 Species Protection

HE2 - Development Affecting Listed Buildings and their Settings

HE8 Recording of Historic Features

AC13 Access and Traffic Impact

AC18 Parking Provision and New Development

HSG1 (11) New Housing Development Proposals – Lluesty Hospital

HSG8 Density of Development

HSG9 Housing Mix and Type

HSG10 Affordable Housing within Settlement Boundaries

SR5 Outdoor Play Space and New Residential Development

EWP3 Renewable Energy in New Development

EWP14 Derelict and Contaminated Land

SPGN no. 2 Space around Dwellings

SPGN no. 3 Landscaping

SPGN no. 6 Listed Buildings

SPGN no. 8 Nature Conservation and Development

SPGN no. 9 Affordable Housing

SPGN no. 11 Parking Standards

SPGN no. 23 Developer Contributions to Education

PGN no. 13 Open Space Requirements

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

TAN2: Planning for Affordable Housing

TAN5: Nature Conservation and Planning

TAN12: Design

TAN18: Transport

TAN24: The Historic Environment

## **7.00 PLANNING APPRAISAL**

7.01 Introduction

This is a full planning application for the change of use of the former Llesty Hospital Infirmary building to provide 14 no. self-contained residential units, 15 no. new build residential units with the total development providing 29 no. residential dwellings together with associated landscaping and infrastructure on land at Llesty Hospital, Old Chester Road, Holywell.

7.02 Site Description

The Llesty Hospital complex is situated to the west of Holywell town centre, elevated above the town. It was built as a workhouse and used more recently as a community hospital. The workhouse, the adjacent chapel and entrance buildings are Grade II Listed. There are a number of more modern buildings within the grounds, many of which are likely to be the result of ensuring the site could function and accommodate the demands of a working hospital. The site also contains the former Infirmary building which is subject to this application. The site has been vacant since the hospital closed and has fallen into disrepair prior to purchase. The site has sloping topography and is therefore a prominent in terms of the setting of the town of Holywell.

7.03 The application site extends for 0.74ha and 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 south is 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 A5026 Halkyn Road off Old Chester Road.

7.04 The application site consists of part of the Former Llesty Hospital and contains the Edwardian Infirmary Wing of the former hospital and two air raid shelters together with associated roads and car parking. There are numerous retaining wall structures within the tiered site as the land rises from the road frontage to the rear. The existing building is vacant, as is the surrounding site, and all is semi-derelict as the fabric continues to deteriorate. The existing building is constructed from loadbearing masonry walls with reinforced concrete floors/support beams and traditional pitched roofs from timber king-post trusses finished with natural roofing slate. External walls are from red stock/pressed facing brickwork with terracotta and dressed stone features.

7.05 The building takes the form of a central three storey structure with two storey linear wings at each end. Due to the sloping topography of the site the west wing contains semi basement/lower ground floor accommodation. During the building's latter day use as a hospital

extensions and additions were added the majority of which have a negative effect upon the historic and architectural interest of the original building. This is particularly the case with lift shafts and disposal installations to the road frontage elevation but beneath these the composition and decorative quality of the existing building remains and can be appropriately re-established.

7.06 Proposed Development

This is a full planning application for residential use of the Infirmary building and surrounding land which contributes to the wider Lluesty Hospital site.

7.07 The proposal comprises the change of use/conversion of the former 'Infirmary Wing' situated to the west of the Grade II Listed Buildings on the adjacent site. The conversion will lead to the creation of 14 no. self-contained residential units, with a mix of 2 and 3 bedrooms over three floors with the benefit of a basement at ground level providing services to the building, bin store and management store. To compliment the conversion 15 no. new build units are proposed in the form of staggered terraces to the front and side of the Infirmary Wing. The proposed new build units will also provide a mix of living accommodation, with the delivery of 5 no. 2 bedroomed dwellings and 8 no. 3 bedroomed dwellings, over two and three stories.

7.08 The Infirmary Wing has been considered suitable for conversion and in doing so, the proposal aims to re-establish the composition and decorative quality of the existing building, introducing a focal entry point to the front elevation to give the building a sense of place. This is achieved by removing the extraneous previous extensions and additions, such as lift shafts, external staircase and waste disposal chutes, in order to return the roofscape, fenestration and dressed stone/terracotta features to the symmetry of the original building. The elevation facing the site frontage is further enhanced with the introduction of a new central main entrance with radial external staircases creating a central focal point giving access to the elevated entrance level.

7.09 The composition of the rear elevation is similarly re-established but the two, two storey side wing extensions are rebuilt to replicate the style and composition of the existing main building. The redundant chimney stacks are to be retained as part of the conservation scheme. Conservation style rooflights are to be introduced to the side wing roofs to maximise the effective internal use of the existing roof spaces.

7.10 Internally the building lends itself to conversion with minimal structural alteration allowing the apartments to integrate within the existing structure and without the need for additional fenestration. The proposals, therefore, include for the removal of previous extraneous extensions and additions to return the former Infirmary

Wing to its original form and for the refurbishment and conversion into 14 no. apartments.

- 7.11 The new access road off Old Chester Road is positioned to further emphasise the new central main entrance to the existing building while acknowledging the highway visibility splay requirements. The road rises into the site and branches off as a spine road to serve the existing building and the new housing units. The footpaths to both sides of the new access road, and the new footpath along the site frontage, will be bounded by stone retaining walls.
- 7.12 It is proposed to remove the existing road frontage retaining wall and to reclaim and reuse the stone to reconstruct the wall in its new position. The Flintshire County Council “Lluesty Hospital Development and Conservation Brief”, dated February 2007, acknowledges that site boundaries and access points may need to be adapted or newly created, and states that should this prove necessary it should be carried out so that the character of the site is maintained. It is considered that the use of stone walling along the new road frontage and to both sides of the access road will maintain this site character.
- 7.13 The topography of the site allows for split level housing units along the road frontage taking advantage of the aspect and views across the Dee Estuary but without overly compromising similar views from the existing building behind. This split level allows principal entrances to be at mid-floor level to the rear and also for the provision of car parking as a discreet parking court along the rear of the building. Through the removal of the two derelict air raid shelters further housing units are introduced to effectively extend the built form at both ends of the existing building. These units have their own dedicated car parking spaces and are accessed from the internal spine road.
- 7.14 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 (11). This set out which buildings the Council wanted to retain and which would be supported for demolition along with identifying areas for new development.
- 7.15 The site as a whole is allocated for 70 dwellings within policy HSG1 (11) of the UDP. 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 considered that there are a number of significant matters to be considered in the overall planning balance.

7.16 Firstly 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 and the proposal seeks to regenerate a highly visible large derelict building which is part of the curtilage listing of the wider 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 proposed does not present a level of density which is unacceptable within the character of this location, and as the scheme removes buildings within the site of lesser architectural merit and preserves the bespoke architectural character of the curtilage building in association with the adjacent Listed Buildings and their setting, it is considered that the principle of the proposal is acceptable.

7.17 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 the District Valuer in July 2020. 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.

7.18 Members are reminded that this application is identical to the 2019 approved scheme ref 057006. The Agent on behalf of the applicant and landowner at the time of the previous application made assurances to the Council that the triggered developer contributions could be provided without impacting the viability of the overall development. The Council took this on good faith and given the assurance provided had no reason to doubt the applicant.

7.19 The site has since changed ownership, with another 12 months passing since any works or attention has been made to the subject building. The new applicant/landowner reviewed the pending s106, with the intention of completing the agreement in accordance with the resolution made by committee on 3<sup>rd</sup> April 2019. However, it was then evidenced by the Applicant that the obligations set would render the development unviable. As the S106 could not be agreed or completed, the Council regrettably had no option but to refuse the application ref 057006 as the scheme could not be implemented.

7.20 The Applicant has since resubmitted the same scheme for consideration with the addition of viability, which has been evidenced and independently assessed by the District Valuer. As such affordable housing provision and financial contributions towards public open space are not possible as part of this resubmission.

- 7.21 For members information, the impact of viability towards this scheme of both conservation and new build will mean that the Council will not receive £26,762.00 to public open space previously allocated to Fron Park play area, and will result in the loss of 4 no. gifted units as the affordable housing provision, previously agreed with Housing Strategy.
- 7.22 The District Valuer acknowledges that the Infirmary Wing of the Llesty Hospital complex is of significant historic importance and has been subject to neglect since 2008. In this time the curtilage listed building has 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 curtilage 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 the Infirmary Wing, inevitably have higher build costs in comparison to conventional developments. In her opinion, the valuer concludes that enforcing the provision of affordable housing and public open space commuted sums would result in a development that is financially unviable and risks the preservation of a heritage asset.
- 7.23 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."
- 7.24 In accordance with PPW10, it is considered that the applicant has reasonably demonstrated an exceptional circumstance that justifies a relaxation to the relevant policies which concern affordable housing and public open space contributions. 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 climate, more so in terms of the unprecedented circumstances of Covid-19 and the significant impact this has had on both the local and national economy, and the developer risks faced in establishing this site.

7.25 I understand that the absence of affordable housing on this scheme is disappointing, however the inclusion of such would mean that the Infirmary Wing will not be developed, no investment will result in the building being left to decline further with its legacy slowly eroding from Holywell's Landmark History. I understand that there is a need for affordable housing, but I am also mindful that affordable homes should be viewed in terms of both the availability of affordable open market property for those who do not meet the criteria of the register and the accessibility of affordable social homes managed by RSLs and the Council alike. In the absence of affordable social units, the Applicant has expressed that the proposal will include the 'help to buy' schemes, with the majority of their business model focusing on the first time buyer, those that are equally in need of affordable homes. There should be some comfort in this, in addition to the Applicant's clear intention to develop this allocated site despite its heavy costs towards conservation.

7.26 In the context of this application, I consider that significant weight should be given to the viability assessment for the proposed scheme for the reasons discussed.

7.27 Structural Integrity

As a prerequisite to development proposals the structural integrity of the deteriorating existing building needed to be established to determine the viability of its reuse. A structural inspection was carried out by Bingham Rawlings Partnership Limited and a copy of their Report dated 28 July 2016 is included with the documentation in support of this planning application.

7.28 The Structural Report confirms that, although in a partly dilapidated state, the existing building appears to be structurally sound with all walls and floors in a good structural condition. The roof requires complete overhaul but remains structurally sound. Overall, the existing building appears structurally sound and suitable for conversion into domestic dwellings.

7.29 Heritage Asset(s)

The Llesty site contains a complex of historic buildings that relate to the original use of the site as a workhouse and later as a hospital. Two of these buildings are designated as Grade II Listed buildings whilst other buildings and structures are protected by virtue of their association with the designations and due to their location within the curtilage of the hospital. The Infirmary Building is such a building and

is therefore treated with the same level of importance as that of the Listed Buildings adjacent to the application site. Due to the historic importance of the overall site, Flintshire County Council produced a Development and Conservation Brief in February 2007 to provide background information on the site and to identify opportunities and constraints for new development, whilst preserving and enhancing the special character of the site.

- 7.30 The Infirmary wing was built in 1913 of stock brick and pressed brick facings with some terracotta features. It is evident that terraces of lawn retained by capped stone walls were also built in front of the wing at this time probably to be used as a sitting out and convalescence area for patients. There are two WWII air raid shelters in the vicinity of the building which will be demolished as part of the enabling works for the proposed scheme. Whilst this amounts to a loss of the historic fabric, it is considered that these elements did not form part of the 2013 records undertaken on site. CPAT confirm that they have no objection to the loss of the shelters, but do request the imposition of a condition which includes the photographic recording of the shelters prior to their removal.
- 7.31 It is proposed to demolish the modern extensions. These are of little architectural merit and will assist in exposing parts of the Building. The demolitions are therefore deemed to be acceptable.
- 7.32 The proposed redevelopment aims to conserve historic features of the buildings and sympathetically replace missing and redundant features. Internally the building has been largely modernised with little to no significant features of historic or architectural significance remaining. The proposed scheme aims to convert the Infirmary building to a residential use to ensure its preservation without significantly affecting the exterior and preserving the relationship with the adjacent Listed Buildings of the Lluesty Hospital site. This will be achieved by retaining the front wall and sloping grassed areas, retaining the external chimneys and internal staircases and limiting the number of new door openings in the external fabric, closure of existing door openings, retention of all original Edwardian windows, retention of the existing lead dormers to the roof and the use of cast iron rainwater goods. The open spaces will be resurfaced with the introduction of new formal planting along with discrete parking areas to the rear. The conversion of the Infirmary building to residential use is therefore considered to be acceptable.
- 7.33 The proposed development of the current car park site in front of the Infirmary was considered within the Development and Design brief. The conclusion was that this could have a negative impact upon the setting of the Edwardian building behind and the brief suggests that new build development should instead be located adjacent to the former Grade II Listed Workhouse buildings. However given the Infirmary's substantially tall and wide form and considering its

position on the elevated rear section of the site it is considered that there is scope for complementary residential development on the car park site, providing that this is designed in a way to complement the existing group of buildings. In agreeing to this additional proposal it should allow the overall development to work financially and ensure that the Edwardian Infirmary is subject to a high quality restoration scheme that will see the safeguarding of the building's historic fabric. It is considered that the proposed semi-detached and terrace house types are acceptable in design terms.

7.34 Ecology

The application is supported by a number of assessments undertaken by Clwydian Ecology; the assessment pack comprises a Protected Species Report (2016), Bat Activity Survey (2018) and Bat Mitigation Report (2018). In addition to this, due to their age, NRW requested an additional study in the form of a Bat Conservation Plan (2020).

7.35 The 2016 report confirms lesser horseshoe bats (3) are located within the darker rooms and the lift shaft, to include a *Myotis* sp hibernating within a wall cavity in the basement. Bat droppings occur within several areas of the building on all levels and although the building is deteriorating there are still opportunities for bats such as the enclosed chimneys.

7.36 The activity surveys undertaken on the 28<sup>th</sup> July and 24<sup>th</sup> August 2018 records small numbers of a variety of species using the site; Brown Long Eared (BLE), *Myotis* sp, Lesser Horseshoe and Common Pipistrelle bats. The mitigation put forward is considered to be acceptable in principle. It involves a loft space with insulation at ceiling level, traditional sarking roof felt and an entrance to the rear. Where possible the re-use of existing timbers is desired, as BLE bats are notoriously difficult to mitigate but will use sites with existing or old timbers. The Lesser Horseshoe night roost building is acceptable as are the proposed bat boxes. The artificial hibernaculum will require a more detailed specification to ensure the cool temperatures with the right humidity.

7.37 There have been ongoing discussions between NRW and the Council (County Ecologist and Case Officer) in order to resolve the objections NRW raised with regards to the long-term conservation of bats. Whilst the applicant provided information, the detail was not accepted by NRW. However, through positive engagement with all parties, I together with the County Ecologist proposed that the long term site conservation management plan including surveillance, site management, monitoring and wardening is covered by an appointed management company which would be secured by S106. The Applicant agreed this approach in their amended Bat Conservation Plan.

7.38 Therefore providing the works are undertaken in line with the Mitigation Scheme then the “maintenance of the favourable conservation status” of the species present will be maintained. NRW confirm the mitigation and the overall approach of the proposed reasonable avoidance measures are acceptable and therefore remove their objections.

7.39 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 undertake the development works and to provide the mitigation. The three tests under the regulations need to be demonstrated before a licence is 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 heritage asset 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 mix of house 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 buildings within their curtilage pre 1948, works are therefore required 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 building is deteriorating due to vandalism and exposure to the elements. The suitability of the building as a resting place for bats is therefore also 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(s) species identified. Furthermore, The 2016 report confirms “evidence

of nesting birds” within the building. Prior to development it would need to be demonstrated where the swifts and other birds, including possibly house martins nest, how disturbance of these nests can be avoided and how they can be accommodated in the converted buildings. It has therefore been agreed that mitigation for nesting House Martins and Swifts can be appropriately conditioned.

7.40 Highways

Vehicular and pedestrian access into the existing site is either from the adjacent former hospital complex, now under separate ownership, or via a narrow road entry point to the east of the main road frontage adjacent to the Old Chester Road/Halkyn Road junction. Land ownership and highways safety issues renders both of these unviable for the purposes of site access, therefore a new road access point onto Old Chester Road has been included.

7.41 The new road junction has been positioned to allow for a 2.4m x 43m visibility splay which would be necessary when joining Old Chester Road within its 30 mph speed limit restriction. In conjunction with the new access road a footpath has been introduced along Old Chester Road. The new central access road leads onto a transverse spine road giving access to car parking for the site frontage housing and to the parking court for the apartments within the converted former hospital building.

7.42 In accordance with SPGN no. 11 Parking Standards, the 2 and 3 bedroomed dwellings are to be provided with a minimum of 2 no. off road car parking spaces, and 21 no. spaces are proposed in total for the 14 apartments within the Infirmary Building. In addition to parking, cycle parking and storage is proposed to facilitate 8 cycles. The application site is accessible by a range of transport methods including private and public transport. Bus stops are available in Halkyn Road and Ffordd Milwr all of which are only a few minutes walk away.

7.43 The Highways Authority previously raised concern regarding the full extent of the proposed layout not lending itself to highway adoption, and have suggested that the extent of the adoption should be to the rear of plot 3 and alongside plot 12. This has now been resolved by the Applicant, with only minor modifications to the road/footway road layout required, however such details can be appropriately conditioned. The Highway Authority therefore raises no objection to the development subject to the imposition of conditions and the proposed legal agreement requiring the maintenance of the estate roads and footways as the responsibility of a Management Company.

7.44 Residential Living Conditions of neighbouring occupiers

Whilst the application has not received any representations, it is still necessary to ensure the residential living conditions of both existing

and future occupiers is safeguarded and maintained. The site layout as shown indicates that there would be separation distances in excess of the standards set out in SPGN no.2 Space Around Dwellings, between existing dwellings on nearby residential areas, such as The Beeches and any apartment units within the Infirmary and new properties on the site. It is not considered that there would be any significant impact on residential living conditions from the new development when completed.

7.45 Planning conditions can be imposed which attempt to control any potential disruption to nearby residential areas during the construction phases, such as the proposed Construction Traffic Management Plan. It is therefore considered the proposal does not significantly impact on the residential living conditions of neighbouring occupiers.

7.46 Residential Living Conditions for future occupiers

The space within the new scheme enables private garden areas and parking areas to be provided. This ensures adequate levels of useable outdoor space and parking for any future residents. In terms of interface distances between proposed dwellings within the site these broadly meet the requirement of the SPGN. The site is sloped and the layout and design of the new housing reflects that and the dwellings have been laid out either side of the infirmary building to minimise overlooking. It is therefore considered that the proposal would provide a sufficient amount of privacy within the dwellings and garden areas to allow the future occupiers to enjoy a reasonably undisturbed level of living conditions.

**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.

The relevant issues arising from the proposal have been addressed and I therefore recommend that planning permission is granted subject to conditions and the completion of a legal agreement as set out within paragraph 2.01 of this report.

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)**