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**Date: 22nd September 2022**

To Whom It May Concern,

A multi-locational meeting of the **Planning Committee** will be held in the Council Chamber, Penallta House, and via Microsoft Teams on **Wednesday, 28th September, 2022 at 5.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided on request.

Members of the Public or Press may attend in person at Penallta House or may view the meeting live via the following link: <https://civico.net/caerphilly>

This meeting will be live-streamed and a recording made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals present and/or speaking at Planning Committee will be publicly available to all via the recording on the [Council website](#).

Interested parties may make a request to speak in regard to any item on this agenda. To obtain further details on this process please contact the Committee Clerk [barrerm@caerphilly.gov.uk](mailto:barrerm@caerphilly.gov.uk).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

**Christina Harrhy**  
CHIEF EXECUTIVE

## A G E N D A

Pages

- 1 To receive apologies for absence.

A greener place Man gwyrddach



2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

- 3 Planning Committee held on 10th August 2022. 1 - 2

To receive and consider the following report(s): -

- 4 Application No. 19/0787/COU - Ruperra Castle Estate, Rudry Road To Craig Llan, Rudry. 3 - 48
- 5 Application No. 19/0788/LBC - Ruperra Castle Estate, Rudry Road To Craig Llan, Rudry. 49 - 76
- 6 Application No. 19/0789/COU - Ruperra Castle Estate, Rudry Road To Craig Llan, Rudry. 77 - 100
- 7 Application No. 19/0790/LBC - Ruperra Castle Estate, Rudry Road To Craig Llan, Rudry. 101 - 122
- 8 Application No. 21/0877/FULL - Fair View Garage, Woodland Place, Pengam, Blackwood, NP12 3QX. 123 - 142

**Circulation:**

Councillors M.A. Adams, Mrs E.M. Aldworth (Vice Chair), A. Angel, R. Chapman, N. Dix, G. Ead, J.E. Fussell, A. Hussey, D. Ingram-Jones, B. Miles, M. Powell, R. Saralis (Chair), J. Taylor, S. Williams, A. Whitcombe and K. Woodland

And Appropriate Officers

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## PLANNING COMMITTEE

### MINUTES OF THE MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 10TH AUGUST 2022 AT 5:00 PM

#### PRESENT:

Councillor R. Saralis – Chair  
Councillor E.M. Aldworth – Vice Chair

#### Councillors:

M. Adams, A. Angel, R. Chapman, G. Ead, J. Fussell, A. Hussey, D. Ingram-Jones, B. Miles, M. Powell, J. Taylor, S. Williams, A. Whitcombe, K. Woodland

Cabinet Member: Councillor P. Leonard (Planning and Public Protection)

#### Together with:

R. Tranter (Head of Legal Services and Monitoring Officer), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Powell (Team Leader Development Management), A. Pyne (Principal Planner), J. Waite (Principal Planner), L. Cooper (Assistant Engineer), A. Brown (Environmental Health Officer), V. Julian (Senior Solicitor), R. Barrett (Committee Services Officer), J. Lloyd (Committee Services Officer)

## RECORDING, FILMING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being live-streamed and recorded and would be made available following the meeting via the Council's website – [Click Here to View](#). Members were advised that voting on decisions would be taken via Microsoft Forms.

### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor N. Dix, together with M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience)

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

### 3. MINUTES – 13TH JULY 2022

It was moved and seconded that the minutes of the meeting held on the 13th July 2022 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 12 for, 0 against and 2 abstentions) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee held on 13th July 2022 (minute nos. 1-4) be approved as a correct record.

**4. APPLICATION NO. 22/0353/NCC - HILL FARM SOLAR PARK, PENRHIWARWYDD FARM, MYNYDDISLWYN MOUNTAIN ROAD, MYNYDDISLWYN**

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Councillor J. Reed spoke on behalf of local residents in objection to the application and Ms R. Dodd (Applicant's Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 14 for, 1 against and 0 abstentions) this was agreed by the majority present.

RESOLVED that subject to the conditions contained in the Officer's report the application be GRANTED.

**5. APPLICATION NO. 22/0549/COU - 63 COMMERCIAL STREET, PONTYMISTER, RISCA, NEWPORT, NP11 6AW**

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11. The Planning Case Officer advised Members that a late representation objecting to the application had been received from the Police.

Councillor B. Owen spoke on behalf of local residents in objection to the application and Mr D. Evans (Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 11 for, 3 against and 1 abstention) this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report the application be GRANTED;
- (ii) the applicant be advised that they will need to liaise with the appropriate utility in order to relocate the telegraph pole which abuts the wall to the rear of the property, in order to access the parking area as proposed.

The meeting closed at 6.09 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 28th September 2022, they were signed by the Chair.

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CHAIR

**Application Number:** 19/0787/COU

**Date Received:** 08.10.2019

**Applicant:** Mr Alkhafaji

**Description and Location of Development:** Carry out conservation repairs to the Former Dairy and Laundry (The Bothy) and change the use of the Stables and Coach House building to a mixed use of 7 No. new residential units and stables - Ruperra Castle Estate Rudry Road To Craig Llan Rudry

**APPLICATION TYPE:** Change of Use

## SITE AND DEVELOPMENT

Location: Ruperra Castle, Rudry, Caerphilly. The site is located in the open countryside approximately seven miles to the north east of Cardiff and also approximately seven miles to the west of Newport. The nearest settlement to it is Draethen village which is located to the north, at a distance of just over a half of a mile. The site is bounded in all directions by undeveloped land. To the north is woodland, with the land to the east, west and south being open fields.

The site is bounded by a wall along its northern and southern boundaries, by a fence along its western border, and a ha-ha along the eastern side. This latter feature is a low castellated boundary wall which separates the former pleasure grounds of the castle from the parkland beyond.

Site description: The proposals lie within the grounds of Ruperra Castle, which is a scheduled ancient monument, a grade II\* listed building and within a site where there are other (Grade II) listed buildings and curtilage buildings, this site being delineated by a random rubble stone boundary wall. The site also lies within the Ruperra Castle Conservation Area designated on 29/09/1998, as well as grade II registered historic park and garden at Ruperra Castle PGW (Gm)17(CAE). The Site of Special Scientific Interest (SSSI) had a date of notification of 30 March 2011 and includes part of the site as well as land to the North and East of the application site's boundary. Other nearby Scheduled Monuments include GM511 Ruperra Hillfort and Motte and GM590 Ruperra Castle lower summerhouse.

Development: Carry out conservation repairs of the Former Dairy and Laundry (The Bothy) and change of use of the stables and Coach House building to a mixed use of seven new residential units and stables.

Alterations and Repairs for the Stables and Coach House are summarised in the submitted documentation as follows:-

### Roof

Make Repairs to the existing roof by stripping the existing slate tiles and set aside for reuse where possible, remove all lead to ridges, hips, valleys and the like, making repairs to the roof structure. Reinststate roof structure over east wing, adjacent to the garden wall, with new to match existing adjacent including hip to south end. Incorporation of conservation rooflights and reinstatement of flat roofed dormers to the rear north elevation.

Remove all rainwater goods, and reinststate with new cast iron to match the existing. Make repairs to the eaves, fascias and soffits and redecorate in paint finish. Reinststate lead roll rides, hips and the like, on new treated timber cores. Reinststate lead valley gutters, abutments and upstands, chimney flashings. Repair and renovate cupola, including paint decoration, and relocate over central arched entrance to include weather vane feature.

### Walls

Make repairs to existing cement render including projecting plinth at ground level. Remove any loose or badly cracked areas and repair in cement render to match existing.

Form new external wall with cement render on blockwork dry lined with cork insulation and lime plaster.

### Windows and Doors

Entrance gates and doors to courtyard - Both to be removed, renovated and replaced. All windows to be removed for repairs/renovation including carefully recording location of each prior to removal (windows beyond repair will be carefully recorded and replaced with a new timber window).

Repair and renovate bay window complete to south east corner to match existing adjacent.

Sliding/folding doors to the courtyard undercroft area to be removed and renovated or renewed including metal door gear.

New painted timber screens and doors, behind renovated doors, to new residence in undercroft.

Windows to the fire damaged east wing first floor are missing and are to be replaced with new painted timber windows.

Provide new entrance doors to residences to the north upper elevation.

All joinery - To have linseed paint finish.

### Other

Metal canopy in courtyard - To be carefully recorded and dismantled for repair and renovation. Metalwork to have protective paint finish with patent glazing to the upper section adjacent to the building.

Renovate and reinststate timber truss arch formers to the underside of the entrance arch including timber lath and cement render ceiling. Retain timber hatch to act as ventilation for void.

Provide new bridge (same location as existing) to residence on north elevation with steps down from upper area. For emergency exit only.

Doors to be kept locked.

Repair and renovate perimeter footpath to the south and west elevations and south and west of the courtyard

Repair and restoration works to internal walls, ceilings, doors, staircase and new works where required. Works to provide underfloor heating and new flooring.

### Walls

Form new timber stud partitions with wood-wool boards and lime plaster finish. Insulate between the studs around bathroom areas.

Make repairs as necessary to rendered walls generally within the stables at ground and first floors. All water damaged plaster to be removed and replaced with lime plaster.

Retain and refurbish existing timber wall panelling principally in the stable areas including single stable in north west corner.

Repair and redecorate stable stalls.

Form new door openings where indicated on the drawings.

Finish all walls with breathable paint (except stables).

### Ceilings

Make repairs to the ceiling in the smaller stable block to the north west.

Ceilings are metal lath and lime plaster. To have breathable paint finish.

In areas of water ingress ceilings in poor condition from rusted lathing. These areas to be removed and renewed.

All new ceilings around central front section under the cupola where in very poor condition.

Finish all ceilings with breathable paint (except stables).

### Other

All existing doors, frames and architraves to be retained and restored with linseed paint finish.

All new doors to be boarded panel doors to match original joinery.

To existing staircase retain all handrails, newels and spindles. Restore and redecorate.

Remove all existing mechanical and electrical services in the building including external modern extract vents, lighting and the like.

Provide new mechanical and electrical installations with all extract vents, soil pipes, lighting and the like discretely integrated and concealed within refurbished elements of the building.

### Former Dairy and Laundry

#### Roof

Strip the slate tile roofs complete including battens, felt and associated leadwork valleys and the like. Set aside slate tiles for re-use.

Supply and lay bituminous roofing felt (type 1F) and new treated battens and re-lay slate tiles using only those in sound and re-useable condition.

Supply new slate as necessary randomly mixed in with re-used tiles.

Renew lead to lead roll flat roof over front main section. Replace the deck of the flat roof complete.

Renew all lead roll ridges and hips including timber cores.

Renew lead flashings to existing chimney stacks. Repoint stacks in lime mortar.

Repair/renovate existing timber and metal cupola and redecorate.

Make repairs to existing eaves fascia and soffits in treated timber and redecorate in paint finish.

Remove all rainwater goods and renew with cast iron to match existing removed.

Remove rooflight to rear of main roof and make good in slate tiling.

### Walls

Make repairs to existing render including projecting plinth at ground level.

Remove any loose or badly cracked areas and repair in cement render to match existing.

### Windows and doors

All windows to be removed for repairs/renovation including carefully recording location of each prior to removal (windows beyond repair will be carefully recorded and replaced with a new timber window). Make repairs to those to be retained.

Supply and fix new painted timber casement windows to match existing removed.

Adjust first floor openings to yard main elevation to match existing adjacent to rear wings at first floor re-use former openings to insert new windows to match existing adjacent.

Replace windows with new more sympathetic windows.

Provide new painted timber doors from hall into yard to match existing example.

Remove modern timber screens to either end of the entrance arch and insert new timber screens in keeping with other windows above.

### General

Remove external boiler house, roof and flue and make good.

Remove external drainage and vent pipes and make good.

Make repairs to and re-build retaining wall (as necessary), in re-used stone (to match existing detail) in same position. Remove steps to rear (currently in poor condition) and replace with retaining wall to match existing.

Remove all extraneous mechanical and electrical fittings from the exterior, cabling and the like and make good.

### Internal - Ceilings

All ceilings to be repaired where and as necessary with larch laths and lime plaster.

### Walls

Make repairs to cracked or damaged plaster finishes including removing loose areas and make good with lime plaster.

All gypsum plaster is to be removed, as it will not allow the solid walls to breath. Make good with lime plaster.



Form cloakroom areas in locations shown on the drawings within hallways using timber stud partitions.

Form kitchen areas within rooms.

Form bathroom areas to first floor within.

Form en-suite bathrooms by altering partitions.

Remove existing partitions at first floor to create views to front and rear.

Make good to ceilings and floors with like for like materials.

### Floors

Make repairs to first floor floors using floor boards to match existing.

### Other

Repair existing panel doors and architraves.

Reinstate lost dado detail to the walls generally.

Reinstate tall moulded skirting to match existing where necessary.

Repair and redecorate existing.

Reinstate simple turned spindles and newel posts with moulded handrail to the main staircases.

### South Gates

Linear wall of random rubble stone, 1.5m in height, and castellated suggesting that this was the grander main entrance to the castle. There are pedestrian gates to the south east corner that linked into the former east park and also on the south axis of the castle. Future works will involve raking out cement mortar as part of essential repairs, not comprehensive repointing, and pointing in lime mortar.

The main entrance at the west end is to be altered with the opening widened to allow two cars to pass with one of the existing pillars being dismantled and re-built. There are to be a new set of metal gates.

In terms of the overall residential accommodation to be provided on site the Bothy would comprise of two dwellings both of which are 3 bedroom.

The converted Stables and Coach House would have seven apartments with the following accommodation:

1 x 1 bedroom apartment.

5 x 2 bedroom apartments.

1 x 3 bedroom apartment.

The application is supported by the following documents: -

Description of Works,

Heritage Impact Assessment,

Landscape Masterplan,

Landscape and Visual Appraisal illustrative,

Design and Access Statement,

Ecological Impact Assessment,

Transport statement, and  
Tree Survey.

Dimensions: The area upon which development will take place totals 1.17 hectares.

The Dairy and Laundry (Bothy) building measures approximately 26.5m wide on the principal elevation with two 'wings' which project behind to a depth of 9.6m. The building has a ridge height of approximately 9m.

The stables and Coach House has a part two storey, part single storey principal elevation which measures approximately 39m in width. Two wings return from each corner of the building for a distance of approximately 36m to meet a further wing parallel to the principal elevation across the other side of a central courtyard that the building is arranged around. The building at its highest has a ridge height of around 8.5m.

An entrance gate pillar (approximately 0.7m by 0.7m and 3m high) would be dismantled and rebuilt to form a wider entrance (circa 4.5m wide).

Materials: As indicated above some of the finishes to the buildings are indicated but where they are not and if consent is granted a condition may be imposed in respect to the material finishes to be used.

Ancillary development, e.g. parking: A total of 22 parking spaces (including two visitor spaces) are proposed on land in front of the Bothy and in front of the south elevation of the Coach House and stable block with planting surrounding these spaces. Passing bays on the entrance road are also proposed to improve access.

#### PLANNING HISTORY 2005 TO PRESENT

P/02/0774 - Refurbish existing building and construct new houses and access road - Withdrawn 05.07.2006.

P/02/0773 - Refurbish castle, outbuildings and ancillary works for residential purposes and the construction of eighteen new dwellings with access road and change of use of the Generator House to a bat roost - Refused 24.01.2008.

17/0739/FULL - Provide a rectangular (30 x 50 metre) fenced horse riding manege in the outdoor arena to the west of Ruperra Castle, with a 1200mm wide pathway all around the manege - Granted 25.01.2018.

#### POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021.

Site Allocation: Outside of the settlement boundary, within the Ruperra Castle and Grounds, Draethen Site of Importance for Nature Conservation (SINC) identified by Policy NH3.179, within the Rudry Visually Important Local Landscape identified by Policy NH2.4 and within the Ruperra Castle and Park Rudry Conservation Area. It is within the Ruperra Castle Conservation Area designated on 29/09/1998, as well as being included on the 2000 Cadw and ICOMOS UK Register of Landscapes, Parks and Gardens of Special Historic interest in Wales (Part 1: Parks and Gardens) as Grade II. The Site of Special Scientific Interest (SSSI - date of notification 30 March 2011) encompasses part of the application site and extends outside of and to the North and East of the application site's boundary.

Policies: Local Development Plan:  
Strategic Policies

Policy SP3- Development Strategy in the Southern Connections Corridor, SP5 - Settlement Boundaries, SP6 - Place making, SP7 - Planning Obligations, SP10 - Conservation of Natural Heritage, SP21 - Parking standards.

Countywide Policies

CW1- Sustainable Transport, Accessibility and Social Inclusion, CW2 - Amenity, CW3 - Design Considerations (Highways), CW4 - Natural Heritage Protection, CW6 - Trees, Woodlands and Hedgerow Protection, CW11 - Affordable Housing Planning Obligation, CW15 - General Locational Constraints, CW20 - Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside.

Supplementary Planning guidance contained in LDP1 - Affordable Housing Obligation (Revision) - Updated October 2018, LDP4 - Trees and Development (January 2017), LDP5 - Car Parking Standards (January 2017), LDP6 - Building Better Places to Live (January 2017), LDP10 - Buildings in the Countryside (January 2012).

Biodiversity Action Plan March 2002.

NATIONAL POLICY The statutory protection under the terms of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Historic Environment (Wales) Act 2016, means that under section 7(1) 'any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest,' require listed building consent, and an associated Listed Building Consent application is also being brought before members.

The fact that the application site is within the Ruperra Castle Registered Historic Park and Garden is a material consideration when proposing changes to the buildings / structures within it.

Planning Policy Wales Edition 11 (February 2021) states:  
Listed Buildings

6.1.10 There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage.

For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.'

6.1.11 For listed buildings, the aim should be to find the best way to protect and enhance their special qualities, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of planning and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future.'

6.1.13 Applicants for listed building consent must be able to justify their proposals, show why the alteration or demolition of a listed building is desirable or necessary and consider the impact of any change upon its significance. This must be included in a heritage impact statement, which will be proportionate both to the significance of the building and to the degree of change proposed.'

#### Conservation Areas

6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised.'

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed.'

#### Historic Parks and Gardens

6.1.18 Planning authorities should value, protect, conserve and enhance the special interest of parks and gardens and their settings included on the register of historic parks and gardens in Wales. The register should be taken into account in planning authority decision making.'

6.1.19 The effect of a proposed development on a registered park or garden, or its setting, is a material consideration in the determination of planning applications.'

#### Sites of Special Scientific Interest

6.4.17 SSSIs are of national importance. The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies, including planning authorities, to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the

features by reason of which a SSSI is of special interest. SSSIs can be damaged by developments within or adjacent to their boundaries, and in some cases, by development some distance away.

There is a presumption against development likely to damage a SSSI and this presumption should be appropriately reflected in development plans and development management decisions. In particular, before authorising development likely to damage any of the notified features of a SSSI, planning authorities must give notice of the proposed operations to NRW, and must take its advice into account in deciding whether to grant planning permission and in attaching planning conditions. For the purposes of land use planning proposed SSSIs will be treated in the same way as notified SSSIs.'

TAN 24: The Historic Environment May 2017 states:

5.9 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires any works of demolition, alteration and/or extension which would affect the character of a listed building to be authorised through the process of listed building consent.... When considering any applications for listed building consent, the local planning authority or the Welsh Ministers must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Consent is not normally required for repairs, unless they involve changes that would affect the character of the listed building.'

Para 6.7 states ....'Generally, there will be an emphasis on controlled and positive management of change that encourages economic vibrancy and social and cultural vitality, and accords with the area's special architectural and historic qualities.'

It is important to recognise that doing nothing is not an appropriate option for listed buildings that are in a poor state of repair that are continuing to deteriorate and that are also on the National Buildings @ Risk Register, compiled by The Handley Partnership on behalf of Cadw (last updated in CCBC in Nov 2015). All buildings/structures outlined above are graded At Risk (3) - in a poor condition on the Buildings @ Risk Register as of Nov 2015.

The proposals, as submitted, are stated to be intended to conserve, repair, refurbish and give a new lease of life to redundant buildings or buildings partially in use as stables and residential use that are currently in a poor state of repair and not used to their best potential.

Managing Listed Buildings at Risk in Wales May 2017 states:

#### 4.1 Condition

Listed buildings are a valuable and finite resource, and contribute to our well-being. Their stable or improving condition is not only a measure of well-being, but also crucial for their long-term survival, so it is important to prevent risk caused by neglect or decay. It is vital to keep risk at bay through regular maintenance and repair. Minor repairs and routine maintenance can avoid the need for more expensive work, and help give listed buildings an indefinite life. This is normally the responsibility of owners, but local authorities may be able to provide advice and encouragement.'

In addition:

'It may be realistic to consider a phased programme of works. This can help buy time: bringing a building back into use incrementally may help with the financing of complex and expensive projects.'

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this application.

### CONSULTATION

Heritage And Placemaking Officer - Has no objection to the development subject to conditions being attached to any consent requiring the development to be carried out in accordance with the approved plans and details of materials to be submitted for consideration and approval in writing with the Local Planning Authority.

Ecologist - No response received to latest reconsultation. Previous consultation response state a holding objection and consider issues outstanding are a lack of biodiversity enhancement (recommended that this is focused on the condition of the generator block). Advises that the presence of Great Crested Newt on site will require further details in respect of drainage to prevent killing and injury through entrapment. Notes a licence may be required for Great Crested Newts in addition to bats.

Ruperra Conservation Trust - We are of the view, that the proposed development represents a significant threat to one of only five breeding colonies of Greater Horseshoe bats in Wales. As these bats are a species of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, we still consider that the precautionary principle should be applied and this application refused. Raise concerns with submitted reports and proposals and upon the development's impact on other wildlife (e.g dormice, badgers, reptiles, Great Crested Newts).

The potential threat to the Greater Horseshoe Bats and the SSSI more generally from the proposed developments raise planning issues of more than local importance and therefore it would be appropriate for the planning applications to be called in and determined by the Welsh Ministers in accordance with the procedure set out in Planning Policy Wales.

Raise objection to the development and note it would increase vehicular traffic considerably across open farmland within the greenbelt as well on local roads. Advise that Police comments on external lightings and windows would conflict with local and national planning policy on the need to combat climate change and to protect the area's heritage, habitats and biodiversity. Also highlight issues on Rights of Way.

Senior Arboricultural Officer (Trees) - Recommends the imposition of a planning condition for passing bays from the public highway to the gates south of Ruperra Castle and confirms that the effect on adjacent trees and hedgerows has been assessed. Advises that further details on locating the internal passing bay and relocation of gate pier alongside additional replacement tree planting should be required.

Welsh Historic Garden Trust - 1. The proposals are described as "Phase I" but there is inadequate information to properly assess the cumulative affect on the historic garden of the next phase (whatever that is) and thus properly determine these applications.  
2. We are concerned that the applicants do not understand the significance of the Ruperra Estate, nor the impact on it of their proposals and the activities they will generate.  
3. The impact on the layers of history on this site have been understated  
4. The proposal fragments this important layered landscape and would harm the essential setting  
5. The proposals pay scant regard to the significance of the garden and its setting.  
6. The applicant should provide Caerphilly CBC with more information on the impact on the setting and the cumulative effect of this development. Also an assessment of its potential harm is needed and convincing justification for this proposal as it will have a deleterious effect on all of the historic assets within the registered park, the buildings and gardens and the main feature at the heart of the estate, the Castle.  
7. These proposals do not accord with the Wellbeing of Future Generations Act (WFGA).

Overall, the Welsh Historic Gardens Trust consider that this proposal will have an adverse impact on Ruperra Castle, a Scheduled Ancient Monument (SAM) and Grade 2\* listed building and on the Grade II Registered park plus the local and wider landscape.

Dwr Cymru - Provide advice to be conveyed to the developer.

Glamorgan-Gwent Archaeological Trust - Recommend historic recording and a watching brief as mitigation for this development.

Natural Resources Wales - It is considered that our concerns can be overcome by the imposition of conditions requiring that works are carried out in accordance with specified submitted details.

Police Architectural Liaison Officer - Recommends properties meet Secured by Design standards and provide advice in this regard.

Ruperra Castle Preservation Trust - Raise objection to the application as it is considered that the proposed works would have an unacceptable impact on the castle and its surroundings and the impact of the proposal on highway safety and the right of way.

Welsh Government Network Management Division - No objections on trunk road highway network grounds or further comments. This is remote from the trunk road and motorway network.

Cadw - Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments or registered historic parks and gardens.

Transportation Engineering Manager - CCBC - No objection subject to conditions.

Senior Engineer (Drainage) - No objection subject to the imposition of a condition requiring the submission of a scheme of land drainage.

Rights Of Way Officer - Raises objection on the basis that the gates at the entrance to the application site obstruct a right of way.

CCBC Housing Enabling Officer - On the basis that the provision of affordable housing has been proven to be unviable, no objection is raised.

Environmental Health Manager - No objection subject to a condition being attached to any consent in respect of the control of feedstuffs and waste associated with the stables.

Landscape Architect - CCBC - The works are likely to have a negligible impact on the landscape character and visual amenity of the area.

Welsh Government Network Management Division

## ADVERTISEMENT

Extent of advertisement: The application has been advertised with site notices, press notice and two neighbour notification letters.

Response: In respect of the four applications (19/0787/COU, 19/0788/LBC, 19/0789/COU, 19/0790/LBC) submitted for the Ruperra site a total number of 85 objections (both from individuals and organisations/interest groups) have been received.

### Summary of observations:

The basis of the objections raised are as follows:-

- Comprehensive plans/ masterplan for whole site (including the castle) should be submitted and considered.



- Concern with the stability and deterioration of the castle.
- Impact on the castle. The proposals will further damage the castle's character and authenticity.
- Adverse impacts on Listed Buildings, the Conservation Area and Historic Park and Gardens.
- Highlights the Scheduled Ancient Monument and Listed Building designations of the castle and ancillary buildings together with the wider landscape which indicates the whole estate has unique heritage conservation potential.
- Any piecemeal development without considering the site as a whole would adversely affect both the Area of Special Landscape Value and destroy the built heritage survival of a high status site occupied for over 2000 years.
- Attempts to encourage incoming economic growth in Cardiff and Newport could be spoiled should the Castle's special character be lost to additional housing development.
- Castle should be included into the Council's Sustainable Tourism strategy and its Heritage Use and Conservation planning.
- Provides examples of restoration/conservation and reuse (Astley Castle Nuneaton, Lulworth Castle Dorset, Highcliffe Castle Dorset, Woodchester Mansion, Gloucestershire).
- Registered gardens and woodland should be protected.
- Poor management of trees and burning of rubbish.
- Dangerous to allow these buildings (particularly thee Bothy) to have a change of use so close to a dangerous derelict castle.
- Impact of building works and vehicles on castle.
- To allow any piecemeal development of the outbuildings would degrade this historic asset.
- Applications do not further the repair and survival of the castle.
- Granting planning for a small part of the site for residential use will impair the ability to save the castle longer term and restrict what can be done once residents are living there.
- Increased light and noise pollution will have adverse impact on bats and dark countryside.
- Adverse impact on the context and integrity of the castle landholding and setting.
- Proposals Ignore the Climate emergencies which we face (private car use/spread of concrete surfaces) and is not sustainable.
- Threatens future of the greenbelt if a new access road across open farmland is approved setting a precedent for further development
- Represents short term profit making.
- There should be a comprehensive redevelopment proposal involving the castle.
- Adverse Impact and/or loss of the SINC/SSSI protected Greater Horseshoe Bat maternity roost/colony in the old generator block and associated dark corridor of vegetation which provide routes to foraging areas such as the nearby woodlands and pasture by reasons of construction work and also the introduction of light, noise and traffic by future residents and associated visits/deliveries.

- The maternity bat roost is of national and international importance and the precautionary principle should be applied, and any development that may risk having a negative effect on the roost should be refused. Highlights the legal protections afforded to bats.
- Introduction of potential predators to the bats such as domestic cats.
- Proposals for a new bat house as mitigation are unsuitable and unacceptable.
- May adversely affect other wildlife in the neighbouring woodland.
- SSSI designated with other protected species include Greater Crested Newts and Common Dormouse.
- Adverse impact on ecology. Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions.
- Access unsuitable for traffic.
- Contrary to Future Generation Wales Act resilient Wales.
- Past actions to clear vegetation have shown the owners' disregard for ecology and the natural environment.
- Query how the case for housing has been tested.
- The change of use would introduce domestic paraphernalia which would impact on the historic grounds.
- The 13 acre site around the Castle should be held by some body or organisation to create a small country park, linked to adjacent land holdings by one or two agreed footpaths/rights of way and that a plan should be formulated and money raised by some means to buy the site, or at least maintain it.
- If approved a legal agreement should require no building may be sold or occupied until the castle has been transferred to a heritage body with a financial contribution.
- The amended Design and Access Statement is inadequate.
- Priority needs to be given to repairing the most important structure - Ruperra Castle, rather than one of the least important buildings on its Estate.
- Vegetation was cleared before the manege was built, but there is no sign of the replacement tree planting required as a condition of that approval.
- Question why no additional ecological survey information has been made available.
- Question the findings of the Lighting Report - there are bound to be significant adverse impacts from the artificial lighting proposed and these impacts also extend to application numbers: 19/0787/COU and 19/788/LBC for the Stables and Coach house.
- It is not fitting for nearby development to take place in the absence of any requirement for the repair of the imperilled structure of the Castle or the enhancement of the important estate grounds, given that both Castle and grounds are in the same ownership as the structures subject to the applications.
- Due regard should be given to the Wellbeing of Future Generations Act given the major historical, environmental and ecological issues at the site and Planning Policy Wales in terms of provision of a net benefit for biodiversity.
- Site has limited vehicular access and substandard highway network in area. Impact on use by walkers, cyclists and horse riders.

- Proposed Passing bays impact on wildlife, development in open countryside and increased traffic generation contrary to Policies CW3 (Highways) and CW19.
- Reinstatement of Public access.
- Since September 2019 there has been a major local policy change that reinforces our case. The devastating floods of February 2021 were a further demonstration of the County Council's foresight in declaring a climate emergency, and in pledging to review all of its policies and decisions in the light of the need for urgent action to stem further temperature rises. It includes taking action to reduce traffic, support active travel and increase biodiversity - as envisaged in the Sustainable Caerphilly Landscape (SCL) Masterplan 2020.
- From 1/2/2022 the gardens at Ruperra are now statutorily protected under the Welsh Government Heritage Act 2016
- Suggest CCBC start using adequate powers invested in it in order to stop the further deterioration of this site.

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

There are no significant crime and disorder implications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes.

The application site supports European Protected Species including, Greater Horseshoe Bats, Lesser Horseshoe Bats, Brown Long-eared Bats, Pipistrelle Bats, Natterers Bats, Serotine Bats and Great Crested Newts. The site supports the only known breeding and hibernation site within the county borough for Greater Horseshoe Bats and is one of only 3 known locations in the county borough for Lesser Horseshoe Bats. It also supports the county borough's largest known population of Great Crested Newts. The applicant has undertaken survey work and/or data collation for all protected species present on site and has provided a mitigation plan which demonstrates that it would be possible to develop the site while ensuring the protection of species present on site. Through the implementation of the mitigation plan, the imposition of conditions to provide additional protection to the species concerned it is considered that the nature conservation interests of the site can be adequately protected.

All species of Bats and Great Crested Newts and their breeding sites and resting places are protected under the Conservation (Natural habitats, &c.) Regulations 1984 which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

The Local Authority therefore needs to apply the following three tests in respect of the development for each species affected by the planning application:

1. that there is no satisfactory alternative,
2. it will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range and
3. it is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The three tests were applied and answered as follows:

- (i) It is not considered that there is any satisfactory alternative.
- (ii) Considering the advice received from Natural Resources Wales it is considered that, with relevant conditions, the proposal will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.
- (iii) The proposals are of overriding public interest in safeguarding the sustainable future of Listed Buildings at risk on the Ruperra Castle site.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the site falls within the Higher Charging Zone which is set at £40 per square metre.

#### ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local plan policy and supplementary planning guidance. The proposals lie within the grounds of Ruperra Castle, which is a scheduled ancient monument, a grade II\* listed building and within a site where there are other (Grade II) listed buildings and curtilage buildings.

The main issues are the effect of the proposed development on the special architectural and historic interest of the buildings which are Grade II listed, the effect of the development upon protected species, the effect on the living conditions of future occupiers of the proposed dwellings together with highway considerations.

#### Background

The applications currently being considered are for the conservation repairs and conversion to residential use of two separately listed buildings within the Ruperra Castle site known as the former Brew House, dairy and laundry (also known as the Bothy) and the stables and coach-house courtyard ranges.

In addition, as part of these proposals, it is proposed that the south drive entrance with pillared gates be widened to allow for easier access by modern, wider vehicles. The

gates are 'listed' in their own right as they form part of the listing described as the 'castellated boundary wall to ha-ha to east and south of Ruperra Castle'.

The former Brew House and dairy and laundry to the north of Ruperra Castle is grade II listed (first listed on 15 Oct 1997 and later the description was amended on 05 March 1999 (Cadw ref. 18972) 'Listed for group value with Ruperra Castle and the adjacent stable and coach house courtyard.'

The stable and coach house courtyard ranges to the north of Ruperra Castle are also grade II listed (again first listed on 15 Oct 1997 and later the description was amended on 05 March 1999 (Cadw ref. 189671). 'Listed as a good example of Edwardian stabling and for its important associations with Ruperra Castle.'

The total group of listed buildings within Ruperra Castle are as follows: -

Former Brew House, dairy and laundry,  
Stable and coach-house courtyard ranges,  
Generator house and attached workshops,  
Glasshouse to the north-east,  
Summerhouse to the north-east, and  
Castellated boundary wall to ha-ha to east and south of Ruperra castle.

They are listed in their own right, as grade II whilst the castle itself is a scheduled monument (GM379 as of 2 Sept 1976) and also a grade II\* listed building (as of 08 May 1964). Those that are being considered as part of this application are the Former Brew House, dairy and laundry, Stable and coach-house courtyard ranges and castellated boundary wall to ha-ha to east and south of Ruperra Castle.

The site is within the Ruperra Castle and Park Conservation Area (designated by CCBC on 29 Sept 1998).

The site lies within the Ruperra Castle Historic Park and Garden that appears on the 'Glamorgan Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales Part 1: Parks and Gardens' that was designated by Cadw and ICOMOS UK.

The buildings that form the basis of these applications lie just outside of but are immediately surrounded by the SSSI boundary designated on 30th March 2011 referenced SSSI/13 named 'Ruperra Castle and Woodlands.'

It is understood that the scheduled Ruperra Castle (and grade II\* listed building) are intended by the applicant to form part of future applications, together with the 'grade II listed' generator house and attached workshops, glasshouse and summerhouse to the north-east of the site. 'A Masterplan' that sets out both the submitted Landscape Masterplan proposals (by McQuitty Landscape Design, September 2019) and the future aspirations of the existing remaining protected buildings on the site, is to be submitted with these applications to illustrate the owner's wider project ambitions for the site. In 2018 emergency works of stabilisation and the making safe of various elements of the

Castle were undertaken following scheduled monument consent from Cadw and funding from SAVE Britain's Heritage and Cadw. Preliminary options for the future of the castle are currently being considered by the owner. If detailed proposals come forward it is anticipated that these will be the subject of future applications(s) following discussions with the Local Planning Authority and Cadw.

It is important to recognise that doing nothing is not an appropriate option for listed buildings that are in a poor state of repair that are continuing to deteriorate and that are also on the National Buildings at Risk Register, compiled by The Handley Partnership on behalf of Cadw (last updated in CCBC in Nov 2015). The Dairy and Laundry and Stable and Coach House are both graded At Risk (3) - in a poor condition on the Buildings at Risk Register as of Nov 2015.

The proposals, as submitted, are essentially intended to conserve, repair, refurbish and give a new lease of life to redundant buildings or buildings partially in use as stables and residential use that are currently in a poor state of repair and not used to their best potential. The proposal is considered to accord with Policy CW20 for conversion of Buildings in the Countryside as in relation to the stable and coach house it is not abandoned (still being actively used as stables) and the proposed reconstruction works will be beneficial to the building and will not materially change its character. The proposals will not lead to any unacceptable domestication or urbanisation.

#### ANALYSIS

##### FORMER BREWHOUSE, LAUNDRY AND DAIRY BLOCK TO THE NORTH

This building has already been converted into two residential units and it is proposed to remain in residential use. It is proposed to replace out of character windows and to reinstate original windows that have previously been blocked up with fenestration sympathetic to the original form.

The proposed scheme also includes 'more sensitive treatment to the central arch' nearer in character to a photograph shown within the Heritage Impact Statement attributed as an early 20th century photograph of the main door to the Bothy. The proposed design does not seek to replicate exactly the architectural style of the door but is considered by the architect proposing the change to overall 'preserve and enhance this listed building.'

The proposed works are more akin to conservation repairs than works that will materially alter this building, given that it is already established as two residential units.

The north side of this building has a narrow sunken, stone-flagged path with a stone and brick revetment to the higher ground to the north; the ground having been levelled when the Bothy and later the stables were constructed. The proposal is to widen this path to provide a more usable amenity space to the north of the two dwellings.

The stone revetment wall to the east and rear appears to be on an historic boundary wall running north from the north-east tower of the castle, however, the corresponding wall to the north of the bothy is of lesser significance, since it does not appear on the wartime aerial imagery suggesting that it was built relatively recently. It is proposed to widen this path which would require an archaeological watching brief and is an opportunity to re-use the existing masonry elsewhere on the site.

## STABLE AND COACH HOUSE COURTYARD RANGES

The proposal for the whole stable and coach-house courtyard is to retain the stables and convert part of the building into 7 residential apartments including a significant degree of re-building where the east range suffered fire damage. More light is proposed to be achieved by the insertion of 3 pairs of Conservation-type rooflights to be located on the rear, northern elevation roofline. Original fenestration will be repaired and where window openings and styles have been lost, original style windows will be reinstated.

The re-roofing of the fire-damaged east range needs to be matched appropriately with existing slates on the adjoining slopes. These are of a greeny-grey hue that suggests a Westmoreland or a Pembrokeshire slate. An active quarry in Delabole, Cornwall is currently able to provide a similar colour of slate which is a good match.

The stables and furnishings within this range are of a particularly high quality, as recognised in Cadw's list description, and are being retained and used for stabling as part of this scheme. The carriage houses are currently open fronted with boarded gates but those to the north elevation are proposed to be enclosed to create additional living accommodation with recessed glazed frontages. The small-paned windows throughout are of varying sizes and need to be repaired or replaced on an exact like-for-like basis. Internally, the tack room to the west of the courtyard entrance is proposed to be subdivided and a small-paned internal door will be retained and used elsewhere in the building.

Car parking has been proposed to serve the 7 new residential units and the accommodation in the former laundry and dairy block, but they will not be provided within the central stables and coach-house ranges itself. This instead is to be utilized as an amenity space for residents, with soft landscaping and re-laid with stone setts, so it is not intended that vehicles pass under the main arch and through into the courtyard and carriage bays as carriages had done historically. As part of this application, these former carriage bays are intended to be used instead as lock-up storage areas for each apartment.

A total of 22 parking spaces (including two visitor spaces) are proposed on land in front of the Bothy and in front of the south elevation of the coach-house and stable block with planting surrounding these spaces. The area at present is a mixture of grass and hardstanding and the parking proposed accords with adopted Supplementary Parking Guidelines (LDP5). The single track entrance road is proposed to be amended to have

a number of passing places which are also deemed visually acceptable. The proposal accords with adopted Local Development Plan Policy CW3 (Highways).

### SOUTH DRIVE ENTRANCE

Works are also proposed within the LBC application to the grade II listed 'castellated boundary wall to ha-ha (a recessed landscape design element that creates a vertical barrier while preserving an uninterrupted view of the landscape beyond). The design includes a turfed incline that slopes downward to a sharply vertical face (typically a masonry retaining wall)) to the east and south of Ruperra Castle.' The walls and gates were first listed by Cadw on 16 July 1998 and the list description later amended on 5 March 1999 (Cadw ref. 20146).

One of the main entrances into the Ruperra Castle estate, the gate-posts at this location whilst intact, lacks the stone finials that are visible on the two gated entrances that lie further east along the south boundary wall. The historic gates are missing and are currently replaced by modern steel palisade type gates. Some masonry has been damaged as a result of a restricted access into the site when negotiating the tight turn. It is proposed to widen the entrance by 1.69m by carefully dismantling one of the existing pillars' masonry and relocating and re-building it and introducing it further down the boundary wall, by re-using all cappings, chamfered string courses with pointing to match the existing. The proposed new gates will be a pair of simply designed mild steel framed gates, with ball finials on top of the gates, all painted dark grey (RAL 7024), that are more sensitive and in keeping than the current modern palisade steel gate.

### HERITAGE IMPACT ASSESSMENT OF CURRENT PROPOSALS

It is considered that Ruperra Castle and its Environs are important within Caerphilly and indeed Wales as an important historical site with a number of historic designations.

Ruperra Castle itself is a Grade 2\* Listed Building (ref 14069), listed because Ruperra Castle is one of the most important Renaissance houses in South Wales. The Castle is also a Scheduled Ancient Monument (ref Gm379). The Ruperra Castle and grounds are also a grade 2 Registered Historic Park and Garden and the site is also within a designated Conservation Area.

In instances such as Ruperra Castle where buildings are both Listed and Scheduled the designation as a Scheduled Monument takes precedence. CADW have been consulted on the application and have advised that they have no objection to the proposed development in regards to the Scheduled Monuments (Ruperra Castle and Ruperra Hillfort and Motte) nor to the Registered Parks and Garden (Ruperra Castle).

The Stable and Coach-House courtyard ranges have been Grade 2 Listed by CADW (ref 18971) as a good example of Edwardian stabling and for its important associations with Ruperra Castle.



The Former Dairy and Laundry has been Grade 2 Listed by CADW (ref 18972) that is Listed and included for group value with Ruperra Castle and the adjacent stable and coach-house courtyard.

In addition there are other Listed Buildings at the site including the Generating House and attached workshops to north-west of Ruperra Castle (Grade 2), listed for group value with the castle and other buildings as a surviving estate building. There are also further Listed Buildings such as a glass house, summer house and Castellated boundary wall to ha-ha to east and south of Ruperra Castle.

The current proposals effect three elements of the heritage assets, the Stables, the Bothy and South gate. The proposed repairs needed to enable these changes to bring the stable courtyard and the Bothy back into use and to improve access will preserve these listed buildings for future generations. Once these works have been carried out it will enable the Local Planning Authority to remove them from the Buildings at Risk Register. These repairs will have a significant positive impact on the setting of the Castle and will preserve or enhance the various historical designations of Ruperra including scheduled monument, listed buildings, Conservation Area and the registered historic park and garden.

Glamorgan and Gwent Archaeological Trust have reviewed the application and have offered no objection to the proposals subject to planning conditions being attached requiring historic building recording of the structures prior to development taking place with an associated written scheme of investigation to be agreed with the Local Planning Authority. This would include an archaeological programme of works including a watching brief with sufficient contingencies to record any remains that may be encountered during the course of the works. It is considered that the proposed conditions are acceptable and will be imposed to ensure a suitable archaeological record is made of any features of archaeological interest discovered during the works.

## VISUAL IMPACT AND LANDSCAPE

The visual impact of the proposals is considered to have an acceptable impact on the site and its various designations with the restoration of key Listed Buildings such as the Former Dairy and Laundry (The Bothy) and Stable and Coach House building being a positive step according with Policy SP6 (Placemaking) and having no unacceptable impact on the Rudry Visually Important Local Landscape (VILL) designation under Policy NH 2.4. The associated works to create more formalised car parking and changes to the entrance gates and installation of passing bays are considered to be limited and proportionate in their visual impact and upon the Historic Park and Garden and other designations of the site. Landscaping is proposed and planning conditions are proposed to require finalised details to mitigate the impact on the grounds and setting of buildings of Ruperra.

## ECOLOGICAL CONSIDERATIONS

## Site of Special Scientific Interest - Ruperra Castle and Woodlands

A Site of Special Scientific Interest which is a national statutory protected site was notified by the Countryside Council for Wales (CCW) on the 30th March 2011. The designation was made as the only known nursery roost for the greater horseshoe bat *Rhinolophus ferrumequinum* in the Mid and South Glamorgan Area of Search and one of only five known nursery roosts of this species in Wales. The buildings at Ruperra Castle, situated in Lower Machen, Caerphilly, support a colony of greater horseshoe bats of national and international importance.

The building known as the generator block is used by the greater horseshoe bats to give birth and raise their young between spring and autumn. The old castle cellar is used by some of the greater horseshoe bats and by a small number of lesser horseshoe bats *Rhinolophus hipposideros* as a hibernation roost during the winter.

Coed Craig Ruperra, the woodland area to the north of the roost, is well used by the bats for foraging and commuting to more distant feeding and roosting areas.

Other protected species present within the site include a breeding population of the great crested newt *Triturus cristatus* in the ornamental pond within the castle grounds and the common dormouse *Muscardinus avellanarius*, which is present in Coed Craig Ruperra.

The SSSI area covers the castle footprint and land to the east of the Dairy/Laundry building (including the pond) and also an area to the west of the Stables/Coach House (including the generator block) and then extends northwards and encompasses a large area including the woodland with the total SSSI area comprising some 62.6 hectares of land.

Planning Policy Wales explains that statutory designation of a site such as a Site of Special Scientific Interest (SSSI) does not necessarily prohibit development, but proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood (paragraph 6.4.14).

In respect of SSSIs Planning Policy Wales confirms that there should be a presumption against development likely to damage a SSSI and before authorising development likely to damage any of the notified features of the SSSI, planning authorities must give notice of the proposed operations to Natural Resources Wales (the successor body to CCW) and must take its advice into account in deciding whether to grant planning permission and in attaching planning conditions.

Natural Resources Wales have been consulted on the proposals and have not raised formal objection to the development on the basis that they are satisfied that their concerns can be overcome by including plans and documentation submitted with the application on the approved plans condition and also by requiring a Landscape Ecological Management Plan (LEMP) to be part of a conditional approval. The

Landscape Ecological Management Plan would be required to be submitted prior to development commencing and has been proposed by Natural Resources Wales to ensure the site's landscape and environmental features are adequately managed long term.

## PROTECTED SPECIES AND WILDLIFE

In respect of bats, the Generator Block has been recorded as having a Greater Horseshoe bat roost with a population which from surveys undertaken by the Valleys Bat Group has been growing between 2015 and 2020 with the most recent survey (2020) having a count of 207 bats. It is also understood that Lesser Horseshoe bats have been recorded roosting in the Generator Block in low numbers. Emergence counts (not confirmed roosting in the Generator Block) have recorded other species of bats included common and soprano pipistrelle *Pipistrellus pygmaeus*, *Myotis* sp. bats, serotine *Eptesicus serotinus*, noctule *Nyctalus noctua*, and long-eared bat *Plecotus* sp. The Stable Block and Bothy have historic use by bats and have been assessed as being a confirmed roost by the submitted Ecological Impact Assessment due to the presence of evidence to suggest recent use by bats.

## GREATER HORSESHOE BATS

In terms of Greater horseshoe bats the submitted survey concludes that The Generator Block (within the north-western corner of the Site) is used by a maternity colony of greater horseshoe bats, and is the notified feature of the Ruperra Castle and Woodlands SSSI. Therefore, it is of National importance. The building is likely to support approximately 207 roosting bats (based on data provided by VBG). The Generator Building also supports hibernating bats, with a count of 34 being present during a site visit in 2020.

A maximum count of 30 greater horseshoe bats had been recorded in the Stable Block attic between 2002 and 2009. However the report considers that the change in the building fabric (damaged roof leading to more exposed conditions) means it is likely that the Stable Block now supports irregular use by low numbers of greater horseshoe bats. The continued use of this building by this species will depend on the extent of future degradation.

The use of the Bothy by greater horseshoe bats from SEWBReC records indicated that up to 20 bats have been present within the Bothy between 2002 and 2009. However, recent changes in use of the building (which involved re-glazing of windows) has likely excluded use by greater horseshoe bat.

Greater horseshoe bat have been recorded using the Greenhouse Store as a night roost and possible day roost (based on data collected from automated bat detector survey in 2018). No bats were recorded roosting within the building during survey work in 2020. The structure of the Greenhouse Store makes it unsuitable to support regular roosting by greater horseshoe bat.

The Castle cellars are likely to support hibernating greater horseshoe bat. Data provided by SEWBReC suggest that a maximum count of 10 bats have hibernated in the cellars between 2002 and 2009. No bats were recorded in the lower level room in the north-eastern corner of the Stable Block during a site visit in February 2020, despite presenting apparently suitable hibernation conditions.

Greater horseshoe bats are likely to use connecting habitat features (such as tree-lines and hedgerows) within the Site for foraging and commuting. The Coed Craig Ruperra woodland immediately north of the Site is likely to form a key foraging resource for the SSSI population.

## LESSER HORSESHOE BATS

Survey work at the site in 2017 and 2018 confirmed the use of the Stable Block and Bothy by small numbers of lesser horseshoe bat. Counts of up to three bats were recorded emerging from the Stable Block via the main gateway on the southern elevation and sparsely scattered droppings were found within the Bothy roof void. A lesser horseshoe bat was recorded night-roosting (for circa 10 minutes) within the Greenhouse Store during survey work in 2020. Roosting was not recorded on two other dates in 2020 suggesting that use of the Greenhouse Store is irregular. The findings do not suggest that the buildings are used as a maternity roost by lesser horseshoe bat.

The value of the Site for lesser horseshoe bat is considered to extend beyond the level of the Site, given the likely low numbers of bats present locally, and small numbers of recorded roosts within the County. However, the low numbers likely to be using the Site represent a very small proportion of the population in Wales, and likely a small proportion of the population occupying the species stronghold in South Wales. The value of the Site for lesser horseshoe bat is therefore considered in the report to be of County level importance.

## IMPACT ON GREATER HORSESHOE BATS

The submitted report concludes that it is considered likely that impacts on greater horseshoe bat arising as a result of disruption of flight paths and lighting are likely to be low, even if bats occasionally use the areas immediately surrounding the Stable Block and Bothy. Whilst light modelling indicates a low level of light spill overall it does indicate that bats will likely be dissuaded from using the gully between the Stable Block and retaining wall to the north, and this may impact on a small number of individuals.

The impact of future resident's pet cats has been considered but the threat increase in respect of kills and injury on the Greater Horseshoe bat colony is anticipated to be minor.

The report acknowledges that 'In the absence of mitigation, disturbance and displacement of the Generator Block colony as a result of repair and maintenance

works may result in effects that are significant at the National level'. It does however predict that the risk of this effect occurring is considered to be very low.

It concludes that overall, it is considered unlikely that effects on greater horseshoe bats during occupation of the proposed development are unlikely to be greater than at the Local Level. The effective loss of the gully and area directly above the Stable Block roof is unlikely to result in an effect significant at the County Level given the low level of use of these areas recorded at baseline.

#### IMPACT ON LESSER HORSESHOE BATS

The likely effects of killing or injury are unlikely to be discernible beyond the Local level, as any increase in predation is likely to be marginal, and the number of bats potentially affected is low. Disturbance impacts arising as a result of noise, lighting or threat are also likely to be localised, and bats displaced as a result of roost modification would be expected to roost elsewhere within the Site or very locally. Overall, occupation phase effects on lesser horseshoe bat are considered to be significant at the Local level.

#### IMPACT ON PIPISTRELLE BATS

The Site is considered to be of value at the Site level for common and soprano pipistrelle bats. Disturbance and displacement effects on pipistrelle bats are unlikely to be significant at any geographic level, while impacts of roost modification and killing and injury are likely to lead to significant effects, the magnitude is unlikely to extend beyond the level of the Site.

#### IMPACT ON BROWN LONG-EARED BATS

The Site is considered to be of value at the County level for brown long-eared bat. Noise and lighting related impacts on brown long-eared bats are considered to be very minor, and effects are unlikely to be significant beyond the level of the Site. However, effects resulting from roost modification, if leading to roost abandonment, and killing and injury are likely to be more severe. The breeding population of the County is uncertain and, therefore, effects relating to the loss of a maternity colony are considered to be significant at the County level. This assessment is precautionary, and the risk of effects occurring is considered to be very low.

#### IMPACT ON MYOTIS SPECIES BATS

The Site is considered to be of value at the Local level for bats in the genus Myotis.

Effects on Myotis sp. bats arising as a result of disturbance and displacement, roost modification and killing and injury are likely to be negligible. If Natterer's bats occupy available roosts during the occupation phase then the population may be subject to an adverse effect if individuals are killed or injured. However, this is a speculative

assessment and, overall, the effects on *Myotis* sp. bats are considered to be negligible and not significant.

## IMPACT ON SEROTINE

The Site is considered to be of value at the Local level for serotine.

Given that the risk of direct impacts, through any mechanism, on serotine bats are very low, the significance of effects are considered to be no greater than at the level of the Site.

## MITIGATION MEASURES FOR BATS

The report details a number of precautionary measures during construction including oversight of key works by a suitably qualified Ecologist.

### Occupation phase mitigation

The proposed mitigation during occupation ranges from design and modelling of site lighting, planting and vegetation and the inclusion of bat roosting areas within the renovated buildings including:

#### The Bothy

The Bothy supports a maternity colony of brown long-eared bat and small roosts of common and soprano pipistrelle. The occurrence of a small number of droppings indicate that serotine have also roosted within the Bothy in low number.

The maternity colony of brown long-eared bats is present in the Bothy loft void, with access observed via the cupola at the centre of the building. Access through the cupola into the loft void will be retained during occupation. The roof void will be divided into two sections due to the requirement to install a fire break. The cupola will provide access to the northern roof void. Access to the southern roof void will be provided by a number of gaps at the eaves (in locations away from windows) and a lifted tile on the southern roof pitch. The access points will be suitable for both pipistrelle bats and brown long-eared bat. The total floor internal volume of the roof void (all of which will be set aside for sole use by bats) is 252 m<sup>3</sup>.

The interior space of both roof voids will include features to enhance roosting opportunities for both crevice and cavity roosting species. Plywood boards will be affixed to untreated batons on the internal roof pitches of various thickness to provide a range of crevices and cavities. Plywood baffles will also be affixed to both sides of one truss (extending from the apex to the first purlin) in each roof void to limit drafts and provide additional cavities for roosting.

#### The Stable Block

Use of the Stable Block by small numbers of roosting lesser horseshoe bat, greater horseshoe bat, common pipistrelle, soprano pipistrelle, and brown long eared bat has been established through survey work.

The roof voids of the southern and western ranges will be retained as bat roosts. Access to the western range will be provided by an existing loft hatch above the courtyard tunnel. A 300 x 200 mm letterbox will be provided within the doors on the western elevation to allow access by lesser horseshoe bats. The tunnel space will allow an area for bats to light sample before dispersing either into the courtyard or through the letterbox provided in the doors. The existing walls within the roof void will be provided with 300 x 200 mm slots to allow lesser horseshoe bats to access all parts of the void and to deter use by greater horseshoe bats. The internal volume of the western range roof void (all of which will be set aside for sole use by bats) is 47 m<sup>3</sup>.

As enhancement, a second entrance to the roof void will be provided through a loft hatch above the quarantine stable in the northern extent of the western range (currently covered by a grille). Access to the quarantine stable will be provided through a window fixed open to a gap of 300 x 200 mm.

The quarantine stable will be accessible to bats as a cool room to support the available roosting opportunities in the loft void. The quarantine stable will not be fitted with a light to ensure that bats are not dissuaded from using it. The internal volume of the quarantine stable is 56 m<sup>3</sup>.

The roof void of the southern range will be divided into three sections due to the requirement of fire-breaks. Access to the central section for bats will be provided through a gap in the clock tower and / or within the apex of the gable above the main courtyard entrance. Four wooden bat boxes (two crevice type and two cavity type) will be provided within the internal void to enhance the space for roosting pipistrelle and brown long-eared bat. The internal volume of the southern range roof void (all of which will be set aside for sole use by bats) is 135 m<sup>3</sup>.

The roof voids at the western and eastern ends of the southern range will be accessed by lifted tiles and gaps at eaves level at the respective end hips. The access points will be sited away from abutting roof sections of the western and eastern ranges to avoid access by predators. The interior space of both roof voids will include features to enhance roosting opportunities for both crevice and cavity roosting species. Plywood boards will be affixed to untreated batons on the internal roof pitches of various thickness to provide a range of crevices and cavities. Plywood baffles will also be affixed to both sides of one truss (extending from the apex to the first purlin) in each roof void to limit drafts and provide additional cavities for roosting.

The former Greenhouse Boiler Room in the north-east corner of the Stable Block will be modified and retained for use by hibernating greater horseshoe bats. The stairwell leading to the room will be kept unlit at all times. A gap will be provided above one of the existing doors (the second will be permanently closed) with a baffle behind to restrict air currents. A baffle will also be affixed to the ceiling of the room across its width to

further restrict airflow. A thermal block cool tower will be built in the south-east corner of the room with a gap of 600 x 300 mm at its base. The internal volume of the Greenhouse Boiler Room is 168 m<sup>3</sup>.

Greenhouse Store (subject to separate planning and listed building applications)

Survey work in 2020 has identified use of the Greenhouse Store building by night-roosting lesser horseshoe bat, and foraging greater horseshoe bat. The baseline condition of the building is considered to be unsuitable to support a day roost of either species.

Measures will be implemented within the footprint of the Greenhouse Store to mitigate for effects on greater horseshoe bat, and to provide enhanced roosting opportunities for pipistrelle bats and brown long-eared bat. The Greenhouse Store will be refurbished to provide an enclosed volume of 172 m<sup>3</sup>.

The roof will be replaced, and will extend for the full length of the building footprint as a lean-to against the garden wall. The windows will be retained, but provided with solid black-out internal screening. Access improvements and features to improve the roosting opportunities for bats are proposed.

Generator Block

The report mentions aspirations to repair and maintain the Generator block but it is considered these works would be outside of the scope of the current application and would be likely to require separate dialogue with the Council's Ecology, heritage Officer and Natural Resources Wales along with likely involvement of interest groups.

Other wildlife

Dormice

Dormice have not been recorded on the Site but the report assumed that the northern boundary scrub habitat within the Site will function as dormouse habitat because it is connected to the main Coed Craig Ruperra which is known to support dormice. 0.07 ha of habitat will be lost either permanently or temporarily along the northern boundary.

Mitigation and enhancement is proposed with residual effects assessed as negligible.

Great crested newts

Great crested newts are present in the wider site however mitigation measures will maintain the favourable conservation status of the species. Opportunities for great crested newts along the western boundary will be enhanced through the planting of a hedge, understorey planting, and hedgerow headland grassland being allowed to grow



annually to provide cover. Residual effects on great crested newts are assessed as being negligible.

#### Reptiles

Slow worms and common lizard are anticipated to be present but mitigation and enhancement are proposed with no residual adverse effects likely to arise.

#### Badgers

No setts have been recorded on or close to the site but precautionary checks will be carried out and good practice measures are proposed to be adopted.

#### Birds

A pre-construction check for nesting will take place depending on the time of year that work is scheduled to take place, in order to ensure that no nests are damaged or nesting birds significantly affected by any work.

#### Common Toad

Found previously in the concrete lined pond and likely to be found on terrestrial parts of the site. Measures to be adopted for Great Crested Newt and reptiles will be of benefit to Toads.

It is considered that with the submitted ecological assessments and lighting assessment/design to provide mitigation in terms of light spill for the Generator block and woodland, along with the proposed measures for bats within the buildings and the requirement of Natural Resources Wales to require further ecological information under a scheme (LEMP) to be submitted through a planning condition along with other planning conditions, that the impact on protected species, including the rare bats present at the site, will be acceptable and would accord with local and national planning policy and the designations including the SSSI.

#### Amenity for future residents

The proposed development is considered to have acceptable levels of accommodation, parking and access to amenity space and also recreational routes in the surrounding countryside and is considered to accord with Policy CW2 (Amenity).

#### Conclusion and recommendation

The proposals, as set out are considered acceptable in planning terms. The above proposals, if implemented would ensure that these listed buildings are repaired, restored and brought back into use for the benefit of future generations in accordance with current national legislation, policy, and best practice guidance as referred to above and for the proper management of the historic environment.

The proposals are in accordance with current Welsh legislation, policy and best practice guidance, i.e. The Planning (Listed Buildings and Conservation Areas) Act 1990, The Historic Environment (Wales) Act 2016, Planning Policy Wales Ed 11 2021, TAN 24: The Historic Environment May 2017, and related WG/Cadw's current best-practice guidance, including Managing Change to Listed Buildings in Wales May 2017; Managing Conservation Areas in Wales May 2017; & Managing Listed Buildings at Risk in Wales May 2017.

#### Comments from Consultees:

Draethen, Waterloo and Rudry Community Council have raised objection to the application for the following reasons:

1. Ruperra Castle is a Scheduled Ancient Monument and Grade II\* Listed Building and any works carried out to the ancillary buildings that are also Scheduled Ancient Monuments and Grade II Listed Buildings would have significant negative impacts on the site overall.
2. Approval of this application would create a precedent to similar proposals.
3. The local road infrastructure is not adequate to service the proposed development.
4. The proposed development will impact on the listed buildings and conservation area.
5. The proposed development will adversely affect this ancient monument.
6. The proposed development may have an impact on the archaeological legacy of the site that should be protected.
7. The type of housing proposed will not satisfy local needs.
8. There may be negative impacts resulting from the construction works at the site.
9. We are aware from general and ongoing engagement with the local community that the consensus is for preservation, if not restoration, of the entire historical site.

The objections of the Community Council have been considered however it is held that the proposal is acceptable and can be adequately mitigated through planning conditions where necessary.

The Affordable Housing Officer is satisfied that the proposal would not be viable to provide affordable housing due to the costs associated with renovating the buildings. As such no affordable housing contribution is being sought for the development and it accords with adopted Local Development Plan Policy CW11.

The comments of the Rights of Way Officer are noted in respect of concerns with a public right of way crossing the application site. It is not considered however that the development will materially alter the existing situation in terms of access (gates are present already) and the applicant will be advised via an informative note of their responsibilities not to obstruct the public rights of way.

The Council's Ecologist has raised concerns in respect of the amount of biodiversity enhancement included within the scheme and has recommended works are included on the generator block. The proposals do include significant provision for bats within the buildings subject to be renovated under this application and also within a separate application for a separate conversion of a glasshouse. It is not considered on balance that it would be reasonable or proportionate to require works to be carried out to the generator block under this application.

Comments from public: There is a range of objections raised by the general public in respect to this planning application. Responses to the points summarised above are as follows: -

- Comprehensive plans/ masterplan for whole site (including the castle) should be submitted and considered.
- Concern with the stability and deterioration of the castle.

The application has been submitted and considered on its merits and the stability and condition of the castle is a separate matter.

- Impact on the castle. The proposals will further damage the castle's character and authenticity.
- Adverse impacts on Listed Buildings, the Conservation Area and Historic Park and Gardens.

Highlights the Scheduled Ancient Monument and Listed Building designations of the castle and ancillary buildings together with the wider landscape which indicates the whole estate has unique heritage conservation potential.

- To allow any piecemeal development of the outbuildings would degrade this historic asset.
- Applications do not further the repair and survival of the castle.

The proposals have been assessed and found to have an acceptable impact on the castle's setting and the site's historic designations and renovation of the Listed Buildings are a positive impact.

- Any piecemeal development without considering the site as a whole would adversely affect both the Area of Special Landscape Value and destroy the built heritage survival of a high status site occupied for over 2000 years.
- Granting planning for a small part of the site for residential use will impair the ability to save the castle longer term and restrict what can be done once residents are living there.

The proposals are considered to be acceptable and will not exclude/prevent works in the future to the castle and surrounding grounds.

- Attempts to encourage incoming economic growth in Cardiff and Newport could be spoiled should the Castle's special character be lost to additional housing development.

The housing development is limited to the existing on site buildings and is not anticipated to materially impact on economic growth.

- Castle should be included into the Council's Sustainable Tourism strategy and its Heritage Use and Conservation planning.

The castle is in private ownership and these are separate matters outside of the current application.

- Provides examples of restoration/conservation and reuse (Astley Castle Nuneaton, Lulworth Castle Dorset, Highcliffee Castle Dorset, Woodchester Mansion, Gloucestershire).

The proposals have been considered on the basis of the applications submitted.

- Registered gardens and woodland should be protected.

The proposals have been considered with regard to the site designations including the Historic Park and Garden. Cadw have raised no objections having considered the designation.

- Poor management of trees and burning of rubbish.
- Past actions to clear vegetation have shown the owners' disregard for ecology and the natural environment.

These are matters outside of the consideration of the current application.

- Dangerous to allow these buildings (particularly the bothy) to have a change of use so close to a dangerous derelict castle.

The bothy is already in residential use and so will not materially change the existing situation with the castle.

- Impact of building works and vehicles on castle.

The conversion works and vehicles are not anticipated to involve works which would be likely to have a material impact on the castle or its stability.

- Increased light and noise pollution will have adverse impact on bats and dark countryside.
- Adverse Impact and/or loss of the SINC/SSSI protected Greater Horseshoe Bat maternity roost/colony in the old generator block and associated dark corridor of vegetation which provide routes to foraging areas such as the nearby woodlands

and pasture by reasons of construction work and also the introduction of light, noise and traffic by future residents and associated visits/deliveries.

A lighting assessment has been submitted to minimise the light pollution on the areas nearest to the generator block and likely flightpaths of bats. It is not considered that noise pollution would be so substantial to have an unacceptable impact on wildlife.

- Proposals Ignore the Climate emergencies which we face (private car use/spread of concrete surfaces) and is not sustainable.

The proposals will convert existing Listed buildings to a use which will secure their long term survival and on balance the proposal is considered acceptable.

- Threatens future of the greenbelt if a new access road across open farmland is approved setting a precedent for further development.

The proposed development is not major development and therefore is not considered to be restricted by precautionary advice contained within Policy 34 of Future Wales - The National Plan 2040 on potential future greenbelt designation. Were further development proposed at a later stage this would be considered under separate application(s) taking into consideration extant policy/designations at that time.

- Represents short term profit making.
- Priority needs to be given to repairing the most important structure - Ruperra Castle, rather than one of the least important buildings on its Estate.
- The 13 acre site around the Castle should be held by some body or organisation to create a small country park, linked to adjacent land holdings by one or two agreed footpaths/rights of way and that a plan should be formulated and money raised by some means to buy the site, or at least maintain it.
- If approved a legal agreement should require no building may be sold or occupied until the castle has been transferred to a heritage body with a financial contribution.
- It is not fitting for nearby development to take place in the absence of any requirement for the repair of the imperilled structure of the Castle or the enhancement of the important estate grounds, given that both Castle and grounds are in the same ownership as the structures subject to the applications.

These are the opinions of the objectors.

- There should be a comprehensive redevelopment proposal involving the castle.

The proposal has been considered on its merits.

- Introduction of potential predators to the bats such as domestic cats.

The submitted Ecological Impact Assessment (as amended) has considered the impact of cat ownership for future residents and has concluded that the level of impact above baseline would be minor. Measures to prevent predation of bats have been incorporated into the design (including high level access points).

- Proposals for a new bat house as mitigation are unsuitable and unacceptable.

The mitigation measures extend beyond the bat house providing roosting opportunities within areas of the buildings and are considered acceptable.

- The maternity bat roost is of national and international importance and the precautionary principle should be applied, and any development that may risk having a negative effect on the roost should be refused. Highlights the legal protections afforded to bats.
- May adversely affect other wildlife in the neighbouring woodland.
- SSSI designated with other protected species include Greater Crested Newts and Common Dormouse.
- Adverse impact on ecology Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions.
- Question the findings of the Lighting Report - there are bound to be significant adverse impacts from the artificial lighting proposed and these impacts also extend to application numbers: 19/0787/COU and 19/788/LBC for the Stables and Coach house.

The impact on wildlife and ecology has been considered within the Ecological Reports and clarification submitted by the applicant following consideration by Natural Resources Wales has been considered acceptable with safeguards through planning conditions.

- Access unsuitable for traffic.
- Proposed Passing bays impact on wildlife, development in open countryside and increased traffic generation contrary to Policies CW3 (Highways) and CW19.
- Site has limited vehicular access and substandard highway network in area. Impact on use by walkers, cyclists and horse riders.

The proposed access arrangements are considered acceptable.

- Due regard should be given to the Well Being of Future Generations Act given the major historical, environmental and ecological issues at the site and Planning Policy Wales in terms of provision of a net benefit for biodiversity.
- Contrary to Future Generation Wales Act resilient Wales.

The Well-being of Future Generations (Wales) Act 2015 includes a number of well-being goals which does include 'A Resilient Wales' which is explained as being "A nation which maintains and enhances a biodiverse natural environment with healthy

functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).

A further well-being goal within the act is "A Wales of vibrant culture and thriving Welsh Language" which is explained as being "A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation."

The application has been considered in respect of the requirements of the Well-being of Future Generations (Wales) Act 2015 including all the well-being goals and on balance has been found acceptable and to accord with the duties of the Local Planning Authority under the act.

- The change of use would introduce domestic paraphernalia which would impact on the historic grounds.

The proposed conversion and development is not considered to have an unacceptable impact in this regard.

- The amended Design and Access Statement is inadequate.

The Design and Access Statement meets validation standards.

- Vegetation was cleared before the manege was built, but there is no sign of the replacement tree planting required as a condition of that approval.

This is a matter separate to the consideration of this application.

- Question why no additional ecological survey information has been made available.

Amended reports and plans have been made available.

- Reinstatement of Public access.

The site is in private ownership and any specific matters of access can be addressed through relevant legislation where found necessary.

- Since September 2019 there has been a major local policy change that reinforces our case. The devastating floods of February 2021 were a further demonstration of the County Council's foresight in declaring a climate emergency, and in pledging to review all of its policies and decisions in the light of the need for urgent action to stem further temperature rises. It includes taking action to reduce traffic, support active travel and increase biodiversity - as envisaged in the Sustainable Caerphilly Landscape (SCL) Masterplan 2020.

The application has been considered on its merits including the beneficial impacts on providing long term use to Listed Buildings currently in poor state of repair. This together with compatibility with provision for conversion of buildings under Policy CW20, mitigation for protected species, requirements under planning conditions relating to habitat management and access to walking recreation routes in the vicinity is considered to outweigh the concerns raised.

- From 1/2/2022 the gardens at Ruperra are now statutorily protected under the Welsh Government Heritage Act 2016.

The impacts on the designations of the site have been considered and have been found acceptable.

- Suggest CCBC start using adequate powers invested in it in order to stop the further deterioration of this site.

This is a separate matter from the application under consideration.

Other material considerations: The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. The above proposals, if implemented would ensure that these listed buildings are repaired, restored and brought back into use for the benefit of future generations in accordance with current national legislation, policy, and best practice guidance and for the proper management of the historic environment. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

It is noted that objections have been raised by individuals and interest groups raising wide ranging concerns in respect of the impact of the development on the historic buildings and designations of the site. Concerns have been raised in respect of the condition of Ruperra Castle itself which by its "at risk" designation is acknowledged to be in poor condition. The private ownership of the site means that collaboration is expected to be required (most likely by the landowner, interest groups, the Local Authority and others) to secure the long term future of the castle. The current application excludes the castle but does provide an opportunity to restore key Listed buildings on the site which would most likely safeguard their long term future. The changes proposed are considered to be proportionate and would have an acceptable impact on the wider Ruperra Site both visually within the Landscape and have sufficient mitigation on the protected species present on site.

The application is recommended for approval however members are advised that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority. The effect of the direction means if members are minded to approve



the application the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Site Location Plan, drawing reference AL.0.10 revision D;  
Proposed: Stables & Coach House - Ground Floor Plan drawing reference AL.ST.110, Revision A, dated July 2020;  
Proposed: Stables & Coach House - First Floor Plan, Drawing number AL.ST.111, Revision A, dated July 2020;  
Proposed: Stables & Coach House - Elevations (sheet 1 of 2), Drawing number AL.ST.112 Revision A, dated July 2020;  
Proposed: Stables & Coach House - Elevations (sheet 2 of 2), Drawing number AL.ST.113 Revision A, dated July 2020;  
Proposed: South Entrance Gates Plan and Elevation Drawing number AL.SG.110 revision A;  
Proposed: 'The Bothy' (fmr Dairy & Laundry) - Floor Plans & Elevations, Drawing number AL.D.110 Revision A, dated August 2020;  
Joinery Details (typical) drawing reference AA.0.100;  
Ruperra Castle Ecological Assessment Report, Author: BSG Ecology, dated 30 September 2020;  
Ruperra Castle Lighting Impact Assessment, Author: Illumne Design, Revision 0.1 dated 28 September 2020;  
Letter to Anthony Pyne at Caerphilly County Borough Council titled 'Response to Ecological Comments on Planning Applications 19/0787/COU and 19/0789/COU', dated 3 February 2021;  
External Lighting Only Levels of Illuminance Full output Shown MF=1 Drawing number 4181-ID-DR-4001 Revision P02, dated 13 January 2021;  
Revised Landscape Planting and Ecology Plan, Drawing number MLD/521/PLANNING/04 dated 16 September 2020; and  
Tree Retention and Removal Plan, drawing number 210429-RC-TRRP-Rev B-NB, dated April 2021.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority for the removal, storage and re-use of materials. The development shall only be carried out in accordance with the approved scheme.

REASON: To protect and preserve the character of the Listed Building.

- 04) No works to the roof shall be undertaken until samples of the roof tiles for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using the approved tiles.

REASON: To protect and preserve the character of the Listed Building.

- 05) Prior to the first residential apartment within the stables/coach house being beneficially occupied a scheme for the storage of foodstuffs, and the storage and disposal of waste and manure shall be implemented in accordance with details that shall be first agreed in writing with the Local Planning Authority.

REASON: To prevent pollution in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at the site has been submitted to and approved by the Local Planning Authority. The LEMP should be supported by appropriate drawings and should include:

Details of existing habitats and ecological features present to be retained;  
Details of measures to prevent access by residents to the area north of the Generator Block and Stable Block, for example by fencing and/or planting;  
Details of the replanting with standards to be undertaken following the removal of tree group number 5;

Details of measures to prevent bat predation by cats at the bat access point on the north elevation of the Generator Block;

Details of the extent distribution and type of new habitat and ecological features to be created on the site, including species mix, density of new planting and minimum size of specimens;

Details of the desired conditions of habitats (present and to be created) at the site;

Details of scheduling and timings of activities;

Details of short and long-term management, monitoring and maintenance of new and existing habitats at the site to deliver and maintain the desired condition;

Details of monitoring of habitats and ecological features;

Details of remedial measures should any landscape or ecological features fail to establish, be removed or become seriously damaged or diseased within 5 years of completion of development;

Details of management and maintenance responsibilities; and

Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals;

The development shall be completed in accordance with the approved plan and the timescales contained therein.

REASON: In the interests of the ecology and natural heritage of the site, to ensure necessary landscape and environmental management measures are agreed and implemented to ensure the sites landscape and environmental

features are adequately managed long term in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 07) Prior to the commencement of works on site a scheme of land and surface water drainage (inclusive of watercourses) within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021 and in accordance with the requirements of Planning Policy Wales Edition 11.
- 08) No external lighting other than that specified within the approved plans shall be installed without the prior written approval of the Local Planning Authority and the 'Features of highest importance' as detailed on 'drawing 2' (annotated aerial photograph) contained within BSG Ecology letter dated 03 February 2021 shall be adhered to at all times.  
REASON: In the interests of the protected species present in accordance with policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
REASON: As the buildings are of architectural and cultural significance the specified records are required to mitigate impact.
- 10) No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.  
REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 11) Notwithstanding the submitted plans, prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:  
(a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and

(b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and

(c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 12) A Landscape Management Plan, including
- (a) long term design objectives,
  - (b) management responsibilities, and
  - (c) maintenance schedules for all landscape areas, other than domestic gardens, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.

The Landscape Management Plan shall be carried out as agreed.

REASON: To ensure that the landscaping is maintained in the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) Notwithstanding the submitted plans prior to the occupation of the coachhouse a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected along with a timescale for implementation. The boundary treatment shall be completed in accordance with the approved details.

REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:

a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of

every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,

- b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
- c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
- d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),

p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).

q) the timing of the various phases of the works or development in the context of the tree protection measures.

The development shall thereafter be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 15) Prior to the occupation of the first apartment in the coach house building details of all the proposed passing bays (and their construction and timescale for implementation) and associated measures to protect existing trees shall have been first submitted to and approved in writing by the Local Planning Authority. The bays shall be provided in accordance with the approved details.

REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 16) The fenestration detailed on drawing reference AL.ST.113 revision A which are annotated "NOT FOR ACCESS" shall be non-opening and fitted with blackout window film prior to the occupation of the dwellings they serve and therefore shall not be modified, removed or replaced without the prior written consent of the Local Planning Authority. Any authorised replacement shall be completed in accordance with the approved details.

REASON: To ensure that lighting levels are in accordance with the submitted details in the interests of ecology (bats) in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 17) Prior to the occupation of any dwelling in the Coachhouse a lighting monitoring report indicating the lighting installed and an assessment of the light spill emanating from it shall be submitted for the written approval of the Local Planning Authority and it shall demonstrate adherence with the submitted Ruperra Castle Lighting Impact Assessment, Author: Illumne Design, Revision 0.1 dated 28 September 2020 (or justification for any departure from it). Following approval of the report the lighting shall not be modified thereafter without the prior written consent of the Local Planning Authority.

REASON: To ensure that adequate mitigation in terms of restricting light spill likely to have an adverse impact for bats is implemented in the development in the interests of ecology in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

#### Advisory Note(s)

The applicant's attention is drawn to the Landscape and Ecological Management Plan required under planning condition should include all those matters detailed in Natural

Resources Wales consultation letter for 19/0787/COU dated 25.06.21 (NRW ref CAS-153570-Z9Y7).

The applicant is reminded that it is an offence to obstruct a public right of way. There are three public rights of way in the area of this application, one of which, Footpath 1 Llanfedw, is obstructed. The planning permission does not authorise the stopping up or diversion of the public rights of way. The public rights of way may be stopped up or diverted by Order under section 257 of the Town and Country Planning Act 1990, provided that the order is made before the development is carried out. As the public right of way is currently obstructed any Order cannot proceed until the obstruction is removed. Should the applicant require further information regarding their responsibilities to the Public Right of Way, they are requested to contact the Rights of Way Officer

Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require a EPS licence.

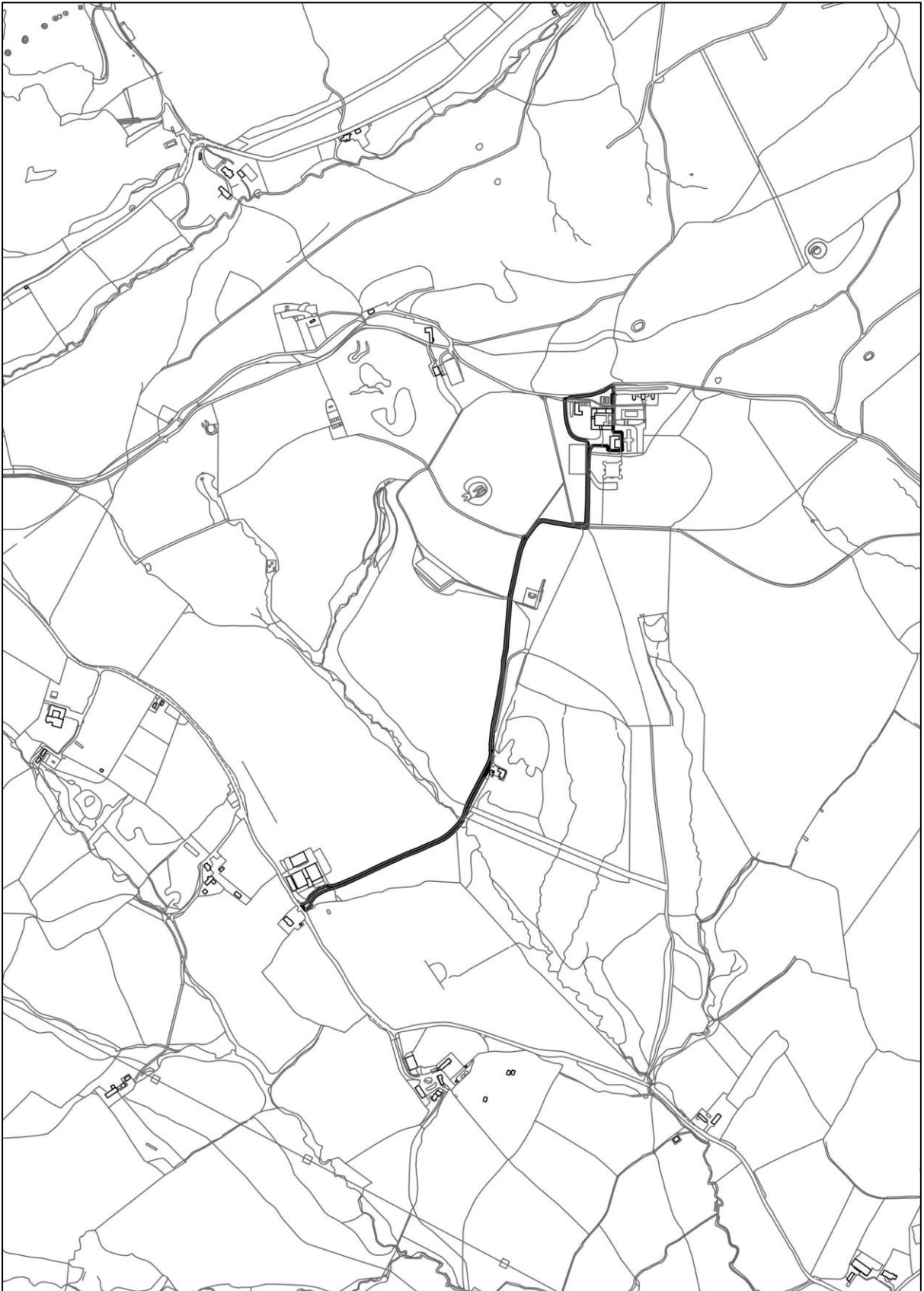
It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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19/0787/COU



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**Application Number:** 19/0788/LBC

**Date Received:** 27.09.2019

**Applicant:** Mr Alkhafaji

**Description and Location of Development:** Carry out conservation repairs to the Former Dairy and Laundry (The Bothy) and change the use of the Stables and Coach House building to a mixed use of 7 No. new residential units and stables - Ruperra Castle Estate Rudry Road To Craig Llan Rudry

**APPLICATION TYPE:** Listed Building Consent

## SITE AND DEVELOPMENT

Location: Ruperra Castle, Rudry, Caerphilly. The site is located in the open countryside approximately seven miles to the north east of Cardiff and also approximately seven miles to the west of Newport. The nearest settlement to it is Draethen village which is located to the north, at a distance of just over a half of a mile. The site is bounded in all directions by undeveloped land. To the north is woodland, with the land to the east, west and south being open fields.

The site is bounded by a wall along its northern and southern boundaries, by a fence along its western border, and a ha-ha along the eastern side. This latter feature is a low castellated boundary wall which separates the former pleasure grounds of the castle from the parkland beyond.

Site description: The proposals lie within the grounds of Ruperra Castle, which is a scheduled ancient monument, a grade II\* listed building and within a site where there are other (Grade II) listed buildings and curtilage buildings, this site being delineated by a random rubble stone boundary wall. The site also lies within the Ruperra Castle Conservation Area designated on 29/09/1998, as well as grade II registered historic park and garden at Ruperra Castle PGW (Gm)17(CAE). The Site of Special Scientific Interest (SSSI) had a date of notification of 30 March 2011 and includes part of the site as well as land to the North and East of the application site's boundary. Other nearby Scheduled Monuments include GM511 Ruperra Hillfort and Motte and GM590 Ruperra Castle lower summerhouse.

Development: Carry out conservation repairs of the Former Dairy and Laundry (The Bothy) and change of use of the stables and coach house building to a mixed use of seven new residential units and stables.

Alterations and Repairs for the Stables and Coach House are summarised in the submitted documentation as follows: -

## Roof

Make Repairs to the existing roof by stripping the existing slate tiles and set aside for reuse where possible, remove all lead to ridges, hips, valleys and the like, making repairs to the roof structure. Reinststate roof structure over east wing, adjacent to the garden wall, with new to match existing adjacent including hip to south end. Incorporation of conservation rooflights and reinstatement of flat roofed dormers to the rear north elevation.

Remove all rainwater goods, and reinststate with new cast iron to match the existing.

Make repairs to the eaves, fascias and soffits and redecorate in paint finish.

Reinststate lead roll rides, hips and the like, on new treated timber cores. Reinststate lead valley gutters, abutments and upstands, chimney flashings.

Repair and renovate cupola, including paint decoration, and relocate over central arched entrance to include weather vane feature.

### Walls

Make repairs to existing cement render including projecting plinth at ground level.

Remove any loose or badly cracked areas and repair in cement render to match existing.

Form new external wall with cement render on blockwork dry lined with cork insulation and lime plaster.

### Windows and Doors

Entrance gates and doors to courtyard - Both to be removed, renovated and replaced.

All windows to be removed for repairs/renovation including carefully recording location of each prior to removal (windows beyond repair will be carefully recorded and replaced with a new timber window).

Repair and renovate bay window complete to south east corner to match existing adjacent.

Sliding/folding doors to the courtyard undercroft area to be removed and renovated or renewed including metal door gear.

New painted timber screens and doors, behind renovated doors, to new residence in undercroft.

Windows to the fire damaged east wing first floor are missing and are to be replaced with new painted timber windows.

Provide new entrance doors to residences to the north upper elevation.

All joinery - To have linseed paint finish.

### Other

Metal canopy in courtyard - To be carefully recorded and dismantled for repair and renovation. Metalwork to have protective paint finish with patent glazing to the upper section adjacent to the building.

Renovate and reinststate timber truss arch formers to the underside of the entrance arch including timber lath and cement render ceiling. Retain timber hatch to act as ventilation for void.

Provide new bridge (same location as existing) to residence on north elevation with steps down from upper area. For emergency exit only.

Doors to be kept locked.

Repair and renovate perimeter footpath to the south and west elevations and south and west of the courtyard.

Repair and restoration works to internal walls, ceilings, doors, staircase and new works where required. Works to provide underfloor heating and new flooring.

### Walls

Form new timber stud partitions with wood-wool boards and lime plaster finish. Insulate between the studs around bathroom areas.

Make repairs as necessary to rendered walls generally within the stables at ground and first floors. All water damaged plaster to be removed and replaced with lime plaster.

Retain and refurbish existing timber wall panelling principally in the stable areas including single stable in north west corner.

Repair and redecorate stable stalls.

Form new door openings where indicated on the drawings.

Finish all walls with breathable paint (except stables).

### Ceilings

Make repairs to the ceiling in the smaller stable block to the north west.

Ceilings are metal lath and lime plaster. To have breathable paint finish.

In areas of water ingress ceilings in poor condition from rusted lathing. These areas to be removed and renewed.

All new ceilings around central front section under the cupola where in very poor condition.

Finish all ceilings with breathable paint (except stables).

### Other

All existing doors, frames and architraves to be retained and restored with linseed paint finish.

All new doors to be boarded panel doors to match original joinery.

To existing staircase retain all handrails, newels and spindles. Restore and redecorate.

Remove all existing mechanical and electrical services in the building including external modern extract vents, lighting and the like.

Provide new mechanical and electrical installations with all extract vents, soil pipes, lighting and the like discretely integrated and concealed within refurbished elements of the building.

### Former Dairy and Laundry

#### Roof

Strip the slate tile roofs complete including battens, felt and associated leadwork valleys and the like. Set aside slate tiles for re-use.

Supply and lay bituminous roofing felt (type 1F) and new treated battens and re-lay slate tiles using only those in sound and re-useable condition.

Supply new slate as necessary randomly mixed in with re-used tiles.

Renew lead to lead roll flat roof over front main section. Replace the deck of the flat roof complete.

Renew all lead roll ridges and hips including timber cores.

Renew lead flashings to existing chimney stacks. Repoint stacks in lime mortar.

Repair/renovate existing timber and metal cupola and redecorate.

Make repairs to existing eaves fascia and soffits in treated timber and redecorate in paint finish.

Remove all rainwater goods and renew with cast iron to match existing removed.

Remove rooflight to rear of main roof and make good in slate tiling.

### Walls

Make repairs to existing render including projecting plinth at ground level.

Remove any loose or badly cracked areas and repair in cement render to match existing.

### Windows and doors

All windows to be removed for repairs/renovation including carefully recording location of each prior to removal (windows beyond repair will be carefully recorded and replaced with a new timber window). Make repairs to those to be retained.

Supply and fix new painted timber casement windows to match existing removed.

Adjust first floor openings to yard main elevation to match existing adjacent to rear wings at first floor re-use former openings to insert new windows to match existing adjacent.

Replace windows with new more sympathetic windows.

Provide new painted timber doors from hall into yard to match existing example.

Remove modern timber screens to either end of the entrance arch and insert new timber screens in keeping with other windows above.

### General

Remove external boiler house, roof and flue and make good.

Remove external drainage and vent pipes and make good.

Make repairs to and re-build retaining wall (as necessary), in re-used stone (to match existing detail) in same position. Remove steps to rear (currently in poor condition) and replace with retaining wall to match existing.

Remove all extraneous mechanical and electrical fittings from the exterior, cabling and the like and make good.

### Internal - Ceilings

All ceilings to be repaired where and as necessary with larch laths and lime plaster.

### Walls

Make repairs to cracked or damaged plaster finishes including removing loose areas and make good with lime plaster.

All gypsum plaster is to be removed, as it will not allow the solid walls to breath. Make good with lime plaster.

Form cloakroom areas in locations shown on the drawings within hallways using timber stud partitions.

Form kitchen areas within rooms.

Form bathroom areas to first floor within.

Form en-suite bathrooms by altering partitions.

Remove existing partitions at first floor to create views to front and rear.

Make good to ceilings and floors with like for like materials.

### Floors

Make repairs to first floor floors using floor boards to match existing.

### Other

Repair existing panel doors and architraves.

Reinstate lost dado detail to the walls generally.

Reinstate tall moulded skirting to match existing where necessary.

Repair and redecorate existing.

Reinstate simple turned spindles and newel posts with moulded handrail to the main staircases.

### South Gates

Linear wall of random rubble stone, 1.5m in height, and castellated suggesting that this was the grander main entrance to the castle. There are pedestrian gates to the south east corner that linked into the former east park and also on the south axis of the castle. Future works will involve raking out cement mortar as part of essential repairs, not comprehensive repointing, and pointing in lime mortar.

The main entrance at the west end is to be altered with the opening widened to allow two cars to pass with one of the existing pillars being dismantled and re-built. There are to be a new set of metal gates.

In terms of the overall residential accommodation to be provided on site the Bothy would comprise of two dwellings both of which are 3 bedroom.

The converted Stables and Coach House would have seven apartments with the following accommodation:

1 x 1 bedroom apartment.

5 x 2 bedroom apartments.

1 x 3 bedroom apartment.

The application is supported by the following documents:-

Description of Works,

Heritage Impact Assessment,

Landscape Masterplan,

Landscape and Visual Appraisal illustrative,

Design and Access Statement,

Ecological Impact Assessment,

Transport statement, and  
Tree Survey.

Dimensions: The area upon which development will take place totals 1.17 hectares.

The Dairy and Laundry (Bothy) building measures approximately 26.5m wide on the principal elevation with two 'wings' which project behind to a depth of 9.6m. The building has a ridge height of approximately 9m.

The stables and Coach House has a part two storey, part single storey principal elevation which measures approximately 39m in width. Two wings return from each corner of the building for a distance of approximately 36m to meet a further wing parallel to the principal elevation across the other side of a central courtyard that the building is arranged around. The building at its highest has a ridge height of around 8.5m.

An entrance gate pillar (approximately 0.7m by 0.7m and 3m high) would be dismantled and rebuilt to form a wider entrance (circa 4.5m wide).

Materials: As indicated above some of the finishes to the buildings are indicated but where they are not and if consent is granted a condition may be imposed in respect to the material finishes to be used.

Ancillary development, e.g. parking: A total of 22 parking spaces (including two visitor spaces) are proposed on land in front of the Bothy and in front of the south elevation of the coach-house and stable block with planting surrounding these spaces. Passing bays on the entrance road are also proposed to improve access.

PLANNING HISTORY 2005 TO PRESENT P/02/0774 - Refurbish existing building and construct new houses and access road - Withdrawn 05.07.2006.

P/02/0773 - Refurbish castle, outbuildings and ancillary works for residential purposes and the construction of eighteen new dwellings with access road and change of use of the Generator House to a bat roost - Refused 24.01.2008.

17/0739/FULL - Provide a rectangular (30 x 50 metre) fenced horse riding manege in the outdoor arena to the west of Ruperra Castle, with a 1200mm wide pathway all around the manege - Granted 25.01.2018.

## POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021.

Site Allocation: Outside of the settlement boundary, within the Ruperra Castle and Grounds, Draethen Site of Importance for Nature Conservation (SINC) identified by Policy NH3.179, within the Rudry Visually Important Local Landscape identified by



Policy NH2.4 and within the Ruperra Castle and Park Rudry Conservation Area. It is within the Ruperra Castle Conservation Area designated on 29/09/1998, as well as being included on the 2000 Cadw and ICOMOS UK Register of Landscapes, Parks and Gardens of Special Historic interest in Wales (Part 1: Parks and Gardens) as Grade II. The Site of Special Scientific Interest (SSSI - date of notification 30 March 2011) encompasses part of the application site and extends outside of and to the North and East of the application site's boundary.

Policies: Local Development Plan:

Strategic Policies

Policy SP3- Development Strategy in the Southern Connections Corridor, SP5 - Settlement Boundaries, SP6 - Place making, SP7 - Planning Obligations, SP10 - Conservation of Natural Heritage, SP21 - Parking standards.

Countywide Policies

CW1- Sustainable Transport, Accessibility and Social Inclusion, CW2 - Amenity, CW3 - Design Considerations (Highways), CW4 - Natural Heritage Protection, CW6 - Trees, Woodlands and Hedgerow Protection, CW11 - Affordable Housing Planning Obligation, CW15 - General Locational Constraints, CW20 - Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside.

Supplementary Planning guidance contained in LDP1 - Affordable Housing Obligation (Revision) - Updated October 2018, LDP4 - Trees and Development (January 2017), LDP5 - Car Parking Standards (January 2017), LDP6 - Building Better Places to Live (January 2017), LDP10 - Buildings in the Countryside (January 2012).

Biodiversity Action Plan March 2002.

NATIONAL POLICY The statutory protection under the terms of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Historic Environment (Wales) Act 2016, means that under section 7(1) 'any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest,' require listed building consent.

The fact that the application site is within the Ruperra Castle Registered Historic Park and Garden is a material consideration when proposing changes to the buildings/structures within it.

Planning Policy Wales Edition 11 (February 2021) states:

Listed Buildings

6.1.10 There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage.

For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.'

6.1.11 For listed buildings, the aim should be to find the best way to protect and enhance their special qualities, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of planning and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future.'

6.1.13 Applicants for listed building consent must be able to justify their proposals, show why the alteration or demolition of a listed building is desirable or necessary and consider the impact of any change upon its significance. This must be included in a heritage impact statement, which will be proportionate both to the significance of the building and to the degree of change proposed.'

#### Conservation Areas

6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised.'

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed'

#### Historic Parks and Gardens

6.1.18 Planning authorities should value, protect, conserve and enhance the special interest of parks and gardens and their settings included on the register of historic parks and gardens in Wales. The register should be taken into account in planning authority decision making.'

6.1.19 The effect of a proposed development on a registered park or garden, or its setting, is a material consideration in the determination of planning applications'

#### Sites of Special Scientific Interest

6.4.17 SSSIs are of national importance. The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies, including planning authorities, to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special interest. SSSIs can be damaged by developments within or adjacent to their boundaries, and in some cases, by development some distance away.

There is a presumption against development likely to damage a SSSI and this presumption should be appropriately reflected in development plans and development management decisions. In particular, before authorising development likely to damage any of the notified features of a SSSI, planning authorities must give notice of the proposed operations to NRW, and must take its advice into account in deciding whether

to grant planning permission and in attaching planning conditions. For the purposes of land use planning proposed SSSIs will be treated in the same way as notified SSSIs.

TAN 24: The Historic Environment May 2017 – states:

5.9 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires any works of demolition, alteration and/or extension which would affect the character of a listed building to be authorised through the process of listed building consent.... When considering any applications for listed building consent, the local planning authority or the Welsh Ministers must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Consent is not normally required for repairs, unless they involve changes that would affect the character of the listed building.'

Para 6.7 states ....'Generally, there will be an emphasis on controlled and positive management of change that encourages economic vibrancy and social and cultural vitality, and accords with the area's special architectural and historic qualities.'

It is important to recognise that doing nothing is not an appropriate option for listed buildings that are in a poor state of repair that are continuing to deteriorate and that are also on the National Buildings @ Risk Register, compiled by The Handley Partnership on behalf of Cadw (last updated in CCBC in Nov 2015). All buildings/structures outlined above are graded At Risk (3) - in a poor condition on the Buildings @ Risk Register as of Nov 2015.

The proposals, as submitted, are stated to be intended to conserve, repair, refurbish and give a new lease of life to redundant buildings or buildings partially in use as stables and residential use that are currently in a poor state of repair and not used to their best potential.

Managing Listed Buildings at Risk in Wales May 2017 states:

#### 4.1 Condition

Listed buildings are a valuable and finite resource, and contribute to our well-being. Their stable or improving condition is not only a measure of well-being, but also crucial for their long-term survival, so it is important to prevent risk caused by neglect or decay. It is vital to keep risk at bay through regular maintenance and repair. Minor repairs and routine maintenance can avoid the need for more expensive work, and help give listed buildings an indefinite life. This is normally the responsibility of owners, but local authorities may be able to provide advice and encouragement.'

In addition,

'It may be realistic to consider a phased programme of works. This can help buy time: bringing a building back into use incrementally may help with the financing of complex and expensive projects.'

## ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this application.

### CONSULTATION

Senior Engineer (Drainage) - No objection.

Heritage And Placemaking Officer - Raises no objection and recommends approval of the application.

Joint Committee Of The National Amenity Societies - Raises no objection to the scheme proposed but urges works to restore the castle at the earliest possibility.

Ruperra Castle Preservation Trust - Conclude that these proposals are unacceptable and should be REFUSED in view of their:

- 1.1 Adverse impact on Ruperra Castle, a Scheduled Ancient Monument (SAM) and Grade 2\* listed building - an exceptional quality pageant castle unique in Wales;
- 1.2 Adverse impact on the listed buildings associated with the Castle - those directly affected (the Stables and Bothy) and those indirectly affected (Mackenzie and Moncur Glasshouse, Generator House, Summerhouse, listed Ha-ha Kitchen Glasshouses and Storerooms), as well as on the integrity of Ruperra Conservation Area and Historic Park;
- 1.3 Major adverse environmental impact, including that on the SSSI and on Habitats of protected species, in particular the resident colony of Greater Horseshoe Bats;
- 1.4 Adverse impact on the local and wider Landscape;
- 1.5 Adverse implications from intrusive transport and parking; and
- 1.6 Potentially adverse impact on the health and safety of future residents.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised with site notices, press notice and two neighbour notification letters.

Response: In respect of the four applications (19/0787/COU, 19/0788/LBC, 19/0789/COU, 19/0790/LBC) submitted for the Ruperra site a total number of 85 objections (both from individuals and organisations/interest groups) have been received.

### Summary of observations:

The basis of the objections raised are as follows: -

- Comprehensive plans/ masterplan for whole site (including the castle) should be submitted and considered.
- Concern with the stability and deterioration of the castle.
- Impact on the castle. The proposals will further damage the castle's character and authenticity.
- Adverse impacts on Listed Buildings, the Conservation Area and Historic Park and Gardens.
- Highlights the Scheduled Ancient Monument and Listed Building designations of the castle and ancillary buildings together with the wider landscape which indicates the whole estate has unique heritage conservation potential.
- Any piecemeal development without considering the site as a whole would adversely affect both the Area of Special Landscape Value and destroy the built heritage survival of a high status site occupied for over 2000 years.
- Attempts to encourage incoming economic growth in Cardiff and Newport could be spoiled should the Castle's special character be lost to additional housing development.
- Castle should be included into the Council's Sustainable Tourism strategy and its Heritage Use and Conservation planning.
- Provides examples of restoration/conservation and reuse (Astley Castle Nuneaton, Lulworth Castle Dorset, Highcliffe Castle Dorset, Woodchester Mansion, Gloucestershire).
- Registered gardens and woodland should be protected.
- Poor management of trees and burning of rubbish.
- Dangerous to allow these buildings (particularly the Bothy) to have a change of use so close to a dangerous derelict castle.
- Impact of building works and vehicles on castle.
- To allow any piecemeal development of the outbuildings would degrade this historic asset.
- Applications do not further the repair and survival of the castle.
- Granting planning for a small part of the site for residential use will impair the ability to save the castle longer term and restrict what can be done once residents are living there.
- Increased light and noise pollution will have adverse impact on bats and dark countryside.
- Adverse impact on the context and integrity of the castle landholding and setting.
- Proposals ignore the Climate emergencies which we face (private car use/spread of concrete surfaces) and is not sustainable.
- Threatens future of the greenbelt if a new access road across open farmland is approved setting a precedent for further development
- Represents short term profit making.
- There should be a comprehensive redevelopment proposal involving the castle.
- Adverse Impact and/or loss of the SINC/SSSI protected Greater Horseshoe Bat maternity roost/colony in the old generator block and associated dark corridor of vegetation which provide routes to foraging areas such as the nearby woodlands

and pasture by reasons of construction work and also the introduction of light, noise and traffic by future residents and associated visits/deliveries.

- The maternity bat roost is of national and international importance and the precautionary principle should be applied, and any development that may risk having a negative effect on the roost should be refused. Highlights the legal protections afforded to bats.
- Introduction of potential predators to the bats such as domestic cats.
- Proposals for a new bat house as mitigation are unsuitable and unacceptable.
- May adversely affect other wildlife in the neighbouring woodland.
- SSSI designated with other protected species include Greater Crested Newts and Common Dormouse.
- Adverse impact on ecology. Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions.
- Access unsuitable for traffic.
- Contrary to Future Generation Wales Act resilient Wales.
- Past actions to clear vegetation have shown the owners' disregard for ecology and the natural environment.
- Query how the case for housing has been tested.
- The change of use would introduce domestic paraphernalia which would impact on the historic grounds.
- The 13 acre site around the Castle should be held by some body or organisation to create a small country park, linked to adjacent land holdings by one or two agreed footpaths/rights of way and that a plan should be formulated and money raised by some means to buy the site, or at least maintain it.
- If approved a legal agreement should require no building may be sold or occupied until the castle has been transferred to a heritage body with a financial contribution.
- The amended Design and Access Statement is inadequate.
- Priority needs to be given to repairing the most important structure - Ruperra Castle, rather than one of the least important buildings on its Estate.
- Vegetation was cleared before the manege was built, but there is no sign of the replacement tree planting required as a condition of that approval.
- Question why no additional ecological survey information has been made available.
- Question the findings of the Lighting Report - there are bound to be significant adverse impacts from the artificial lighting proposed and these impacts also extend to application numbers: 19/0787/COU and 19/788/LBC for the Stables and Coach House.
- It is not fitting for nearby development to take place in the absence of any requirement for the repair of the imperilled structure of the Castle or the enhancement of the important estate grounds, given that both Castle and grounds are in the same ownership as the structures subject to the applications.
- Due regard should be given to the Wellbeing of Future Generations Act given the major historical, environmental and ecological issues at the site and Planning Policy Wales in terms of provision of a net benefit for biodiversity.

- Site has limited vehicular access and substandard highway network in area. Impact on use by walkers, cyclists and horse riders.
- Proposed Passing bays impact on wildlife, development in open countryside and increased traffic generation contrary to Policies CW3 (Highways) and CW19.
- Reinstatement of Public access.
- Since September 2019 there has been a major local policy change that reinforces our case. The devastating floods of February 2021 were a further demonstration of the County Council's foresight in declaring a climate emergency, and in pledging to review all of its policies and decisions in the light of the need for urgent action to stem further temperature rises. It includes taking action to reduce traffic, support active travel and increase biodiversity - as envisaged in the Sustainable Caerphilly Landscape (SCL) Masterplan 2020.
- From 1/2/2022 the gardens at Ruperra are now statutorily protected under the Welsh Government Heritage Act 2016
- Suggest CCBC start using adequate powers invested in it in order to stop the further deterioration of this site.

#### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

There are no significant crime and disorder implications material to the determination of this application.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes.

The application site supports European Protected Species including, Greater Horseshoe Bats, Lesser Horseshoe Bats, Brown Long-eared Bats, Pipistrelle Bats, Natterers Bats, Serotine Bats and Great Crested Newts. The site supports the only known breeding and hibernation site within the county borough for Greater Horseshoe Bats and is one of only 3 known locations in the county borough for Lesser Horseshoe Bats. It also supports the county borough's largest known population of Great Crested Newts. The applicant has undertaken survey work and/or data collation for all protected species present on site and has provided a mitigation plan which demonstrates that it would be possible to develop the site while ensuring the protection of species present on site. Through the implementation of the mitigation plan, the imposition of conditions to provide additional protection to the species concerned it is considered that the nature conservation interests of the site can be adequately protected.

All species of Bats and Great Crested Newts and their breeding sites and resting places are protected under the Conservation (Natural habitats, &c.) Regulations 1984 which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

The Local Authority therefore needs to apply the following three tests in respect of the development for each species affected by the planning application:

1. that there is no satisfactory alternative,
2. it will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range and
3. it is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The three tests were applied and answered as follows:

- (i) It is not considered that there is any satisfactory alternative.
- (ii) Considering the advice received from Natural Resources Wales it is considered that, with relevant conditions, the proposal will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.
- (iii) The proposals are of overriding public interest in safeguarding the sustainable future of Listed Buildings at risk on the Ruperra Castle site.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the site falls within the Higher Charging Zone which is set at £40 per square metre.

#### ANALYSIS

Policies: Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant listed building consent for any works the Local Planning Authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

#### Background

The applications currently being considered are for the conservation repairs and conversion to residential use of two separately listed buildings within the Ruperra Castle site known as the former Brew House, dairy and laundry (also known as the Bothy) and the stables and coach-house courtyard ranges.

In addition, as part of these proposals, it is proposed that the south drive entrance with pillared gates be widened to allow for easier access by modern, wider vehicles. The gates are 'listed' in their own right as they form part of the listing described as the 'castellated boundary wall to ha-ha to east and south of Ruperra Castle'.



The former Brew House and dairy and laundry to the north of Ruperra Castle is grade II listed (first listed on 15 Oct 1997 and later the description was amended on 05 March 1999 (Cadw ref. 18972) 'Listed for group value with Ruperra Castle and the adjacent stable and coach house courtyard.'

The stable and coach house courtyard ranges to the north of Ruperra Castle are also grade II listed (again first listed on 15 Oct 1997 and later the description was amended on 05 March 1999 (Cadw ref. 189671). 'Listed as a good example of Edwardian stabling and for its important associations with Ruperra Castle.'

The total group of listed buildings within Ruperra Castle are as follows:-

Former Brew House, dairy and laundry,  
Stable and coach-house courtyard ranges,  
Generator house and attached workshops,  
Glasshouse to the north-east,  
Summerhouse to the north-east, and  
Castellated boundary wall to ha-ha to east and south of Ruperra castle.  
They are listed in their own right, as grade II whilst the castle itself is a scheduled monument (GM379 as of 2 Sept 1976) and also a grade II\* listed building (as of 08 May 1964). Those that are being considered as part of this application are the Former Brew House, dairy and laundry, Stable and coach-house courtyard ranges and castellated boundary wall to ha-ha to east and south of Ruperra Castle.

The site is within the Ruperra Castle and Park Conservation Area (designated by CCBC on 29 Sept 1998).

The site lies within the Ruperra Castle Historic Park and Garden that appears on the 'Glamorgan Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales Part 1: Parks and Gardens' that was designated by Cadw and ICOMOS UK.

The buildings that form the basis of these applications lie just outside of but are immediately surrounded by the SSSI boundary designated on 30th March 2011 referenced SSSI/13 named 'Ruperra Castle and Woodlands.'

It is understood that the scheduled Ruperra Castle (and grade II\* listed building) are intended by the applicant to form part of future applications, together with the 'grade II listed' generator house and attached workshops, glasshouse and summerhouse to the north-east of the site. 'A Masterplan' that sets out both the submitted Landscape Masterplan proposals (by McQuitty Landscape Design, September 2019) and the future aspirations of the existing remaining protected buildings on the site, is to be submitted with these applications to illustrate the owner's wider project ambitions for the site. In 2018 emergency works of stabilisation and the making safe of various elements of the Castle were undertaken following scheduled monument consent from Cadw and funding from SAVE Britain's Heritage and Cadw. Preliminary options for the future of the castle are currently being considered by the owner. If detailed proposals come forward it is

anticipated that these will be the subject of future applications(s) following discussions with the Local Planning Authority and Cadw.

It is important to recognise that doing nothing is not an appropriate option for listed buildings that are in a poor state of repair that are continuing to deteriorate and that are also on the National Buildings at Risk Register, compiled by The Handley Partnership on behalf of Cadw (last updated in CCBC in Nov 2015). The Dairy and Laundry and Stable and Coach House are both graded At Risk (3) - in a poor condition on the Buildings at Risk Register as of Nov 2015.

The proposals, as submitted, are essentially intended to conserve, repair, refurbish and give a new lease of life to redundant buildings or buildings partially in use as stables and residential use that are currently in a poor state of repair and not used to their best potential. The proposal is considered to accord with Policy CW20 for conversion of Buildings in the Countryside as in relation to the stable and coach house it is not abandoned (still being actively used as stables) and the proposed reconstruction works will be beneficial to the building and will not materially change its character. The proposals will not lead to any unacceptable domestication or urbanisation.

## ANALYSIS

### FORMER BREWHOUSE, LAUNDRY AND DAIRY BLOCK TO THE NORTH

This building has already been converted into two residential units and it is proposed to remain in residential use. It is proposed to replace out of character windows and to reinstate original windows that have previously been blocked up with fenestration sympathetic to the original form.

The proposed scheme also includes 'more sensitive treatment to the central arch' nearer in character to a photograph shown within the Heritage Impact Statement attributed as an early 20th century photograph of the main door to the Bothy. The proposed design does not seek to replicate exactly the architectural style of the door but is considered by the architect proposing the change to overall 'preserve and enhance this listed building.'

The proposed works are more akin to conservation repairs than works that will materially alter this building, given that it is already established as two residential units.

The north side of this building has a narrow sunken, stone-flagged path with a stone and brick revetment to the higher ground to the north; the ground having been levelled when the Bothy and later the stables were constructed. The proposal is to widen this path to provide a more usable amenity space to the north of the two dwellings. The stone revetment wall to the east and rear appears to be on an historic boundary wall running north from the north-east tower of the castle, however, the corresponding wall to the north of the bothy is of lesser significance, since it does not appear on the wartime aerial imagery suggesting that it was built relatively recently. It is proposed to

widen this path which would require an archaeological watching brief and is an opportunity to re-use the existing masonry elsewhere on the site.

## STABLE AND COACH HOUSE COURTYARD RANGES

The proposal for the whole stable and coach-house courtyard is to retain the stables and convert part of the building into 7 residential apartments including a significant degree of re-building where the east range suffered fire damage. More light is proposed to be achieved by the insertion of 3 pairs of Conservation-type rooflights to be located on the rear, northern elevation roofline. Original fenestration will be repaired and where window openings and styles have been lost, original style windows will be reinstated.

The re-roofing of the fire-damaged east range needs to be matched appropriately with existing slates on the adjoining slopes. These are of a greeny-grey hue that suggests a Westmoreland or a Pembrokeshire slate. An active quarry in Delabole, Cornwall is currently able to provide a similar colour of slate which is a good match.

The stables and furnishings within this range are of a particularly high quality, as recognised in Cadw's list description, and are being retained and used for stabling as part of this scheme. The carriage houses are currently open fronted with boarded gates but those to the north elevation are proposed to be enclosed to create additional living accommodation with recessed glazed frontages. The small-paned windows throughout are of varying sizes and need to be repaired or replaced on an exact like-for-like basis. Internally, the tack room to the west of the courtyard entrance is proposed to be subdivided and a small-paned internal door will be retained and used elsewhere in the building.

Car parking has been proposed to serve the 7 new residential units and the accommodation in the former laundry and dairy block, but they will not be provided within the central stables and coach-house ranges itself. This instead is to be utilized as an amenity space for residents, with soft landscaping and re-laid with stone setts, so it is not intended that vehicles pass under the main arch and through into the courtyard and carriage bays as carriages had done historically. As part of this application, these former carriage bays are intended to be used instead as lock-up storage areas for each apartment.

A total of 22 parking spaces (including two visitor spaces) are proposed on land in front of the Bothy and in front of the south elevation of the coach-house and stable block with planting surrounding these spaces. The area at present is a mixture of grass and hardstanding and the parking proposed accords with adopted Supplementary Parking Guidelines (LDP5). The single track entrance road is proposed to be amended to have a number of passing places which are also deemed visually acceptable. The proposal accords with adopted Local Development Plan Policy CW3 (Highways).

## SOUTH DRIVE ENTRANCE

Works are also proposed within the LBC application to the grade II listed 'castellated boundary wall to ha-ha (a recessed landscape design element that creates a vertical barrier while preserving an uninterrupted view of the landscape beyond). The design includes a turfed incline that slopes downward to a sharply vertical face (typically a masonry retaining wall)) to the east and south of Ruperra Castle.' The walls and gates were first listed by Cadw on 16 July 1998 and the list description later amended on 5 March 1999 (Cadw ref. 20146).

One of the main entrances into the Ruperra Castle estate, the gate-posts at this location whilst intact, lacks the stone finials that are visible on the two gated entrances that lie further east along the south boundary wall. The historic gates are missing and are currently replaced by modern steel palisade type gates. Some masonry has been damaged as a result of a restricted access into the site when negotiating the tight turn. It is proposed to widen the entrance by 1.69m by carefully dismantling one of the existing pillars' masonry and relocating and re-building it and introducing it further down the boundary wall, by re-using all cappings, chamfered string courses with pointing to match the existing. The proposed new gates will be a pair of simply designed mild steel framed gates, with ball finials on top of the gates, all painted dark grey (RAL 7024), that are more sensitive and in keeping than the current modern palisade steel gate.

#### HERITAGE IMPACT ASSESSMENT OF CURRENT PROPOSALS

It is considered that Ruperra Castle and its Environs are important within Caerphilly and indeed Wales as an important historical site with a number of historic designations.

Ruperra Castle itself is a Grade 2\* Listed Building (ref 14069), listed because Ruperra Castle is one of the most important Renaissance houses in South Wales. The Castle is also a Scheduled Ancient Monument (ref Gm379). The Ruperra Castle and grounds are also a grade 2 Registered Historic Park and Garden and the site is also within a designated Conservation Area.

In instances such as Ruperra Castle where buildings are both Listed and Scheduled the designation as a Scheduled Monument takes precedence. CADW have been consulted on the application and have advised that they have no objection to the proposed development in regards to the Scheduled Monuments (Ruperra Castle and Ruperra Hillfort and Motte) nor to the Registered Parks and Garden (Ruperra Castle). The Stable and Coach-House courtyard ranges have been Grade 2 Listed by CADW (ref 18971) as a good example of Edwardian stabling and for its important associations with Ruperra Castle.

The Former Dairy and Laundry has been Grade 2 Listed by CADW (ref 18972) that is Listed and included for group value with Ruperra Castle and the adjacent stable and coach-house courtyard.

In addition there are other Listed Buildings at the site including the Generating House and attached workshops to north-west of Ruperra Castle (Grade 2), listed for group value with the castle and other buildings as a surviving estate building. There are also

further Listed Buildings such as a glass house, summer house and Castellated boundary wall to ha-ha to east and south of Ruperra Castle.

The current proposals effect three elements of the heritage assets, the Stables, the Bothy and South gate. The proposed repairs needed to enable these changes to bring the stable courtyard and the Bothy back into use and to improve access will preserve these listed buildings for future generations. Once these works have been carried out it will enable the Local Planning Authority to remove them from the Buildings at Risk Register. These repairs will have a significant positive impact on the setting of the Castle and will preserve or enhance the various historical designations of Ruperra including scheduled monument, listed buildings, Conservation Area and the registered historic park and garden.

Glamorgan and Gwent Archaeological Trust have reviewed the application and have offered no objection to the proposals subject to planning conditions being attached requiring historic building recording of the structures prior to development taking place with an associated written scheme of investigation to be agreed with the Local Planning Authority. This would include an archaeological programme of works including a watching brief with sufficient contingencies to record any remains that may be encountered during the course of the works. It is considered that the proposed conditions are acceptable and will be imposed to ensure a suitable archaeological record is made of any features of archaeological interest discovered during the works.

## VISUAL IMPACT AND LANDSCAPE

The visual impact of the proposals is considered to have an acceptable impact on the site and its various designations with the restoration of key Listed Buildings such as the Former Dairy and Laundry (The Bothy) and Stable and Coach House building being a positive step according with Policy SP6 (Placemaking) and having no unacceptable impact on the Rudry Visually Important Local Landscape (VILL) designation under Policy NH 2.4. The associated works to create more formalised car parking and changes to the entrance gates and installation of passing bays are considered to be limited and proportionate in their visual impact and upon the Historic Park and Garden and other designations of the site. Landscaping is proposed and planning conditions are proposed to require finalised details to mitigate the impact on the grounds and setting of buildings of Ruperra.

### Comments from consultees:

The Draethen, Waterloo and Rudry Community Council have raised objection to the application for the following reasons:

1. Ruperra Castle is a Scheduled Ancient Monument and Grade II\* Listed Building and any works carried out to the ancillary buildings that are also Scheduled Ancient Monuments and Grade II Listed Buildings would have significant negative impacts on the site overall.

2. Approval of this application would create a precedent to similar proposals.
3. The local road infrastructure is not adequate to service the proposed development.
4. The proposed development will impact on the listed buildings and conservation area.
5. The proposed development will adversely affect this ancient monument.
6. The proposed development may have an impact on the archaeological legacy of the site that should be protected.
7. The type of housing proposed will not satisfy local needs.
8. There may be negative impacts resulting from the construction works at the site.
9. We are aware from general and ongoing engagement with the local community that the consensus is for preservation, if not restoration, of the entire historical site.

The objections of the Community Council have been considered however it is held that the proposal is acceptable and can be adequately mitigated through planning conditions on the partner planning application where necessary.

Comments from public: There is a range of objections raised by the general public in respect to this planning application. Responses to the points summarised above are as follows: -

- Comprehensive plans/ masterplan for whole site (including the castle) should be submitted and considered.
- Concern with the stability and deterioration of the castle.

The application has been submitted and considered on its merits and the stability and condition of the castle is a separate matter.

- Impact on the castle. The proposals will further damage the castle's character and authenticity.
- Adverse impacts on Listed Buildings, the Conservation Area and Historic Park and Gardens.
- Highlights the Scheduled Ancient Monument and Listed Building designations of the castle and ancillary buildings together with the wider landscape which indicates the whole estate has unique heritage conservation potential.
- To allow any piecemeal development of the outbuildings would degrade this historic asset.
- Applications do not further the repair and survival of the castle.

The proposals have been assessed and found to have an acceptable impact on the castle's setting and the site's historic designations and renovation of the Listed Buildings are a positive impact.

- Any piecemeal development without considering the site as a whole would adversely affect both the Area of Special Landscape Value and destroy the built heritage survival of a high status site occupied for over 2000 years.

- Granting planning for a small part of the site for residential use will impair the ability to save the castle longer term and restrict what can be done once residents are living there.

The proposals are considered to be acceptable and will not exclude/prevent works in the future to the castle and surrounding grounds.

- Attempts to encourage incoming economic growth in Cardiff and Newport could be spoiled should the Castle's special character be lost to additional housing development.

The housing development is limited to the existing on site buildings and is not anticipated to materially impact on economic growth.

- Castle should be included into the Council's Sustainable Tourism strategy and its Heritage Use and Conservation planning.

The castle is in private ownership and these are separate matters outside of the current application.

- Provides examples of restoration/conservation and reuse (Astley Castle Nuneaton, Lulworth Castle Dorset, Highcliff Castle Dorset, Woodchester Mansion, Gloucestershire).

The proposals have been considered on the basis of the applications submitted.

- Registered gardens and woodland should be protected.

The proposals have been considered with regard to the site designations including the Historic Park and Garden. Cadw have raised no objections having considered the designation.

- Poor management of trees and burning of rubbish.
- Past actions to clear vegetation have shown the owners' disregard for ecology and the natural environment.

These are matters outside of the consideration of the current application.

- Dangerous to allow these buildings (particularly the bothy) to have a change of use so close to a dangerous derelict castle.

The bothy is already in residential use and so will not materially change the existing situation with the castle.

- Impact of building works and vehicles on castle.

The conversion works and vehicles are not anticipated to involve works which would be likely to have a material impact on the castle or its stability.

- Increased light and noise pollution will have adverse impact on bats and dark countryside.
- Adverse Impact and/or loss of the SINC/SSSI protected Greater Horseshoe Bat maternity roost/colony in the old generator block and associated dark corridor of vegetation which provide routes to foraging areas such as the nearby woodlands and pasture by reasons of construction work and also the introduction of light, noise and traffic by future residents and associated visits/deliveries.

A lighting assessment has been submitted to minimise the light pollution on the areas nearest to the generator block and likely flightpaths of bats. It is not considered that noise pollution would be so substantial to have an unacceptable impact on wildlife.

- Proposals Ignore the Climate emergencies which we face (private car use/spread of concrete surfaces) and is not sustainable.  
The proposals will convert existing Listed buildings to a use which will secure their long term survival and on balance the proposal is considered acceptable.
- Threatens future of the greenbelt if a new access road across open farmland is approved setting a precedent for further development.

The proposed development is not major development and therefore is not considered to be restricted by precautionary advice contained within Policy 34 of Future Wales - The National Plan 2040 on potential future greenbelt designation. Were further development proposed at a later stage this would be considered under separate application(s) taking into consideration extant policy/designations at that time.

- Represents short term profit making.
- Priority needs to be given to repairing the most important structure - Ruperra Castle, rather than one of the least important buildings on its Estate.
- The 13 acre site around the Castle should be held by some body or organisation to create a small country park, linked to adjacent land holdings by one or two agreed footpaths/rights of way and that a plan should be formulated and money raised by some means to buy the site, or at least maintain it.
- If approved a legal agreement should require no building may be sold or occupied until the castle has been transferred to a heritage body with a financial contribution.
- It is not fitting for nearby development to take place in the absence of any requirement for the repair of the imperilled structure of the Castle or the enhancement of the important estate grounds, given that both Castle and grounds are in the same ownership as the structures subject to the applications.

These are the opinions of the objectors.



- There should be a comprehensive redevelopment proposal involving the castle.

The proposal has been considered on its merits.

- Introduction of potential predators to the bats such as domestic cats.

The submitted Ecological Impact Assessment (as amended) has considered the impact of cat ownership for future residents and has concluded that the level of impact above baseline would be minor. Measures to prevent predation of bats have been incorporated into the design (including high level access points).

- Proposals for a new bat house as mitigation are unsuitable and unacceptable.

The mitigation measures extend beyond the bat house providing roosting opportunities within areas of the buildings and are considered acceptable.

- The maternity bat roost is of national and international importance and the precautionary principle should be applied, and any development that may risk having a negative effect on the roost should be refused. Highlights the legal protections afforded to bats.

- May adversely affect other wildlife in the neighbouring woodland.

- SSSI designated with other protected species include Greater Crested Newts and Common Dormouse.

- Adverse impact on ecology Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions.

- Question the findings of the Lighting Report - there are bound to be significant adverse impacts from the artificial lighting proposed and these impacts also extend to application numbers: 19/0787/COU and 19/788/LBC for the Stables and Coach House.

The impact on wildlife and ecology has been considered within the Ecological Reports and clarification submitted by the applicant following consideration by Natural Resources Wales has been considered acceptable with safeguards through planning conditions.

- Access unsuitable for traffic.

- Proposed Passing bays impact on wildlife, development in open countryside and increased traffic generation contrary to Policies CW3 (Highways) and CW19.

- Site has limited vehicular access and substandard highway network in area. Impact on use by walkers, cyclists and horse riders.

The proposed access arrangements are considered acceptable.

- Due regard should be given to the Well Being of Future Generations Act given the major historical, environmental and ecological issues at the site and Planning Policy Wales in terms of provision of a net benefit for biodiversity.

- Contrary to Future Generation Wales Act resilient Wales

The Well-being of Future Generations (Wales) Act 2015 includes a number of well-being goals which does include 'A Resilient Wales' which is explained as being "A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).

A further well-being goal within the act is "A Wales of vibrant culture and thriving Welsh Language" which is explained as being "A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation."

The application has been considered in respect of the requirements of the Well-being of Future Generations (Wales) Act 2015 including all the well-being goals and on balance has been found acceptable and to accord with the duties of the Local Planning Authority under the act.

- The change of use would introduce domestic paraphernalia which would impact on the historic grounds.

The proposed conversion and development is not considered to have an unacceptable impact in this regard.

- The amended Design and Access Statement is inadequate; The Design and Access Statement meets validation standards.
- Vegetation was cleared before the manege was built, but there is no sign of the replacement tree planting required as a condition of that approval.

This is a matter separate to the consideration of this application.

- Question why no additional ecological survey information has been made available;

Amended reports and plans have been made available.

- Reinstatement of Public access.

The site is in private ownership and any specific matters of access can be addressed through relevant legislation where found necessary.

- Since September 2019 there has been a major local policy change that reinforces our case. The devastating floods of February 2021 were a further demonstration of the County Council's foresight in declaring a climate emergency, and in pledging to review all of its policies and decisions in the light of the need for urgent action to stem further temperature rises. It includes taking action to reduce traffic, support active travel and increase biodiversity - as envisaged in the Sustainable Caerphilly Landscape (SCL) Masterplan 2020.

The application has been considered on its merits including the beneficial impacts on providing long term use to Listed Buildings currently in poor state of repair. This together with compatibility with provision for conversion of buildings under Policy CW20, mitigation for protected species, requirements under planning conditions relating to habitat management and access to walking recreation routes in the vicinity is considered to outweigh the concerns raised.

- From 1/2/2022 the gardens at Ruperra are now statutorily protected under the Welsh Government Heritage Act 2016.

The impacts on the designations of the site have been considered and have been found acceptable.

- Suggest CCBC start using adequate powers invested in it in order to stop the further deterioration of this site.

This is a separate matter from the application under consideration.

#### Other material considerations:

The Local Planning Authority has a statutory duty in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special regard to the desirability of preserving or enhancing the building or its setting or any features of special architectural or historic interest which it possesses. The preservation of the grade II listed buildings is a matter which attracts considerable weight.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. The above proposals, if implemented would ensure that these listed buildings are repaired, restored and brought back into use for the benefit of future generations in accordance with current national legislation, policy, and best practice guidance and for the proper management of the historic environment. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

It is noted that objections have been raised by individuals and interest groups raising wide ranging concerns in respect of the impact of the development on the historic buildings and designations of the site. Concerns have been raised in respect of the condition of Ruperra Castle itself which by its "at risk" designation is acknowledged to be in poor condition. The private ownership of the site means that collaboration is expected to be required (most likely by the landowner, interest groups, the Local Authority and others) to secure the long term future of the castle. The current application excludes the castle but does provide an opportunity to restore key Listed buildings on the site which would most likely safeguard their long term future. The

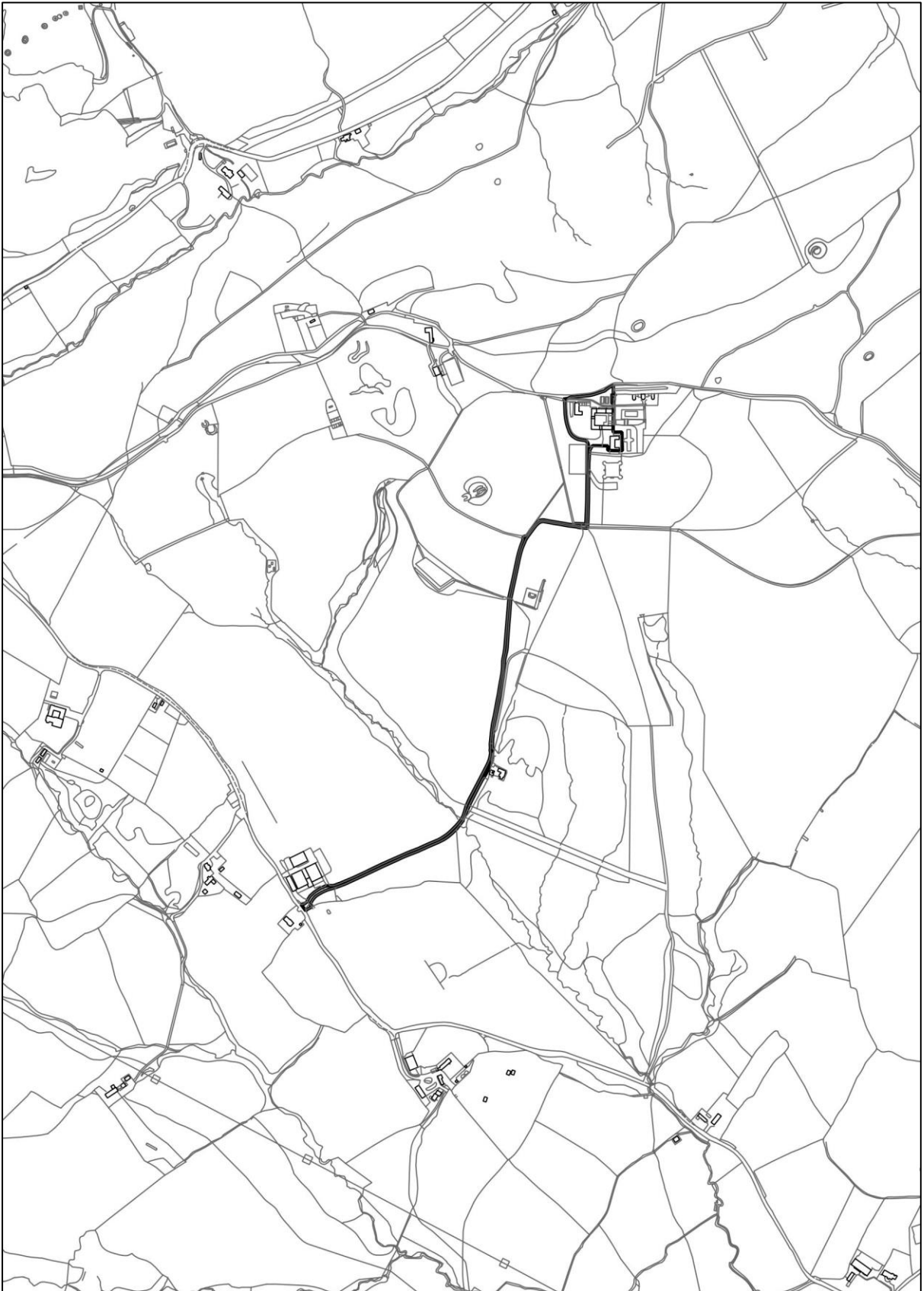
changes proposed are considered to be proportionate and acceptable on the Listed Buildings, the Castle, Historic Park and Gardens and the Conservation Area.

The application is recommended for approval however members are advised that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority. The effect of the direction means if members are minded to approve the application the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination by Welsh Ministers.

This permission is subject to the following condition(s)

- 01) The works hereby permitted shall be begun before the expiry of five years from the date of this permission.  
REASON: To comply with the provisions of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Site Location Plan, drawing reference AL.0.10 revision B;  
Proposed: Stables & Coach House - Ground Floor Plan drawing reference AL.ST.110, Revision A, dated July 2020;  
Proposed: Stables & Coach House - First Floor Plan, Drawing number AL.ST.111, Revision A, dated July 2020;  
Proposed: Stables & Coach House - Elevations (sheet 1 of 2), Drawing number AL.ST.112 Revision A, dated July 2020;  
Proposed: Stables & Coach House - Elevations (sheet 2 of 2), Drawing number AL.ST.113 Revision A, dated July 2020;  
Proposed: 'The Bothy' (fmr Dairy & Laundry) - Floor Plans & Elevations, Drawing number AL.D.110 Revision A, dated August 2020;  
Proposed: South Entrance Gates Plan and Elevation Drawing number AL.SG.110 revision A; and  
Joinery Details (typical) drawing reference AA.0.100.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority for the removal, storage and re-use of materials. The development shall only be carried out in accordance with the approved scheme.  
REASON: To protect and preserve the character of the Listed Building.
- 04) No works to the roof shall be undertaken until samples of the roof tiles for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using the approved tiles.  
REASON: To protect and preserve the character of the Listed Building.

19/0788/LBC



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**Application Number:** 19/0789/COU

**Date Received:** 07.10.2019

**Applicant:** Mr Alkhafaji

**Description and Location of Development:** Carry out conservation repairs, conversion and change of use of ancillary curtilage building consisting of a former Greenhouse store to provide an alternative bat roost - Ruperra Castle Estate Rudry Road To Craig Llan Rudry

**APPLICATION TYPE:** Change of Use

## SITE AND DEVELOPMENT

Location: The site is located due south of the village of Draethen and Coed Craig Ruperra woodland and within a few miles of Cardiff Gate junction on the M4. The site has a southern aspect created by the slope and backdrop of the woodland behind. The site may be accessed from the east, west or south from established rights of access.

Site description: The greenhouse store that forms the basis of this application is also known as the Bothy to the former Kitchen Garden, north of Ruperra Castle. The Bothy and adjacent glasshouses are first shown on the OS map of 1919.

Listed building consent for these proposals are required, since whilst the greenhouse/garden bothy is not listed in its own right, it is listed by virtue of the fact that it lies within a group of listed buildings and therefore within their curtilage. Also the greenhouse forms part of the land and has done so since before 1 July 1948. The listed buildings within the Ruperra Castle are as follows:-

Former Brew House, dairy and laundry.  
Stable and coach-house courtyard ranges.  
Generator house and attached workshops.  
Glasshouse to the north-east.  
Summerhouse to the north-east.  
Castellated boundary wall to ha-ha to east and south of Ruperra Castle.

They are listed in their own right, as grade II whilst the castle itself is a scheduled monument (GM379 as of 2 Sept 1976) and also a grade II\* listed building (as of 08 May 1964). The site is within the Ruperra Castle and Park Conservation Area (designated by CCBC on 29 Sept 1998).

The site lies within the Ruperra Castle Historic Park and Garden that was designated by Cadw and ICOMOS UK.

The greenhouse store itself lies within the Site of Special Scientific Interest boundary.

The site lies due north and immediately to the north-east corner of the stables and coach house in the area of the former kitchen garden. It is a single-storey lean-to building that has long been abandoned and is heavily overgrown. It is built against the western face of a high rubble wall that forms the western boundary to the terraced gardens, creating a separation between service areas and the pleasure grounds. It was built of red brick laid in English garden Wall bond, with a cement rendered external elevation. It comprises a workshop to the north end, an open-fronted bay to the centre with a connecting bay to the south enclosed by a timber boarded partition. At the north end are timber steps up to a 1.1m wide brick tunnel, with a shallow vault that gives direct access to the terraced garden.

The building may well have been considered for listing with group value with the other buildings on the site if it had not been so derelict and overgrown and had been more intact and of special architectural or historic interest.

Development: Carry out conservation repairs, conversion and change of use of ancillary curtilage building consisting of a former Greenhouse store to provide an alternative bat roost.

#### External - Roofs

Strip existing slate tiles from the roofs complete and set aside for possible re-use.

Remove all lead to ridges, hips, valley's and the like. Remove timber cored rolls.

Make repairs to the lean-to roof structure.

Remove all rainwater goods. Reinstall with new cast iron to match existing.

Make repairs as necessary to the eaves fascias and soffits and redecorate in paint finish.

Re-lay salvaged slate tiles on new battens and bitumen felt and mix in new slate to match existing.

Reinstall lead roll rides, hips and the like, on new treated timber cores.

Reinstall lead valley gutters, abutments and upstands and the like.

#### Walls

Make repairs to existing render including projecting plinth at ground level.

Remove any loose or badly cracked render areas and repair in lime render to match existing.

Repair any loose stonework or copings and re-bed in lime mortar.

#### Windows and doors

Entrance doors - To be removed, renovated and replaced.

All windows to be removed for repairs/renovation including carefully recording location of each prior to removal (windows beyond repair will be carefully recorded and replaced with a new timber window).

All joinery to have linseed paint finish.



Windows are to be covered internally to restrict light with Oriented Strand Board (OSB) ply painted black to face outwards.

#### Other

Amend existing access from the terraced gardens to incorporate a light baffle.  
Repair and renovate perimeter footpaths around the building.

#### Internal - Floors (ground)

Lay new concrete floor.

#### Walls

Provide new internal stud partitions.  
Form new cool tower in blockwork.  
Form new openings in existing brick internal wall.

#### Ceilings

Form new ceilings in all rooms and lined with marine ply.

Dimensions: The building measures approximately 12.3m long by 2.6m wide with an overall height of 2.9m.

Materials: Walls: Stone/Render. Roof: Slate.

Ancillary development, e.g. parking: Vegetation clearance.

PLANNING HISTORY 2005 TO PRESENT 11/0113/FULL - Erect additional stable block for horses, storing hay, straw feed, tack and related equipment - Granted 19.04.2011.

12/0584/COU - Extend and define residential curtilage - Granted 16.05.2013.

12/0585/FULL - Erect single-storey front and rear extensions - Refused 16.05.2013.

12/0586/RET - Retain existing stable block - Granted 06.12.2012.

14/0768/FULL - Create five small ponds for great crested newt habitat - Granted 08.01.2015.

17/0739/FULL - Provide a rectangular (30 x 50 metre) fenced horse-riding manege in the outdoor arena to the west of Ruperra Castle, with a 1200mm wide pathway all around the manege - Granted 25.01.2018.

18/0169/COND - Discharge conditions 02 (Method statement) and 05 (Provision of roosts in trees) of planning consent 17/0739/FULL (Provide a rectangular (30 x 50 metre) fenced horse-riding manege in the outdoor arena to the west of Ruperra Castle, with a 1200mm wide pathway all around the manege) - Granted 19.04.2018.

## POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local development Plan up to 2021.

Site Allocation: Outside of the settlement boundary, within the Ruperra Castle and Grounds, Draethen Site of Importance for Nature Conservation (SINC) identified by Policy NH3.179, within the Rudry Visually Important Local Landscape identified by Policy NH2.4. It is within a Site of Special Scientific Interest (date of notification 30 March 2011) and within the Ruperra Castle Conservation Area designated on 29/09/1998, as well as being included on the 2000 Cadw and ICOMOS UK Register of Landscapes, Parks and Gardens of Special Historic interest in Wales (Part 1: Parks and Gardens) as Grade II.

Policies: Local Development Plan:

Strategic Policies

Policy SP3- Development Strategy in the Southern Connections Corridor, SP5 - Settlement Boundaries, SP6 - Place making, SP7 - Planning Obligations, SP10 - Conservation of Natural Heritage, SP21 - Parking standards.

Countywide Policies

CW1- Sustainable Transport, Accessibility and Social Inclusion, CW2 - Amenity, CW3 - Design Considerations (Highways), CW4 - National Heritage Protection, CW6 - Trees, woodlands and hedgerow Protection, CW11 - Affordable Housing Planning Obligation, CW15 - General locational constraints, CW20 - Locational constraints - Conversion, Extension and Replacement of Buildings in the Countryside.

Supplementary Planning guidance contained in LDP4 - Trees and Development (January 2017), LDP5 - Car Parking standards (January 2017), LDP6 - Building Better Places to Live (January 2017), LDP10 - Buildings in the Countryside (January 2012).

Biodiversity Action Plan March 2002.

## NATIONAL POLICY

The statutory protection under the terms of the Planning (Listed Buildings and Conservation Areas) Act 1910 as amended by the Historic Environment (Wales) Act 2016, means that any works that may affect the character of the listed buildings within the Ruperra Estate, or any of its unlisted curtilage buildings, as one of special architectural or historic interest, require listed building consent, and a related Listed Building Consent application has also been submitted.

The fact that the application site is within the Ruperra Castle Registered Historic Park and Garden is a material consideration when proposing changes to the buildings/structures within it.

Planning Policy Wales Edition 11 (February 2021) states:-

## Conservation Areas

'6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised.'

'6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed'. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

## Historic Parks and Gardens

'6.1.18 Planning authorities should value, protect, conserve and enhance the special interest of parks and gardens and their settings included on the register of historic parks and gardens in Wales. The register should be taken into account in planning authority decision making.'

6.1.19 The effect of a proposed development on a registered park or garden, or its setting, is a material consideration in the determination of planning applications.'

TAN 24: The Historic Environment May 2017 – states:-

5.10 The controls that apply to a listed building also apply to any objects or structures fixed to the building or that are within its curtilage.'

Para 6.7 states ....'Generally, there will be an emphasis on controlled and positive management of change that encourages economic vibrancy and social and cultural vitality, and accords with the area's special architectural and historic qualities.'

Under WG/Cadw's Conservation Principles for the sustainable management of the historic environment in Wales March 2011 - it is considered that this bothy has some evidential value, i.e. it can provide some evidence about past human activity.

It also may be said to have some historical value as it is associated with the historical value of all the elements of the early 20th century work to the Ruperra estate.

The kitchen garden bothy is considered to have low aesthetic value as a result of its current poor condition and the extent of vegetation growth.

This building is considered to have low communal value given it will be very little known and only known by family members and those who worked there, despite the Ruperra Estate itself having a moderately high communal value as it is visible by many using the nearby footpaths and the fact that much has been written about it and has had a high profile over the years.

Para 1.6 of the above 'Cadw's Conservation Principles March 2011' document states:

'New work must respect the setting and significance of the historic assets affected. The quality of design and execution must add value to that site and its setting, both now and in the future.'

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? The development does not fall within Schedule 1 or Schedule 2 of the Town and Country Planning (Environmental Impact assessment) (Wales) Regulations 2017.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this application.

### CONSULTATION

Senior Engineer (Drainage) - Confirm that SAB approval is not required.

Transportation Engineering Manager - CCBC - No objection.

Rights Of Way Officer - The proposed development will not directly impact upon the right of way but the applicant will be forwarded the advice of the Public Rights of Way Officer given in relation to the other planning applications submitted reference 19/0787/COU and 19/0788/LBC.

Heritage And Placemaking Officer - Confirms support for the proposals.

Senior Arboricultural Officer (Trees) - Advised further details required on trees and noted some trees outside redline boundary were included in documentation. Following latest reconsultation no further comments received.

Ruperra Conservation Trust - We are of the view, that the proposed development represents a significant threat to one of only five breeding colonies of Greater Horseshoe bats in Wales. As these bats are a species of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, we still consider that the precautionary principle should be applied and this application refused. Raise concerns with submitted reports and proposals and upon the development's impact on other wildlife (e.g. dormice, badgers, reptiles, Great Crested Newts). The potential threat to the Greater Horseshoe Bats and the SSSI more generally from the proposed developments raise planning issues of more than local importance and therefore it

would be appropriate for the planning applications to be called in and determined by the Welsh Ministers in accordance with the procedure set out in Planning Policy Wales.

Raise objection to the development and note it would increase vehicular traffic considerably across open farmland within the greenbelt as well on local roads. Advise that Police comments on external lightings and windows would conflict with local and national planning policy on the need to combat climate change and to protect the area's heritage, habitats and biodiversity. Also highlight issues on Rights of Way.

Welsh Historic Garden Trust - Overall, the Welsh Historic Gardens Trust consider that this proposal will have an adverse impact on Ruperra Castle, a Scheduled Ancient Monument (SAM) and Grade 2\* listed building and on the Grade II Registered park plus the local and wider landscape and therefore our objection stands.

Ecologist - No objection subject to conditions to secure biodiversity mitigation.

Landscape Architect - CCBC - Raises no concerns.

Natural Resources Wales - Are of the opinion that any concerns can be overcome subject to the imposition of a condition requiring works to be carried out in accordance with the submitted details.

Dwr Cymru - Provide advice to be conveyed to the developer.

Ruperra Castle Preservation Trust - Raise objection due to:-

The amended Design & Access Statement is inadequate;

Priority needs to be given to repairing the most important structure - Ruperra Castle, rather than one of the least important buildings on its Estate;

Past actions to clear vegetation have shown the owners' disregard for ecology and the natural environment;

Vegetation was cleared before the Manège was built, but there is no sign of the replacement tree planting required as a condition of that approval;

We question why no additional ecological survey information has been made available; and

We question the findings of the Lighting Report - there are bound to be significant adverse impacts from the artificial lighting proposed and these impacts also extend to application numbers: 19/0787/COU and 19/788/LBC for the Stables and Bothy.

Rebuild the Green house Store - close to the re-created deciduous woodland of Coed Craig Ruperra, a rapidly regenerating wild-life haven would not be in line with national policy in Planning Policy Wales (PPW) Edition 11, nor would it conform with local policy in LDP CW4 to "conserve and where appropriate enhance (Natural Heritage)". These proposals would not enhance biodiversity of the ecosystem in this precious part of Caerphilly but would in fact reduce it.

Glamorgan-Gwent Archaeological Trust - No comments received.

CADW - Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments or registered historic parks and gardens.

## ADVERTISEMENT

Extent of advertisement: The application has been advertised with site notices, press notice and two neighbour notification letters.

Response: In respect of the four applications (19/0787/COU, 19/0788/LBC, 19/0789/COU, 19/0790/LBC) submitted for the Ruperra site a total number of 85 objections (both from individuals and organisations/interest groups) have been received.

## Summary of observations:

The basis of the objections raised are as follows:-

- Comprehensive plans/ masterplan for whole site (including the castle) should be submitted and considered.
- Concern with the stability and deterioration of the castle.
- Impact on the castle. The proposals will further damage the castle's character and authenticity.
- Adverse impacts on Listed Buildings, the Conservation Area and Historic Park and Gardens.
- Highlights the Scheduled Ancient Monument and Listed Building designations of the castle and ancillary buildings together with the wider landscape which indicates the whole estate has unique heritage conservation potential.
- Any piecemeal development without considering the site as a whole would adversely affect both the Area of Special Landscape Value and destroy the built heritage survival of a high status site occupied for over 2000 years.
- Attempts to encourage incoming economic growth in Cardiff and Newport could be spoiled should the Castle's special character be lost to additional housing development.
- Castle should be included into the Council's Sustainable Tourism strategy and its Heritage Use and Conservation planning.
- Provides examples of restoration/conservation and reuse (Astley Castle Nuneaton, Lulworth Castle Dorset, Highcliffe Castle Dorset, Woodchester Mansion, Gloucestershire.
- Registered gardens and woodland should be protected.
- Poor management of trees and burning of rubbish.
- Dangerous to allow these buildings (particularly thee Bothy) to have a change of use so close to a dangerous derelict castle.
- Impact of building works and vehicles on castle.
- To allow any piecemeal development of the outbuildings would degrade this historic asset.
- Applications do not further the repair and survival of the castle.

- Granting planning for a small part of the site for residential use will impair the ability to save the castle longer term and restrict what can be done once residents are living there.
- Increased light and noise pollution will have adverse impact on bats and dark countryside.
- Adverse impact on the context and integrity of the castle landholding and setting.
- Proposals Ignore the Climate emergencies which we face (private car use/spread of concrete surfaces) and is not sustainable.
- Threatens future of the greenbelt if a new access road across open farmland is approved setting a precedent for further development.
- Represents short term profit making.
- There should be a comprehensive redevelopment proposal involving the castle.
- Adverse Impact and/or loss of the SINC/SSSI protected Greater Horseshoe Bat maternity roost/colony in the old generator block and associated dark corridor of vegetation which provide routes to foraging areas such as the nearby woodlands and pasture by reasons of construction work and also the introduction of light, noise and traffic by future residents and associated visits/deliveries.
- The maternity bat roost is of national and international importance and the precautionary principle should be applied, and any development that may risk having a negative effect on the roost should be refused. Highlights the legal protections afforded to bats.
- Introduction of potential predators to the bats such as domestic cats.
- Proposals for a new bat house as mitigation are unsuitable and unacceptable.
- May adversely affect other wildlife in the neighbouring woodland.
- SSSI designated with other protected species include Greater Crested Newts and Common Dormouse.
- Adverse impact on ecology. Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions.
- Access unsuitable for traffic.
- Contrary to Future Generation Wales Act resilient Wales.
- Past actions to clear vegetation have shown the owners' disregard for ecology and the natural environment.
- Query how the case for housing has been tested.
- The change of use would introduce domestic paraphernalia which would impact on the historic grounds.
- The 13 acre site around the Castle should be held by some body or organisation to create a small country park, linked to adjacent land holdings by one or two agreed footpaths/rights of way and that a plan should be formulated and money raised by some means to buy the site, or at least maintain it.
- If approved a legal agreement should require no building may be sold or occupied until the castle has been transferred to a heritage body with a financial contribution.
- The amended Design and Access Statement is inadequate.
- Priority needs to be given to repairing the most important structure - Ruperra Castle, rather than one of the least important buildings on its Estate.

- Vegetation was cleared before the Manege was built, but there is no sign of the replacement tree planting required as a condition of that approval.
- Question why no additional ecological survey information has been made available.
- Question the findings of the Lighting Report - there are bound to be significant adverse impacts from the artificial lighting proposed and these impacts also extend to application numbers: 19/0787/COU and 19/788/LBC for the Stables and Coach house.
- It is not fitting for nearby development to take place in the absence of any requirement for the repair of the imperilled structure of the Castle or the enhancement of the important estate grounds, given that both Castle and grounds are in the same ownership as the structures subject to the applications.
- Due regard should be given to the Wellbeing of Future Generations Act given the major historical, environmental and ecological issues at the site and Planning Policy Wales in terms of provision of a net benefit for biodiversity.
- Site has limited vehicular access and substandard highway network in area. Impact on use by walkers, cyclists and horse riders.
- Proposed Passing bays impact on wildlife, development in open countryside and increased traffic generation contrary to Policies CW3 (Highways) and CW19.
- Reinstatement of Public access.
- Since September 2019 there has been a major local policy change that reinforces our case. The devastating floods of February 2021 were a further demonstration of the County Council's foresight in declaring a climate emergency, and in pledging to review all of its policies and decisions in the light of the need for urgent action to stem further temperature rises. It includes taking action to reduce traffic, support active travel and increase biodiversity - as envisaged in the Sustainable Caerphilly Landscape (SCL) Masterplan 2020.
- From 1/2/2022 the gardens at Ruperra are now statutorily protected under the Welsh Government Heritage Act 2016.
- Suggest CCBC start using adequate powers invested in it in order to stop the further deterioration of this site.

## SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

There are no significant crime and disorder implications material to the determination of this application.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes.

The application site supports European Protected Species including, Greater Horseshoe Bats, Lesser Horseshoe Bats, Brown Long-eared Bats, Pipistrelle Bats, Natterers Bats, Serotine Bats and Great Crested Newts. The site supports the only known breeding and hibernation site within the county borough for Greater Horseshoe



Bats and is one of only 3 known locations in the county borough for Lesser Horseshoe Bats. It also supports the county borough's largest known population of Great Crested Newts. The applicant has undertaken survey work and/or data collation for all protected species present on site and has provided a mitigation plan which demonstrates that it would be possible to develop the site while ensuring the protection of species present on site. Through the implementation of the mitigation plan, the imposition of conditions to provide additional protection to the species concerned it is considered that the nature conservation interests of the site can be adequately protected.

All species of Bats and Great Crested Newts and their breeding sites and resting places are protected under the Conservation (Natural habitats, &c.) Regulations 1984 which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

The Local Authority therefore needs to apply the following three tests in respect of the development for each species affected by the planning application:-

1. that there is no satisfactory alternative,
2. it will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range and
3. it is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The three tests were applied and answered as follows:-

- (i) It is not considered that there is any satisfactory alternative.
- (ii) Considering the advice received from Natural Resources Wales it is considered that, with relevant conditions, the proposal will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.
- (iii) The proposals are of overriding public interest in safeguarding the sustainable future of Listed Buildings at risk on the Ruperra Castle site.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the site falls within the Higher Charging Zone which is set at £40 per square metre.

#### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

There are no significant crime and disorder implications material to the determination of this application.

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Does the development affect any protected wildlife species? Yes.

The application site supports European Protected Species including, Greater Horseshoe Bats, Lesser Horseshoe Bats, Brown Long-eared Bats, Pipistrelle Bats, Natterers Bats, Serotine bats and Great Crested Newts. The site supports the only known breeding and hibernation site within the county borough for Greater Horseshoe Bats and is one of only 3 known locations in the county borough for Lesser Horseshoe Bats. It also supports the county boroughs largest known population of Great Crested Newts. The applicant has undertaken survey work and/or data collation for all protected species present on site and has provided a mitigation plan which demonstrates that it would be possible to develop the site while ensuring the protection of species present on site. Through the implementation of the mitigation plan, the imposition of conditions to provide additional protection to the species concerned it is considered that the nature conservation interests of the site can be adequately protected.

All species of Bats and Great Crested Newts and their breeding sites and resting places are protected under the Conservation (Natural habitats, &c.) Regulations 1984 which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

The Local Authority therefore needs to apply the following three tests in respect of the development for each species affected by the planning application:-

1. that there is no satisfactory alternative,
2. it will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range and
3. The proposals will lead to an enhancement of bat roosting provision and together with related proposals are of overriding public interest in safeguarding the sustainable future of Listed Buildings at risk on the Ruperra Castle site.

The three tests were applied and answered as follows:

- (i) It is not considered that there is any satisfactory alternative.
- (ii) Considering the advice received from Natural Resources Wales it is considered with relevant conditions the proposal will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.
- (iii) The proposals are of overriding public interest in safeguarding the sustainable future of Listed Buildings at risk on the Ruperra Castle site.

## COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the site falls within the Higher Charging Zone which is set at £40 per square metre.

## ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance and local plan policies.

The site lies in the countryside and is subject to a number of local and policy designations as detailed earlier in the report, directed to the protection of the landscape, the natural and built heritage. The building is currently disused and abandoned.

The wider Ruperra site is the subject of a separate planning and Listed Building Consent applications to restore and convert the stable block and bothy (formerly known as the laundry block) into residential properties and undertake associated works including driveway and parking facilities.

The building subject to this application originally provided storage for tools and equipment for the nursery and main greenhouse nearby and to the east, in the terraced garden. It is proposed that this building will be refurbished and turned into an alternative bat roost.

The proposed use for the Greenhouse Store is as accommodation for bats for ecological mitigation and enhancement purposes. The building is to be retained and refurbished. The building was originally a greenhouse store and workshop associated with the kitchen gardens to the east and beyond the retaining wall that runs north-south and forms the west boundary of the gardens. The intention is to largely retain the plan arrangement. A number of adaptations are required to make it a suitable, and desirable, habitat for bats. The detail for this has been arrived at with the assistance of the consultant ecologist and heritage Specialist. The renovation of the Greenhouse Store building for greater horseshoe bats will require removal of three trees adjacent to the Greenhouse Stores that are not viable for retention and there is some vegetation removal proposed. It is noted that Natural Resources Wales have reviewed the proposal and have advised that with relevant plans being included on the approved plans condition and a requirement to submit a Habitat Protection and Management Plan that the impacts on the site would be acceptable.

It is considered that the impact on bats would be acceptable noting that the works would require a European Protected Species Licence and following the works it would provide an enhanced space for bat roosting.

Access to and within the building has not been altered. Access has been restricted to give the bats greater privacy. The existing layout and principal entrances will remain as existing.

It is considered that the proposal is acceptable as it will sensitively renovate the greenhouse store structure and the new purpose as a bat roost is considered acceptable. The impact on the SSSI and SINC designations and the wider Ruperra Castle site (considering the Conservation Area and Historic Park and Garden and Landscape designation) is considered acceptable with no unacceptable impacts on the nearby Listed Buildings or the Castle. It accords with adopted Local Development Plan Policy SP6 (Placemaking).

Comments from Consultees: It is noted that the Council's Ecologist view is that works to the generator block should be secured, however the proposal for the greenhouse store is considered to be both positive in terms of bringing the structure back from its current ruinous state and also by providing additional bat roosting opportunities in the location. It is considered that when assessing both this proposal and the related applications (19/0787/COU and 19/0788/LBC) in terms of the benefit to both the historic environment (in sensitively renovating existing Listed Buildings on site in current poor state) and incorporating measures for bat roosting these do represent enhancement in both ecological and cultural/heritage terms. On balance it is not considered reasonable or necessary to require works to the generator block to be secured in respect of the planning applications.

Draethen Waterloo and Rudry Community Council have raised the following objections:-

1. The proposal may be detrimental to the conservation status of bats and other protected species that have been identified as using these buildings by bats and other species on the site.
2. The site lies within a conservation site and woodlands and is in designated SSSI area that is designated for its colony of greater horseshoe bats.
3. It appears that insufficient surveys have been conducted to confirm the current use of the buildings by bats.
4. It is unclear which other roosts across the site are intended to be replaced/compensated by the proposed provisions.
5. The proposed development may cause damage to the natural environment.
6. There may be negative impacts resulting from the construction works at the site.

The concerns of the Community Council are noted, however it is considered that any adverse impacts can be mitigated through the proposed conditions (as advised by Natural Resources Wales) and the developer will be required to obtain an European Protected Species Licence for works which would disturb bats.

In respect of the concerns of the Ruperra Conservation Trust and Ruperra Castle Preservation Trust it is considered that the proposal is appropriate and with the required planning conditions will appropriately mitigate any adverse impacts on ecology including bats and other protected wildlife and would not cause any unacceptable impacts to the site. It would accord with Planning Policy Wales and Policy CW4 of the adopted Local Development Plan. It would provide enhancements in terms of bat roosting opportunity

and matters raised outside of the scope of this proposal have been considered in the other applications for the site.

Comments from public: There is a range of objections raised by the general public in respect to this planning application. Responses to the points summarised above are as follows: -

- Comprehensive plans/ masterplan for whole site (including the castle) should be submitted and considered.
- Concern with the stability and deterioration of the castle.  
The application has been submitted and considered on its merits and the stability and condition of the castle is a separate matter.
- Impact on the castle. The proposals will further damage the castle's character and authenticity.
- Adverse impacts on Listed Buildings, the Conservation Area and Historic Park and Gardens.
- Highlights the Scheduled Ancient Monument and Listed Building designations of the castle and ancillary buildings together with the wider landscape which indicates the whole estate has unique heritage conservation potential.
- To allow any piecemeal development of the outbuildings would degrade this historic asset.
- Applications do not further the repair and survival of the castle.

The proposals have been assessed and found to have an acceptable impact on the castle's setting and the site's historic designations and renovation of the Listed Buildings are a positive impact.

- Any piecemeal development without considering the site as a whole would adversely affect both the Area of Special Landscape Value and destroy the built heritage survival of a high status site occupied for over 2000 years.
- Granting planning for a small part of the site for residential use will impair the ability to save the castle longer term and restrict what can be done once residents are living there.

The proposals are considered to be acceptable and will not exclude/prevent works in the future to the castle and surrounding grounds.

- Attempts to encourage incoming economic growth in Cardiff and Newport could be spoiled should the Castle's special character be lost to additional housing development.

The housing development is limited to the existing on site buildings and is not anticipated to materially impact on economic growth.

- Castle should be included into the Council's Sustainable Tourism strategy and its Heritage Use and Conservation planning.

The castle is in private ownership and these are separate matters outside of the current application.

- Provides examples of restoration/conservation and reuse (Astley Castle Nuneaton, Lulworth Castle Dorset, Highcliffee Castle Dorset, Woodchester Mansion, Gloucestershire.

The proposals have been considered on the basis of the applications submitted.

- Registered gardens and woodland should be protected.

The proposals have been considered with regard to the site designations including the Historic Park and Garden. Cadw have raised no objections having considered the designation.

- Poor management of trees and burning of rubbish.
- Past actions to clear vegetation have shown the owners' disregard for ecology and the natural environment.

These are matters outside of the consideration of the current application.

- Dangerous to allow these buildings (particularly the bothy) to have a change of use so close to a dangerous derelict castle.

The bothy is already in residential use and so will not materially change the existing situation with the castle.

- Impact of building works and vehicles on castle.

The conversion works and vehicles are not anticipated to involve works which would be likely to have a material impact on the castle or its stability.

- Increased light and noise pollution will have adverse impact on bats and dark countryside.

- Adverse Impact and/or loss of the SINC/SSSI protected Greater Horseshoe Bat maternity roost/colony in the old generator block and associated dark corridor of vegetation which provide routes to foraging areas such as the nearby woodlands and pasture by reasons of construction work and also the introduction of light, noise and traffic by future residents and associated visits/deliveries.

A lighting assessment has been submitted to minimise the light pollution on the areas nearest to the generator block and likely flightpaths of bats. It is not considered that noise pollution would be so substantial to have an unacceptable impact on wildlife.

- Proposals Ignore the Climate emergencies which we face (private car use/spread of concrete surfaces) and is not sustainable.

The proposals will convert existing Listed buildings to a use which will secure their long term survival and on balance the proposal is considered acceptable.

- Threatens future of the greenbelt if a new access road across open farmland is approved setting a precedent for further development.

The proposed development is not major development and therefore is not considered to be restricted by precautionary advice contained within Policy 34 of Future Wales - The National Plan 2040 on potential future greenbelt designation. Were further development proposed at a later stage this would be considered under separate application(s) taking into consideration extant policy/designations at that time.

- Represents short term profit making.
- Priority needs to be given to repairing the most important structure - Ruperra Castle, rather than one of the least important buildings on its Estate.
- The 13 acre site around the Castle should be held by some body or organisation to create a small country park, linked to adjacent land holdings by one or two agreed footpaths/rights of way and that a plan should be formulated and money raised by some means to buy the site, or at least maintain it.
- If approved a legal agreement should require no building may be sold or occupied until the castle has been transferred to a heritage body with a financial contribution.
- It is not fitting for nearby development to take place in the absence of any requirement for the repair of the imperilled structure of the Castle or the enhancement of the important estate grounds, given that both Castle and grounds are in the same ownership as the structures subject to the applications.  
These are the opinions of the objectors.
- There should be a comprehensive redevelopment proposal involving the castle  
The proposal has been considered on its merits.
- Introduction of potential predators to the bats such as domestic cats  
The submitted Ecological Impact Assessment (as amended) has considered the impact of cat ownership for future residents and has concluded that the level of impact above baseline would be minor. Measures to prevent predation of bats have been incorporated into the design (including high level access points).
- Proposals for a new bat house as mitigation are unsuitable and unacceptable.  
The mitigation measures extend beyond the bat house providing roosting opportunities within areas of the buildings and are considered acceptable.
- The maternity bat roost is of national and international importance and the precautionary principle should be applied, and any development that may risk having a negative effect on the roost should be refused. Highlights the legal protections afforded to bats.
- May adversely affect other wildlife in the neighbouring woodland.
- SSSI designated with other protected species include Greater Crested Newts and Common Dormouse.
- Adverse impact on ecology Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions.

- Question the findings of the Lighting Report - there are bound to be significant adverse impacts from the artificial lighting proposed and these impacts also extend to application numbers: 19/0787/COU and 19/788/LBC for the Stables and Coach house.

The impact on wildlife and ecology has been considered within the Ecological Reports and clarification submitted by the applicant following consideration by Natural Resources Wales has been considered acceptable with safeguards through planning conditions.

- Access unsuitable for traffic.
- Proposed Passing bays impact on wildlife, development in open countryside and increased traffic generation contrary to Policies CW3 (Highways) and CW19.
- Site has limited vehicular access and substandard highway network in area. Impact on use by walkers, cyclists and horse riders.

The proposed access arrangements are considered acceptable.

- Due regard should be given to the Well Being of Future Generations Act given the major historical, environmental and ecological issues at the site and Planning Policy Wales in terms of provision of a net benefit for biodiversity.
- Contrary to Future Generation Wales Act resilient Wales. The Well-being of Future Generations (Wales) Act 2015 includes a number of well-being goals which does include 'A Resilient Wales' which is explained as being "A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).

A further well-being goal within the act is "A Wales of vibrant culture and thriving Welsh Language" which is explained as being "A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation."

The application has been considered in respect of the requirements of the Well-being of Future Generations (Wales) Act 2015 including all the well-being goals and on balance has been found acceptable and to accord with the duties of the Local Planning Authority under the act.

- The change of use would introduce domestic paraphernalia which would impact on the historic grounds. The proposed conversion and development is not considered to have an unacceptable impact in this regard.
- The amended Design and Access Statement is inadequate; The Design and Access Statement meets validation standards.



- Vegetation was cleared before the Manege was built, but there is no sign of the replacement tree planting required as a condition of that approval. This is a matter separate to the consideration of this application.

- Question why no additional ecological survey information has been made available;  
Amended reports and plans have been made available.

- Reinstatement of Public access.  
The site is in private ownership and any specific matters of access can be addressed through relevant legislation where found necessary.

- Since September 2019 there has been a major local policy change that reinforces our case. The devastating floods of February 2021 were a further demonstration of the County Council's foresight in declaring a climate emergency, and in pledging to review all of its policies and decisions in the light of the need for urgent action to stem further temperature rises. It includes taking action to reduce traffic, support active travel and increase biodiversity - as envisaged in the Sustainable Caerphilly Landscape (SCL) Masterplan 2020.

The application has been considered on its merits including the beneficial impacts on providing long term use to Listed Buildings currently in poor state of repair. This together with compatibility with provision for conversion of buildings under Policy CW20, mitigation for protected species, requirements under planning conditions relating to habitat management and access to walking recreation routes in the vicinity is considered to outweigh the concerns raised.

- From 1/2/2022 the gardens at Ruperra are now statutorily protected under the Welsh Government Heritage Act 2016.  
The impacts on the designations of the site have been considered and have been found acceptable.

- Suggest CCBC start using adequate powers invested in it in order to stop the further deterioration of this site.  
This is a separate matter from the application under consideration.

Other material considerations: The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

The application is recommended for approval however members are advised that Welsh Government have issued a direction restricting the grant of permission by the Local

Planning Authority. The effect of the direction means if members are minded to approve the application the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Site Location Plan, drawing reference AL.0.09;  
Proposed Greenhouse Stores, drawing reference AL.GS.110 revision B;  
Letter to Anthony Pyne at Caerphilly County Borough Council titled 'Response to Ecological Comments on Planning Applications 19/0787/COU and 19/0789/COU' dated 3 February 2021;  
Figure 2 'Revised construction access route and extent of vegetation removal' of the letter to Anthony Pyne at Caerphilly County Borough Council titled 'Response to Ecological Comments on Planning Applications 19/0787/COU and 19/0789/COU' dated 3 February 2021;  
Ruperra Castle Ecological Assessment Report' BSG Ecology, dated 30 September 2020;  
Ruperra Castle Lighting Impact Assessment' Illumne Design, Revision 0.1 dated 28 September 2020; and  
Amended drawing 210429-RC-TRRP-Rev B-NB 'Tree Retention and Removal Plan', dated April 2021;  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) No development shall commence until a Habitat Protection and Management Plan for the area north of the Generator Block and Stables has been submitted to and approved in writing by the Local Planning Authority in consultation with NRW. The Plan shall detail measures to protect the Greater Horseshoe roost in the Generator Block from disturbance and should include:  
Details of measures to prevent human access/access by residents for example by fencing and/or planting,  
Details of any planting to be undertaken to include, distribution, species and density,  
Details of the replanting with standards to be undertaken following the removal of tree group number 5,  
Details of measures to prevent bat predation by cats at the bat access point on the north elevation of the Generator Block,  
Details of the management, monitoring and maintenance of the roost and surrounding habitats,

Timetable for implementation, and

A drawing illustrating the habitats and protection features to be retained and created in the area concerned.

The Plan shall be carried out in accordance with the approved details.

REASON: To ensure that an approved Habitat Protection and Management Plan is implemented, which protects habitat and species affected by the development.

- 04) No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
REASON: As the building is of architectural and cultural significance the specified records are required to mitigate impact.
- 05) No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.  
REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

#### Advisory Note(s)

The applicant is advised that any trees that are outside the "red line boundary" of this application and are proposed to be felled would need to be submitted separately as a Section 211 Notice. You are advised to contact the Council's Tree Officer for further advice.

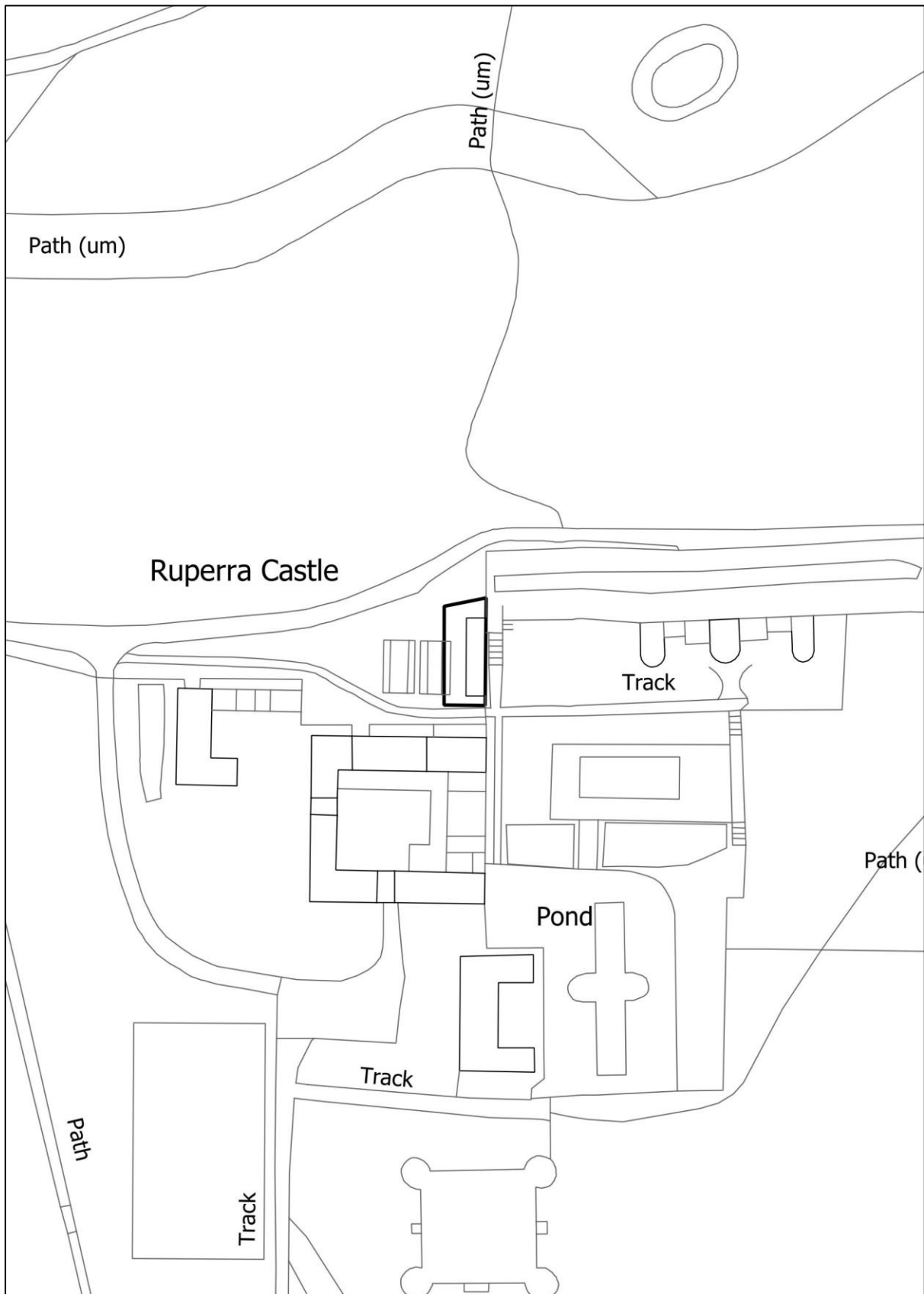
Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require a EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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**Application Number:** 19/0790/LBC

**Date Received:** 27.09.2019

**Applicant:** Mr Alkhafaji

**Description and Location of Development:** Carry out conservation repairs, conversion and change of use of ancillary curtilage building consisting of a former Greenhouse store to provide an alternative bat roost - Ruperra Castle Estate Rudry Road To Craig Llan Rudry

**APPLICATION TYPE:** Listed Building Consent

## SITE AND DEVELOPMENT

Location: The site is located due south of the village of Draethen and Coed Craig Ruperra woodland and within a few miles of Cardiff Gate junction on the M4. The site has a southern aspect created by the slope and backdrop of the woodland behind. The site may be accessed from the east, west or south from established rights of access.

Site description: The greenhouse store that forms the basis of this application is also known as the Bothy to the former Kitchen Garden, north of Ruperra Castle. The Bothy and adjacent glasshouses are first shown on the OS map of 1919.

Listed building consent for these proposals are required, since whilst the greenhouse/garden bothy is not listed in its own right, it is listed by virtue of the fact that it lies within a group of listed buildings and therefore within their curtilage. Also the greenhouse forms part of the land and has done so since before 1 July 1948. The listed buildings within the Ruperra Castle are as follows:-

Former Brew House, dairy and laundry.  
Stable and coach-house courtyard ranges.  
Generator house and attached workshops.  
Glasshouse to the north-east.  
Summerhouse to the north-east.  
Castellated boundary wall to ha-ha to east and south of Ruperra Castle.

They are listed in their own right, as grade II whilst the castle itself is a scheduled monument (GM379 as of 2 Sept 1976) and also a grade II\* listed building (as of 08 May 1964). The site is within the Ruperra Castle and Park Conservation Area (designated by CCBC on 29 Sept 1998).

The site lies within the Ruperra Castle Historic Park and Garden that was designated by Cadw and ICOMOS UK.

The greenhouse store itself lies within the Site of Special Scientific Interest boundary.

The site lies due north and immediately to the north-east corner of the stables and coach house in the area of the former kitchen garden. It is a single-storey lean-to building that has long been abandoned and is heavily overgrown. It is built against the western face of a high rubble wall that forms the western boundary to the terraced gardens, creating a separation between service areas and the pleasure grounds. It was built of red brick laid in English garden Wall bond, with a cement rendered external elevation. It comprises a workshop to the north end, an open-fronted bay to the centre with a connecting bay to the south enclosed by a timber boarded partition. At the north end are timber steps up to a 1.1m wide brick tunnel, with a shallow vault that gives direct access to the terraced garden.

The building may well have been considered for listing with group value with the other buildings on the site if it had not been so derelict and overgrown and had been more intact and of special architectural or historic interest.

Development: Carry out conservation repairs, conversion and change of use of ancillary curtilage building consisting of a former Greenhouse store to provide an alternative bat roost.

#### External - Roofs

Strip existing slate tiles from the roofs complete and set aside for possible re-use.

Remove all lead to ridges, hips, valley's and the like. Remove timber cored rolls.

Make repairs to the lean-to roof structure.

Remove all rainwater goods. Reinstall with new cast iron to match existing.

Make repairs as necessary to the eaves fascias and soffits and redecorate in paint finish.

Re-lay salvaged slate tiles on new battens and bitumen felt and mix in new slate to match existing.

Reinstall lead roll rides, hips and the like, on new treated timber cores.

Reinstall lead valley gutters, abutments and upstands and the like.

#### Walls

Make repairs to existing render including projecting plinth at ground level.

Remove any loose or badly cracked render areas and repair in lime render to match existing.

Repair any loose stonework or copings and re-bed in lime mortar.

#### Windows and doors

Entrance doors - To be removed, renovated and replaced.

All windows to be removed for repairs/renovation including carefully recording location of each prior to removal (windows beyond repair will be carefully recorded and replaced with a new timber window).

All joinery to have linseed paint finish.



Windows are to be covered internally to restrict light with Oriented Strand Board (OSB) ply painted black to face outwards.

#### Other

Amend existing access from the terraced gardens to incorporate a light baffle.  
Repair and renovate perimeter footpaths around the building.

#### Internal - Floors (ground)

Lay new concrete floor.

#### Walls

Provide new internal stud partitions.  
Form new cool tower in blockwork.  
Form new openings in existing brick internal wall.

#### Ceilings

Form new ceilings in all rooms and lined with marine ply.

Dimensions: The building measures approximately 12.3m long by 2.6m wide with an overall height of 2.9m.

Materials: Walls: Stone/Render. Roof: Slate.

Ancillary development, e.g. parking: Vegetation clearance.

### PLANNING HISTORY 2005 TO PRESENT

11/0113/FULL - Erect additional stable block for horses, storing hay, straw feed, tack and related equipment - Granted 19.04.2011.

12/0584/COU - Extend and define residential curtilage - Granted 16.05.2013.

12/0585/FULL - Erect single-storey front and rear extensions - Refused 16.05.2013.

12/0586/RET - Retain existing stable block - Granted 06.12.2012.

14/0768/FULL - Create five small ponds for great crested newt habitat – Granted 08.01.2015.

17/0739/FULL - Provide a rectangular (30 x 50 metre) fenced horse-riding manege in the outdoor arena to the west of Ruperra Castle, with a 1200mm wide pathway all around the manege - Granted 25.01.2018.

18/0169/COND - Discharge conditions 02 (Method statement) and 05 (Provision of roosts in trees) of planning consent 17/0739/FULL (Provide a rectangular (30 x 50

metre) fenced horse-riding manege in the outdoor arena to the west of Ruperra Castle, with a 1200mm wide pathway all around the manege) - Granted 19.04.2018.

## POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local development Plan up to 2021.

Site Allocation: Outside of the settlement boundary, within the Ruperra Castle and Grounds, Draethen Site of Importance for Nature Conservation (SINC) identified by Policy NH3.179, within the Rudry Visually Important Local Landscape identified by Policy NH2.4. It is within a Site of Special Scientific Interest (date of notification 30 March 2011) and within the Ruperra Castle Conservation Area designated on 29/09/1998, as well as being included on the 2000 Cadw and ICOMOS UK Register of Landscapes, Parks and Gardens of Special Historic interest in Wales (Part 1: Parks and Gardens) as Grade II.

Policies: Local Development Plan:

Strategic Policies

Policy SP3- Development Strategy in the Southern Connections Corridor, SP5 - Settlement Boundaries, SP6 - Place making, SP7 - Planning Obligations, SP10 - Conservation of Natural Heritage, SP21 - Parking standards.

Countywide Policies

CW1- Sustainable Transport, Accessibility and Social Inclusion, CW2 - Amenity, CW3 - Design Considerations (Highways), CW4 - National Heritage Protection, CW6 - Trees, woodlands and hedgerow Protection, CW11 - Affordable Housing Planning Obligation, CW15 - General locational constraints, CW20 - Locational constraints - Conversion, Extension and Replacement of Buildings in the Countryside.

Supplementary Planning guidance contained in LDP4 - Trees and Development (January 2017), LDP5 - Car Parking standards (January 2017), LDP6 - Building Better Places to Live (January 2017), LDP10 - Buildings in the Countryside (January 2012).

Biodiversity Action Plan March 2002.

## NATIONAL POLICY

The statutory protection under the terms of the Planning (Listed Buildings and Conservation Areas) Act 1910 as amended by the Historic Environment (Wales) Act 2016, means that any works that may affect the character of the listed buildings within the Ruperra Estate, or any of its unlisted curtilage buildings, as one of special architectural or historic interest, require listed building consent, and a related Listed Building Consent application has also been submitted.

The fact that the application site is within the Ruperra Castle Registered Historic Park and Garden is a material consideration when proposing changes to the buildings/structures within it.

Planning Policy Wales Edition 11 (February 2021) states:-

#### Conservation Areas

'6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised.'

'6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed'. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

#### Historic Parks and Gardens

'6.1.18 Planning authorities should value, protect, conserve and enhance the special interest of parks and gardens and their settings included on the register of historic parks and gardens in Wales. The register should be taken into account in planning authority decision making.'

6.1.19 The effect of a proposed development on a registered park or garden, or its setting, is a material consideration in the determination of planning applications.'

TAN 24: The Historic Environment May 2017 – states:-

5.10 The controls that apply to a listed building also apply to any objects or structures fixed to the building or that are within its curtilage.'

Para 6.7 states ....'Generally, there will be an emphasis on controlled and positive management of change that encourages economic vibrancy and social and cultural vitality, and accords with the area's special architectural and historic qualities.'

Under WG/Cadw's Conservation Principles for the sustainable management of the historic environment in Wales March 2011 - it is considered that this bothy has some evidential value, i.e. it can provide some evidence about past human activity.

It also may be said to have some historical value as it is associated with the historical value of all the elements of the early 20th century work to the Ruperra estate.

The kitchen garden bothy is considered to have low aesthetic value as a result of its current poor condition and the extent of vegetation growth.

This building is considered to have low communal value given it will be very little known and only known by family members and those who worked there, despite the Ruperra Estate itself having a moderately high communal value as it is visible by many using the nearby footpaths and the fact that much has been written about it and has had a high profile over the years.

Para 1.6 of the above 'Cadw's Conservation Principles March 2011' document states:-

'New work must respect the setting and significance of the historic assets affected. The quality of design and execution must add value to that site and its setting, both now and in the future.'

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? The development does not fall within Schedule 1 or Schedule 2 of the Town and Country Planning (Environmental Impact assessment) (Wales) Regulations 2017.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this application.

### CONSULTATION

Senior Engineer (Drainage) - SAB not required.

Heritage And Placemaking Officer - I confirm my support for the revised proposals as submitted and offer no objections to them.

The proposals, if implemented, would ensure that the greenhouse store as a curtilage listed building is repaired, restored and brought back into a new use as a bat roost for the benefit of endangered species of bats and in accordance with current national legislation, policy, and best practice guidance.

Joint Committee Of The National Amenity Societies - The Society for the Protection of Ancient Buildings recognise the collective importance of these independent structures and their relationship and contribution to the wider site.

We understand that this site, which includes the castle and grounds, remain in the ownership of the applicant, and that details or a masterplan which outlines the future proposals for the other structures are absent from these applications.

We understand that some repairs have been undertaken to the fabric of the castle by the current owner but that the castle remains in a fragile state and at risk of further collapse and loss. We write at this time to ask your authority to consider appending a condition to any decision notice which commits the owner to commissioning a condition survey and implementing priority repairs. This would halt any further loss whilst the adjacent site is developed and the proposals for the castle are developed.

The Ancient Monument Society has responded and advises they have concerns in respect of landscaping plans, recommend a comprehensive conservation management plan is prepared and encourage the council to work with the owners to prioritise works to secure the castle itself, remains in a fragile state and at risk of further collapse and loss.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised with site notices, press notice and two neighbour notification letters.

Response: In respect of the four applications (19/0787/COU, 19/0788/LBC, 19/0789/COU, 19/0790/LBC) submitted for the Ruperra site a total number of 85 objections (both from individuals and organisations/interest groups) have been received.

### Summary of observations:

The basis of the objections raised are as follows:-

- Comprehensive plans/ masterplan for whole site (including the castle) should be submitted and considered.
- Concern with the stability and deterioration of the castle.
- Impact on the castle. The proposals will further damage the castle's character and authenticity.
- Adverse impacts on Listed Buildings, the Conservation Area and Historic Park and Gardens.
- Highlights the Scheduled Ancient Monument and Listed Building designations of the castle and ancillary buildings together with the wider landscape which indicates the whole estate has unique heritage conservation potential.
- Any piecemeal development without considering the site as a whole would adversely affect both the Area of Special Landscape Value and destroy the built heritage survival of a high status site occupied for over 2000 years.
- Attempts to encourage incoming economic growth in Cardiff and Newport could be spoiled should the Castle's special character be lost to additional housing development.
- Castle should be included into the Council's Sustainable Tourism strategy and its Heritage Use and Conservation planning.
- Provides examples of restoration/conservation and reuse (Astley Castle Nuneaton, Lulworth Castle Dorset, Highcliffe Castle Dorset, Woodchester Mansion, Gloucestershire).

- Registered gardens and woodland should be protected.
- Poor management of trees and burning of rubbish.
- Dangerous to allow these buildings (particularly the Bothy) to have a change of use so close to a dangerous derelict castle.
- Impact of building works and vehicles on castle.
- To allow any piecemeal development of the outbuildings would degrade this historic asset.
- Applications do not further the repair and survival of the castle.
- Granting planning for a small part of the site for residential use will impair the ability to save the castle longer term and restrict what can be done once residents are living there.
- Increased light and noise pollution will have adverse impact on bats and dark countryside.
- Adverse impact on the context and integrity of the castle landholding and setting.
- Proposals ignore the climate emergencies which we face (private car use/spread of concrete surfaces) and is not sustainable.
- Threatens future of the greenbelt if a new access road across open farmland is approved setting a precedent for further development.
- Represents short term profit making.
- There should be a comprehensive redevelopment proposal involving the castle.
- Adverse impact and/or loss of the SINC/SSSI protected Greater Horseshoe Bat maternity roost/colony in the old generator block and associated dark corridor of vegetation which provide routes to foraging areas such as the nearby woodlands and pasture by reasons of construction work and also the introduction of light, noise and traffic by future residents and associated visits/deliveries.
- The maternity bat roost is of national and international importance and the precautionary principle should be applied, and any development that may risk having a negative effect on the roost should be refused. Highlights the legal protections afforded to bats.
- Introduction of potential predators to the bats such as domestic cats.
- Proposals for a new bat house as mitigation are unsuitable and unacceptable.
- May adversely affect other wildlife in the neighbouring woodland.
- SSSI designated with other protected species include Greater Crested Newts and Common Dormouse.
- Adverse impact on ecology. Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions.
- Access unsuitable for traffic.
- Contrary to Future Generation Wales Act resilient Wales.
- Past actions to clear vegetation have shown the owners' disregard for ecology and the natural environment.
- Query how the case for housing has been tested.
- The change of use would introduce domestic paraphernalia which would impact on the historic grounds.
- The 13 acre site around the Castle should be held by some body or organisation to create a small country park, linked to adjacent land holdings by one or two agreed

footpaths/rights of way and that a plan should be formulated and money raised by some means to buy the site, or at least maintain it.

- If approved a legal agreement should require no building may be sold or occupied until the castle has been transferred to a heritage body with a financial contribution.
- The amended Design and Access Statement is inadequate.
- Priority needs to be given to repairing the most important structure - Ruperra Castle, rather than one of the least important buildings on its Estate.
- Vegetation was cleared before the Manege was built, but there is no sign of the replacement tree planting required as a condition of that approval.
- Question why no additional ecological survey information has been made available.
- Question the findings of the Lighting Report - there are bound to be significant adverse impacts from the artificial lighting proposed and these impacts also extend to application numbers: 19/0787/COU and 19/788/LBC for the Stables and Coach house.
- It is not fitting for nearby development to take place in the absence of any requirement for the repair of the imperilled structure of the Castle or the enhancement of the important estate grounds, given that both Castle and grounds are in the same ownership as the structures subject to the applications.
- Due regard should be given to the Wellbeing of Future Generations Act given the major historical, environmental and ecological issues at the site and Planning Policy Wales in terms of provision of a net benefit for biodiversity.
- Site has limited vehicular access and substandard highway network in area. Impact on use by walkers, cyclists and horse riders.
- Proposed Passing bays impact on wildlife, development in open countryside and increased traffic generation contrary to Policies CW3 (Highways) and CW19.
- Reinstatement of Public access.
- Since September 2019 there has been a major local policy change that reinforces our case. The devastating floods of February 2021 were a further demonstration of the County Council's foresight in declaring a climate emergency, and in pledging to review all of its policies and decisions in the light of the need for urgent action to stem further temperature rises. It includes taking action to reduce traffic, support active travel and increase biodiversity - as envisaged in the Sustainable Caerphilly Landscape (SCL) Masterplan 2020.
- From 1/2/2022 the gardens at Ruperra are now statutorily protected under the Welsh Government Heritage Act 2016.
- Suggest CCBC start using adequate powers invested in it in order to stop the further deterioration of this site.

## SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?  
There are no significant crime and disorder implications material to the determination of this application.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes.

The application site supports European Protected Species including, Greater Horseshoe Bats, Lesser Horseshoe Bats, Brown Long-eared Bats, Pipistrelle Bats, Natterers Bats, Serotine Bats and Great Crested Newts. The site supports the only known breeding and hibernation site within the county borough for Greater Horseshoe Bats and is one of only 3 known locations in the county borough for Lesser Horseshoe Bats. It also supports the county borough's largest known population of Great Crested Newts. The applicant has undertaken survey work and/or data collation for all protected species present on site and has provided a mitigation plan which demonstrates that it would be possible to develop the site while ensuring the protection of species present on site. Through the implementation of the mitigation plan, the imposition of conditions to provide additional protection to the species concerned it is considered that the nature conservation interests of the site can be adequately protected.

All species of Bats and Great Crested Newts and their breeding sites and resting places are protected under the Conservation (Natural habitats, &c.) Regulations 1984 which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

The Local Authority therefore needs to apply the following three tests in respect of the development for each species affected by the planning application:-

1. that there is no satisfactory alternative,
2. it will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range and
3. it is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The three tests were applied and answered as follows:-

- (i) It is not considered that there is any satisfactory alternative.
- (ii) Considering the advice received from Natural Resources Wales it is considered that, with relevant conditions, the proposal will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.
- (iii) The proposals are of overriding public interest in safeguarding the sustainable future of Listed Buildings at risk on the Ruperra Castle site.

## COMMUNITY INFRASTRUCTURE LEVY (CIL)



Is this development Community Infrastructure Levy liable? Yes, the site falls within the Higher Charging Zone which is set at £40 per square metre.

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

There are no significant crime and disorder implications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes.

The application site supports European Protected Species including, Greater Horseshoe Bats, Lesser Horseshoe Bats, Brown Long-eared Bats, Pipistrelle Bats, Natterers Bats, Serotine bats and Great Crested Newts. The site supports the only known breeding and hibernation site within the county borough for Greater Horseshoe Bats and is one of only 3 known locations in the county borough for Lesser Horseshoe Bats. It also supports the county boroughs largest known population of Great Crested Newts. The applicant has undertaken survey work and/or data collation for all protected species present on site and has provided a mitigation plan which demonstrates that it would be possible to develop the site while ensuring the protection of species present on site. Through the implementation of the mitigation plan, the imposition of conditions to provide additional protection to the species concerned it is considered that the nature conservation interests of the site can be adequately protected.

All species of Bats and Great Crested Newts and their breeding sites and resting places are protected under the Conservation (Natural habitats, &c.) Regulations 1984 which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

The Local Authority therefore needs to apply the following three tests in respect of the development for each species affected by the planning application:-

1. that there is no satisfactory alternative,
2. it will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range and
3. the proposals will lead to an enhancement of bat roosting provision and together with related proposals are of overriding public interest in safeguarding the sustainable future of Listed Buildings at risk on the Ruperra Castle site.

The three tests were applied and answered as follows:

- (i) It is not considered that there is any satisfactory alternative.

(ii) Considering the advice received from Natural Resources Wales it is considered with relevant conditions the proposal will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

(iii) The proposals are of overriding public interest in safeguarding the sustainable future of Listed Buildings at risk on the Ruperra Castle site.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the site falls within the Higher Charging Zone which is set at £40 per square metre.

### ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance and local plan policies.

The site lies in the countryside and is subject to a number of local and policy designations as detailed earlier in the report, directed to the protection of the landscape, the natural and built heritage. The building is currently disused and abandoned.

The wider Ruperra site is the subject of a separate planning and Listed Building Consent applications to restore and convert the stable block and bothy (formerly known as the laundry block) into residential properties and undertake associated works including driveway and parking facilities.

The building subject to this application originally provided storage for tools and equipment for the nursery and main greenhouse nearby and to the east, in the terraced garden. It is proposed that this building will be refurbished and turned into an alternative bat roost.

The proposed use for the Greenhouse Store is as accommodation for bats for ecological mitigation and enhancement purposes. The building is to be retained and refurbished. The building was originally a greenhouse store and workshop associated with the kitchen gardens to the east and beyond the retaining wall that runs north-south and forms the west boundary of the gardens. The intention is to largely retain the plan arrangement. A number of adaptations are required to make it a suitable, and desirable, habitat for bats. The detail for this has been arrived at with the assistance of the consultant ecologist and heritage Specialist. The renovation of the Greenhouse Store building for greater horseshoe bats will require removal of three trees adjacent to the Greenhouse Stores that are not viable for retention and there is some vegetation removal proposed. It is noted that Natural Resources Wales have reviewed the proposal and have advised that with relevant plans being included on the approved plans condition and a requirement to submit a Habitat Protection and Management Plan that the impacts on the site would be acceptable.

It is considered that the impact on bats would be acceptable noting that the works would require a European Protected Species Licence and following the works it would provide an enhanced space for bat roosting.

Access to and within the building has not been altered. Access has been restricted to give the bats greater privacy. The existing layout and principal entrances will remain as existing.

It is considered that the proposal is acceptable as it will sensitively renovate the greenhouse store structure and the new purpose as a bat roost is considered acceptable. The impact on the SSSI and SINC designations and the wider Ruperra Castle site (considering the Conservation Area and Historic Park and Garden and Landscape designation) is considered acceptable with no unacceptable impacts on the nearby Listed Buildings or the Castle. It accords with adopted Local Development Plan Policy SP6 (Placemaking).

Comments from Consultees: It is noted that the Council's Ecologist view is that works to the generator block should be secured, however the proposal for the greenhouse store is considered to be both positive in terms of bringing the structure back from its current ruinous state and also by providing additional bat roosting opportunities in the location. It is considered that when assessing both this proposal and the related applications (19/0787/COU and 19/0788/LBC) in terms of the benefit to both the historic environment (in sensitively renovating existing Listed Buildings on site in current poor state) and incorporating measures for bat roosting these do represent enhancement in both ecological and cultural/heritage terms. On balance it is not considered reasonable or necessary to require works to the generator block to be secured in respect of the planning applications.

Draethen Waterloo and Rudry Community Council have raised the following objections:-

1. The proposal may be detrimental to the conservation status of bats and other protected species that have been identified as using these buildings by bats and other species on the site.
2. The site lies within a conservation site and woodlands and is in designated SSSI area that is designated for its colony of greater horseshoe bats.
3. It appears that insufficient surveys have been conducted to confirm the current use of the buildings by bats.
4. It is unclear which other roosts across the site are intended to be replaced/compensated by the proposed provisions.
5. The proposed development may cause damage to the natural environment.
6. There may be negative impacts resulting from the construction works at the site.

The concerns of the Community Council are noted, however it is considered that any adverse impacts can be mitigated through the proposed conditions (as advised by Natural Resources Wales) and the developer will be required to obtain an European Protected Species Licence for works which would disturb bats.

In respect of the concerns of the Ruperra Conservation Trust and Ruperra Castle Preservation Trust it is considered that the proposal is appropriate and with the required planning conditions will appropriately mitigate any adverse impacts on ecology including bats and other protected wildlife and would not cause any unacceptable impacts to the site. It would accord with Planning Policy Wales and Policy CW4 of the adopted Local Development Plan. It would provide enhancements in terms of bat roosting opportunity and matters raised outside of the scope of this proposal have been considered in the other applications for the site.

Comments from public: There is a range of objections raised by the general public in respect to this planning application. Responses to the points summarised above are as follows: -

- Comprehensive plans/ masterplan for whole site (including the castle) should be submitted and considered.

- Concern with the stability and deterioration of the castle.

The application has been submitted and considered on its merits and the stability and condition of the castle is a separate matter.

- Impact on the castle. The proposals will further damage the castle's character and authenticity.

- Adverse impacts on Listed Buildings, the Conservation Area and Historic Park and Gardens.

- Highlights the Scheduled Ancient Monument and Listed Building designations of the castle and ancillary buildings together with the wider landscape which indicates the whole estate has unique heritage conservation potential.

- To allow any piecemeal development of the outbuildings would degrade this historic asset.

- Applications do not further the repair and survival of the castle.

The proposals have been assessed and found to have an acceptable impact on the castle's setting and the site's historic designations and renovation of the Listed Buildings are a positive impact.

- Any piecemeal development without considering the site as a whole would adversely affect both the Area of Special Landscape Value and destroy the built heritage survival of a high status site occupied for over 2000 years.

- Granting planning for a small part of the site for residential use will impair the ability to save the castle longer term and restrict what can be done once residents are living there.

The proposals are considered to be acceptable and will not exclude/prevent works in the future to the castle and surrounding grounds.

- Attempts to encourage incoming economic growth in Cardiff and Newport could be spoiled should the Castle's special character be lost to additional housing development.

The housing development is limited to the existing on site buildings and is not anticipated to materially impact on economic growth.

- Castle should be included into the Council's Sustainable Tourism strategy and its Heritage Use and Conservation planning.

The castle is in private ownership and these are separate matters outside of the current application.

- Provides examples of restoration/conservation and reuse (Astley Castle Nuneaton, Lulworth Castle Dorset, Highcliff Castle Dorset, Woodchester Mansion, Gloucestershire.

The proposals have been considered on the basis of the applications submitted.

- Registered gardens and woodland should be protected.

The proposals have been considered with regard to the site designations including the Historic Park and Garden. Cadw have raised no objections having considered the designation.

- Poor management of trees and burning of rubbish.

- Past actions to clear vegetation have shown the owners' disregard for ecology and the natural environment.

These are matters outside of the consideration of the current application.

- Dangerous to allow these buildings (particularly the bothy) to have a change of use so close to a dangerous derelict castle.

The bothy is already in residential use and so will not materially change the existing situation with the castle.

- Impact of building works and vehicles on castle.

The conversion works and vehicles are not anticipated to involve works which would be likely to have a material impact on the castle or its stability.

- Increased light and noise pollution will have adverse impact on bats and dark countryside.

- Adverse Impact and/or loss of the SINC/SSSI protected Greater Horseshoe Bat maternity roost/colony in the old generator block and associated dark corridor of vegetation which provide routes to foraging areas such as the nearby woodlands and pasture by reasons of construction work and also the introduction of light, noise and traffic by future residents and associated visits/deliveries.

A lighting assessment has been submitted to minimise the light pollution on the areas nearest to the generator block and likely flightpaths of bats. It is not considered that noise pollution would be so substantial to have an unacceptable impact on wildlife.

- Proposals Ignore the Climate emergencies which we face (private car use/spread of concrete surfaces) and is not sustainable.

The proposals will convert existing listed buildings to a use which will secure their long term survival and on balance the proposal is considered acceptable.

- Threatens future of the greenbelt if a new access road across open farmland is approved setting a precedent for further development.

The proposed development is not major development and therefore is not considered to be restricted by precautionary advice contained within Policy 34 of Future Wales - The National Plan 2040 on potential future greenbelt designation. Were further development proposed at a later stage this would be considered under separate application(s) taking into consideration extant policy/designations at that time.

- Represents short term profit making.

- Priority needs to be given to repairing the most important structure - Ruperra Castle, rather than one of the least important buildings on its Estate.

- The 13 acre site around the Castle should be held by some body or organisation to create a small country park, linked to adjacent land holdings by one or two agreed footpaths/rights of way and that a plan should be formulated and money raised by some means to buy the site, or at least maintain it.

- If approved a legal agreement should require no building may be sold or occupied until the castle has been transferred to a heritage body with a financial contribution.

- It is not fitting for nearby development to take place in the absence of any requirement for the repair of the imperilled structure of the Castle or the enhancement of the important estate grounds, given that both Castle and grounds are in the same ownership as the structures subject to the applications.

These are the opinions of the objectors.

- There should be a comprehensive redevelopment proposal involving the castle  
The proposal has been considered on its merits.

- Introduction of potential predators to the bats such as domestic cats  
The submitted Ecological Impact Assessment (as amended) has considered the impact of cat ownership for future residents and has concluded that the level of impact above baseline would be minor. Measures to prevent predation of bats have been incorporated into the design (including high level access points).

- Proposals for a new bat house as mitigation are unsuitable and unacceptable.  
The mitigation measures extend beyond the bat house providing roosting opportunities within areas of the buildings and are considered acceptable.

- The maternity bat roost is of national and international importance and the precautionary principle should be applied, and any development that may risk having a

negative effect on the roost should be refused. Highlights the legal protections afforded to bats.

- May adversely affect other wildlife in the neighbouring woodland.
- SSSI designated with other protected species include Greater Crested Newts and Common Dormouse.
- Adverse impact on ecology Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions.
- Question the findings of the Lighting Report - there are bound to be significant adverse impacts from the artificial lighting proposed and these impacts also extend to application numbers: 19/0787/COU and 19/788/LBC for the Stables and Coach house.

The impact on wildlife and ecology has been considered within the Ecological Reports and clarification submitted by the applicant following consideration by Natural Resources Wales has been considered acceptable with safeguards through planning conditions.

- Access unsuitable for traffic.
  - Proposed Passing bays impact on wildlife, development in open countryside and increased traffic generation contrary to Policies CW3 (Highways) and CW19.
  - Site has limited vehicular access and substandard highway network in area. Impact on use by walkers, cyclists and horse riders.
- The proposed access arrangements are considered acceptable.

- Due regard should be given to the Well Being of Future Generations Act given the major historical, environmental and ecological issues at the site and Planning Policy Wales in terms of provision of a net benefit for biodiversity.
  - Contrary to Future Generation Wales Act resilient Wales
- The Well-being of Future Generations (Wales) Act 2015 includes a number of well-being goals which does include 'A Resilient Wales' which is explained as being "A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).

A further well-being goal within the act is "A Wales of vibrant culture and thriving Welsh Language" which is explained as being "A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation."

The application has been considered in respect of the requirements of the Well-being of Future Generations (Wales) Act 2015 including all the well-being goals and on balance has been found acceptable and to accord with the duties of the Local Planning Authority under the act.

- The change of use would introduce domestic paraphernalia which would impact on the historic grounds.

The proposed conversion and development is not considered to have an unacceptable impact in this regard.

- The amended Design and Access Statement is inadequate;  
The Design and Access Statement meets validation standards.
  
- Vegetation was cleared before the Manege was built, but there is no sign of the replacement tree planting required as a condition of that approval.  
This is a matter separate to the consideration of this application.
  
- Question why no additional ecological survey information has been made available;  
Amended reports and plans have been made available.
  
- Reinstatement of Public access.  
The site is in private ownership and any specific matters of access can be addressed through relevant legislation where found necessary.
  
- Since September 2019 there has been a major local policy change that reinforces our case. The devastating floods of February 2021 were a further demonstration of the County Council's foresight in declaring a climate emergency, and in pledging to review all of its policies and decisions in the light of the need for urgent action to stem further temperature rises. It includes taking action to reduce traffic, support active travel and increase biodiversity - as envisaged in the Sustainable Caerphilly Landscape (SCL) Masterplan 2020.  
The application has been considered on its merits including the beneficial impacts on providing long term use to Listed Buildings currently in poor state of repair. This together with compatibility with provision for conversion of buildings under Policy CW20, mitigation for protected species, requirements under planning conditions relating to habitat management and access to walking recreation routes in the vicinity is considered to outweigh the concerns raised.
  
- From 1/2/2022 the gardens at Ruperra are now statutorily protected under the Welsh Government Heritage Act 2016.  
The impacts on the designations of the site have been considered and have been found acceptable.
  
- Suggest CCBC start using adequate powers invested in it in order to stop the further deterioration of this site.  
This is a separate matter from the application under consideration.

Other material considerations: The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is



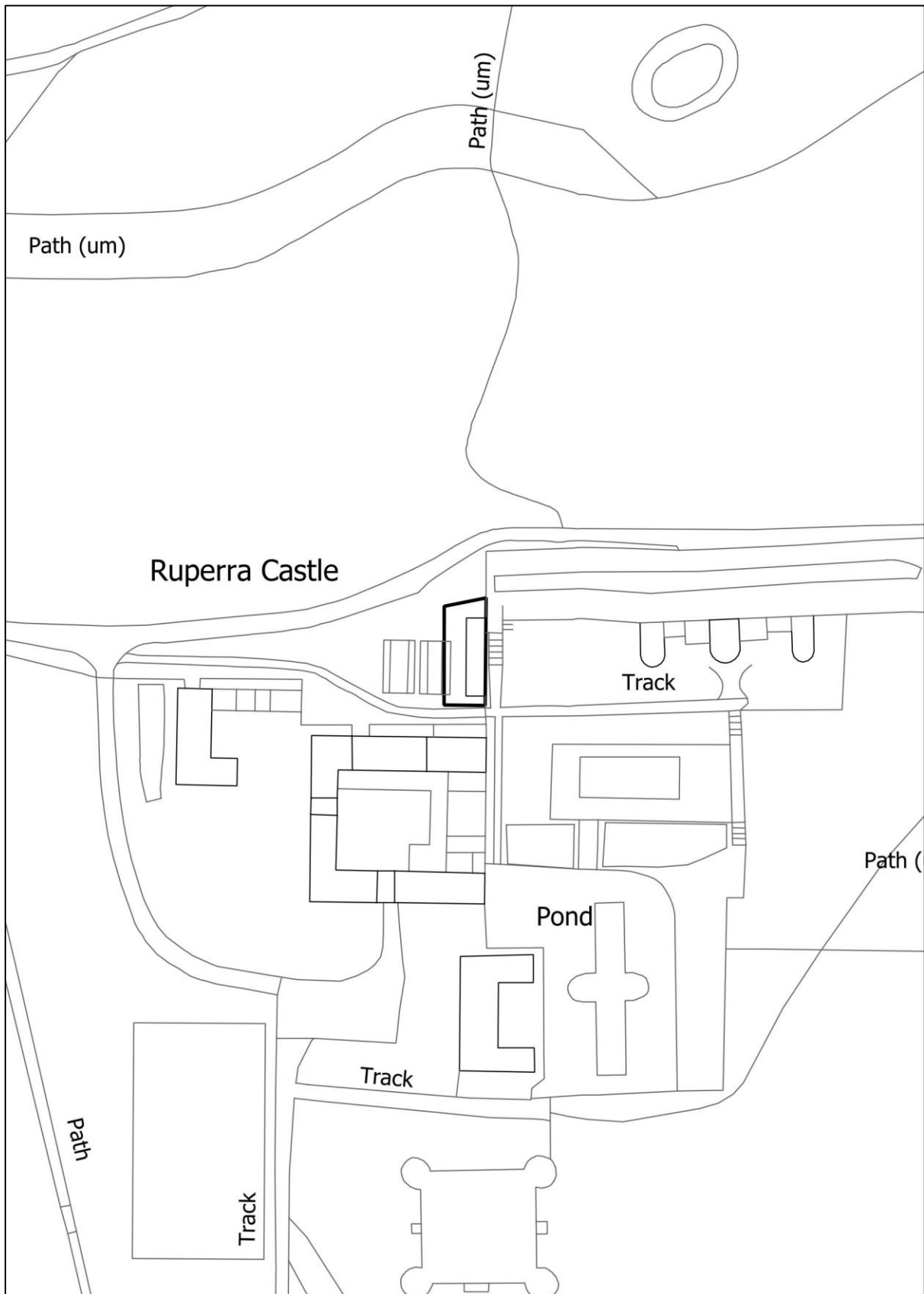
considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

The application is recommended for approval however members are advised that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority. The effect of the direction means if members are minded to approve the application the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

This permission is subject to the following condition(s)

- 01) The works hereby permitted shall be begun before the expiry of five years from the date of this permission.  
REASON: To comply with the provisions of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
  
- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Site Location Plan, drawing reference AL.0.09;  
Proposed Greenhouse Stores, drawing reference AL.GS.110 revision B;  
Letter to Anthony Pyne at Caerphilly County Borough Council titled 'Response to Ecological Comments on Planning Applications 19/0787/COU and 19/0789/COU' dated 3 February 2021;  
Figure 2 'Revised construction access route and extent of vegetation removal' of the letter to Anthony Pyne at Caerphilly County Borough Council titled 'Response to Ecological Comments on Planning Applications 19/0787/COU and 19/0789/COU' dated 3 February 2021;  
Ruperra Castle Ecological Assessment Report' BSG Ecology, dated 30 September 2020;  
Ruperra Castle Lighting Impact Assessment' Illumne Design, Revision 0.1 dated 28 September 2020; and  
Amended drawing 210429-RC-TRRP-Rev B-NB 'Tree Retention and Removal Plan', dated April 2021;  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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**Application Number:** 21/0877/FULL

**Date Received:** 02.03.2022

**Applicant:** Mr C Capel

**Description and Location of Development:** Demolish existing dwelling and erect 6 No. light industrial units and 6 No. storage lock ups - Fair View Garage Woodland Place Pengam Blackwood NP12 3QX

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is located on the junction of St. David's Road and Pengam Road.

Site description: The whole of the site is associated with Capels Van Centre and comprises of commercial and residential land uses. The van sales forecourt is adjacent to St David's Road with the detached dwelling and its associated curtilage (No. 4-5 Woodland Place) located to the rear of the forecourt at a much lower level. Vehicular access to serve No. 4-5 Woodland Place is via Woodland Place, a narrow road that runs parallel to the southern boundary of the site, with the dwelling located on the northern side of the lane and the commercial uses located on the southern side of the lane. Beyond the dwelling permanent barriers have been installed to prevent through access to the other seven dwellings of Woodland Place and residential development of Bramblewood Court.

The existing access off Pengam Road to the upper level of the site would remain the same with access to the lower level of the site achieved through the internal roads within St David's Industrial Estate.

Development: Full planning permission is sought to demolish the existing dwelling and erect 6 No. light industrial units and 6 No. storage lock ups.

Dimensions: The overall block of industrial units on the upper part of the site has a maximum footprint measuring 30.5 metres in width by 23.0 metres in depth with the maximum ridge height measuring 8.0 metres. Each unit will be equipped with a small office and toilet.

The storage lock ups on the lower part of the site will be located underneath the industrial units and have a maximum footprint 30.5 metres in width by 11.0 metres in depth with an overall height measuring 5.8 metres above the lowest ground level.

Materials: The external finishes comprise of goosewing grey aluminium sheeting, autumn gold facing bricks together with grey roller shutter doors and fire escape doors. Rain water goods are proposed in the colour 'seagos blue'.

Ancillary development, e.g. parking: Fifteen car parking spaces are proposed to serve the industrial units on the upper level and eight car parking spaces are proposed to serve the storage lock ups on the lower level.

PLANNING HISTORY 2010 TO PRESENT 12/0511/OUT - Erect housing development - Refused 16.03.2016.

15/0573/RET - Retain change of use of trade retail outlet into a dog grooming parlour - Granted 16.12.2015.

17/0088/OUT - Construct housing development of 17 properties - Granted 24.10.2019.

## POLICY

LOCAL DEVELOPMENT PLAN The Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site is located within settlement limits and part of the site is designated as a secondary employment site, (EM 2.17, St David's Pengam).

Policies: SP2 (Development in the Northern Connections Corridor (NCC)), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW5: Protection of the Water Environment and CW15 (General Locational Constraints) together with advice contained within Supplementary Planning Guidance LDP 5: Car Parking Standards and LDP 6: Building Better Places to Live.

NATIONAL POLICY Future Wales: The National Plan (February 2021), Planning Policy Wales Edition 11 (February 2021), Technical Advice Note 12: Design (March 2016) and Technical Advice Note 23: Economic Development (February 2014).

## ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

## COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site area is located within an area of high risk. The application has been accompanied by a Coal Mining Risk Assessment and this has been reviewed by The Coal Authority.

## CONSULTATION

Dwr Cymru - No objection in principle but provides informative advice regarding foul and surface water, the presence of a public sewer within the site and the absence of any known potable water consumption rate and the whether an adequate water supply can serve the proposed development requests that a condition is imposed for the developer to fund the undertaking of a Hydraulic Modelling Assessment on the water supply network.

The Coal Authority - No objection but the coal mining legacy within the area has the potential pose a risk to the proposed development and that further investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development, this can be controlled by way of conditions imposed to any consent.

Western Power Distribution - Provides informative advice to the developer regarding any new utility connections required on the site.

Welsh Government - Planning Directorate - No comments received at the time of writing the report.

Heritage And Placemaking Officer - No objection.

Senior Engineer (Drainage) - Advises that Sustainable Drainage Approval is required.

Waste Strategy and Operations Manager - No comments received at the time of writing the report.

Ecologist - No comments received at the time of writing the report.

Transportation Engineering Manager - CCBC - No objection subject to conditions in relation to securing car parking and turning areas within the site, controlling rainwater run-off, restricting existing accesses and providing a specific gradient that the ramp serving the lower part of the site must achieve.

Environmental Health Manager - No objection subject to conditions relating to air quality mitigation measures, schemes for noise and dust mitigation within the construction phases of the developer, restricting the use of the uses of all the units, hours of operation, contamination, remediation and validation together with controlling the level of noise that would emit from the site along with requesting further details of the proposed acoustic barrier to be constructed along the western boundary of the site.

Informative advice is also provided to the developer.

## ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and six neighbours were notified by way of letter.

Response: Eleven letters of representation have been received from eight objectors.

Summary of observations: The following objections were raised:-

1. The applicant has not informed the neighbours.
2. Questions the inaccuracies with the question boxes ticked within the application form.
3. Lack of consultation from the Local Planning Authority and had to rely on a neighbour directly adjacent to the site to be informed of the proposed development.
4. The development is likely to lead to dangerous manoeuvres at the 4-way traffic lights that intersect Pengam Road, St David's Road and Fair view.
5. The development will bring more traffic to Fair View traffic lights causing more delays at peak times.
6. The development would considerably increase business traffic at the top of the lane at Woodland Place, which is a much used route by pedestrians and children attending Pengam Primary School.
7. It is not clear how each unit would be accessed for deliveries and customers.
8. The priority for the Council is to build more houses not to knock existing houses down.
9. Industrial units on long established residential land is contrary to Council policies.
10. The proposal is considered to be over-development of the site.
11. The proposal is incremental progression of decades of expanding the St Davids Industrial Estate.
12. The proposal doesn't benefit residents.
13. Neighbours would be subjected to prolonged periods of unacceptable noise disruption within a residential area during the demolition and construction phases.
14. The proposed development would bring industrial operations, and the associated various pollution problems such as noise, fumes and light pollution far too near residential properties.
15. There is no buffer zone between the site and no.3 Woodland Place bringing noise impacts from the uses within the building as well as the to-ing and fro-ing of vehicles to the garden boundary.
16. The fire escape doors and associated stairwells would result in workmen overlooking the neighbouring property resulting in loss of privacy.
17. Ventilation issues from the development relating to the expulsion of toilet smells, stale and possibly infected air directly onto neighbouring homes.
18. The building would have an overbearing impact and adverse outlook on the occupiers of no. 3 Woodland Place, adversely detracting away from the visual amenity of Woodland Place.
19. The proposed development looks like a prison.
20. Woodland Place was originally built in keeping with the Garden Village concept of John Hodder Moggeridge, his initiatives were responsible for much of modern



Blackwood. And advises that the Legal Department should research any conditions placed on the threatened site.

21. The development would have an adverse impact upon the physical and mental well-being on the occupiers of No. 3 Woodland Place.

22. References gabion filled baskets and that it was erected outside the boundary of No. 3 Woodland Place to raise the ground levels of no. 4- 5 Woodland Place and the increased volume of traffic would threaten to put a lot more pressure on this loose filled material which could in turn collapse along with the indicated acoustic fence.

23. The opening hours are unacceptable.

24. The development would reduce the value of every property along Woodland Place.

25. Requests for members of the committee to undertake a site visit to the nearest neighbour's property.

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

There are no specific crime and disorder applications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? A survey was carried out and no evidence was found, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure. Furthermore, Policy 9 of Future Wales - The National Plan 2040 states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment. In that regard biodiversity enhancements will be sought as part of this development.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development is CIL liable as the proposal intends to create more than 100 square metres of additional floor space. However, in that the nature of the proposed uses are charged at £0 per square metre for new development, no CIL will be collected.

### ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main issues for consideration in the determination of this application are whether the proposed development would provide an appropriate site for light industrial and storage lock up development having regard to planning policies that seek to control the location

of new development; the impact of the development in design terms, the effect the development would have upon the character of the surrounding area and neighbouring amenity together with highway safety implications.

Policy SP2 (Development in the Northern Connections Corridor (NCC)) of the Local Development Plan (LDP) requires development proposals to promote sustainable development. Specifically proposals in this area should: focus significant development on both brownfield and greenfield sites that have regard for the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; and protect the natural heritage from inappropriate forms of development.

Given that the site the subject of this application is previously developed land included within the settlement boundary of Blackwood, in policy terms the development of the site would be consistent with Policy SP5 of the LDP in that it promotes the full and effective use of urban land and serves to concentrate new development within the existing settlement.

General development control considerations are set out in policies SP6 (Place making), CW2 (Amenity) and CW3 (Design Considerations-Highways) of the LDP.

Strategic Policy SP6 sets out criteria relating to place making, notably that development should seek an appropriate mix in respect of the role and function of its settlement and realise the efficient use of land. The development proposal offers the opportunity to provide six light industrial units on previously developed land within the forecourt of an established commercial premises in Pengam and six storage lock ups on land at a level that is currently occupied by a detached dwelling and associated garden curtilage. The existing vehicular access to and from the A4049 will be utilised to serve the upper level of the site with the internal access road of St. David's Industrial Estate serving the lower level of the site. The development site is bounded by a mix of uses including residential to the west along with commercial and light industrial uses to the north and south. In terms of the design of the block of buildings, this appears to integrate well with the existing van centre building on the site and the neighbouring commercial/industrial buildings beyond the intervening petrol station and forecourt to the north of the site. The external finishes also reinforce the existing commercial and industrial uses within and adjacent to the site. As such it is considered that the design of the scheme is acceptable in planning terms and complies with Policy SP6.

Policy CW2 relates to amenity and states that development proposals should have no unacceptable impact on the amenity of adjacent properties or land; should not result in the over-development of the site; and the proposed use is compatible with surrounding land-uses. The proposed development would not result in over development of the site in that sufficient operational and servicing space has been demonstrated, it will also not constrain neighbouring land uses adjacent to the site. Turning to the visual impact of the development, when viewed from the A4049 the visual appearance of the site will

change but given the existing commercial setting it is not considered that the proposed development would cause any undue harm to the character of the surrounding area.

The six units on the lower level of the site would not be visible from the A4049 and the wider surrounding area but would be visible from immediate views from within Woodland Place and Bramblewood Court. In that regard it is accepted that the backdrop to the upper level would change when compared to the existing situation with a more pronounced commercial form. However the proposed built form would not extend any further forward at the rear than the existing commercial buildings on the wider site and this is important to note given that the existing dwelling is located much further into the site. An acoustic barrier would also be installed along the western boundary which would reduce much of the perceived massing and built form, along with the land in front of the acoustic barrier to provide a sustainable urban drainage feature that will rely on a planting scheme. Therefore, given the separation distance of the rear elevation of the building from the western boundary it is not considered that the proposed development would give rise to such adverse visual amenity impacts that would warrant refusal of the application.

In terms of residential amenity, the nearest residential properties to the proposed development are No. 3 Woodland Place and No. 13 Bramblewood Court, these properties are located to the west of the site at a much lower level with the distances to their respective garden boundaries measuring 21 metres and 43 metres and approximately 43 metres to any habitable room windows serving those properties. Whilst the introduction of light industrial uses would be brought closer to the residential properties, the light industrial uses are restricted to the upper level of the site where commercial activities associated with the van centre already take place, with the units on the lower level of the site proposed as storage lock ups. The level of noise and activity associated with small storage lock up facilities is considered to be far less intensive than any light industrial use and the nature of the intended uses for each individual lock up would be controlled by condition. In that the noise levels, nature of uses, hours of operation and restriction of external activities can all be controlled by way of conditions imposed to any planning consent, it is not considered that the proposed development will give rise to significant adverse impacts that would detrimentally affect the level of amenity currently received by the nearest neighbouring occupiers. Furthermore it should also be noted that part of the lower site falls within a designated secondary employment site allocated in the LDP (EM 2.17, St David's Pengam) and immediately abuts the boundary of No.3 Woodland Place for which B1, B2 or B8 use classes have previously been considered acceptable. Having regard to all of the considerations the proposed development complies with Policy CW2 of the LDP.

Policy CW3 considers highway safety. In that regard adequate provision has been made for parking and vehicular movements within the site. The Transportation and Engineering Manager has concluded it is not considered that the proposal would have any adverse impacts on the safe and efficient use of the transportation network and therefore no objection is raised subject to conditions imposed to any consent. It should also be noted that the imposition of one condition would also result in an improvement

for any existing pedestrians who use Woodland Place in that the existing accesses from the lane serving the van centre and existing dwelling would be blocked off, which in turn would reduce the number of vehicle movements along the lane each day. It is therefore considered that the proposed development complies with Policy CW3 of the LDP.

In conclusion, the proposed development will create the opportunity to encourage new start-up businesses into the county borough along with the potential of added benefits to create new jobs. Having regard to the above observations, the proposed development accords with Policies CW2 and CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010.

Comments from Consultees: Dwr Cymru/Welsh Water have requested a condition for the developer to undertake a Hydraulic Modelling Assessment on the water supply network to ensure that a potable water scheme to serve the site can be supplied. In that regard the term 'potable water' relates to water that is clean and safe to drink for human consumption.

Paragraph 3.2 of Welsh Government Circular The Use Of Planning Conditions for Development Management (October 2014) states:

"In considering whether a particular condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition. If it would not, then the local planning authority needs to carefully justify why the condition is being imposed in the first place. A condition should not be imposed unless it is considered necessary."

Paragraph 3.6 further states:

"Conditions should not repeat the provisions of other conditions or duplicate controls under other legislation unless there is a planning reason for doing so. For example, conditions relating to drainage should not be imposed where the matter can be adequately addressed through Building Regulations... a condition may, however, be needed if the alternative form of control might not be exercised in a manner or to the degree needed to secure planning objectives. A key question to ask is whether a condition is necessary in its own right on planning grounds. "

In that the residential dwelling on the site at present is served by a potable water connection it would not be reasonable or necessary to impose such a condition in order to enable the development to proceed in that it would be punitive of the Local Planning Authority to impose such a condition when the matters can be adequately addressed under separate legislation.

Environmental Health Manager has requested conditions in respect of controlling the use of all the buildings within the site and a scheme for air quality mitigation measures, in that regard the applicant has submitted a noise assessment for the site and despite not knowing what the individual uses of each unit would be the noise assessment report identifies that probable noise emissions from activities associated with the site would

likely give rise to low levels of audibility at the closest residential properties to the site and that the proposed units would be effective in containing the probable levels of internally generated noise within the units. Furthermore, the assumptions contained within the noise report were based on all of the site proposed as light industrial units. The developer has co-operated with the Local Planning Authority at the request of the relevant internal statutory consultees and has amended the scheme significantly when compared to the original submission details with the six units on the lower part of the site now proposed as storage lock ups, which is considered to be a far less noise intensive use than the original submission. On that basis it would not be reasonable to control the uses for each unit on the upper part of the site given its existing lawful use, but controlling the uses of the individual lock up units on the lower part of the site would be considered reasonable and necessary in addition to the imposition of a condition to control noise for the whole of the site.

Comments from public: The following objections are addressed below:-

1. The applicant has not informed the neighbours - There is no requirement for the developer to notify neighbours or undertake a pre-application consultation if the development falls below a certain threshold.
2. Questions the inaccuracies with the question boxes ticked within the application form - An amended application was submitted as part of the subsequent submissions submitted for consideration.
3. Lack of consultation from the Local Planning Authority and had to rely on a neighbour directly adjacent to the site to be informed of the proposed development - The Local Planning Authority has a duty to advertise applications for planning permission in accordance with article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The necessary publicity requirements have been met.
4. The development is likely to lead to dangerous manoeuvres at the 4-way traffic lights that intersect Pengam Road, St David's Road and Fair view.
5. The development will bring more traffic to Fair view traffic lights causing more delays at peak times.
6. The development would considerably increase business traffic at the top of the lane at Woodland Place which is a much used route by pedestrians and children attending Pengam Primary School.

With regards to point 4, 5 and 6, as previously stated further amendments have been made to the scheme since the original details were submitted for consideration. The developer has actively sought to co-operate with the requests of the internal statutory consultees to ensure that their concerns can be satisfied. The Transportation and Engineering Manager has reviewed the final proposal and considers the development to

be acceptable subject to conditions. Furthermore, conditions imposed to any planning consent granted would result in improved safety along Woodland Place in that the lane would no longer be used resulting in less traffic entering and egressing through the traffic lights onto Woodland Place.

7. It is not clear how each unit would be accessed for deliveries and customers - The existing access off Pengam Road to the upper level of the site would remain the same with access to the lower level of the site achieved through the internal roads within St David's Industrial Estate, this would be further controlled by way of condition.

8. The priority for the Council is to build more houses not to knock existing houses down - It is accepted that the council has to ensure that sufficient residential land is made available to meet the future needs of both market and affordable housing, however there are no policies within the Caerphilly County Borough Local Development Plan that prevent the demolition of existing dwellings. Furthermore, it should be noted that the existing dwelling has served multi generations of the developer for which the developer has previously built move on accommodation and is in the process of building a dwelling in a neighbouring ward that will replace the existing family home to be demolished.

9. Industrial units on long established residential land is contrary to Council policies - The site is located within settlement limits on previously developed land. The site is not designated as an allocated housing site within the LDP but some of the site forms part of an allocated protected secondary employment site (EM2.17 St. David's, Pengam).

10. The proposal is considered to be over-development of the site - Sufficient operational, parking and servicing space can be accommodated within the site along with land designated to incorporate sustainable urban drainage features, on that basis it is not considered that the development can be considered to be over-development.

11. The proposal is incremental progression of decades of expanding the St David's Industrial Estate - The application site is previously developed land, each application can only be considered on its own individual merits. In addition the market will determine whether there is such a need for small start-up businesses.

12. The proposal doesn't benefit residents - Whilst the development may not directly benefit residents, it will benefit the wider county borough and attract inward investment. The proposed development provides the opportunity to create local jobs and for local companies or entrepreneurs to secure premises which in turn all contributes to the local economy of the county borough.

13. Neighbours would be subjected to prolonged periods of unacceptable noise disruption within a residential area during the demolition and construction phases - It is accepted that there will be some noise and disruption during the demolition and construction phase of the development however this will be limited to certain times of the day and the relevant conditions suggested would control the hours of operation in which such activities could take place.

14. The proposed development would bring industrial operations, and the associated various pollution problems such as noise, fumes and light pollution far too near residential properties - The most western elevation of the storage lock ups would be located in line with the existing van centre's building and there would be an intervening distance measuring some 21 metres to the most easterly boundary of No. 3 Woodland Place and 43 metres to the rear elevation of that property along with being located 39 metres from the boundary of No.13 Bramblewood Court and across the lane of Woodland Place. These distances are considered to be acceptable and further conditions would also be imposed to any consent granted.

15. There is no buffer zone between the site and no.3 Woodland Place bringing noise impacts from the uses within the building as well as the to-ing and fro-ing of vehicles to the garden boundary - As stated above the distances indicated are considered acceptable, furthermore, it would appear that the garden area adjacent to the application is not used for amenity purposes. It should also be noted that the intervening distances referred to above would provide a buffer zone along with an acoustic fence. In addition given the internal footprint of the storage lock-ups, it is not considered that traffic movements to and from the site would be significant enough to warrant refusal of the application given that their individual uses and respective hours of operation can be adequately controlled.

16. The fire escape doors and associated stairwells would result in workmen overlooking the neighbouring property resulting in loss of privacy - Fire doors should only be used in the event of an emergency and would be subject to building regulations approval. With regards to overlooking, it should be noted that any first floor windows within the existing dwelling would currently overlook the garden area of No. 3 Woodland Place and it is a common occurrence for some overlooking to take place where there are significant differences in levels. However, in that the storage lock ups would be located further back into the site than the existing dwelling, the external rear fire escape to serve the higher level units would be located some 23.5 metres away from the adjoining boundary and in excess of 45.5 metres away from any habitable room windows. Having regard to the answers also previously provided in point 14 above, perceived overlooking and loss of privacy are not considered to be an issue in this instance.

17. Ventilation issues from the development relating to the expulsion of toilet smells, stale and possibly infected air directly onto neighbouring homes - The development can be adequately controlled through compliance with the building regulations approval process.

18. The building would have an overbearing impact and adverse outlook on the occupiers of no. 3 Woodland Place, adversely detracting away from the visual amenity of Woodland Place - Given the significant distances away from the nearest properties, the development is not considered to give rise to overbearing impacts.

19. The proposed development looks like a prison - The visual appearance of the development would be in keeping with the commercial units within the wider area.

20. Woodland Place was originally built in keeping with the Garden Village concept of John Hodder Moggeridge, his initiatives were responsible for much of modern Blackwood. And advises that the Legal Department should research any conditions placed on the threatened site - There are no planning conditions on the site itself that would prevent the site being used for commercial purposes.

21. The development would have an adverse impact upon the physical and mental well-being on the occupiers of No. 3 Woodland Place - Given the distances involved and the numerous suggested conditions to control the development it is unclear how the development will adversely impact the physical and mental well-being of any residential occupiers in close proximity to the site.

22. References gabion filled baskets and that it was erected outside the boundary of No. 3 Woodland Place to raise the ground levels of no. 4- 5 Woodland Place and the increased volume of traffic would threaten to put a lot more pressure on this loose filled material which could in turn collapse along with the indicated acoustic fence - Potential instability issues are a private matter between any respective landowners.

23. The opening hours are unacceptable - The opening hours are considered reasonable for their respective uses.

24. The development would reduce the value of every property along Woodland Place - This is not a material planning consideration and there is no evidence to suggest that this would be the case.

25. Requests for members of the committee to undertake a site visit to the nearest neighbour's property - Whilst an objector has approached a Councillor to call in the application for members of the planning committee to consider the outcome of the application, a site visit was not requested and planning committee site visits have yet to resume since the Covid-19 pandemic.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and



PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Dwg No. 22/CC/114A Site Location and Site Layout Plan received on 11.07.2022; and  
Dwg No. 22/CC/214A Proposed Elevations and Floor Plans received on 11.07.2022;  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) No development shall commence until;  
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity and recorded mine shaft 315197-017; and  
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.  
The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.  
REASON: In the interests of public safety in accordance with Paras 6.9.22-6.9.28 of Planning Policy Wales.
- 04) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: In the interests of public safety in accordance with Paras 6.9.22-6.9.28 of Planning Policy Wales.

- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of public health.

- 06) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 07) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.

REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 08) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.

REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 09) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.

REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) Prior to the commencement of the development a scheme for on-site refuse storage (including any open air storage facilities) and for waste material awaiting disposal (including details of any screening) shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the first occupation of the development.  
REASON: In the interests of public health and the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) No goods, materials, plant or machinery shall be stored outside any of the buildings on the site without the prior written agreement of the Local Planning Authority.  
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) No machinery shall be operated, no process shall be carried out and no deliveries be taken at or dispatched from the site outside of the following times:-  
a) 08:00 hours -18:00 hours Monday to Saturday; and  
b)10:00 hours - 16:00 on Sundays or Bank Holidays.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to commencement of development details of a scheme shall be submitted to and approved in writing by the Local Planning Authority to include the design of a solid, continuous acoustic barrier to be constructed along the Western and Southern boundaries of the application site. The scheme shall detail the decibel reduction capability of the acoustic barrier and how that will impact upon both internal and external noise levels at the nearest residential receptors.  
REASON: In the interest of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 14) Noise arising from the development shall not exceed the typical background sound level measured at any residential receptors when assessed in accordance with the methodology and principles set out in BS4142:2014+A1:2019 (or the latest version thereof) Method for rating and assessing industrial and commercial sound.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 15) Prior to development commencing on site, details of all external and roof mounted plant/machinery associated with the application shall be submitted to and agreed in writing with the Local Planning authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these

agreed details shall be fully installed prior to the use of each of the units commencing.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 16) Notwithstanding the development hereby approved prior to beneficial occupation of each storage lock up, details of their intended use shall first be submitted for consideration and approved in writing by the Local Planning Authority. Thereafter for the lifetime of the development any subsequent use of each individual storage lock up shall also be submitted for consideration and approved in writing by the Local Planning Authority.  
REASON: To retain effective control of the development in the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 17) Both of the existing means of vehicular access onto Woodland Place/the highway to the southern boundary of the site, shall be closed off in a manner to be agreed in writing with the Local Planning Authority prior to beneficial use of the development commencing. All vehicular traffic associated with the proposed units on the upper level of the development shall access and egress the site via the existing access serving the garage and van sales as detailed on Dwg No. 22/CC/114A; all vehicular traffic associated with the proposed units on the lower level shall access and egress the site via St David's Estate Road, again as detailed on Dwg No. 22/CC/114A.  
REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.
- 18) Beneficial use of the development hereby approved shall not commence until the areas indicated for the parking and turning of vehicles have been laid out in accordance with the submitted plans to the satisfaction of the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: To ensure that adequate off-street parking facilities are provided within the curtilage of the site in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.
- 19) The proposed access ramp to serve the units on the lower level of the development shall have a maximum gradient not exceeding 1:8, and shall be completed and constructed in permanent materials, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before occupation of the development and shall thereafter be maintained at all times.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 20) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before occupation and maintained thereafter at all times. REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) Any gates shall be located and fitted so as not to open out over the public highway. REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 22) Prior to the occupation of the development hereby approved, nesting sites for birds shall be provided as part of the approved development. REASON: To provide additional roosting for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Policy 9 of Future Wales: The National Plan 2040 (2021), Planning Policy Wales Edition 11 (2021), Technical Advice Note 5: Nature Conservation and Planning (2009) and policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

#### Advisory Note(s)

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

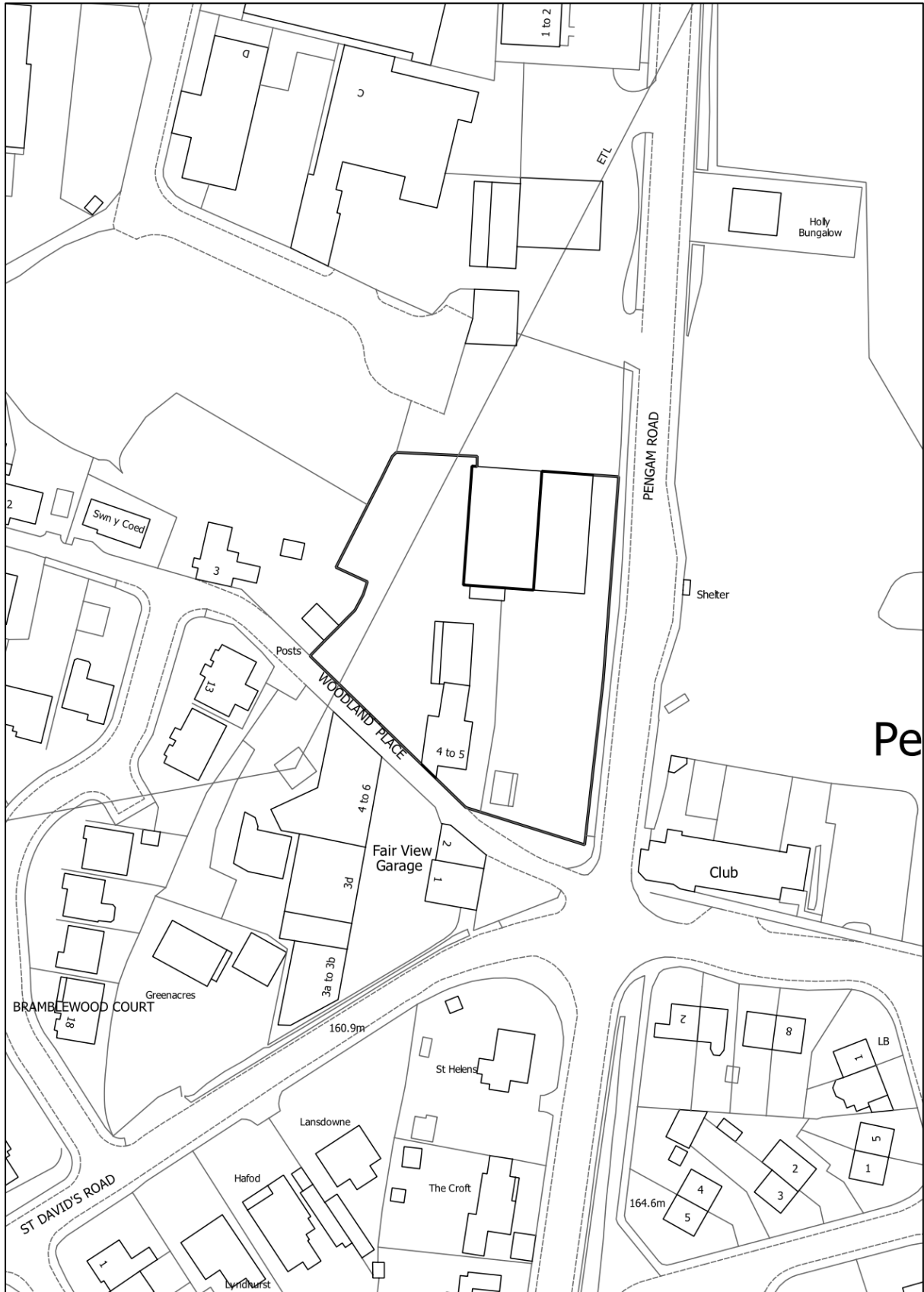
Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.

Please refer to Public Access on the Council's website to view the comments of Dwr Cymru/Welsh Water, The Coal Authority and Environmental Health Manager.



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