

**Application Number:** 21/1226/OUT

**Date Received:** 22.12.2021

**Applicant:** Caerphilly Homes

**Description and Location of Development:** Erect development of over 55's supported housing apartments with community accommodation, landscaped allotments and communal gardens, ancillary electric scooter and bicycle storage, car parking and associated works and seek approval for access and layout - Ty Darren Home For The Elderly Cromwell Road Risca Newport NP11 6HF

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: The application site is located on the south-western side of St Mary Street at the corner with Ravenswood Court, Risca.

Site description: The application site comprises of the former Ty Darren Care Home building and associated hard standing and soft landscaped amenity areas. The care home building remains in situ and has been secured to prevent unauthorised access. There is an existing vehicular and pedestrian access into the site off St Mary Street and there is currently no boundary separating the site from the adjoining health centre buildings to the north-west. The shared boundaries with residential properties to the south and south-west comprise of a mixture of soft landscaping (trees/hedgerows) and close board fencing, while metal railings and wire fencing with concrete posts define the north-eastern and south-eastern boundaries with St Mary Street and Ravenswood Court respectively. A number of existing trees are also located along both of these boundaries, resulting in the trees being visually prominent within the immediate street scenes.

The site is bounded by the residential properties of Ravenswood Court and Crescent Road to the south and southwest of the site respectively and Risca Health Centre to the north-west. The site's north-eastern boundary lies adjacent to the highway of St Mary Street with the war memorial and The Darran public house just beyond. The site's south-eastern boundary lies adjacent to the highway of Ravenswood Court with the local doctor's surgery and pharmacy just beyond.

Development: Outline planning permission is sought for a residential development that would provide supported housing apartments and community accommodation for older residents aged over 55. A total of 46 affordable units are proposed that would be accommodated within two main buildings. The proposal would also include a smaller, ancillary building providing a community gathering space.

Access and layout are currently being considered at outline stage, while appearance, scale and landscaping are reserved for future consideration.

Dimensions: The proposed larger residential building would be 'L' shaped and up to 4 storeys in height. The proposed scale parameters for this building are as follows:

Height - Min. 9m and Max. 21m;  
Depth - Min. 10m and Max. 12m; and  
Width - Min. 45m and Max. 65m.

The proposed smaller residential building proposed would be rectangular in shape and up to 3 storeys in height. The proposed scale parameters for this building are as follows:

Height - Min. 7m and Max 15m;  
Depth - Min. 10m and Max. 12m; and  
Width - Min. 35m and Max 38m.

The proposed communal building would also be rectangular in shape and up to 2 storeys in height. The proposed scale parameters for this building are as follows:

Height - Min. 6m and Max. 10m;  
Depth - Min. 10m and Max. 12m;  
Width - Min. 20m and Max. 23m.

Materials: To be determined at reserved matters stage under the consideration of the buildings' appearance.

Ancillary development, e.g. parking: The proposed buildings would enclose a central community garden with further allotment gardens proposed to the rear of the site. A new single vehicular access off Ravenswood Court would serve 19 car parking spaces to the rear of the site as well a rear drop-off area. Proposed plant, bin stores and electric scooter and bike storage/charging facilities would be accommodated within the proposed buildings.

PLANNING HISTORY 2010 TO PRESENT 20/1096/NOTD - Demolish care home - Notification - Details Approved - 30.04.2021.

## POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: Within settlement limits.

Policies: Policy SP3 (Development Strategy - Development in the Southern Connections Corridor), Policy SP4 (Settlement Strategy), Policy SP5 (Settlement

Boundaries), Policy SP6 (Placemaking), Policy SP7 (Planning Obligations), Policy SP10 (Conservation of Natural Heritage), Policy SP14 (Total Housing Requirements), Policy SP15 (Affordable Housing Target), Policy CW2 (Amenity), Policy CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), Policy CW5 (Protection of the Water Environment), Policy CW6 (Trees, Woodland and Hedgerow Protection), Policy CW10 (Leisure and Open Space Provision), Policy CW11 (Affordable Housing Planning Obligation); and Policy CW15 (General Locational Constraints).

Supplementary Planning Guidance: LDP1 Affordable Housing Obligations (Revision), LDP4 Trees and Development, LDP5 Car Parking Standards and LDP 6 Building Better Places to Live.

Future Wales: Policy 2 (Shaping Urban Growth and Regeneration - Strategic Placemaking), Policy 3 (Supporting Urban Growth and Regeneration - Public Sector Leadership), Policy 7 (Delivering Affordable Homes), Policy 8 (Flooding), Policy 9 (Resilient Ecological Networks and Green Infrastructure), Policy 12 (Regional Connectivity) and Policy 13 (Supporting Digital Communications).

NATIONAL POLICY Planning Policy Wales (Edition 11, February 2021), Technical Advice Note 2: Planning and Affordable Housing (June 2006), Technical Advice Note 5: Nature Conservation and Planning (September 2009), Technical Advice Note 12: Design (March 2016), Technical Advice Note 15: Development and Flood Risk (2004), Technical Advice Note 24: The Historic Environment (May 2017).

## 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 is located within a low risk coal mining area and an advisory note can be added advising the applicant/developer of this fact if planning permission were to be granted.

## CONSULTATION

Senior Arboricultural Officer (Trees) - An objection is raised to the proposed residential development on the basis that two category A and two category B trees would be lost as a result of the proposed development. It is also advised that the loss of these trees cannot be compensated for through a landscaping scheme.

Strategic & Development Plans - The proposed residential development is acceptable in principle provided that it meets the justification test for development in a high risk flood zone and the consequences of flooding are found to be acceptable.

Landscape Architect - CCBC - An objection is raised to the proposed residential development on the basis that two category A and two category B trees would be lost, resulting in an adverse impact on visual amenity.

Head Of Public Protection - CCBC - No objection is raised to the proposed residential development subject to the imposition of the following conditions:

- 1) dust and noise mitigation during construction phase; and
- 2) associated plant, odour/fume mitigation, opening and delivery times and commercial waste measures in relation to the operation of the communal building.

It is also recommended that prior to the demolition of any structures on site an asbestos survey is undertaken to identify and dispose of any asbestos containing material in accordance with the control of Asbestos Regulations 2012.

CCBC Housing Enabling Officer - The proposed residential development is supported and it is advised that the proposal would benefit from Welsh Government Grant funding and is included in the Council's 2021/22 Programme Development Plan.

Senior Engineer (Land Drainage) - Objection raised in relation to proposed residential development due to insufficient information provided in relation to the proposed sustainable drainage scheme and a lack of clarity on whether the proposed development would comply with statutory sustainable drainage standards. Some concerns also raised in relation to the proposal being located in a high risk flood zone.

Head Of Public Services - No comments received.

Transportation Engineering Manager - CCBC - No objection is raised to the proposed residential development subject to the imposition of a number of conditions relating to vehicular access, parking, travel plan and off-site highway works.

Dwr Cymru - No objection is raised to the proposed residential development. Advice is also provided in relation to the location and protection of the public sewer which crosses the site, and the requirements for foul and surface water discharge and connection to the public sewerage network.

Police Architectural Liaison Officer - No comments received.

Western Power Distribution - Advised that a separate application will need to be made to Western Power Distribution if a new connection or service alteration is required.

Principal Valuer - No comments made in respect of the proposed residential development.

Parks And Open Spaces - No comments received.

Heritage And Placemaking Officer - No objection to the proposed residential development as it represents an exemplar development combining sustainability and good building design with integrated SuDS, active living and learning space, gardens, good landscaping, communal areas and community gathering space.

Natural Resources Wales - No objection raised to the proposed residential development subject to the imposition of conditions relating to flooding and bats.

Ecologist - No objection raised to the proposed residential development subject to the application of the Habitats Regulations derogation tests for European Protected Species and the imposition of conditions relating bird and bat mitigation, a reptile strategy and a planting scheme that benefits local wildlife.

## ADVERTISEMENT

Extent of advertisement: The application was advertised by means of site notices, a press notice and neighbour letters.

Response: One objection has been received as a result of the public consultation exercise.

Summary of observations: The objection raises the following matters of concern:

- The proposed 4 storey building would be out of keeping with the scale of surrounding buildings and appear visually overbearing.
- Health centre buildings would be overshadowed.
- Rear gardens of Crescent Road would be overshadowed and overlooked.
- Consideration should be given to hedgehogs on 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?

None

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes

European protected species (bats) have been identified by a survey.

The Local Authority must apply the following three tests to the planning application:

- (i) The derogation 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.

(ii) There is no satisfactory alternative.

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests were applied and answered as follows:

(i) The proposed residential development would be specifically designed to meet the needs of people aged over 55 and would provide much needed, high quality affordable accommodation with exemplary space and sustainable design standards. The proposal would also provide a range of communal and community space that would ensure a strong community is formed to the benefit of the residents' health and wellbeing. It is therefore considered that the proposed redevelopment of the site for affordable housing would have significant social benefits and as such, meets the overriding public interest test.

(ii) The existing care home building has been closed since 2010 and is no longer fit for purpose as a modern form of residential accommodation. Moreover, it is not considered that the existing building is capable of meeting the requirements of the development proposed and the extent of refurbishment and alterations the building would require to bring it back into a beneficial use is also likely to result in significant levels of disturbance to the bat roost. It is therefore considered that there are no satisfactory alternatives to the proposed development.

(iii) An Ecological Impact Assessment Report, Method Statement and Preliminary Ecological Assessment have been submitted with the application, which include measures to minimise potential impacts on the common pipistrelle bats that are using the existing care home building as a day roost. Such measures include the timing of demolition works to avoid the bat hibernation period, employing an Ecological Clerk of Works during high-risk activities, implementing bat sensitive working practices during demolition works, the installation of a temporary bat boxes and a permanent bat roost replacement as part of the proposed redevelopment of the site.

Natural Resources Wales (NRW) has reviewed the aforementioned reports and confirmed that a bat licence will be required to undertake works in relation to the proposed development. Moreover, NRW states that subject to the implementation of the proposed bat mitigation measures, it is not considered that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the application site is located in the higher viability area where CIL is charged at £40 per square metre plus indexation.

## ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The application site is located within the settlement boundary within which development is normally permitted subject to the requirements of other relevant LDP policies and material planning considerations (Policy SP5). The site is not covered by any allocations or designations according to the LDP Proposals Map. The site is, however, located within a Flood Zone C1 according to the Natural Resources Wales' Development Advice Map. In terms of surrounding constraints, immediately opposite the north-eastern boundary of the site lies the Grade II Listed St Mary Street War Memorial and associated Grade II Listed Railings and Gates.

The application site falls within the Southern Connections Corridor where, among other things, the use of previously developed land within settlement limits is promoted (Policy SP3 - criterion A). The site is classified as brownfield land and the principle of residential use on the site has previously been established by the former Ty Darren care home facility. As such, the proposed residential development would be compatible with surrounding land uses, which comprise of a mixture of residential, community and commercial uses (Policy CW2 - criterion C) and would also accord with the role and function of the settlement within which it is located (Policy CW15 criterion - B). It is therefore considered that the proposed residential development is acceptable in principle.

With regards to flooding, the application site falls within a Flood Zone C1 which is described in Technical Advice Note (TAN) 15: Development and Flood Risk as an area of the floodplain which is developed and served by significant infrastructure, including flood defences (See Figure 1). The source of flooding pertaining to the site is the River Ebbw located approximately 80m to the west of the site. Highly vulnerable development, such as the proposed residential development, can be permitted within Flood Zone C1 provided that the justification tests set out in Section 6 of TAN 15 are met and the consequences of flooding are found to be acceptable (See Section 7 and Appendix 1).

In respect of the justification tests, the application site is defined as brownfield land and the proposal would result in the redevelopment of the site for necessary affordable housing that accords with the development strategy for the Southern Connections Corridor. As such, it is considered that the proposed residential development meets the justification tests of TAN 15.

In relation to the consequences of flooding, a Flood Consequence Assessment (FCA) has been submitted with the planning application, which is based on the finished floor levels of the buildings being set at 51.95m AOD and other ground levels within the site

remaining as existing. The FCA confirms that during a 1% (1 in 100 year) plus 25% for climate change annual probability fluvial flood event, the proposed development site is predicted to be flood free. This meets the requirements of TAN 15, which states that all residential development should be flood free during this event. During a 0.1% (1 in 1000 year) annual probability fluvial flood event, the proposed buildings are predicted to flood to a maximum depth of 260mm which is within the tolerable limits as set out in TAN 15. Moreover, the overall flooding hazard for the proposed buildings, which includes consideration of both depth and velocity of flood water, during the 0.1% annual probability fluvial event is likely to be of a 'low' flood hazard.

The flooding hazard for external areas within the site is greater than that of the proposed buildings and Natural Resources Wales (NRW) has indicated that the flood depths externally to the buildings would be in the range of 410mm and 1410mm which is partially within the tolerable limits of TAN 15. The FCA does, however, confirm that the site would retain a safe access and egress in the south-eastern corner of the site via St Mary Street where it is likely to be flood free or have a 'very low' flood hazard. Moreover, NRW has confirmed that the FCA demonstrates that the risks and consequences of flooding can be managed to an acceptable level.

It should also be noted that the part of the site with the highest flood risk is the proposed car parking area located adjacent to the southern boundary of the site. In order to minimise the higher level of flood risk in this area, the submitted Drainage Strategy and Flood Consequences Assessment Addendum Letter (dated 3rd February 2022) recommends the implementation of a flood management plan. It is considered that this requirement can be brought to the attention of the applicant via a suitably worded informative.

It is therefore considered that the submitted FCA adequately demonstrates that the consequences of flooding can be managed down to a level which is acceptable for the proposed residential development. Accordingly, the proposal meets the requirements of TAN 15.

In respect of the site layout, the proposed development would comprise of three main buildings that would enclose a central community garden. The larger 4 storey 'L' shaped building would be positioned so that it fronts on to both St Mary Street and Ravenswood Court, providing a strong active frontage. The corner block of this building also has the potential to be a key design feature that acts as a landmark within the local area. The proposed 3 storey rectangular shaped building would be positioned along the north-western boundary, facing towards the adjacent health centre buildings, while the smaller 2 storey rectangular shaped building would be located to the rear, facing towards the proposed allotment gardens and the residential properties of Crescent Road beyond.

The proposed orientation of the buildings and the access routes within the site would provide good visual connectivity and movement between the proposed community spaces across the site. The retention of two pedestrian accesses from St Mary Street



and the proposed vehicular access off Ravenswood Court would also provide good connectivity with existing routes surrounding the site.

In relation to the scale and design of the proposed residential development, the full details of these matters are reserved for future consideration. The submitted plans and scale parameters do, however, indicate that the proposed buildings would be between 2 and 4 storeys in height. It is acknowledged that the proposed 3 and 4 storey buildings would not be wholly in keeping with the local context as the site is predominantly surrounded by single and 2 storey buildings. However, it is considered that the existing built form along this section of St Mary Street is not well-defined, with large spaces between buildings and a poorly established building line along the street frontage. The surrounding buildings also vary in terms of form, design and character because of their different use types, and there is a large, elevated retaining wall within the immediate street scene located behind the war memorial on the north-eastern side of St Mary Street. As such, it is considered that the area doesn't have a strong prevailing character that must be rigidly replicated and the visually prominent retaining wall, along with the existing group of trees located immediately to the southeast of the war memorial, would help balance the scale and massing of the proposed 4 storey building within the street scene. The row of existing trees located adjacent to the south-eastern boundary of the site would also help soften the built form of this larger building and it is noted that the Council's Placemaking and Building Conservation Officer has raised no objection in principle to accommodating a building of up to 4 storeys within the local streetscape. He has, however, advised that the architectural form, materials and detailing will be important to ensure that the building has longevity in its architectural design and visual integrity within the surrounding environment. Such detailed design matters can be addressed at reserved matters stage.

It is therefore considered that the proposed residential development, including 3 and 4 storey buildings, would not have an unacceptable impact on the character and appearance of the street scene provided that the full details of scale and appearance submitted at reserved matters stage ensure that the proposal integrates effectively with the surrounding built environment. Accordingly, it is considered that the proposed development meets the requirements of Policy SP6 in respect of this matter.

In relation to the historic environment, immediately opposite the north-eastern boundary of the site lies the Grade II Listed St Mary Street War Memorial and associated Grade II Listed Railings and Gates. As such, the proposed residential development falls within their setting. Planning Policy Wales (PPW) advises that there is a statutory requirement to have special regard to the desirability of preserving the setting of a listed building (paragraph 6.1.10). Technical Advice Note (TAN) 24: The Historic Environment also explains that the setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated embracing present and past relationships to the surrounding landscape (paragraph 1.25). Moreover, TAN 24 goes on to state that the extent of any setting is not fixed and may change as the historic asset and its surroundings evolve.

The application site's historic residential use would continue as part of the proposed development and, as indicated above, the Placemaking and Building Conservation Officer is satisfied that the siting of buildings up to 4 storeys in height on the site is acceptable subject to appropriate detailed building designs. It is therefore considered that a sensitively designed scheme which respects the character and appearance of the street scene at St Mary Street would preserve the settings of the Listed War Memorial and associated Railings and Gates. The full details of the scale, appearance and landscaping can be adequately controlled at reserved matters stage and accordingly, it is considered that the proposed residential development meets the requirements of PPW and TAN 24 in respect of this matter.

In terms of highways and parking, the proposed residential development would be served by a new vehicular access to the south of the site off Ravenswood Court. The existing vehicular access off St Mary Street would be closed and the footway reinstated as part of the proposal. An informal crossing, with dropped kerbs and tactile paving, will also be provided on St Mary Street to improve access to the bus stop on the opposite side of the road to the application site. A car parking area is proposed to the rear of the site providing 19 car parking spaces. Electric scooter and bike storage with charging facilities would also be accommodated within the proposed 4 storey building and sufficient space would be provided to the rear of this building for the turning of refuse vehicles and the provision of an emergency vehicle bay, if necessary. The application site is considered to be located within a reasonably sustainable location with good access to bus services and certain local facilities. Risca Town Centre is located approximately 920m to the southeast.

In relation to trip generation, the submitted Transport Statement (TS) indicates that the proposed residential development is likely to generate 8 two-way vehicle movements during both the AM and PM peak periods and 131 two-way vehicle movements throughout the day. Whilst the amount of vehicle movements is likely to be higher than the previous care home use (estimated to be 102 two-way vehicle movements throughout the day), the TS concludes that the proposed residential use would have a minimal impact on the surrounding highway network. The Council's Highway Engineer has reviewed the findings of the TS and has raised no objection to the proposal on highway capacity or safety grounds.

In respect of car parking, the submitted TS demonstrates that the application site is located in a reasonably sustainable location and the level of car ownership is likely to be as low as 0.23 cars/vans per residential unit, due to the age of future residents. The proposed development would also incorporate sustainable transport measures, such as bike/buggy stores and car club spaces, and a travel plan, which further seeks to promote sustainable modes of transport and reduce car use, would be required as part of the proposed development. The Council's Highway Engineer has reviewed the car parking proposals and confirmed that they are acceptable and sufficient to meet the needs of future residents.

It is therefore considered that the proposed residential development is located in a reasonably sustainable location and would be provided with a sufficient level of onsite car parking that would meet the needs of future residents. The surrounding highway network is also considered to have sufficient capacity to accommodate the increase in vehicular movements generated by the proposed development and the proposed highway works and travel plan can be adequately secured via condition. As such, the proposed development would not have an unacceptable impact on the safe, effective and efficient use of the transportation network and accordingly, meets the requirements of Policy CW3.

In relation to residential amenity, the submitted site plan demonstrates that the proposed buildings can be accommodated on the site without having an unacceptable impact on surrounding properties by means of overbearing or overshadowing. The proposed 4 storey building would maintain adequate separation distances of approximately 11m and 19m from the boundary and building of the nearest residential property at Ravenswood Court respectively. A minimum separation distance of approximately 12m would also be maintained between the proposed buildings and the rear boundaries of residential properties at Crescent Road. The separation distances to the actual dwellings within this road are also much greater, measuring at least approximately 50m. Whilst the exact height and position of windows of the proposed buildings is not known at this stage, given these separation distances, it is considered that the proposed buildings can be adequately designed to prevent any unacceptable loss of privacy to surrounding residential properties.

A single storey health centre building is located to the northwest of the application site and it is noted that an objection has been received, indicating that the proposed development would have an unacceptable overshadowing impact on this building. Whilst the proposed building adjacent to the northwest boundary of the site would only maintain a separation distance of approximately 10m from this health centre building, the proposed building would be a maximum of 3 storeys in height in this location. Moreover, standards of amenity applied to non-residential uses, such as the health centre, are not as high as those afforded to the occupiers of residential properties, and whilst a degree of overshadowing and overbearing on this adjacent building can be expected, it is not considered to be unacceptable. Any direct overlooking between the ground floor windows of the proposed and existing neighbouring building can also be prevented by the incorporation of suitable boundary treatments along the north-western boundary of the site. The latter can be adequately addressed at reserved matters stage.

In addition, the proposed residential development would include a 2 storey community building towards the rear of the site, which would provide a flexible community gathering space primarily used by residents. The submitted Design and Access Statement does, however, indicate that this building would also be available for community groups and local residents to visit/hire. Given the proximity of this proposed building to sensitive residential uses, the Council's Environmental Health officer has recommended conditions controlling the opening times for its use and the times for any deliveries. It is

agreed that such conditions are necessary and should be imposed as part of any planning permission.

It is also noted that the Council's Environmental Health Officer has recommended additional conditions for the community building in respect of associated plant/machinery and fume control stacks/vents. As only matters relating to access and layout are being considered at this stage, it is not clear whether such conditions are necessary. As such, it is recommended that these conditions are not imposed as part of any outline planning permission, but instead, are given further consideration at reserved matters stage when more details are available in respect of the scale, appearance and function of this community building.

It is therefore considered that the proposed residential development, subject to the aforementioned conditions and appropriate building design and boundary treatments at reserved matters stage, would not have an unacceptable impact on the occupiers of neighbouring properties by means of overbearing, overshadowing, overlooking or noise and disturbance. Accordingly, the proposed residential development would meet the requirements of Policy CW2.

In terms of trees, the submitted Tree Report (TR) indicates that the proposed residential development would result in the loss of a privet ash tree (category C), a linear group of sawara cypress trees (category C), a sweet gum tree (category B), a Norway spruce tree (category B), and two Corsican pine trees (category A). The category A and category B trees are considered to be of a high and moderate quality respectively and in particular, the TR describes the Corsican pine trees as fine specimen examples of semi-mature trees for the species. All four of the category A and B trees are located along the front boundary of the site adjacent to St Mary Street and both the Council's Arboricultural Officer and Landscape Officer have objected to the proposed residential development based on the loss of these trees. The broad reasons for objecting are that the trees are considered to have significant public amenity value and other green infrastructure benefits.

The TR states that the category A and B trees would be removed, due to the footprint of the proposed building and the proposed repositioning of the existing sewer, which currently sterilises a significant portion of the north-western part of the site. By repositioning the existing sewer along the periphery of the site, a much larger developable area is created enabling a more cohesive design for the proposed development as a whole and the provision of a higher number of residential units which improves the scheme's viability. The corner block of the proposed 4 storey building, which would accommodate numerous communal facilities for future residents, is also considered by both the applicant and the Council's Placemaking and Building Conservation Officer to be a key design element of the proposal that requires a strong active frontage. As such, certain urban design benefits are considered to be gained from the removal of the two category A Corsican pine trees that are found in this location. Moreover, the Placemaking and Building Conservation Officer is of the opinion that the proposed building's location within the street scene is already compromised by

the proposed repositioning of the sewer and to move it further back from the street edge, which could potentially overcome the conflict with these trees, would diminish the building's visual contextual importance and active frontage benefits within the street scene.

Whilst landscaping matters are reserved for future consideration, it is noted that the applicant has indicated that the loss of the category A and B trees could be adequately compensated for by replacement tree planting within the development site. The effectiveness of any landscaping proposals to compensate for the loss of the existing trees is, however, contested by the Arboricultural Officer and Landscape Officer given the size and maturity of the existing trees and the anticipated inability to plant replacement heavy standard trees along the frontage of St Mary Street, due to the service easements associated with the repositioned sewer. This constraint is accepted by the applicant and as such, it is considered that the loss of the category A and B trees is unlikely to be directly compensated for by a future landscaping scheme and the loss of the trees would result in a degree of harm to the amenity of the local area.

Notwithstanding this degree of harm, it is noted that a number of existing trees located adjacent to the northern and south-eastern boundaries of the site would remain within the adjacent street scenes, and there are also existing, large, mature trees located immediately opposite the application site on the north-eastern side of St Mary Street immediately to the south-east of the war memorial. It is not therefore considered that the loss of the trees would have an unacceptable impact on the amenity of the local area, and collectively, the remaining trees within the street scene would continue to soften the impact of the built form of the proposed development. Moreover, local biodiversity benefits could still be achieved with native tree and other planting proposals within the application site. It is therefore considered that, on balance, when the significant social benefits of redeveloping this brownfield site for affordable housing are taken into account, the loss of the category A and B trees is justified in this instance.

With regards to ecology, the submitted Ecological Impact Assessment Report (Bats & Nesting Birds) confirms that the existing care home building on the site is a day roost for a small number of common pipistrelle bats. House martin nests have also been found to be using the building with numerous nests identified along the eaves of the building. In addition, the submitted Preliminary Ecological Assessment indicates that on site scrub habitats and trees provide opportunities for nesting birds and the site may support low numbers of common reptiles, particularly slow worm and/or common lizard.

The demolition of the existing care home building has previously been considered under the prior notification procedure (See Application No. 20/1096/NOTD) and as such, the timing and method of demolition does not form part of this outline planning application. PPW does, however, state that the presence of European Protected Species (EPS), such as bats, is a material consideration when a planning authority is considering a development proposal which is likely to result in disturbance or harm to the species or its habitat (paragraph 6.4.22). Moreover, PPW advises that planning authorities must take into account the three requirements (tests) for a derogation from the provisions of

the Habitats Directive where an EPS is present. An assessment against these requirements is set out in the above Habitats Directive section of the report and it is considered that subject to appropriate mitigation measures being secured, the proposed residential development meets the derogations tests and would not cause harm to the bat population.

In terms birds and reptiles, the Council's Ecologist has recommended a number of conditions relating to a revised/updated reptile strategy and biodiversity and enhancement measures. Whilst it is agreed that the updated reptile strategy should be secured via condition, the biodiversity enhancement measures can be incorporated into the development proposal at reserved matters stage. A suitably worded informative can bring this requirement to the attention of the applicant.

Given the above, it is not considered that the proposed residential development would have an unacceptable impact on protected or local species. Accordingly, the proposed development meets the requirements of Policies SP10 and CW4.

With regards to drainage, the submitted Drainage Strategy (DS) indicates that foul drainage would be conveyed to the combined sewer located within the site which would also be repositioned to facilitate the proposed development. The DS provides only general details for sustainable drainage proposals, but in broad terms, it is anticipated that sustainable drainage features would be incorporated within the proposed central courtyard communal garden, with surface water ultimately discharging to the existing surface water sewer located in Ravenswood Court at an agreed discharge rate. The DS confirms that a full sustainable drainage application will be submitted to the Sustainable Drainage Approval Body (SAB).

Welsh Water has raised no concerns in respect of the capacity of public sewerage network to accept foul flows from the proposed residential development and the applicant would need consent from Welsh Water in relation to the repositioning of the public sewer which currently crosses the site. In terms surface water drainage, the Council's Drainage Engineer has raised an objection to the proposed development on the basis that the limited information provided does not demonstrate compliance with the statutory sustainable drainage standards, particularly the discharge hierarchy. However, he has also acknowledged that a separate SAB application will be required for the proposed residential development, and it is advised that this requirement should be brought to the attention of the applicant. Whilst it is noted that the applicant has acknowledged the need for a separate SAB application, a suitably worded informative can re-emphasise this requirement.

In respect of planning obligations other than affordable housing addressed above, the proposed apartments would have single bedrooms and meet the needs of people aged 55 years and over. As such, there is no requirement for planning obligations in relation to schools and ancillary facilities or children's play facilities.

Comments from Consultees: All relevant matters raised by consultees have been addressed above.

Comments from public: The concerns raised in relation to the proposed residential development's scale and visual impact and impact on the amenity of surrounding properties have been addressed above. In terms of hedgehogs using the site, the submitted Preliminary Ecological Appraisal (PEA) does not identify any specific concerns in relation to this species and it is considered that the general biodiversity mitigation and compensation measures included within the PEA would prevent any unacceptable impact.

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.

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) Approval of the details of scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved. REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the scale, appearance and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved. REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) The development shall be carried out in accordance with the following approved plans and documents:  
- Site Location Plan, Drawing No. 3851-PEN-ZZ-ZZ-DR-A-1000-S4 (Rev. P2), dated Aug '21;  
- Proposed Block Plan (including scale parameters), Drawing No. 3851-PEN-ZZ-SF-DR-A-0004-S0 (Rev. P4), dated 07/03/22;  
- Ty Darran, Risca: Phase 1 Geoenvironmental Assessment Desk Top Study, Job No. AO110489-10, Prepared by WYG Environment Planning Transport Ltd, dated March 2019;  
- Ty Darren Care Home Re-Development: Flood Consequences Assessment Report & Drainage Strategy, Project No. 2051, Prepared by phg Consulting Engineers, dated November 2021;  
- Preliminary Ecological Assessment, Project: Ty Darren, Risca, Prepared by Ecological Services Ltd, dated 11th November 2021;  
- Ecological Impact Assessment Report (Bats & Nesting Birds): Former Ty Darran Care Home, Risca, Document Ref. WWE20122 ECIA REV A, Prepared by Wildwood Ecology Ltd, dated 15/07/2020; and  
- Method Statement: Former Ty Darran Care Home, Risca, Document Ref. WWE20112.MS.A, Prepared by Wildwood Ecology Ltd, dated December 2020.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 06) The development shall not be brought into beneficial use until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) The development hereby approved shall not be occupied until the means of vehicular access has been provided in accordance with the approved plans.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.



- 08) Prior to the occupation of the building(s) hereby approved all hard surfacing within the site shall have been:
- 1) constructed in porous or permeable materials, or
  - 2) provided with drainage to direct run-off water from the hard surface to a porous or permeable area or surface within the site, and
  - 3) where a surface is to be used as a parking area or vehicular access it shall not be constructed in loose materials,
- and thereafter those areas shall be permanently maintained so as to comply with requirements 1), 2) and 3) of this condition.
- REASON: To provide a sustainable drainage system and avoid loose materials being taken out onto the highway in accordance with policies CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) No development shall commence on site until details of the highway works along St Mary Street, including closing off the existing vehicular access, reinstatement of the footway and provision of an uncontrolled pedestrian crossing have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be completed in accordance with the approved details before the buildings hereby approved are occupied.
- REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) Prior to the commencement of work on site, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.
- REASON: To encourage the use of a variety of transport options in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) 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.

- 12) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
- b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- 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.
- 13) No development shall commence on site until a plan showing details of the provision of permanent roosts and a means of access for bats has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the buildings hereby approved are occupied and retained thereafter.
- REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
- REASON: To ensure adequate protection to protected species in accordance with policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) No development, including vegetation clearance, shall commence on site until a revised and updated strategy for the protection of reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as approved.
- REASON: To ensure proper measures are taken to safeguard the habitat of species, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 16) No development shall commence on site until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
- the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;
  - the timing of the construction of the affordable housing and its phasing in relation to the occupancy of any market housing;
  - the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing, if no RSL involved;
  - the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing; and
  - the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- REASON: In the interests of providing appropriate levels of affordable housing in accordance with Policies SP15 and CW11 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) The development hereby approved shall make provision for gigabit capable broadband infrastructure to serve all of the approved residential buildings. The necessary infrastructure required shall be installed prior to the first occupation of the residential buildings.
- REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.
- 18) Details submitted in accordance with Condition 1 of this permission shall include the provision of Electric Vehicle (EV) charging points to be installed within the car parking area that would serve the development hereby approved. The EV charging points shall be installed prior to the buildings hereby approved being occupied.
- REASON: In the interests of promoting renewable energy and reducing airborne emissions.
- 19) The community building hereby approved shall not be open to residents and/or members of the public outside the following times:
- (a) 08.00 hours to 22.00 hours Monday to Saturday, and
  - (b) 09.00 hours to 20.00 hours Sunday.
- REASON: In the interests of residential amenity in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 20) No deliveries shall be taken at or dispatched from the community building hereby approved outside the hours:  
(a) 08.00 hours to 18.00 hours Monday to Saturday, and  
(b) 09.00 hours to 17.00 hours Sunday.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) No development shall commence on site until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Construction Method Statement shall include details of:  
- hours of working;  
- the on-site parking of vehicles of site operatives and visitors;  
- loading and unloading of plant and materials;  
- storage of plant and materials used during construction works;  
- wheel washing facilities;  
- the erection and maintenance of security hoardings;  
- measures to control noise during construction works;  
- measures to control the emission of dust and dirt during construction works;  
and  
- details of a scheme for the recycling/disposing of waste resulting from construction works.  
Thereafter the construction of the development shall be undertaken in accordance with the approved Construction Method Statement.  
REASON: In the interests of amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.
- 22) The premises shall be used for affordable over 55's supported housing apartments only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) without the approval of the Local Planning Authority.  
REASON: In the interests of ensuring that adequate parking is provided in perpetuity in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

#### Advisory Note(s)

#### Notification of initiation of development and display of notice:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

#### Notice of initiation of development:

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

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>

**WARNING:**

**SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.**

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)

Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

The applicant/developer is advised that the landscaping scheme provided at reserved matters stage should incorporate native species and planting for the benefit of local wildlife, including reptiles and nesting birds.

The applicant/developer is advised that prior to the demolition of any structures on site that an Asbestos Survey is conducted to identify and appropriately dispose of any ACM in accordance with the Control of Asbestos Regulations 2012. Failure to do this could result in the contamination of the site.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

The applicant/developer is advised of the need to prepare and implement a flood management plan as recommended within the submitted Drainage Strategy and Flood Consequences Assessment Addendum Letter (dated 3rd February 2022).