

Application Number: 22/0130/NCC

Date Received: 21.03.2022

Applicant: Montpelier Estates Limited

Description and Location of Development: Vary condition 2 (Approved Plans) of planning consent 18/0571/FULL (Erect a 22 bed, low secure, locked rehabilitation facility on land to the rear of the existing buildings together with the re-configuration of the car park to create 60 spaces and associated landscaping) - Cefn Carnau Hospital Cefn Carnau Lane Thornhill Caerphilly CF83 1LX

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site is located set back from Cefn Carnau Lane approximately 250m to the east of Mountain Road and 1km to the south of Caerphilly.

Site description: The application site is an existing secure hospital providing services to vulnerable members of the public. The site comprises the complex of buildings which form Cefn Carnau hospital. The main building is divided into three residential units each served with their own enclosed garden area. There is an additional free-standing building to the west which provides staff accommodation, therapy and meeting rooms. The car parking is located at the front of the site set within grassed amenity space. The site also includes a tennis court, communal gardens an allotment and areas of general amenity space.

The hospital currently provides 22 beds which are split into 3 wards. Each has its own separate garden within a larger communal ground space which includes a tennis court and an allotment plot. There is a therapy centre on site which includes an IT suite, an ADL (Activities of Daily Living) kitchen, a sensory room and a large multi-purpose room which is used for a variety of activities.

The application site lies to the rear of the existing building complex on an area of open ground which is currently unused amenity space. The area is securely enclosed by a timber fence along the northern boundary with the existing buildings and a wire mesh fence some 3.5 metres in height around the remaining perimeter.

Outside of the security fence are mature trees (located some 2m from the fence) which screen views into and out of the site. To the east of the application site and still contained within the fencing and tree screen is the allotment area. Beyond the perimeter fence and tree planting on all sides are open fields with an electricity pylon and cables just outside of the site to the south. The Rhymney Valley Ridgeway walk; a long distance footpath is located to the south of the site running in an east-west direction.

Development: The original scheme which has planning permission proposed a purpose built acute, low secure, locked rehabilitation facility to meet the standards at the time of submission for patient, staff and visitor welfare. The proposed building provided 22 beds and supplementary accommodation for gender specific wards. It was proposed to create two 8 bed wards and one 6 bed ward designed flexibly to enable the wards to change size if required. The building was designed to provide a safe, welcoming environment for the rehabilitation of patients, whilst meeting the necessary operational standards of the facility.

Since the time of the earlier permission as explained in the Design Statement submitted with this application it is stated by the applicant that further consideration has been given to the functioning of the building and it was recognised that further changes to the approved layout need to be made to create a building which meets the operation requirements of the provider and the national standards set by the Healthcare Inspectorate Wales (HIW).

The revised scheme incorporates the following:

- Reception area separated from patient communal area by secure staff and visitor air lock lobbies.
- Ancillary staff areas accessed via secure separate lobbies or dedicated entrance monitored via control base.
- Fully compliant tribunal suite within the secure envelope of the proposal easily accessed from the main reception.
- Dedicated visit room with secure lobby access adjacent to the main reception, allowing safe secure access for patients and guests.
- Communal Activities of Daily Living (ADL) Cafe/Kitchen, IT Suite, and Art rooms.
- 2 No. 11 bed wards allowing for complete separation and better operational functionality.
- Seclusion Suites on-ward with dedicated outside space.
- Individual Lounge and Dining rooms allow for separation of functionality if required.
- Dispensary off the clinic allowing for patient privacy.
- Dedicated staff only servery with separate ADL Kitchen for patient use.
- Central indoor recreation space monitored from the adjacent nurse station.
- On-ward interview/telephone room allowing patients private communications when required.
- On-ward patient ADL utility for washing of personal clothing.
- Dedicated secure patient storage room for larger/restricted items.
- Ward manager office adjacent to nurse station.
- Lifts to First Floor for Equalities Act compliance.
- Dedicated administration area on First Floor including offices and meeting rooms with separated secure access.
- Production kitchen and store with lift access to Ground Floor and servery required for stand alone unit.

- Commercial laundry with linen store required for stand alone unit.
- Large dedicated secure ward gardens with communal amenity space.
- The revised proposal is arranged around 3 external courtyards and laid out to create 2 wards linked by a communal core block.
- The complex provides 'family units' for a small group of patients accommodated within self-contained wings with access to the designated garden area.

The layout of each wing is 'L-shaped' and based around one long corridor, clearly visible from the nurse station, with individual patient rooms, spacious open lounges, staff offices and catering and cleaning facilities stemming from the central corridor. The corridor system and internal layout is stated by the applicant to resemble that which is frequently used within hotel and offices developments, where there are private spaces as well as communal areas. It is also described within the submitted documentation that the layout has been carefully designed to provide suitable separation between the private areas (bedrooms) and a series of domestic scale communal spaces to create a dignified environment that offers appropriate privacy and activities.

The 2 separate wards are linked by an entrance area / central core element that can be shared by patients and is easily accessible by external consultants and visitors, without a need to enter the patient's only zone. Non-patient areas, including offices, staff training, staff room and changing facilities, kitchen, laundry and plantroom are located on the first floor, predominantly within the roof void, away from the secure environment. The revised design seeks to ensure there is no need for the office and supporting staff to enter the patients' areas.

The application documentation also highlights that the approved scheme had no provision for Tribunal, Production Kitchen and Laundry, all necessary to register as a stand-alone low secure hospital. Introduction of those services, has resulted in a small increase in the floorspace (from 1799m² to 1920m²), however the overall height of the building has been reduced.

Dimensions: The approved scheme building (18/0571/FULL) had overall dimensions of 86m by 28m with a ridge height of 8.3m apart from a small two storey central element at a height of 11m.

The revised scheme within this application has overall dimensions of 91m by 30m with a height of 7.5m.

Materials: The building is to be constructed using a variety of materials including red and buff bricks, timber effect cladding, off white render (apart from a colour feature element), dark grey aluminium windows and a slate tiles and single ply membrane.

Ancillary development, e.g. parking: It is proposed that the existing car park be reconfigured to provide an increase in the number of spaces and make a more efficient use of the area. There are currently 39 car parking spaces and the current application

proposes to increase this to a total of 56 spaces (including 3 assisted bays). A new cycle store is also proposed on the edge of the car park.

PLANNING HISTORY 2010 TO PRESENT 11/0956/FULL - Erect 3.9 metre high mesh perimeter fence (to replace existing 2.4 metre - 3 metre high security fence) - Refused 12.03.2012.

12/0469/FULL - Erect a 3.5m high mesh perimeter fence to replace existing 2.4m to 3m high perimeter fence - Granted 07.08.2012.

14/0049/FULL - Erect single-storey temporary building for a period of 12 months in order to provide meeting area for family visits - Granted 11.03.2014.

18/0571/FULL - Erect a 22 bed, low secure, locked rehabilitation facility on land to the rear of the existing buildings together with the re-configuration of the car park to create 60 spaces and associated landscaping - Granted 19.10.2018.

POLICY

Local Development Plan: Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site lies outside the defined settlement boundary.

Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW15 (General Locational Constraints), CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside) and NH1.5 (South Caerphilly Special Landscape Area).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

Supplementary Planning Guidance LDP 6 Buildings in the Countryside gives relevant advice.

National Policy: Planning Policy Wales (Edition 11).

Paragraph 3.9 states:- The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed

development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Paragraph 3.10 states:- In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.

National Planning Guidance contained in Technical Advice Notes 6 - Planning for Sustainable Rural Communities and 12 - Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located in a low risk area.

CONSULTATION

Transportation Engineering Manager - CCBC - No objections subject to detailed highway considerations.

Landscape Architect - CCBC - Advises that additional information on trees should be submitted.

Natural Resources Wales - No objections, recommend previous condition on pre-commencement bat survey be attached to any new permission issued.

Senior Arboricultural Officer (Trees) - Has considered the submitted Tree Protection Plan and has raised no objections and recommends planning conditions in respect of trees be attached to any permission.

Ecologist – No response received.

Environmental Health Manager - CCBC – No response received.

CADW – No response received.

Senior Engineer (Drainage) - No comments but advise that any drainage conditions on the original approval are carried forward to any new approval.

Waste Strategy and Operations Manager – No response received.

Dwr Cymru - No objections.

Police Architectural Liaison Officer – No response received.

Western Power Distribution - Can you make the applicant aware that if they require a new connection or a service alteration, they will need to make a separate application to WPD.

Care & Social Services Inspectorate Wales (CSSIW) – No response received.

Social Services - Supporting People Manager – No response received.

Social Services (Mental Health / Adult Services) – No response received.

Healthcare Inspectorate Wales – No response received.

Heritage And Placemaking Officer - Following small amendments to the building design has no further comments.

ADVERTISEMENT

Extent of advertisement: The application was advertised via site notice, press notice and a neighbour notification letter was sent.

Response: No responses received.

Summary of observations: None.

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?

It is not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development type is zero rated for CIL purposes.

ANALYSIS

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

The principle of the development in the terms of a new ward building at the existing hospital site was considered under application 18/0571/FULL and was found acceptable with planning permission granted. The current application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary the approved plans condition seeking to agree amendments to the approved building's layout and design and scale.

In this regard it should be recognised that the Welsh Government Development Management Manual confirms that Sections 73 (2) and (4) of the Town and Country Planning 1990 Act restricts the Local Planning Authority in their determination of section 73 applications. The effect of the provisions is to limit the Local Planning Authority to considering the question of whether the conditions identified in the section 73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The Local Planning Authority cannot revisit the original permission and reconsider whether it should have been granted in the first place. However, as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been since the original permission was granted in order to ensure that all relevant material considerations have been assessed.

Since the earlier planning permission was granted Future Wales The National Plan 2040 has been adopted by Welsh Government and is a material planning consideration in terms of the national planning policy context. The proposed development will contribute to the improvement of healthcare within the south-east region and is considered to accord with the strategic aims of Future Wales (and also the Well-being of Future Generations (Wales) Act 2015) in supporting the aim of a healthier and more equal Wales. It is noted that the facility would not be located within a town centre however this development is an improvement of an existing care facility rather than the provision of a new facility and so the location is considered acceptable.

It is considered that the same Local Development Plan Policy considerations which were considered under application 18/0571/FULL are also relevant to the current application.

The proposed development lies outside the settlement boundary of Caerphilly, within the South Caerphilly Special Landscape Area (Policy NH1) and within the Southern Connections Corridor. In such locations strategic policies (SP3 - Development Strategy - Developments in the Southern Connections Corridor and SP5 - Settlement Boundaries) and countywide policies (CW15 - General Locational Constraints) of the adopted Local Development Plan require development to be located within the settlement boundary. Whilst this criterion is not achieved by the current proposal, it should be noted that the application seeks an extension to an existing facility and as such Policy CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside) is relevant.

Policy CW15 (General Locational Constraints) states:-

C Outside settlement boundaries proposals will not be permitted unless the proposed development is either
iv Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere

Whilst the proposed development does not fit clearly into one of the stated exceptions, it is clearly a facility that cannot reasonably be located elsewhere, bearing in mind the existing facility at the site.

In respect of extensions Policy CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside) states:-

CW20 The conversion, extension or replacement of a building outside settlement boundaries will be permitted where:

C Extension is justified by demonstrating that:

- i The scale, form and design of the extension respects the scale and character of the original building, which remains the dominant element;
- ii The extension does not result in the loss of undeveloped countryside
- iii The extension does not result in the domestication or urbanisation of an otherwise rural setting

Whilst the proposed new building has a larger footprint than the existing facility and would have a slightly larger floorspace than the previously approved scheme, it is still considered that the proposal complies with criterion Ci above. The new building is located behind the existing building, is effectively screened by both it and the natural vegetation around the site. It is also largely single storey and as such the existing facility still remains the dominant element from a visual perspective.

The site of the proposed new building, whilst on an area currently grassed, is within the developed area of the application property being enclosed by fencing and accessible by those residing at the hospital. In that regard it is considered that the proposal would not lead to the loss of undeveloped countryside and it would not therefore lead to the domestication or urbanisation of an otherwise rural setting. The proposal therefore complies with criterion Cii and Ciii of the above policy.

The site is within a special landscape area, where policy requires that, "Development proposals that affect locally designated natural heritage features, will only be permitted: A) Where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area (SLA) or Visually Important Local Landscape (VILL)."

The earlier permission found the building height and massing acceptable in the South Caerphilly Special Landscape Area and the current proposal whilst being several metres longer in length, is significantly lower in height and the site remains well screened. It is considered that the development, being mainly single storey, to the rear of the existing building, and within the existing premises curtilage will preserve the features of the Special Landscape Area according with Policy NH1 (Special Landscape Areas).

The changes proposed seek to agree alterations to the footprint and design of the building. The design of the building is considered acceptable and accords with Policy SP6 (Placemaking).

Policy CW2 states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. The application site is sufficiently separated from residential properties to avoid any unacceptable impacts on neighbour amenity or privacy and the development accords with Policy CW2 (Amenity).

The proposal will increase parking and cycle provision at the hospital and has been reviewed by The Transportation Engineering Manager who raises no objections to the proposal. However in order to accord with the development description which states 60 car parking spaces are included a revised parking plan is proposed to be required by planning condition to show the 60 spaces. The proposed development accords with Policy CW3 (Highways).

Comments from Consultees: The Landscape Officer advised that further information on trees was required. The applicant has submitted further information and this has been reviewed by the Arboricultural Officer who has raised no objections. The proposed scheme is lower in height than the previously approved scheme and it is proposed that full landscaping details will be required through a planning condition to ensure suitable landscaping/screening is agreed.

Comments from public: None.

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.

In conclusion it is considered that the proposal is acceptable in planning terms subject to the imposition of conditions.

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:
Site Location Plan, drawing reference 20011/F01/S01/Rev/.
Proposed Site plan, drawing reference 20011/F01/S02/Rev/F.
Proposed Ground Floor plan, drawing reference 20011/F01/001/Rev/C.
Proposed First Floor plan, drawing reference 20011/F01/002/Rev/B.
Proposed Roof plan, drawing reference 20011/F01/003/Rev/B.
Proposed Section plan, drawing reference 20011/F01/004/Rev/C.
Proposed Elevation plan, drawing reference 20011/F01/EL01/Rev/C.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of works on site a scheme of land and surface water drainage 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.

- 04) Notwithstanding the submitted plans within 3 months of the date of this permission revised car parking plans showing 60 car parking spaces shall be submitted for the written approval of the Local Planning Authority. The development shall not be occupied until the revised parking area agreed under this condition and indicated for the parking of vehicles has been laid out in accordance with the approved 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.
- 05) The proposed parking area shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. are not carried on to 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.
- 06) Rainwater run-off shall not discharge into the highway surface-water drainage system.
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) 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.
- 08) The development shall be carried out in accordance with the submitted ArbTS Tree Protection Plan and the Arboricultural Method Statement contained on the plan. This shall include the following measures (inter alia) being adhered to:
a) Tree Protection Fencing erected in accordance with the plan prior to any clearance work or machinery associated with the development being brought onto site and All Weather Construction Exclusion Zone posters attached to the fencing. The Tree protection fencing shall be maintained until the completion of the development works (unless otherwise agreed in writing by the Local Planning Authority).

b) Soil remediation in areas to be planted must be to the specification and satisfaction of the project Arboriculturist, to ensure excellent conditions for future tree growth.

c) All service runs (overhead or underground) to be located outside root protection areas and outside areas reserved for replacement tree planting.

REASON: To ensure the adequate protection of existing tree on/near the site in accordance with policy CW4 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 09) No development including site clearance, with the potential to impact on bats, shall commence until a pre-construction bat survey has been carried out for the development. If the survey confirms the presence of bats the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.
REASON: To ensure the potential presence of bats is confirmed prior to construction and where necessary remedial measures are implemented for their protection.
- 10) Prior to the construction of any external walls (above a height of 0.5m) associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new building at Cefn Carnau Hospital, Thornhill, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 11) Prior to the commencement of any works on site or within 3 months of the date of permission (whichever is the later), details of the provision of nesting sites for bird species (House sparrow, Swift, Starling or House martin) in the new building at Cefn Carnau Hospital, Thornhill, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 12) Prior to the commencement of the development or within 3 months of the date of the permission (whichever is the later) 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 policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Natural Resources Wales and Western Power Distribution. that are brought to the applicant's attention.

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.

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).