

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0626/FULL 28.09.2016	Pontcanna Development Ltd Mr Voyle 26 Park View Greyfriars Road Cardiff CF10 3AL	Demolish existing structures and construct a 32 bed care home facility with associated external works Ty Yn Y Pwll Hotel Newport Road Trethomas Caerphilly CF83 8BR

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application site is situated on the northern side of Newport Road, Trethomas.

Site description: The application site is the site of the now vacant Ty Yn Y Pwll Hotel public house. The site comprises the building itself which is a large extended two storey building finished in render with a slate roof. The building is on the western part of the site with the remainder being taken up by garden and storage areas for the public house with a car park on the easternmost part.

The site is within a mixed use area with retail properties to the south and east, residential properties to the north and north east and a village green to the west. There is also a school to the north of the site with a war memorial immediately to the east.

Development: The application seeks full planning consent for the erection of a 32 bed care home. The submitted plans indicate the construction of a large three storey building occupying the majority of the site with access, car parking, turning, servicing and deliveries all being accommodated to the side and rear of the building. This would be a modern largely pitch roofed structure with some monopitch roofs to certain sections. The accommodation would comprise of a range of service rooms, a reception lounge areas and 8 en-suite, self-contained bedrooms on the ground floor, a further 15 bedrooms on the first floor with waiting rooms and lounge areas, and 9 bedrooms on the second floor with waiting rooms and lounge areas.

Dimensions: The application site has maximum measurements of 50m by 35m. The proposed building has maximum dimensions of 40m by 29.5m by 9.2m high.

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Materials: The proposed building will be finished in a mixture of face brickwork, render, stone, and a composite cladding system with a slate and rubberised roof.

Ancillary development, e.g. parking: A total of 13 parking spaces are proposed.

### PLANNING HISTORY 2005 TO PRESENT

11/0711/FULL - Erect 2 no. two-storey semi-detached three-bedroom dwellings, provide car parking and reconfiguration of the car parking and amenity area serving the former Public House - Granted 29.05.12.

13/0862/COU - Change of use from public house/hotel (A3) to a community facility (sui generis use), with the erection of a new entrance lobby and an extension to provide a function room - Granted 30.05.14.

12/0185/OUT - Convert, part demolish and extend former public house forming 3 no. three bedroom units and erect 2 no. three bedroom semi-detached dwellings, provide private amenity space, car parking and associated works - Decline to Determine 16.07.14.

15/1112/FULL - Demolish existing structures and construct a 50 bed care home facility with associated external works - Refused 18.01.16.

### POLICY

Local Development Plan: Within settlement limits.

#### Policies

Local Development Plan: SP3 (Development Strategy in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW15 (General Locational Constraints).

Adopted Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development. The following Paragraphs are relevant to the determination of this application:-

1.1 The quality of the places we live in has an impact on all aspects of life. How well they are designed will influence how safe we feel, how easy it is to walk round, whether we have shops, community facilities and schools nearby, whether our children have safe places to play. It will also affect whether there is good access to public transport and a good choice of homes in which to live. It is essential that the places we create embody the principles of good urban design.

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1.2 Caerphilly County Borough Council (CCBC) is committed to achieving good design, as is the Welsh Assembly Government (WAG). Good design is a key aim of the Planning System and Planning Policy Wales (WAG 2010) requires that Local Development Plans (LDPs) provide clear policies setting out a local authorities design expectations. Technical Advice Note 12: Design (TAN 12) [WAG 2002] gives advice to local planning authorities on how design may be facilitated within the planning system.

A good movement network allows people to move around freely and easily, through a variety of transport modes. New development should be accessible to all and should be successfully integrated into the existing surrounding area. It is vital that the pattern of accessibility and ease of movement is designed hand in hand with measures to reduce crime and create safe and secure streets, spaces and buildings.

Development should respond to the character and local distinctiveness of site. The character and context of any development is created by the form of the development, the landscape, culture and biodiversity - all of which are locally distinctive. These elements have often built up over a considerable time and help create a 'sense of place'. The character and context of a site should influence design positively so that development does not simply replace what was there but reflects and responds to changes in local circumstances. If the context to a development has been compromised by an earlier stage of development it should not be seen as a reason to perpetuate what has been done before.

Opportunities should be sought to deliver high quality sustainable development that reflects the technologies and aesthetics of the 21st century and creates a strong sense of place.

Often there is a perception that innovative 'contemporary' design conflicts with established patterns of settlement and traditional styles of architecture. In reality architectural styles and traditions have evolved numerous times in the past in response to changing social and economic conditions. There is no reason why design which uses modern materials and responds to contemporary aesthetics should not fit in with context as well as more traditional forms of development.

When the merits of 'contemporary' versus 'traditional' architecture are considered the debate often revolves around the style of the building itself. Often some of the most important design issues related to character and context are totally overlooked. These can be simple issues like building setback, plot width, building height or verticality. If these are responded to appropriately then architecture using modern materials and construction methods, with styling that reflects aesthetics of the 21st century, can be entirely in-keeping with character and context.

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

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National Policy: Paragraph 4.11.9 of Planning Policy Wales (2016) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 12 - Design.

### CONSULTATION

Head Of Public Protection - No objection subject to conditions in respect of fume control, drainage, waste collection, light shrouding and noise and dust mitigation.

Senior Engineer (Land Drainage) - It is recommended that a comprehensive land drainage scheme be submitted prior to works commencing on site.

Transportation Engineering Manager - No objection subject to conditions in respect of parking, deliveries and rainwater run-off.

Director Of Social Services - Raises concern with regard to the type of care to be provided at the property and the need for such provision in the County Borough.

Countryside And Landscape Services - Would like conditions imposed in respect of materials and landscaping.

The Coal Authority - Requires the provision of a site investigation report prior to the commencement of works on site.

Bedwas, Trethomas & Machen Community Council - Raise objection to the application on the grounds of the loss of the 'historic' pub,

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

Police Architectural Liaison Officer - No objection.

Wales & West Utilities - Provides advice to be conveyed to the developer.

Conservation & Design Officer - No objection.

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### ADVERTISEMENT

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

Response: None.

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?  
None.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes.

European protected species 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 application property is currently in a dilapidated state, which has a detrimental impact on the visual amenity of the area. The site is also subject to anti-social behaviour and as such re-development of the site would be in the interests of public health and public safety and reasons of overriding public interest.

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(ii) The development could not be carried out without demolishing the existing building on site. As stated above the existing property is in a dilapidated state and is not fit for conversion into a care home. The building is also not of a size that conversion would lead to a building that is viable in terms of the number of bedrooms that are provided. To do nothing to the building would leave the dilapidated structure in place and would not provide the care home, which the applicant suggests is required in the area.

(iii) A Pipistrelle Maternity Roost is presumed to be present within the building. This was agreed through discussions with the Council, Natural Resources Wales and Wildwood Ecology. The proposed development will therefore result in disturbance to bats, however, adequate mitigation, compensation, enhancement and recommendations have been put forward in the Bat Survey Report and will also be included in the Bat Method Statement. Some of the recommendations include the supervision of high risk works by a competent licensed bat ecologist e.g. removal of ridge tiles, hanging tiles, soffits and barge boards, the installation of a Schwegler Type 2F bat box on a nearby tree prior to demolition of the on-site building. The exact location is to be agreed with the ecologist prior to the works commencing, the creation of new bat features within the new structure along with a sensitive planting scheme of fruiting trees and pollen/nectar rich plants of native origin. Bat features are to be two bat tubes within the west and southern wall, and two ridge access points using the existing ridge tiles with small gaps within the mortar i.e. using a piece of dowel to create a 3m access gap in the mortar under the tile. The new structure's roof lining will be bitumen felt (Type 1F) to prevent any bats that roost within the building in the future from becoming entangled in any breathable roofing membrane fibres and degrading this type of membrane and placing conditions on the application to ensure that the mitigation will be implemented. The favourable conservation status of the species is therefore unlikely to be affected by this development, as the mitigation measures will maintain and enhance the roosting opportunities for Pipistrelle bats at this location.

Is this development Community Infrastructure Levy liable? No.

## ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application seeks full planning consent for a care home within a mixed use area within the settlement limits of Trethomas and as such the principle of the development is considered to be acceptable. However, each application has to be considered against Local Plan Policy and normal development control criteria and in that regard the main points to consider in the determination of this application are the size and design of the proposed building and the impact of the development on the visual and residential amenity of the area.

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It should be noted that a previous application for a larger building was refused as the design was too modern and it would have an unacceptable impact on the amenities of the properties to the rear.

As a result of the previous refusal this application has been subject to pre-application discussions in order to overcome the previous objections. The result is a building that is more traditional in style whilst having a number of modern design features. In that regard it is considered that whilst the design is modern, as stated in Supplementary Planning Guidance LDP6, it should not be perceived that contemporary design conflicts with traditional styles of architecture. Provided that the developer has considered the context of the site and used traditional style features such as set back, building height and fenestration, then a modern design can be perfectly in keeping with the traditional character of the area.

In this instance it is considered that the traditional character of the area has been considered in the design of the building. The design uses traditional apex roofs and materials, has a vertical emphasis to its fenestration and is of a similar scale as the terrace of properties to the east. The building has also been sited towards the front of the site in keeping with the traditional character of properties in the area and as such the design of the building is considered to be acceptable.

The siting of the building has also moved it to the front of the site and away from the dwellings at the rear such that a distance of approximately 21m is now achieved. It is considered that the reduction in the height and scale of the building, together with the increased distance mean that the amenity of those dwellings is adequately protected and therefore the proposal complies with Policy CW2 of the Local Development Plan.

Comments from consultees: The comments raised by the Director of Social Services are not material to the determination of this application. However, a note will be attached to this decision advising the applicant to liaise with Social Services prior to the submission of any subsequent application.

The comments of all other consultees can be adequately addressed by conditions imposed requiring the submission of further details.

Comments from public: Whilst no objections were raised in respect of this application, several concerns were brought to light on the previous application. It is felt that it would be prudent to consider those issues here as follows:-

1. Loss of the Public House. The Local Planning Authority has to consider the application before it and the loss of the public house has no bearing on the determination of this application.

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2. Highway safety, parking and access. No objections are raised by the Transportation Engineering Manager and it is considered that the proposal is acceptable in highway safety terms. The access to the site is considered to be acceptable and adequate off street parking is proposed. It is not considered that the development would increase traffic to a degree that would justify refusal of the application.
3. No objection has been received from statutory consultees in terms of drainage. In that regard it is considered that the drainage in the area is acceptable to take the development.

Other material considerations: None.

In conclusion it is considered that the application is acceptable in planning terms subject to the imposition of suitable 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: Design and Access Statement, Plans A100, A101, A102, A103, A104, A105, A106A and JG01, Site Location Plan, Demolition Method Statement, Coal Mining Risk Assessment, Sustainability Points Calculator and Bat Survey.  
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 drainage 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 they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.

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- 04) The development shall not come into beneficial use until space has been laid out within the site in accordance with the approved plan for 13 cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The spaces shall not thereafter be used for any purpose other than parking.  
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
- 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.
- 06) Articulated vehicles shall not deliver to the premises. Delivery vehicles shall be limited to a rigid trailer type vehicle (FTA Design LG Rigid Vehicle) not exceeding 10.5m in length.  
REASON: In the interests of highway safety.
- 07) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.  
REASON: To ensure adequate protection to protected species.
- 08) Prior to the removal of roofing materials, and any demolition works associated with the Tyn Yn Y Pwll Hotel building, a detailed Method Statement prepared by a competent ecologist shall be submitted for the approval of the Local Planning Authority. The Bat Method Statement shall include inter alia details of the method of tile removal, ecological supervision and any necessary bat mitigation measures. The removal of roofing materials and demolition of the Ty Yn Y Pwll Hotel shall be carried out in accordance with the approved Bat Method Statement unless otherwise agreed in writing with the Local Planning Authority.  
REASON: To ensure adequate protection to protected species.

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- 09) Bat activity surveys to monitor the new bat roosts within the development hereby approved shall be carried out by a competent ecologist between May to August for a minimum of 2 years post-completion of the development and the results submitted to the Local Planning Authority annually together with any recommendations of the ecologist for amendments to the approved scheme arising from the survey results. The approved amendments shall be implemented in full.  
REASON: To provide information on the success of the bat roost mitigation, in the interests of biodiversity.
- 10) 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 and in the interests of residential amenity.
- 11) The development hereby approved shall be carried out fully in accordance with all of the Recommendations made in Section 05 of the Bat Survey Report dated September 2016, prepared by Wildwood Ecology. The development shall be undertaken fully in accordance with the approved details and drawings unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure adequate protection to protected species.
- 12) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow or Swift) in the new building/care home at Ty Yn Y Pwll Hotel, Newport, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building/care home 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).
- 13) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.

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- 14) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.  
REASON: In the interest of public health.
- 15) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.  
REASON: In the interests of the amenity of the area.
- 16) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or 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.
- 17) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development comes into beneficial use.  
REASON: In the interests of the visual amenities of the area.
- 18) A grease trap, details of which shall be agreed with the Local Planning Authority prior to installation, shall be installed in the foul drainage system prior to the commencement of the use hereby approved.  
REASON: To prevent pollution.
- 19) Prior to the commencement of the development there shall be submitted for the approval of the Local Planning Authority a scheme of intrusive investigations of any coal workings on site together with a report of the findings of those investigations and any mitigation measures required as a result of those findings. The development shall thereafter be carried out in accordance with those details.  
REASON: In order that adequate measures are put in place to ensure the safety of the development in respect of past mine workings.

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20) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of public health.

21) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.

REASON: To protect public health.

#### Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW4.

Please find attached comments from Dwr Cymru/Welsh Water, Council's Ecologist, The Coal Authority, Wales and West Utilities, Director of Social Services and Countryside and Landscape Services.

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.

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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).

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