

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0937/CON 30.10.2017	Apollo Capital Projects Mr R James 11 Cathedral Road Cardiff CF11 9HA	Demolish existing church hall and erect a new GP Surgery including associated car parking, cycle parking and bin store Former Church Hall Church Street Llanbradach Caerphilly

APPLICATION TYPE: Conservation Area Consent

SITE AND DEVELOPMENT

Location: Former Church Hall, Church Street, Llanbradach, Caerphilly.

Site description: The application site is the western half of a large rectangular land parcel comprising primarily of the former Church Hall building and an area of scrubland to the east. The Church Hall building was originally within the ground of All Saints Church which was demolished in the 1990s. The Church Hall building is a stone and brick structure which has ceased to be used and its condition is deteriorating with evidence of missing roof tiles and broken window panes. The application site is located within the Llanbradach Conservation Area bordered by Pencerrig Street to the south, and Church Street to the west. To the north-east is a lane which provides access behind terrace properties on Church Street with the curtilage of number 2 Church Street Beyond.

Development: Conservation Area consent is required in respect of the demolition of the existing unlisted Church Hall building and associated outbuildings.

A separate detailed planning application in respect of the GP Surgery has been submitted (reference 17/0936/FULL) and is reported elsewhere on this agenda.

Dimensions: The Church Hall building footprint is approximately 26 metres long by 11 metres wide.

Materials: The Church Hall building is stone with brick detailing and a slate roof.

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PLANNING HISTORY 2005 TO PRESENT

08/1211/CON - Demolish existing gable to Church Street to create new entrance and demolish two out-buildings for proposed car park - Appeal dismissed 15.10.09.

08/1222/FULL - Convert existing All Saints Church Hall into four bed apartments and six bedsits - Appeal dismissed 15.10.09.

11/0901/CON - Demolish existing gable to Church Street to create new entrance and demolish two outbuildings to form car park as part of the Conversion of All Saints Hall into six one bedroom apartments, six bedsits and external works - Granted 21.06.12.

11/0904/FULL - Convert All Saints Hall into six one bedroom apartments, six bedsits and external works and demolish existing gable to Church Street to create new entrance and demolish two outbuildings to form car park - Granted 11.04.13.

17/0936/FULL - Demolish existing church hall and erection of a new GP Surgery including associated car parking, cycle parking and bin store - NYD.

POLICY

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

Site Allocation: The site lies within the defined settlement boundary and within the Llanbradach Conservation Area.

Policies: CW2 (Amenity), CW3 (Highways), CW6 (Trees, Woodland and Hedgerow Protection) SP6 (Place making) SP10 (Conservation of Natural Heritage), SP21 (Parking Standards),

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design TAN 24: the Historic Environment.

The Objectives within paragraph 6.2 of PPW Edition 9 Nov 2016 - Chapter 6 the Historic Environment include preserving or enhancing the character or appearance of conservation areas, while at the same time helping them remain vibrant and prosperous.

Paragraph 6.2.2 states that 'Local planning authorities and other public bodies have an important role in protecting and conserving the historic environment while helping it accommodate and remain responsive to present-day needs.'

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Paragraph 6.5.22 When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole. Consideration should also be given to replacement structures. The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area.'

Paragraph 6.5.23 Authorities should take into account the visual, historic and amenity contribution of trees in conservation areas. New planting or replanting may be appropriate where consistent with the character or appearance of the area. Special provisions apply for trees in conservation areas which are not the subject of Tree Preservation Orders.

TAN 24: the Historic Environment.

Paragraph 6.12 states 'Applications for consent to demolish must be made to the local planning authority. Applications for Conservation Area Consent will require a heritage impact statement, which should explain why demolition is desirable or necessary alongside a broader assessment of the impact of the proposals on the character or appearance of the area.'

Paragraph 6.13 There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (see 5.15 from TAN 24 below). In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area.'

Paragraph 6.14 - It may be appropriate to impose a condition on the grant of consent for demolition so that it does not take place until full planning permission has been granted and a contract for carrying out the development work has been made.'

Trees in Conservation Areas (TAN 24) states:-

Paragraph 6.15 Local planning authorities have the power to protect trees and woodlands by making tree preservation orders. In addition, there is a special provision for trees in conservation areas which are not the subject of tree preservation orders.

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Anyone proposing to cut down, top or lop a tree in a conservation area is required to give the local planning authority six weeks notice, during which time the local planning authority can decide whether to protect that tree with a tree preservation order.'

Paragraph 6.16 - When considering whether to extend protection to trees in conservation areas, local planning authorities should always take into account the visual, historic and amenity contribution of trees. In some instances, new or re-plantings may be desirable where this would be consistent with the character or appearance of the area.'

SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP4: Trees and Development.

Supplementary Planning Guidance note LDP 7 (Householder Development).

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? This is a Low risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Conservation & Design Officer - Raised an objection to the plans, however, following submission of amended details has removed the objection.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice, press notice and neighbour notification letters were sent to 18 nearby properties.

Response: Three representations have been received to the application.

Summary of observations: - The building is of brick construction and will look at odds with the surrounding environment. Grey brick and metal do not look like stone and slate.

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-Regardless of why the conservation area was designated, it remains a conservation area and as such, new buildings must be in traditional building materials. Especially where the building replaces a previously historical structure.

- The large waiting room windows look directly into houses on Tyn y Graig Terrace and invade their privacy.

- Insufficient Parking Provision for staff and patients, highlights local issues with parking.

- Common Swifts are breeding within the existing Church Hall Building. Specialist nest boxes should be provided and demolition undertaken at a suitable time of year.

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? 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 relates to the provision of new healthcare facility within the community which is considered to be of overriding public interest.

(ii) The requirements of the Surgery use in terms of specifications in relation healthcare provision does not make renovation and conservation of the existing building a practical or financially viable solution.

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(iii) The bat survey information submitted with the application has identified that the existing building supports bats and it is considered that with the additional information supplied in relation to the related detail planning application (17/0936/FULL) demonstrates that a dedicated bat loft which exceeds best practice guidance in terms of size means that there is the ability to provide compensatory provision in the form of new roosting opportunities within the new building. It is therefore considered that with suitable planning conditions the conservation status of the species can be achieved.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Not applicable.

ANALYSIS

Policies:

The proposal will result in the demolition of the entire existing Llanbradach Church Hall Building. A Heritage Impact Assessment has been submitted in support of the application.

It is noted that Cadw guidance within the document "Managing Conservation Areas in Wales" acknowledges in section 8.2 (Targeting Buildings at Risk) that "Neglected and underused buildings damage the vitality and attractiveness of conservation areas", however, it is noted that the guidance highlights wherever possible Local Planning Authorities should work with owners to encourage maintenance, repair and reuse.

In the context of the current proposal it is considered that the Church Hall site has some exceptional circumstances, namely that the Church Hall building supported the function of the All Saints Church, which having been demolished some 25 years ago, removed the primary use from the site. The remaining Church Hall building has been closed for a significant period of time, shown in photographs to being visibly boarded up since at least 2009.

The existing Church Hall building and vacant surrounding site is considered in its current state to have a negative impact on the character of the Conservation Area vitality and attractiveness. It is acknowledged that were the building to be restored that it could have the potential to enhance the Conservation Area, however there is not considered to be any degree of certainty that this will occur and the building condition could worsen over time leading to it having a negative effect on the Character of the Conservation Area. In this respect it is considered that demolition of the building, in combination with a suitable form of replacement building, would result in the character

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of the Conservation Area being preserved. The associated works to remove vegetation have been considered and on balance are considered acceptable.

In conclusion it is considered that conservation area consent be granted in respect the demolition of the Church Hall Building.

Comments from Consultees: The submitted Bat Survey information has been considered by the Council's Ecologist and Natural Resources Wales in relation to the partner planning application, both of whom have raised concerns in relation to the amount of surveying that has been undertaken within the Church Hall Building and that when undertaking the internal inspection of the building the loft void was inaccessible due to health and safety considerations as the loft hatch was very high from the first floor and it was unknown if it was safe/stable. Dusk emergence and dawn re-entry surveys were undertaken on 24th August 2016 and 12th September 2016 respectively.

In respect of the first survey (Dusk Emergence) undertaken on 24th August 2016 (Start Time 19:46, Finish time 21:46) the following was observed by four surveyors:

Dusk Emergence:

- One common pipistrelle emerged from the ivy on the southern elevation;
- One common pipistrelle emerged from under the eaves where the eastern gable joins the main roof;
- One brown long-eared bat emerged from a broken window on the southern elevation; and
- One common pipistrelle emerged from under the eaves of the northern gable.

Foraging and Commuting:

Moderate levels of bat activity of five species (common pipistrelle, soprano pipistrelle, Myotis sp., brown long-eared and noctule) were recorded during the survey. No linear vegetation features were observed to be used by commuting bats.

The grounds of the site were identified as an important foraging area for bats.

In respect of the second survey undertaken on the 12th September 2016 (Start time 05:14 Finish Time 06:59) the following was observed by four surveyors:

Dawn Re-entry:

- One common pipistrelle bats re-entered the building at the Main roof ridge, near to the chimney;
- One common pipistrelle bats re-entered the building at the main roof ridge on the south-west elevation; and
- One common pipistrelle bats re-entered the building at eaves of the northern gable end.

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Foraging and Commuting:

Low levels of bat activity of three species (common pipistrelle, soprano pipistrelle and Myotis sp.) were recorded during the survey. No linear vegetation features were observed to be used by commuting bats and no important foraging areas were identified.

The bat report includes specifications for provision of a new dedicated bat loft.

To mitigate/compensate for the loss of the existing bat roosts the developer proposes that a new dedicated bat loft will be created in the roof space at the eastern gable end of the new surgery building.

In terms of the related planning application the applicant has provided an additional plan demonstrating that a dedicated bat loft can be provided within the new roof space of the proposed General Practitioners Surgery which accords with the specification outlined within the submitted Bat Survey. The Bat roost detail supplied by the applicant shows a dedicated Bat Loft with a footprint of 5 metres by 5 metres and an apex height of 3.1m. It is noted that this exceeds the Bat Mitigation guidelines contained within the Bat Conservation Trust's 'Bats and Buildings' which advises that an ideal roof void would have an apex height in excess of 2.8 m and a length and width of 5 m or more. In terms of the proposed bat loft there is also potential to enlarge the length of the bat loft should this be required.

Paragraph 6.3.7 of Technical Advice Note 5 states "It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 licence are likely to be satisfied."

It is considered that having demonstrated the feasibility of providing mitigation within the loftspace of the new surgery building in terms of a dedicated bat loft which would exceed the dimensions advocated as best practice in relevant guidance that as recorded earlier in this report that the three tests are likely to be satisfied and that with planning conditions the application can be approved. In respect of this Conservation Area Consent application it is considered that it can be approved provided a condition is attached requiring further bat survey work to be undertaken and a contract for carrying out the development work subject of planning permission Ref. 17/0936/FULL has been made to ensure compensatory provision in terms of a new bat roost is provided.

A Reptile and Translocation report has also been submitted in support of the planning application. It is noted that the translocation exercise was undertaken between August

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and October 2017 and resulted in a total of 17 Slow Worms being removed from the site and relocated at an receptor site approximately 700metres to the south-west which had been agreed with the Council's Ecologist. The report recommends further precautionary measures be implemented and a planning condition is attached requiring adherence to the report recommendations.

Comments from public:

- The building is of brick construction and will look at odds with the surrounding environment. Grey brick and metal do not look like stone and slate.
- Regardless of why the conservation area was designated, it remains a conservation area and as such, new buildings must be in traditional building materials. Especially where the building replaces a previously historical structure.

The loss of the existing building has been considered. In respect of the partner planning application the applicant has amended the design to incorporate reuse of reclaimed stone from the Church Hall into the related proposals for the new surgery Gable End which faces the junction of Pencerrig Street and Tyn-Y-Graig Terrace/Church Street. Introduction of areas of red brick reminiscent of the church hall detailing brick has also been incorporated in the new Surgery building.

- The large waiting room windows look directly into houses on Tyn y Graig terrace and invade their privacy.
Not relevant to the Conservation Area Consent application.
- Insufficient Parking Provision for staff and patients, highlights local issues with parking.
Not relevant to the Conservation Area Consent.
- Common Swifts are breeding within the existing Church Hall Building. Specialist nest boxes should be provided and demolition undertaken at a suitable time of year.

It is proposed that Ecological Enhancement will be achieved through the imposition of planning conditions.

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.

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In conclusion it is considered that conservation area consent be granted in respect the demolition of the Llanbradach Church Hall as identified in this application.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The works hereby permitted shall be begun before the expiry of five years from the date of this permission.
REASON: To comply with the provisions of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
- 02) Unless otherwise agreed in writing with the Local Planning Authority, demolition hereby granted by this consent shall not take place until a contract for carrying out the development work subject of planning permission Ref. 17/0936/FULL has been made.
REASON: To ensure continuity between demolition and re-development in the interests of visual amenity.
- 03) Prior to the commencement of work on site, a method statement setting out the manner in which the existing building is going to be demolished and the new development constructed, shall be submitted to and agreed in writing with the Local Planning Authority. The demolition and construction shall thereafter be carried out in accordance with the agreed statement unless it is varied with the written agreement of the Local Planning Authority.
REASON: To ensure that the demolition and construction is carried out in an appropriate manner, in the interests of residential amenity.
- 04) Prior to any demolition occurring a detailed Bat survey shall be carried out and the results of the survey, together with any proposed remedial measures (including methodologies) shall be submitted for the written agreement of the Local Planning Authority. The measures shall be complied with as agreed in writing by the Local Planning Authority.
REASON: To ensure adequate protection for protected species.
- 05) 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

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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,

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- 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.

- 06) The development shall be carried out in accordance with the recommendations of the Acer Ecology Reptile Survey and Translocation Report dated October 2017.

REASON: In the interests of the protected species.

Advisory Note(s)

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.

