

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

**Date Received:** 07.10.2019

**Applicant:** Mr Alkhafaji

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

**APPLICATION TYPE:** Change of Use

### SITE AND DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

#### External - Roofs

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

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

Make repairs to the lean-to roof structure.

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

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

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

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

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

#### Walls

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

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

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

#### Windows and doors

Entrance doors - To be removed, renovated and replaced.

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

All joinery to have linseed paint finish.

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

#### Other

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

#### Internal - Floors (ground)

Lay new concrete floor.

#### Walls

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

#### Ceilings

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

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

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

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

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

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

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

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

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

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

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

## POLICY

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

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

Policies: Local Development Plan:

Strategic Policies

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

Countywide Policies

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

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

Biodiversity Action Plan March 2002.

## NATIONAL POLICY

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

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

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

## Conservation Areas

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

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

## Historic Parks and Gardens

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

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

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

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

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

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

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

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

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

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

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

### ENVIRONMENTAL IMPACT ASSESSMENT

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

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

### COAL MINING LEGACY

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

### CONSULTATION

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

Transportation Engineering Manager - CCBC - No objection.

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

Heritage And Placemaking Officer - Confirms support for the proposals.

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

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

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

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

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

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

Landscape Architect - CCBC - Raises no concerns.

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

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

Ruperra Castle Preservation Trust - Raise objection due to:-

The amended Design & Access Statement is inadequate;

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

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

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

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

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

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

Glamorgan-Gwent Archaeological Trust - No comments received.

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

## ADVERTISEMENT

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

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

## Summary of observations:

The basis of the objections raised are as follows:-

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

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

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

## SECTION 17 CRIME AND DISORDER ACT

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

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

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes.

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

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

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

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

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

The three tests were applied and answered as follows:-

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

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

#### SECTION 17 CRIME AND DISORDER ACT

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

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

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

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

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

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

The three tests were applied and answered as follows:

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

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## ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Registered gardens and woodland should be protected.

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

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

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

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

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

- Impact of building works and vehicles on castle.

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

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

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

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

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

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

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

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

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

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

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

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

The proposed access arrangements are considered acceptable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This permission is subject to the following condition(s)

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

Timetable for implementation, and

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

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

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

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

#### Advisory Note(s)

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

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

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

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

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