

DC/2016/00884

FULL PLANNING APPLICATION FOR A CARE FACILITY, ACCESS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS

LAND AT WESTGATE (IBERIS ROAD), LLANFOIST, ABERGAVENNY

RECOMMENDATION: APPROVE

Case Officer: Kate Bingham

Date Registered: 05/08/2016

1.0 APPLICATION DETAILS

- 1.1 This application relates to an area of land at the former Westgate Farm site. It is located to the immediate east of the settlement of Llanfoist and is allocated as suitable for employment uses B1 and B2 in the Monmouthshire LDP although the development of it for these purposes has not yet been realised. Surrounding land is made up of sites benefiting from recently, but separate, consented proposals comprising a McDonald's drive-thru restaurant and a mixed use development including a hotel, restaurant and coffee shop. To the south is a residential development which is nearing completion. Land to the east and west is undeveloped. There are mature trees to the west of the site, a lagoon to the south and undeveloped low level grassland to the west.
- 1.2 The proposed building is two storey in height in an approximate 'U' shape with a public frontage that will face towards the A465 Heads of the Valleys road and more private elevations to the rear that will overlook the 'lagoon' and housing to the south with more distant views to the Blorenge mountain. It is expected that the proposed use would create up to 76 full-time equivalent jobs.
- 1.3 The proposals can be summarised as follows:
- 70 bed care home
 - 31 space car park to the north of the care home (including 2x disabled spaces)
 - Access arrangements
 - Residents' Garden
 - Planting throughout the site to provide screening
 - Boundary treatments
- 1.4 The care home building will be two stories in height with 34 bedrooms on the ground floor and 26 on the first floor. The size and number of bedrooms proposed has arisen as a result of detailed analysis of the need for the facility by the developers, in addition to ensuring the proposed use can operate as a viable enterprise. Care at the facility will comprise nursing care for the elderly frail (34 beds) and nursing care for those living with dementia (36 beds). Internally the building has been designed with the consideration of the guidance set by Care and Social Services Inspectorate Wales (CSSIW). Beyond the bedroom space, the care home will also include a library, gym, cinema, communal areas and ancillary accommodation including assisted bathrooms, staff WC's, guest room, private dining, kitchen, laundry, nurse stations, drug stores, cleaners' stores, staff room and administrative and manager's offices. A balcony is provided in the central area where the building sets back on the first floor to enhance the views through the building. Further balconies are provided to each living unit in the central courtyard area. All common areas have "full" height windows, while all bedrooms have low window sills providing visibility for residents in beds.

2.0 RELEVANT PLANNING HISTORY

DC/2008/00818 - Hybrid application comprising A) residential and commercial development (outline) B) Alterations and improvements to the existing highway network, improvements to the drainage network (detailed application). Approved in October 2010.

DC/2013/00266 - Approval of reserved matters relating to the access arrangements for the entire site, and full details of all reserved matters (layout, scale, external appearance, access and landscaping) relating to the residential element of the site, as permitted by outline planning permission DC/2008/00818. Approved September 2013.

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 – Spatial Distribution of New Housing Provision
S4 – Affordable Housing
S6 - Retail Hierarchy
S8 - Enterprise and Economy
S9 – Employment Sites Provision
S12 – Efficient Resource Use and Flood Risk
S13 – Landscape, Green Infrastructure and the Natural Environment
S16 – Transport
S17 – Place Making and Design
SAE1 – Allocated Employment Sites
SAW1d – Potential Waste Management Sites

Development Management Policies

H1 – Residential Development in Main Towns and Rural Secondary Settlements
E1 – Protection of Existing Employment Land
LC2 – Blaenavon World Heritage Site
LC3 – Brecon Beacons National Park
LC5 – Protection and Enhancement of Landscape Character
GI1 – Green Infrastructure
NE1- Nature Conservation and Development
MV1 – Proposed Developments and Highway Considerations
MV2 – Sustainable Transport Access
DES1 – General Design Considerations
EP1 – Amenity and Environmental Protection
EP2 – Protection of Water Sources and the Water Environment
EP3 - Lighting

4.0 REPRESENTATIONS

4.1 Consultations Replies

4.1.1 Llanfoist Community Council – Recommend approval.

Members would like concerns to be taken into consideration when deciding this application.

1. Are there sufficient parking spaces for residents, staff and visitors?

2. Although considerable road infrastructure has been put in place there are doubts as to whether the roundabout system into Llanfoist will be able to cope with the extra traffic generated.

- 4.1.2 Dwr Cymru-Welsh Water – No objections. Whilst we have identified that the proposal will increase the risk to Llanfoist Waste Water Treatment Plant, we will look to support the commencement and occupation as required of the proposed care home and would offer no further restriction on its occupation.
- 4.1.3 WG Highways – No objections or comments to make on this proposed development which forms part of the outline development plans for the site.
- 4.1.4 Natural Resources Wales (NRW) – No objections subject to conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission;
1: European Protected Species – to ensure delivery of proposed mitigation measures
2: European Protected Species– to ensure licensing matters have been properly dealt with prior to commencement of development.
- 4.1.5 Brecon Beacons National Park Authority – Objects.
The Landscape Character Assessment for the Brecon Beacons National Park (2012) seeks to identify specific landscape characteristics of the National Park and particularly seeks to inform means in which these landscape characteristics should be protected and/or enhanced. The application site is generally at its nearest to the Bloreng Slopes Landscape Character Area where the impact of surrounding settlements outside of the Park is acknowledged and the need to reduce the visual impact of development on the National Park is highlighted.
Serious concerns are raised in relation to the proposed development in terms of its scale, mass and elevated siting. In particular, it is considered that the proposal would interrupt views into and out of the National Park and would introduce a highly visible building which would be to the detriment of the overall character of this area and the setting of the National Park character area of the Blaenavon World Heritage site within the National Park boundary.
In summary, the Authority objects to the proposal as it would result in the introduction of an intrusive form of development in an elevated position that would interrupt views into and out of the National Park and would result in detriment to the special qualities of the National Park.
Notwithstanding the above, if the Council is minded to approve the proposal, it is respectfully requested that the following condition is imposed and that the National Park Authority are consulted when the relevant detail is submitted for consideration:
No development shall take place until an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed external lighting as well as details of their use. The development shall be carried out strictly in accordance with the approved details.
- 4.1.6 Torfaen Borough Council (making observations in relation to the World Heritage Site) – No comments received to date.
- 4.1.7 MCC Highways – No objections. There are no specific conditions I wish to request from a County Highway standpoint with regard to any grant of planning permission.
- 4.1.8 MCC Biodiversity Officer – Deferred to NRW.
- 4.1.9 MCC Environmental Health (Noise) - I can advise that I have carefully considered the Environmental Noise Assessment Reference: 6536/BL/pw, which has now been

submitted in support of the above application. I can advise that I have no objection to this development but with regard to the findings of the afore mentioned report and its summary / conclusions recommend that any grant of planning permission is subject to condition.

4.1.10 MCC Environmental Health (Contaminated Land) – No objection subject to standard condition on contamination.

4.1.11 MCC Planning Policy – Notwithstanding the findings of the marketing report, the amount of employment land allocated for B Uses within Abergavenny/Llanfoist is extremely limited. I would suggest liaising with the Council's economic development officer in this regard to seek advice on the demand for B1/B2 uses at the site.

The design, scale and massing of the proposal is an important consideration given its location in proximity to the Brecon Beacons National Park (BBNP) and the Blaenavon Industrial Landscape World Heritage Site (BILWHS). Overarching policies DES1 relating to general design considerations and EP1 concerning amenity and environmental protection should be considered, together with policies LC2 (BILWHS), LC3 (BBNP), and LC5 (Protection and Enhancement of Landscape Character).

Consideration should also be given to Policy GI1 (Green Infrastructure) and the associated Monmouthshire Green Infrastructure SPG. In this regard, GI proposals should be embedded into the master planning of the site and the application should include a GI opportunities plan. It is noted that a Green Infrastructure Assessment has been submitted with the application, along with a Landscaping Plan. Colleagues in the Green Infrastructure Team will no doubt provide detailed comments on these matters.

Policy MV1 relates to proposed developments and highway considerations. It is noted that a Transport Statement (TA) has been submitted with the application. The conclusions suggest that the care home traffic would be proportionately lower than the permitted business use on the site, the proposed vehicular access is acceptable and satisfactory servicing facilities are proposed within the site. Colleagues in the Council's Highways Team will be able to provide comment on whether the information contained in the TA is satisfactory. Policy MV1 also requires development proposals to satisfy the adopted highway design guide and adopted parking guidelines. It is noted that 31 car parking spaces will be provided as part of the scheme. Again, colleagues in Highways will provide comments on this matter. MV2 relating to sustainable transport access should also be considered.

Other LDP development management policies which are of relevance to the proposed development include: NE1 – Nature Conservation and Development given the proximity of the site to the River Usk SAC and SSSI (it is noted that a Preliminary Ecological Appraisal has been submitted); SD4 – Sustainable Drainage; EP2 – Protection of Water Sources and the Water Environment; EP5 – Foul Sewage Disposal.

4.1.12 MCC GI & Landscape – Currently object to this proposal.

The development of the design did not consider its impact on valued international and national landscape designations. There is little supporting information to justify the design of this proposal. The scale, its layout and detailed design have not considered its impact on the wider landscape; which would be significant, adverse and long-term. Reasons:

1. The scale and overall design of this proposal would cause unacceptable harm to the qualities that justify the designation of the Blaenavon Industrial Landscape World Heritage Site (BILWHS). LC2

2. The scale and overall design of this proposal would cause unacceptable harm to the qualities that justify the designation of the Brecon Beacon National Park (BBNP). LC3
3. No Landscape and Visual Impact Assessment (LVIA) was submitted to support the application. An LVIA should be used as a basis for good design and for evidence-based decision making during the design process.
4. The proposal will adversely affect the setting of the BILWHS and BBNP, and it has not regarded LANDMAP Landscape Character Assessment, or the BILWHS management plan and design guidance SPG during the development of the design. Development will only be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape LC5 (a) by causing significant visual intrusion (b) being insensitively and unsympathetically sited within the landscape and (e) failing to harmonise with, or enhance the landform and landscapes.
5. The development of the design has taken a very narrow view on integrating the building. The immediate contextual relationship is insignificant in relation to the surrounding landscape designations.
6. The proportion and rhythm (roof line and elevations) and material choice are inappropriate. DES 1 (f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to the texture, colour, pattern, durability and craftsmanship in the use of materials.
7. Note. The proposal has been designed with the primary focus on guidance set by the Care and Social Services Inspectorate Wales (CSSIW). The layout does provide excellent views out of the development – good design.

4.1.13 MCC Recycling & Waste – MCC and Viridor to meet with developer.

Viridor operate the site under lease and contract from MCC. The proposal is for a two storey building which would directly overlook the site and key things are:

- Noise - whether the siting of this home would have an operational impact
- Odour control - waste is smelly and whilst we do all we can to mitigate there will be odour
- Vermin - rats, seagull control. Again there are measures in place on the site, but would complaints lead to them being increased (and therefore cost impact of this)
- Traffic

4.2 Neighbour Notification

Two representations have been received:

- A lack of a convincing landscape infrastructure for the whole Westgate site into which their more detailed landscaping proposals could fit.
- A lack of proper drawings submitted that show the proposal in its convincing context (no site/buildings sections, no visualisations of the building against its various significant mountain settings) which leads to this anywhere anyplace architecture.
- 'Travel Plan' for worker cyclists coming to the facility without any recognition that the whole of the Westgate site and its connection to cyclists routes the other side of the A465 has been given no thought at all and is a contravention of the Welsh Assembly's Active Travel Act.
- A lack of proper drawings placing the Castle Oak proposal in the context of the surrounding buildings already given permission. This is symptomatic of a design approach and attitude that looks at every site in this overall landscape, as an isolated fragment, when they are in fact part of a whole landscape

setting.(What is the approach to night lighting of the parking area - hopefully no street lights and all but low level lights disguised in amongst planting.)

- A confused and mediocre rationale for the choice of design language for the buildings in its overall form, then exacerbated by mediocre/playing safe choices of supposedly traditional local materials which could be from anywhere.
- Standardised national design solutions, and floor plans/sections which ignore the potential to make interior places that connect to their specific landscaped setting (although the beginnings of an idea is put forward here - the view to the mountain from the entrance - but it is then ruined in detailed execution.)
- The proposed positioning of trees and other landscaping features on the western and northern site perimeters simply are on the drawings located in spaces left over after allocating spaces for parking and yet they claim this is sufficient natural screening for the view from the World Heritage Site. This is an illusion. Since the usage of the site to the east of the Castle Oak development is supposedly unknown would not it be a good precautionary principle to plant a dense treed boundary along the eastern edge of the Castleoak site to guarantee residents a pleasant outlook from their seats and beds.
- There should be a landscape scheme for all the roads on the site with a potential avenue of trees approaching this site, which would with benefit give more concealment to the cars parking on the Castle Oak site frontage. It would then begin to feel part of a 'Place' rather than just another area of tarmac and random plantings.
- The rooms for residents may be en-suite and thus better than other local provision, and also above the national minimum space requirement, but is this really the best that our society can do for those wrenched from their homes and having to give up so many of their belongings and memories.
- All the rationale about jobs, and overturning the strictures of B1, B2 and B8 uses are well argued and take up a large part of the application and much expert argument. It is also so obviously clear that demand for such a facility is very great and will only increase. (Are MCC planners along with their colleagues in Blaenau Gwent making site provision to meet this supposed demand?)
- Shortages in workforce for other existing care homes in the area and the proposed new care home will exacerbate this problem.
- Existing care homes have problems filling beds so new development will pose a threat to existing businesses.

4.3 Other Representations

4.3.1 Abergavenny and District Civic Society – Summary of comments;

- While the site is allocated for Industrial and Business Development and an objection in principle might be made to the proposed Class C2 residential use, we consider that the approval of Class C1 and A3 uses on much of the site has in effect altered its function to a 'mixed use employment site'.
- It will be important to ensure that the uses on the remainder of the Westgate site are compatible and to find viable Class B sites in the area when the Local Development Plan is reviewed.
- It is disappointing that once again a submission on this site provides little detailed indication of how the proposal relates to the rest of the site and beyond. The landowner of this 'linear park' area should be pressed to provide appropriate landscaping as soon as possible.

- At the pre-application stage we merely suggested a simple palette of materials – slate roof, darkish red brick and white/cream render, yellow brick for string courses and around openings. Disappointingly, apart from the main entrance gable, this advice has been taken on board in the form of a very large ‘traditional’ institutional building rather than a more imaginative modern building with references to local traditions. Safe, mediocre and unobjectionable in this location. The double height security balcony glazing is a particularly ugly detail.
- The dismissal of travel plan proposals as unenforceable is disappointing and questionable.

4.3.2 SEWBREC Search Results – Various species of bat recorded foraging/commuting within the vicinity of the site.

5.0 EVALUATION

5.1 Principle of Development

5.1.1 Paragraph 6.1.33 of the LDP refers to housing for people in need of care and should be noted accordingly:

‘It is recognised that many people have housing needs that cannot be adequately satisfied by conventional housing stock. The term ‘housing for people in need of care’ covers a variety of residential care facilities where the special needs of particular groups can be accommodated. This includes nursing homes, sheltered housing, extra or close care housing, continuing care retirement communities or other similar types of development where an element of care is provided as part of the development. Proposals for such facilities will be assessed against the LDP policy framework and national planning policy guidance (PPW). To ensure that residents of such housing are well integrated with the wider communities, sites for these facilities should be located within defined settlement boundaries and accessible to a range of services and facilities, such as GP surgeries and shops.’

5.1.2 The proposed site for a care home is located at Westgate Business Park, Llanfoist which is allocated as an industrial and business site under Policy SAE1 of the LDP, the specific site reference of which is SAE1d. The site is designated for B1 and B2 uses. The site is also identified as a potential waste management site under Policy SAW1 (SAW1d). The proposal for a care home (use class C2) would be contrary to these site allocation policies.

5.1.2 This site also benefits from outline planning permission for employment and commercial use granted in 2010 which remains extant. However, the application has not been submitted as a reserved matter to the outline consent as it is recognised that the proposed use does not fall within the uses granted permission. It should therefore be considered as a stand-alone application on its own merits.

5.1.3 Policy E1 relating to the protection of existing and allocated employment land should also be considered in relation to this proposal. It advises that proposals resulting in the loss of existing or allocated industrial and business sites/premises (classes B1, B2 and B8) to other uses will only be permitted if the criteria set out in E1 are met. The proposed loss of employment land should be assessed against LDP policies S9 and E1 which seek to protect existing and allocated employment land from alternative developments. The criteria set out in Policy E1 must be taken into consideration, which if satisfactorily addressed could enable a change of use to non-B uses.

These criteria are:

- a) the site or premises is no longer suitable or well-located for employment use;
- b) a sufficient quantity and variety of industrial sites or premises is available and can be brought forward to meet the employment needs of the County and the local area;
- c) there is no viable industrial or business employment use for the site or premises;
- d) there would be substantial amenity benefits in allowing alternative forms of development at the site or premises;
- e) the loss of the site would not be prejudicial to the aim of creating a balanced local economy, especially the provision of manufacturing jobs.

5.1.4 While it is noted that the proposed use would generate employment, which is welcomed, the loss of the B1/B2 jobs would have to be fully justified in this application in order for consent to be granted. To this end, a marketing report is submitted as part of the application package. It highlights that very few enquiries have been received for companies looking for B1, B2 or B8 accommodation the site. General enquires have included car sales (not national dealerships). Given the complex nature of developing the land at Westgate, it has been extremely difficult to provide accurate timescales for development options, which is only now becoming clearer as the infrastructure works reach an advanced stage. It also states that Westgate has been a very expensive site to develop and any development appraisal for a B1, B2 or B8 scheme would be likely to demonstrate the capital or rental level required to make a scheme viable would be considerably higher than current market rates and it would not therefore be possible to compete with existing properties or even development sites within the region.

5.1.5 The application site would be classified as an SAE1 site. Given the size of the site at 0.6ha, the development of it for the purposes of a care home would leave a total of 2.8ha available within Abergavenny/Llanfoist. The application site therefore comprises 17.6% of the SAE1 remaining land. Looking beyond Abergavenny/Llanfoist, the background paper identifies a total of 41.73ha of SAE1 land classified as available within the County. The proposed development would comprise just 1.4% of the land.

5.1.6 Given the above, it is considered clear that the “loss” of the site from its employment (business use) allocation will have a limited material effect on the supply or available of quality sites in Llanfoist/Abergavenny and a negligible impact when considering Monmouthshire as a whole. It is therefore considered criterion a) and d) of Policy EC1 are satisfied.

5.1.7 The Planning Statement also makes reference to the Care Needs Assessment Report submitted with the application. This evaluates the need for additional care accommodation within the catchment area of the proposal and suggests that there is an identified shortfall in provision of care home facilities in Abergavenny. The Table in Appendix 1 highlights 9 care facilities within a 2 mile radius of the application site. The analysis highlights that only four of the facilities can cater for over five residents. In addition, it is clear that a large percentage do not provide a generalised care service and focus on specialisms. Furthermore, the majority of the facilities are located in dated buildings, historically converted to provide care facilities as opposed to bespoke care homes.

5.1.8 The number of people aged 65 and over within the catchment of the proposed new care home is projected to increase by 1,856, or 10% over the 10 years from 2015 to 2025. As a result the need for care accommodation is set to grow significantly, resulting in a total projected requirement for 702 beds within the catchment by 2018 and 784 beds by 2025. The Care Needs Assessment Report states that there are currently 527 care beds provided in existing homes within the catchment. Nearly half (48%) of beds

are within accommodation which is not purpose built and over two-thirds (67%) of beds do not meet Modern Standards. 88% of homes have fewer than 40 care beds and are thus more susceptible to closure in the short to medium term. Based on the existing supply of beds, it is estimated that the aging population will lead to a requirement for a minimum of 175 additional care beds by 2018, increasing to 257 additional beds by 2025. Taking all the factors into account, including the additional 87 beds consented or awaiting consent, it can reasonably be concluded that at least 439 additional Modern Standard care beds will be needed by 2018 and at least 521 additional Modern Standard care beds will be needed by 2025. This equates to approximately nine new care homes of 60 beds being needed in less than a decade.

- 5.1.9 Taking this information into account, it is considered that there is a likely to be significant requirement for care home accommodation in Abergavenny. The care home proposed by way of this application would deliver 17% of the estimated requirement. There is no evidence to disagree with the findings of the report and it is therefore concluded that the care home proposed by way of this application would positively contribute to the identified shortfall in provision in care home facilities in Abergavenny

5.2 Economic and Social Benefits

- 5.2.1 The development of the site will result in economic benefits in the creation of around 76 FTE jobs. Given the requirement to staff the premises 24 hours a day and related shift patterns, it is likely that in the region of 90-100 jobs will be created when taking into account full and part-time jobs overall. Beyond this, short-term jobs will be created as result of the construction phase of the project.

5.3 Visual Amenity and Impact on Wider Landscape

- 5.3.1 The design of the proposed new building is intended to create a domestic scale building with a style that complements the local area in terms of materials and detailing. Materials proposed are smooth grey concrete roof tiles, cream render and a mix of yellow and red brickwork walls and uPVC windows and doors. Given the relatively sensitive location of the development, it is considered that reconstituted slate tiles instead of concrete ones would be more appropriate for the roof which will be prominent when viewed from the slopes of The Blorenge. This approach is consistent with that required for the adjacent housing and also the approved Hotel and should therefore be conditioned.
- 5.3.2 The mass of the building is broken up through articulation of the facades and by creating a variation in the ridge line. The introduction of steps in the building and use of gabled and hipped elements add to the articulation of the elevations. The materials will be a mixture of mainly cream coloured render and dark red bricks with decorative yellow bricks for surrounds and soldier course.
- 5.3.3 In respect of the immediate surrounding area, the site is bounded to the north by commercial development and to the south and west by residential development. It is acknowledged that the subject site is located about 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which at this point includes the slopes of The Blorenge. It should also be noted that this site has an implemented planning permission allowing for B class uses and is allocated as such in the LDP. It is considered that the proposed use has been designed so as to ensure the impact in visual terms, particularly when viewed from the World Heritage Site, represents a betterment when compared with the potential development of it within classes B1/B2 and/ or B8. It is also of note that the overall height of the building is similar to the on-going housing development that is south of the site. It is therefore

considered that it would be unreasonable to require a Landscape and Visual Impact Assessment to be carried out for this particular development alone. In any case the ground works for this area have already commenced and the introduction of some type of built form has already been approved.

- 5.3.5 The soft landscaping proposals soften the edges of the development and integrate the care home into its surroundings using a mixture of native trees, woodland understorey and ornamental shrub / hedgerow planting. The hedgerow and trees along the south eastern boundary of the site will remain as existing. This ties in with wider strategic landscaping that will be implemented as part of a Section 106 legal agreement for the whole site. This includes a linear park adjacent to the lagoon to the south-west of the site.
- 5.3.6 With regards to the proximity of areas covered by various landscape designations it is noted that the Blaenavon Industrial Landscape World Heritage site is approximately 1km away and is separated from the development site by the existing housing and Llanfoist Primary School. In the event that the development is visible from the Heritage site, views will be softened by the landscape proposals described above. It should also be noted that when viewing the site from the Brecon Beacons National Park to the south, the development will be seen in context with the existing housing to the west and south, the wider approved commercial site as a whole (including MacDonald's together with the as yet unbuilt Hotel and coffee shop) and the waste management site immediately next door.
- 5.3.6 Thus, it is considered that the proposed building and associated landscaping and gardens are in keeping with neighbouring development in terms of form and scale and will not adversely affect the wider landscape.

5.4 Access, Parking and Traffic

- 5.4.1 The application is contained within the Westgate residential and commercial development site, previously granted planning approval under application DC/2008/00818. The traffic impact from the overall development site was considered as part of the application and appropriate mitigation measures were agreed and implemented through local highway improvements to accommodate the traffic generated from the development site. The traffic associated with the application site therefore has already been considered and approved. The applications has been fully assessed by way of a Transport Assessment which confirms that the proposed use of the site will result in less impact than potential Class B1, B2 and B8 uses.
- 5.4.2 As part of the Westgate development site a new purpose built commercial access road was approved and has already been constructed to provide vehicular access to the individual commercial development plots. The estate road consists of a main spine road and two roundabouts with access spurs to the development plots. The application site is located directly adjacent to the south-eastern roundabout and southern access spur.
- 5.4.3 Originally, instead of providing access from the southern spur it was proposed to create a new access directly opposite the already approved and constructed access into the fast food restaurant site directly opposite. The Highway Authority were concerned that the position of the proposed access would create conflict between traffic accessing/egressing from the application site and fast food restaurant access points. Therefore, the applicant has submitted a revised drawing which demonstrates that the proposed access has been repositioned so that the junctions to the application site and opposite fast food restaurant are now staggered in order to minimise conflict.

5.4.4 In respect of the parking provision for the application site, the requirement is one car parking space per three staff. To that end the proposed car parking provision of 31 spaces is satisfactory for the proposed development.

5.4.5 In light of the above there are no highway grounds to sustain an objection to the proposed development.

5.5 Biodiversity Considerations

5.5.1 A *Preliminary Ecological Appraisal* dated 15 June 2016 by Clarke Webb Ecology was submitted as part of the application. A 2008 survey by David Clements Ecology found great crested newts (GCN) to be present within a pond, which lies 10 metres to the south of the proposed care home site. Based on these findings, an overall mitigation strategy for the wider site was devised, and subsequently ground clearance works have been undertaken under a Natural Resources Wales European Protected Species licence (EPS). As part of the EPS licence conditions, a herptile fence was installed between the pond and the proposed care home site, but the fence is now defunct and does not cover the entire perimeter of the site. The site itself is described as being largely devoid of vegetation and subject to ongoing disturbance. However, the survey report acknowledges that potential refugia/ resting places for GCN are present on site.

5.5.2 On the basis of this information provided, it is considered that the proposed development is likely to give rise to the need for a European Protected Species licence application. However, NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, provided that a suitable mitigation scheme (consistent with the approved overall mitigation scheme) is devised and implemented. Therefore, it is recommended planning permission should only be granted subject to a planning condition to ensure that the scheme is implemented in accordance with a detailed GCN mitigation scheme.

5.5.3 NRW have also recommended a condition that prevents the commencement of development works until the LPA has been provided with a licence that has been issued to the applicant by NRW authorising the specified development to go ahead. However, as the development could not commence without the aforementioned licence without being in breach of Regulation 53 of the Conservation of Habitats and Species Regulations (2010) then it is considered that this condition would be duplication and therefore is unnecessary.

5.6 Residential Amenity

5.6.1 The proposed care home is separating from the new housing on the south-western part of the site by the lagoon and is therefore unlikely to have any direct impact in terms of privacy and overlooking or noise and disturbance. It can also be argued that the use of the site as a care home is more compatible with the residential use to the south of the lagoon.

5.6.2 In terms of the living conditions for the residents of the care home, a noise survey was undertaken on the site to determine the potential impact from environmental noise as a result of neighbouring uses. As a result of these predictions the site falls into NEC B. Where a site falls into NEC B, noise mitigation measures are necessary. The noise mitigation advice is in the form of building façade constructions and ventilation provisions to the habitable rooms of the scheme. With the proposed fabric construction and suitable ventilation provisions, the predicted internal equivalent noise levels due

to external noise are within the British Standard 8233:2014 criteria within the daytime and night-time habitable rooms of and within the World Health Organisation guidelines of a maximum noise level in Bedrooms of up to 45 dB no more than 10-15 times per night. As such it is considered that external noise can be suitably controlled within the habitable rooms of the proposed care home development.

6.0 RECOMMENDATION: APPROVE

Conditions:

| | |
|---|---|
| 1 | This development shall be begun within 5 years from the date of this permission. |
| 2 | The development shall be carried out in accordance with the list of approved plans set out in the table below. |
| 3 | No development shall take place until an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed external lighting as well as details of their use. The development shall be carried out strictly in accordance with the approved details. |
| 4 | <p>Prior to the commencement of development, a Great Crested Newt mitigation scheme (consistent with the approved overall mitigation scheme) shall be submitted to and approved in writing by the LPA. The mitigation scheme shall include (but not be limited to):</p> <ul style="list-style-type: none"> a) methods of working to avoid killing or injuring GCN during clearance of any structures suitable for use as refugia; b) ways of keeping GCN from seeking refuge in trenches and stockpiled materials prior and during development; c) full details of the proposed landscaping/ mitigation planting, and how it fits in with the overall, previously approved mitigation scheme; d) timing of operations, landscaping works and buffer planting; and e) an indication of how to proceed if GCN are found during works. <p>The development shall be implemented in accordance with the agreed GCN mitigation scheme.</p> |
| 5 | Samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works. |
| 6 | <p>No development shall commence until:</p> <ul style="list-style-type: none"> (a) An appropriate land contamination Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority. (b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175:2011), containing the results of any intrusive investigation, shall be submitted to and approved in writing by the Local Planning Authority. |

| | |
|---|---|
| | <p>(c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method Statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>No part of the development hereby permitted shall be occupied until:</p> <p>(d) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>(e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.</p> |
| 7 | <p>Noise mitigation measures in the form of building façade constructions and ventilation provisions to the habitable rooms of the scheme are to meet the requirements provided in Acoustic Consultants Ltd Environmental Noise Assessment, Reference: 6536/BL/pw, November 2016; or otherwise alternative mitigation measures submitted and approved as satisfactory by the Planning Authority. Compliance to be certified in writing to the Planning authority by an appropriately qualified acoustic consultant before the residential use of the unit commences.</p> |
| 8 | <p>Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority.</p> <p>(a) stating the date on which the development is to begin;</p> <p>(b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").</p> |

Informatives:

Reptiles – Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted.

Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.