

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

3 JULY 2013

REPORT OF THE INTERIM CORPORATE DIRECTOR, COMMUNITIES

DEPARTURE APPLICATION P/11/781/FUL

1. Purpose of Report

- 1.1 On the 30th May 2013 the Development Control Committee considered planning application P/11/781/FUL as a departure from the Development Plan. The Development Control Committee resolved not to refuse permission so the application has been referred to Council which is requested to grant planning permission subject to conditions and the applicant entering into a Section 106 Planning Obligation.

2. Connection to Corporate Improvement Plan/Other Corporate Priority.

- 2.1 The delivery of the County Borough Council's planning functions has links to most of the Council's corporate priorities as outlined in the Corporate Improvement Plan. The objective of *A Diverse and Sustainable Economy* are the most pertinent.

3. Background

- 3.1 Planning application P/11/781/FUL for a new convalescent home; change of use of existing home to 34 units; 34 new residential units and demolition of rear wing has been submitted to the Local Planning Authority for determination. The Development Control Committee has resolved not to refuse this application.

4. Current situation/proposal

- 4.1 The proposal is a full application for the construction of a new 38 bed convalescent home with associated parking, the conversion and refurbishment of the existing Grade II listed Rest convalescent home, the demolition of modern extensions to the listed building and a number of single storey outbuildings, the development of new residential accommodation to the rear of the listed building and strategic landscaping.
- 4.2 The site comprises the Rest convalescent home and associated grounds and covers an area of approximately 4.84 hectares. The existing Rest convalescent home lies on the north western edge of Porthcawl in the Rest Bay area, approximately 1.3 miles from the town centre. The Rest is situated close to the Royal Porthcawl Golf Club and is a prominent local building within the Porthcawl coastal area. The site is entirely located within the open countryside and within the defined coastal zone. The nearest residential dwelling is The Lodge, which is approximately 40 metres from the new convalescent home. The main settlement of Nottage is located some 330 metres to the east.
- 4.3 The Rest convalescent home, which is a Grade II listed building is surrounded by a series of adjoining Victorian and modern extensions. The main building is orientated to face the sea and Rest Bay.

- 4.4** To the east of the main convalescent home lies a cluttered group of 20th century single storey buildings and associated hardstandings which are used for a variety of functions including a day nursery. Surrounding these is a series of lawn and rough paddock areas marked out with post and rail fencing. The eastern paddock is used on occasions for caravans and camping and this is the site for the proposed new convalescent home.
- 4.5** The proposed new 38 bed convalescent home will be located on land to the north-east of the existing home and will comprise a one and two storey building with a footprint of approximately 1327 square metres. There will be parking for 28 cars together with an enclosed bowling green. The building will have a modern, contemporary appearance although the developer has indicated that materials will be sympathetic to the area and existing building.
- 4.6** The proposed residential new build comprises two, three and four storey extensions in a mixture of local sandstone, render, timber and metal cladding with a metal roof to provide a complementary contemporary character. Car parking spaces for 98 cars for the residential element of the scheme will be provided along with areas for cycle parking, refuse storage and servicing.
- 4.7** The landscape scheme will complement the current vegetation and will consist of additional local wild planting and dry stone walling as well as more ornamental shrubs close to the new buildings.
- 4.8** The Rest was set up many years ago as a registered charity to provide care and assistance, predominantly to the people of South Wales. The Rest currently directs its operation towards a separate aim namely the provision of short breaks to people including the elderly or disabled. There are 56 bedrooms, a mix of single and twin bed rooms as well as numerous lounge and day rooms on the ground floor. The building is also used as a meeting venue for a number of local groups and societies. The developer has indicated that it is increasingly difficult to maintain the 150 year old building and provide a modern 21st century facility. The purpose of the development is therefore to provide a modern facility to continue the aim to provide accommodation for the purpose the charity was established. This is to be achieved using the revenue generated from the residential development of the existing building.
- 4.9** The development and more specifically the new convalescent home is development within the open countryside and as such is considered to be a departure from the adopted development plan.
- 4.10** A detailed design and access statement, planning statement, traffic surveys, viability study and information relating to the community use of the existing facility has been submitted in support of the application.

4.11 Relevant History

P/11/782/LIS - Approved subject to CADW - 10-05-2013

New convalescent home; change of use of existing home to residential; demolish rear wing; 34 new residential units

4.12 Publicity

The application has been advertised in the press and on site.

Neighbours have been notified of the receipt of the application.

The application was advertised as a departure. The period allowed for response to consultations/publicity expired on 20th February 2013.

4.13 Negotiations

The developer has been in discussion with Council Officers prior to and after the submission of the application. As a result amendments to the scheme and additional information has been submitted.

4.14 Consultation Responses

Town/Community Council Observations

Notified on 25th October 2011

Has no objection to the scheme.

Head of Street Scene (Highways)

No objection to the scheme subject to a section 106 contribution, conditions and notes.

Conservation and Design

Has no objection in principle to the scheme.

Destination & Countryside Management

Has no objection to the scheme subject to notes for the protection of bats, birds and reptiles at the site.

Head of Street Scene (Drainage)

No objection to the scheme subject to a condition.

Group Manager Public Protection

Has no observations to make on this application.

Head of Adult Social Care

The Authority's Day Service relocated from the premises in March 2011 and would not be considering returning to the site for any future service delivery.

Environment Agency Wales

Has no objection to the scheme subject to conditions and notes.

Welsh Water Developer Services

Has no objection to the scheme subject to notes.

Police Architectural Liaison Officer

Has no objection to the scheme but has provided advice in respect of the security of both premises.

Glamorgan Gwent Archaeological Trust

Has no objection to the scheme subject to a condition of consent. Information has been provided to assist the applicant comply with this condition.

4.15 Representations Received

W H John, 14 Hutchwns Close

The rear wing of this building has little architectural or historic content and its replacement with new residential units is appropriate.

S McCormack, 5 Long Acre Court

I am concerned about the scale of the proposed extension to the Rest Convalescent home which is located on the coast in a beautiful situation.

I am also concerned about the potential for extra traffic using the road network around Rest Bay, particularly in the busy summer months.

Finally I object to the development of a new residential accommodation on a green field site adjacent to Rest Bay and the existing Convalescent Home. Not only will this add to the developed land around Rest Bay but will impinge on the privacy of properties nearby.

Porthcawl Civic Trust Society, C/O Mrs Caroline Vaughan

Object to the proposal in respect of the design of the proposed building and also the effect of the new build on the adjoining listed building.

Porthcawl Civic Trust has provided a second letter in respect of the Design and Access Statement addendum. It is the Society's opinion that any increase in the height of the new build to the rear (northern elevation) from two storey to three storeys the "important front façade" will be severely compromised. The bulky box like buildings will ruin the Gothic look of the building, particularly at the right corner of the front façade where the new build will be clearly seen spoiling the roof line, rather reminiscent of the "Portakabins" atop the "Bottle Bank"!

Gareth Parry, 9 The Retreat

Currently a lot of people walk along the lane connecting west road, Nottage via the grounds of The Rest to Rest Bay. This has been for decades, it has become a public right of way by virtue of its continued unopposed use (even before introduction of the CROW Act 2000). The plans give no indication of whether this right of way will continue.

A response has been sent to Mr Parry explaining that there is no Public Right Of Way running through this site.

Andrew Collier, 7 Willow Close

Has not supported or objected to the scheme, however, he has suggested that part of the Listed Building be kept as a public building may continue to be enjoyed by the community. It is suggested that this could be achieved in lieu of a Section 106 agreement. Mr Collier sat on the board who agreed to hand over the building to a private developer.

Clive Mort, Porthcawl Shout Forum

Have concerns that the community use of the building will be lost. Information has been provided in respect of the groups that currently use the building.

The developer has provided information in respect of the continued community use of the new building.

4.16 Comments On Representations Received

The development will in part replace existing extensions which may be considered as unsympathetic. The scale and design of the whole development as well as its impact on the surrounding area will be considered within the appraisal section. The impact of the refurbishment and extension of the listed building is also considered under the separate Listed Building application P/11/782/LIS.

The highways officer has not raised any issues of highway and pedestrian safety subject to conditions and Section 106 agreement. This is also addressed in the appraisal section.

It is unlikely in view of the proximity of the site from existing dwellings that there will be any adverse impact in terms of loss of privacy.

The developer has indicated that it is intended to make the new facilities available to community groups.

The issue of public access to the listed building is not considered to be material to this application, however, the developer has indicated that some artefacts from the original Rest building will be displayed within the new facility.

4.17 Appraisal

The application was reported the Development Control Committee as it is a major development and out of accord with the development plan, with an approval recommendation. There are also a number of objections to the proposal.

- The appraisal will assess the following issues in relation to the various aspects of the development:
- The new convalescent home and its potential impact on the setting of the listed building;
- The refurbishment and extension of the existing building and the new residential development as well as its impact on the surrounding area;
- Highway safety and sustainability; and
- The policy implications of the proposal.

Special regard needs to be given to the location of the new convalescent home within the setting of the listed building. The site surrounding the Grade II listed building i.e. its setting is a sensitive location and as such it is felt that any new building in its vicinity should pay deference to its hierarchical position on site. The two storey building in roughly a boomerang shape has adopted the principle that the building sits as low as possible within its landscape setting thus making the building subservient to the adjacent listed building and minimising its impact on the surrounding area.

The palette of materials proposed for the building comprises wood, render and stone and has been chosen carefully as to not detract from the listed building and also to reflect its coastal countryside location. The strong horizontal emphasis of the mass of the building is alleviated by the vertical emphasis of the external structure in the principal elevations of the building. The Conservation Officer has not raised any issues in terms of the impact of the new structure on the listed building.

In view of the above, it is not considered that the development raises any adverse issues in terms of its design or impact on the surrounding area.

The existing convalescent home was designed as a hospital and as such is largely devoid of any striking architectural features or ornamentation particularly within its interior which has a strong institutional feel. The building has been altered, extended and enlarged over the years, which has also impacted on its character. Nevertheless it maintains a strong Victorian gothic appearance characterised by two main gable features on the south facing elevation together with a crenelated water tower. This elevation is the principle façade and is highly prominent when viewed from Rest Bay and the town of Porthcawl. The impact of the building in terms of its appearance adds significantly to character of the local area and its preservation may be considered as a material factor.

The refurbishment and extension of the building involves the removal of a number of the previously added extensions most of which may be considered as unsympathetic to the overall aesthetic of the listed building. The main façade will however, remain largely unchanged. The new build will involve a number of 2,3 and 4 storey blocks arranged in a tight configuration around the rear and sides of the existing building, creating a central courtyard amenity feature. The design is mainly contemporary although it will borrow features from the main building including deep gables and uses of traditional building materials. It is considered that the extension will complement the existing listed building and provide a suitable change of traditional to contemporary style.

When viewed from the surrounding area the completed development will be seen in the context of the existing building and there will be no significant change to the silhouette.

The car parking will be arranged around the outside of the footprint of the building and will be screened by landscaping.

As such it is considered that the development is acceptable in design terms and will result in a net improvement to the appearance of the building. The direct impact of the scheme in terms of the listed building is considered in the accompanying listed building application, and will be determined by Cadw.

Turning to the highway and sustainability issues of the proposal, given the remote location of the site away from community facilities and the limited public transport services available in the area, there is concern that occupiers and visitors associated with this general purpose residential development will be discouraged from undertaking daily trips using a range of sustainable transport modes. Consequently, such daily trips are likely to rely on the use of private motor vehicles, thus placing the development at variance with the sustainability advice contained in Planning Policy Wales.

It is considered, therefore, that to address this fundamental policy issue, the developer should provide a financial contribution to enhance the sustainability credentials of the site. This can be achieved by improving active travel access between Rest Bay and Porthcawl town centre, or extending the limited transport service which serves the site. To secure such improvements, the developer will be required to provide the sum of £63,136.32. This will be used to improve the existing bus route or/and provide a cycle route to The Rest. To enable the developer to accrue sufficient monies to fund the highways S106 funding, the Highway Authority is prepared to accept a staggered/phased payment plan which would see £30,000 being paid upon the occupation of the first unit of residential accommodation within the site, and the remaining £33,136.62 (or the remainder of the index linked sum) paid upon occupation

of 50% of the apartments or exactly 3 years after receipt of the first instalment, unless otherwise approved.

There is no formal bus stop provided along Rest Bay access road. To further enhance the sustainability credentials of the site, encourage additional use of any enhanced bus service, and to ensure passengers are picked up/dropped off in a safe and convenient location, the applicant will be required to provide a formal bus stop adjacent to the highway in close proximity to the site access. It is envisaged that the scheme will consist of a bus stop shelter, pole and flag, secure service timetable, and carriageway markings. It is anticipated that this facility can be accommodated between the accesses serving the site and the neighbouring Royal Porthcawl Golf Club. If it is evident that a shelter will be difficult to secure on the adjacent common land, a suitable waiting area with seating for occupiers and visitors to the site could be provided within the site boundary in close proximity to the highway.

The provision of an enhanced bus service and/or improvements to active travel in the area can be in the form of a financial contribution controlled by a Section 106 agreement. Providing the terms of these conditions are met, there are no highway objections to the proposals.

In accordance with SPG 17, the proposed residential use requires a total of 142 off street parking spaces. However, in view of the site's location well outside the settlement, occupiers and visitors to the site will need to be encouraged to use sustainable modes of transport to and from the site on a daily basis (through an enhanced bus service servicing the Rest Bay area, or improved active travel access in the area) so as not to solely rely on the private motor vehicle as suggested above. If this achieved, the reduced parking provision of 97 communal spaces for the residential use, (providing that all the spaces remain allocated) is considered acceptable. This equates to 1.5 spaces per apartment.

In respect of the new convalescent/nursing home the proposed layout shows 28 spaces being provided. The applicant has advised that based on the predicted staffing levels, 22 spaces will be required. The arrangement therefore, is also considered to be acceptable.

To ensure vehicular and pedestrian access to and from the site is only provided via the Rest Bay access road (via the southern site boundary) and not via the substandard track linking onto West Road, this may be controlled by way of a condition.

In terms of the policy implications of the development, the application site is located within the open countryside, as defined by Policy EV1 of the adopted Bridgend Unitary Development Plan (UDP). This policy strictly controls development in the countryside except for specific identified purposes i.e. those necessary in the interests of agriculture, forestry, countryside recreation, leisure and tourism or the winning or working of minerals. Policy EV1 expands on the above exceptions with the inclusion of suitable conversion, extension or rehabilitation of existing rural buildings.

In respect of the change of use and extension of the existing convalescent home to create 68 residential dwellings, this may be considered as a suitable exception to Policy EV1. Policy EV2 of the UDP states that development proposals in accord with Policy EV1 should be confined where possible to existing buildings. However, the supporting text in paragraph 3.5.7 expands on the potential re-use options of existing buildings in the countryside. It states that their re-use and adaptation can play an important role in meeting the needs of the rural area, in the first instance for agriculture, forestry and

mineral industries, then for incoming commercial and industrial users and for tourism, sport and recreation and finally residential.

If the above is satisfied, the conversion of buildings in the countryside is controlled by the detailed requirements of Policies EV6 & EV7 of the adopted UDP.

Policy H7 of the adopted Bridgend Unitary Development Plan (UDP) states that “where a local need is demonstrated, the Council will expect an appropriate element of affordable housing to be provided on suitable sites capable of accommodating 15 or more units or exceeding 0.5 hectares in size in accordance with Note 1 of SPG 13: Affordable Housing, the site is located within the Southern Housing sub-market and as such the target of at least 30% of housing constructed on the site being affordable applies”.

Note 3 of SPG 13 states that a reduced provision from the affordable housing target will only be accepted in exceptional circumstances and places the onus on the developer to satisfy the Council that it is not economically viable to provide the affordable housing on site before any relaxation is considered. Note 7 further provides, in exceptional circumstances, for the alternative of an off-site affordable housing scheme or a monetary payment in lieu of physical provision of affordable housing. The supporting text again stresses that the onus is placed on the developer to justify by way of submission of detailed costings if they consider the provision of affordable housing on-site not to be viable.

In this regard, the developer has submitted a development appraisal to demonstrate that exceptional circumstances apply to this proposal, necessitating a relaxation of the affordable housing target and provision of a monetary contribution in lieu of on-site provision. The developer has sought to demonstrate that a shortfall in the development viability exists as a result of the costs associated with the purchase of the land, the provision of a new convalescent home to replace the existing facility and the cost of refurbishing the Listed Building.

The initial Viability Appraisal submitted by the applicant provided for a commuted sum of £75,000 towards Affordable Housing. This was considered unacceptable and has led through a process of negotiation and various revisions of the Appraisal to the proposals now considered. This provides for a sum of £370,000 to contribute towards the provision of affordable housing. This represents a significant increase on the sum initially indicated and has been arrived at by a reduction in the level of Developer's Profit in the scheme to a level that is below market expectations. The sum is comparable to amounts negotiated on schemes elsewhere in the locality and given the evidence provided to justify that exceptional circumstances exist with this proposal, is considered acceptable in lieu of on-site provision.

The Rest is a Grade II listed building and will be directly affected by the proposals, Policies EV33, EV35 and EV36 of the adopted UDP are applicable. Policy EV35 states that schemes which maintain listed buildings and buildings of local architectural or historic interest in optimum use and in good repair will be favoured. Policy EV36 allows for the suitable re-use of redundant historic buildings or vacant floor space which contributes to regeneration of the county borough.

The UDP accepts that changing circumstances, as in the case of this proposal, may necessitate alterations or extensions, and where such proposals have satisfied Policies EV33 or EV34, these will be favoured where it can be demonstrated that they will assist in keeping the building in optimum use.

Policy EV15 refers to development in the coastal zone and Policy EV45 relates to the design of new development. Policies T1 & T2 relate to the promotion of sustainable modes of transport and improvements to existing highways.

As described above the works to the existing building are considered acceptable in design terms as well as their impact on the surrounding area. As such it can be considered that the terms of the above policy are met with regard to this aspect of the scheme. However, the development of the new convalescent home within the open countryside is not regarded as a suitable exception to Policy EV1 as it is a new building unrelated to any rural enterprise or activity. It does not therefore accord with the provisions of the adopted development plan. Furthermore the emerging LDP does not offer any policy comfort to the developer.

There is a statutory duty under s.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for LPA's, when considering whether to grant planning permission for development that effects a listed building or its setting, that special regard must be had to the desirability of preserving the building or its setting. In this case the development will result in the preservation of the Grade II listed building and as such is a significant material consideration in the determination of this application.

National planning advice and legislation requires local planning authorities to determine applications in line with the development plan unless material circumstances dictate otherwise. In this case the proposal must be considered in its overall context. The development will provide a state of the art community facility (information submitted by the board of trustees of the Rest indicates that the facility is mainly used by residents from South Wales and Bridgend as well as a number of community groups) as well as the refurbishment of a prominent and important local listed building. The future of the Rest is questionable if the development is not forthcoming. The refurbishment and associated residential development will guarantee the continued maintenance of the building, which may otherwise suffer further deterioration. As such this is considered to be material consideration in the determination of the application. Furthermore, the developer has provided information to ensure that all aspects of the proposal will be carried out to a high standard and that the new elements of the scheme will not adversely detract from the character of the listed building or the surrounding area. The detailed criteria of all other relevant policies are met.

Whilst determining this application Policies EV1, EV6, EV7, EV15, EV33, EV35 EV36, EV45, H7, T1 & T2 of the Bridgend Unitary Development Plan were considered as well as SPGs 13 & 17.

4.18 Conclusion

The conversion and extension of The Rest is considered to be acceptable in design and policy terms. With regards to the development of the replacement convalescent home whilst not an appropriate exception to established countryside protection policies the developer has demonstrated that the viability of the whole scheme and the long term retention and enhancement of the listed building and its setting, justifies the replacement convalescent home as well as the continued use of well used community facility. These reasons are considered to be a material consideration in the determination of the application.

5. Effect upon Policy Framework & Procedure Rules

- 5.1** Whilst the application does not fully accord with the policies of the Bridgend Unitary Development Plan, the development result in the refurbishment and maintenance of a significant listed building, which provides and important feature within the Rest Bay area of Porthcawl. The development will provide an important community facility and maintain an existing community use.

6. Equality Impact Implications

- 6.1** A screening for Equality Impact has been undertaken and no negative issues have been identified.

7. Financial Implications

- 7.1** A Section 106 Agreement requiring the following:

- (i) the sum of £370,000 as an off-site contribution towards the provision of affordable housing.
- (ii) the sum of £63,136.62 to improve active travel access between Rest Bay and Porthcawl town centre or extending the limited transport service which serves the site in a staggered/ phased payment plan which would see £30,000 being paid upon the occupation of the first unit of residential accommodation within the site, and the remaining £33,136.62 (or the remainder of the index linked sum) paid upon occupation of 50% of the apartments or exactly 3 years after receipt of the first instalment, unless otherwise approved in writing.

8. Recommendation.

- 8.1** That if Council are minded not to refuse the development then the Corporate Director Communities be given plenary powers to issue a decision notice in respect of this proposal once the applicant has entered into a Section 106 Agreement requiring the following:

- (i) Provide the sum of £370,000 as an off-site contribution towards the provision of affordable housing.
- (ii) Provide the sum of £63,136.62 to improve active travel access between Rest Bay and Porthcawl town centre in a staggered/phased payment plan which would see £30,000 being paid upon the occupation of the first unit of residential accommodation within the site, and the remaining £33,136.62 (or the remainder of the index linked sum) paid upon occupation of 50% of the apartments or exactly 3 years after receipt of the first instalment, unless otherwise approved in writing.
- (iii) the developer shall ensure that the new convalescent home is complete and open for use prior to the occupation of any of the residential apartments approved.

- 8.2** Subject to the following conditions:-

1. The development shall be served by the existing single means of access from The Rest Bay access road on the southern site boundary. There shall be no means of vehicular or pedestrian access into the site via the track linking the site to West Road.

Reason: In the interests of highway safety.
(Policy T2 - Bridgend Unitary Development Plan)
2. No development shall commence on site until a scheme for the provision of a bus stop in close proximity to the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the development being brought into beneficial use unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and pedestrian safety.
(Policy T1, T2 and EV45 - Bridgend Unitary Development Plan)
3. No development shall commence on site until a scheme for the provision of a temporary compound (for construction materials and plant) and car park (for contractors' vehicles) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to commencement of works on site and maintained for the duration of the demolition and construction works.

Reason: In the interests of highway safety.
(Policy T2 - Bridgend Unitary Development Plan)
4. No development shall commence until a scheme for the provision of temporary traffic and pedestrian management along the Rest Bay access road between the site and Mallard Way during the demolition and construction works has been submitted to and agreed in writing by the Local Planning Authority and implemented before the commencement of any work on site and retained throughout the demolition and construction works.

Reason: In the interests of highway safety.
(Policy T2 - Bridgend Unitary Development Plan)
5. All heavy goods vehicles associated with the demolition and construction works shall be suitably sheeted, as agreed in writing by the Local Planning Authority, before leaving the site.

Reason: In the interests of highway safety.
(Policy T2 - Bridgend Unitary Development Plan)
6. No heavy goods vehicles associated with the demolition and construction works shall enter or leave the site during weekends, bank holidays and local school holiday periods.

Reason: In the interests of highway safety.
(Policy T2 - Bridgend Unitary Development Plan)
7. No development shall commence on site until details of mechanical, automatically operated, self-contained wheel washing facilities have been submitted to and agreed in writing by the Local Planning Authority. The facilities

shall be provided and retained as approved for the duration of the demolition and construction works to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety by preventing mud and debris from being carried out onto the existing maintainable highway.
(Policy T2 - Bridgend Unitary Development Plan)

8. The proposed access road as shown on drawing number Rio 0197 AS 02 Rev A shall be completed in permanent materials in accordance with the approved layout prior to the any part of the development being brought into beneficial use.

Reason: In the interests of highway safety.
(Policy T2 - Bridgend Unitary Development Plan)

9. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of a segregated 2.0m wide footway between the site access and the entrances to both the residential and nursing home buildings has been submitted to and approved in writing by the Local Planning Authority and implemented in permanent materials before the development is brought into beneficial use and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.
(Policy T2 - Bridgend Unitary Development Plan)

10. Notwithstanding the submitted plans, no development shall commence until a scheme showing improved signing and carriageway markings around the one-way traffic island adjacent to the site access has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be designed in accordance with the Traffic Signs Regulations and General Directions (2002) and shall be fully implemented in accordance with the agreed scheme before any part of the development is brought into beneficial use.

Reason: In the interests of highway safety.
(Policy T2 - Bridgend Unitary Development Plan)

11. No development shall commence until a scheme showing the demarcation of the existing edge of adopted highway across the site access; and signs erected at the site entrance advising that the access road within the site is private has been submitted to and agreed in writing by the Local Planning Authority. The demarcation line and private road signs shall be implemented in full in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such unless otherwise approved in writing by the Local Planning Authority (Note 1 refers).

Reason: In the interests of highway safety
(Policy T2 - Unitary Development Plan)

12. Notwithstanding the submitted plans, no development shall commence until a scheme showing the existing site access gates being set back a minimum of 10m from the nearside edge of the adopted highway has been submitted to and agreed in writing by the Local Planning Authority. The relocated gates shall only open inwards, and shall be completed in accordance with the approved layout

prior to the development being brought into beneficial use and shall be retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.
(Policy T2 - Bridgend Unitary Development Plan)

13. Notwithstanding the submitted plans, no development shall commence until a scheme showing the unallocated off street parking spaces for the residential and nursing home uses (as illustrated on drawing number Rio 0197 AS 02 Rev A) each measuring 2.6m wide x 4.8m long (to include a 5% provision for disabled parking spaces measuring 3.6m wide x 4.8m long); 5.5m wide manoeuvring areas between parking isles; and 26 cycle parking stands for the residential use has been submitted to and agreed in writing by the Local Planning Authority. The parking facilities shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.
(Policy T1 & T2 - Bridgend Unitary Development Plan & SPG 17)

14. Development shall not begin until an appropriate photographic survey of the existing structure on the site has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority.

Reason: To record and safeguard the historic heritage of the site.

15. No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority an Ecological Plan as recommended in the Ecological Appraisal submitted by the developer. All works shall be carried out in accordance with the agreed plan.

Reason: In the interest of protecting the biodiversity of the site.
(Policy EV20 Bridgend Unitary Development Plan)

16. The development hereby approved shall not be commenced until such time as a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the occupation of the development.

Reason: To protect water quality and prevent any deterioration in water quality and any potential deterioration in Water Framework Directive Classification.
(Policy EV17 - Bridgend Unitary Development Plan)

17. Notwithstanding the submitted plans, no development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, roof/yard (surface water) and land drainage will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority development and shall be implemented in accordance with the agreed scheme prior to beneficial occupation.

Reason: To ensure that effective drainage facilities are provided for the proposed development

(Policies EV17 - Bridgend Unitary Development Plan)

18. No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the agreed scheme prior to beneficial occupation.

Reason: To protect water quality
(Policy EV17 - Bridgend Unitary Development Plan)

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and deterioration in water quality.
(Policy EV17 - Bridgend Unitary Development Plan)

20. No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority samples or full details of the materials and finishes (including colour) to be used on the exterior of the buildings. The development shall be undertaken in accord with the agreed details.

Reason: To ensure that the materials and finishes are compatible with the character and appearance of the grade 2 listed building.
(Policy EV45 & EV33 - Bridgend Unitary Development Plan).

21. No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme including a full specification for hard and soft landscaping, details of the means of enclosure, and a schedule for implementation and maintenance, including details of a screening bund. The agreed landscaping scheme shall be undertaken in accord with the agreed schedule of implementation and shall be maintained in accord with the agreed scheme.

Reason: To ensure that the landscape setting is appropriate to the listed building.
(Policy EV33 - Bridgend Unitary Development Plan).

22. No development shall take place until a schedule of landscape maintenance for a minimum period of 3 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the agreed schedule.

Reason : To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

(Policies EV20 and EV45 Bridgend Unitary Development Plan).

23. Construction of the residential home hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under Ene 1 - Dwelling Emission Rate, has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason: - In the interests of sustainability.

(Policy U1 Bridgend Unitary Development Plan)

24. Unless otherwise agreed in writing the residential home hereby permitted shall not be occupied until a Code for Sustainable Homes 'Final Certificate' has been submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under Ene1 - Dwelling Emission Rate, has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason: - In the interests of sustainability

(Policy U1 Bridgend Unitary Development Plan)

25. Construction of the development hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that it will achieve Building Research Establishment Environmental Assessment Method (BREEAM) 'Very Good' standard and achieve the mandatory credits for 'Excellent' under issue Ene1 - Reduction of CO2 Emissions.

Reason: - In the interests of sustainability.

(Policy U1 Bridgend Unitary Development Plan)

26. Prior to the occupation of the development hereby permitted a 'Final Certificate' shall be submitted to the Local Planning Authority certifying that the building has achieved the Building Research Establishment Environmental Assessment Method (BREEAM) 'Very Good' standard and the mandatory credits for 'Excellent' under issue Ene1 - Reduction of CO2 Emissions.

Reason: - In the interests of sustainability.

(Policy U1 Bridgend Unitary Development Plan)

8.3 The Following Are Advisory Notes Not Conditions:-

1. The conversion and extension of The Rest is considered to be acceptable in design and policy terms. With regards to the development of the replacement convalescent home whilst not an appropriate exception to established countryside protection policies the developer has demonstrated that the viability of the whole scheme and the long term retention and enhancement of the listed building and its setting, justifies the replacement convalescent home as well as the continued use of well used community facility. These reasons are considered to be a material consideration in the determination of the application.

2. It is my understanding the access road within the site will not be laid out to adopted standards or offered to the Authority for adoption. Consequently, the applicant should consider setting up a Management Company to deal with the maintenance requirements of this access road.

Sufficient public utility value exists in respect of this private access to warrant its make up under a Private Street Works scheme as per the provisions of the Highways Act 1980. Consequently, to prevent highway rights becoming established in respect of this access road concerned, it will be necessary for the applicant to erect 'Private Road' signs that would be retained in position in perpetuity at the entrance to the site to remove any doubt as regards the private status of the access roads concerned. The sign shall read 'PRIVATE ROAD' with no intention to dedicate under S37 of the Highways Act 1980.

3. The Highway Authority reserves the right to invoke the powers contained in Section 59 of the Highways Act 1980 and recover additional expenses incurred in maintaining certain lengths of the highway network serving the site.
4. The applicant should be advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.
5. The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the access and parking areas, although compacted chippings would not be considered acceptable. As a result of the above, impermeable surfacing such as concrete or tarmac extending across the full width of the access and parking areas should not be considered as a first option.
6. Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Waterton Depot, Waterton Lane, Waterton Industrial Estate, Bridgend. Telephone No. (01656) 642541.
7. Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under the Highways Act 1980.
8. The applicant is advised to contact the Authority's Ecology/Biodiversity Team on (01656) 643667 if bats are encountered. All bats are protected by law, and where there is a likelihood that a bat roost may be present a survey should be carried out and evidence of bat occupation or their absence should be established. It is essential that before any work take place there should be a full investigation for bats by an appropriately qualified and licensed person to determine the site's significance. Suitably qualified ecological consultants can be found by in the first instance telephoning the Countryside Council for Wales (02920) 772400.
9. The applicant/developer is advised that all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), whilst they are actively nesting or roosting. Protection should be given to all nesting birds during any works and

to proceed with caution, especially during the bird nesting season (early March to late July). Section 1 of the Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs.

10. No reptiles were observed at the site, but they are present in the surrounding area. To avoid harm to reptiles it was recommended that the few areas of suitable habitat i.e. scrub and longer grass alongside the boundary with the golf course, should not be disturbed by the development works. The developer should be made aware that reptiles receive protection under Section 9(1) and (5) of the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally and recklessly kill, injure or take any species of reptile.
11. The applicant is advised that in addition to planning permission and building regulations approval, a permit under the Environmental Permitting (England and Wales) Regulations 2010 will be required for any emergency overflow from the pumping station. Permits can take up to four months to determine and there is no guarantee that consent will be granted. You are advised to contact the Environment's Agency National Permitting Team on 08708506506 at the earliest opportunity to discuss the requirements and to avoid any unnecessary delays.
12. With regards to Condition Number 22, the applicant/developer is advised to ensure that an assessment is carried out into the potential for disposing of the surface water by means of a sustainable drainage system (SUDS), in accordance with the principles set out in accordance with Technical Advice Note 15 (or any subsequent version) and the results of the assessment submitted to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - (i) Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water.
 - (ii) Provide a timetable for its implementation; and
 - (iii) Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
 - (iv) Provide a ground investigation report sufficient to support the design parameters and suitability of the proposed system.
13. Foul water and surface water discharges shall be drained separately from the site.
14. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
15. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

16. The developer is advised that the information required by condition 15 should deposit the photographs with the Historic Environment Record, operated by the Glamorgan-Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea SA1 6EL. Tel: 01792 655208).
17. The Method Statement required by condition 18 shall identify as a minimum:
 - Storage facilities for the fuels, oils and chemicals
 - Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off
 - Details of measures to ensure no polluting discharge from haul roads/disturbed areas
 - Details of the nature, type and quantity of materials to be imported on to the site
 - Measures for dealing with any contaminated material (demolition waste or excavated waste)
 - Identification of any buried services, such as foul sewers, so that they are protected
 - Details of emergency contacts, for example the Environment Agency Pollution hotline 0800807060

The Method Statement should then be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

18. An information pack containing active travel routes and public transport information (including timetables) within the Porthcawl area should be provided by the developer to the occupiers of each residential unit.
19. The design of the bus shelter referred to in condition 2 above shall reflect the character of The Rest convalescent home, which is a Grade II listed building and must be appropriate for the area.
20. The ecological plan (required by condition 15) should include a method statement to avoid harm to protected and priority species and provide guidance for the effective implementation of the landscaping scheme.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

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Background documents

Planning Application file P/11/781/FUL
O.S Plan
Bridgend Unitary Development Plan