

**REFERENCE:** P/15/876/FUL  
**APPLICANT:** M G K Leisure Ltd  
**LOCATION:** Rear of 46 John Street Porthcawl CF36 3BD  
**PROPOSAL:** Proposed residential development comprising 4 new units at land to rear of 46 John Street.  
**RECEIVED:** 8 January 2016  
**SITE INSPECTED:** 20 January 2016

## **APPLICATION/SITE DESCRIPTION**

Full planning permission is sought for the erection of a detached residential building at land to the rear of 46 John Street Porthcawl. The development would accommodate two ground floor bedsits, a two bedroom flat at first floor level and a single bedroom flat within the roof space of the property.

The building would appear two-storey in appearance with useable roof space comprising four front dormer additions and a larger single dormer addition to the rear roof slope of the building. The building would consume the majority of the plot whilst retaining a side access to the upper storeys and an external bin storage area. It would have a rectangular footprint with overall dimensions of 13.8m in length by 5.7m in depth. It would have a maximum height to ridge level of 9.3m. The building would be finished with a cement render and slate roof tiles.

The application site is situated within the extended Porthcawl Conservation Area and comprises an unoccupied parcel of land that sits to the rear of the commercial John Street and on the perimeter of the main car park within the centre of Porthcawl. Boundary walls currently define the site.

## **RELEVANT HISTORY**

P/01/454/FUL - Alterations and change of use of rear redundant building into a tea shop - Granted 07/08/2001

P/04/651/FUL – Proposed tea room with office over – Granted 05/07/2004

## **PUBLICITY**

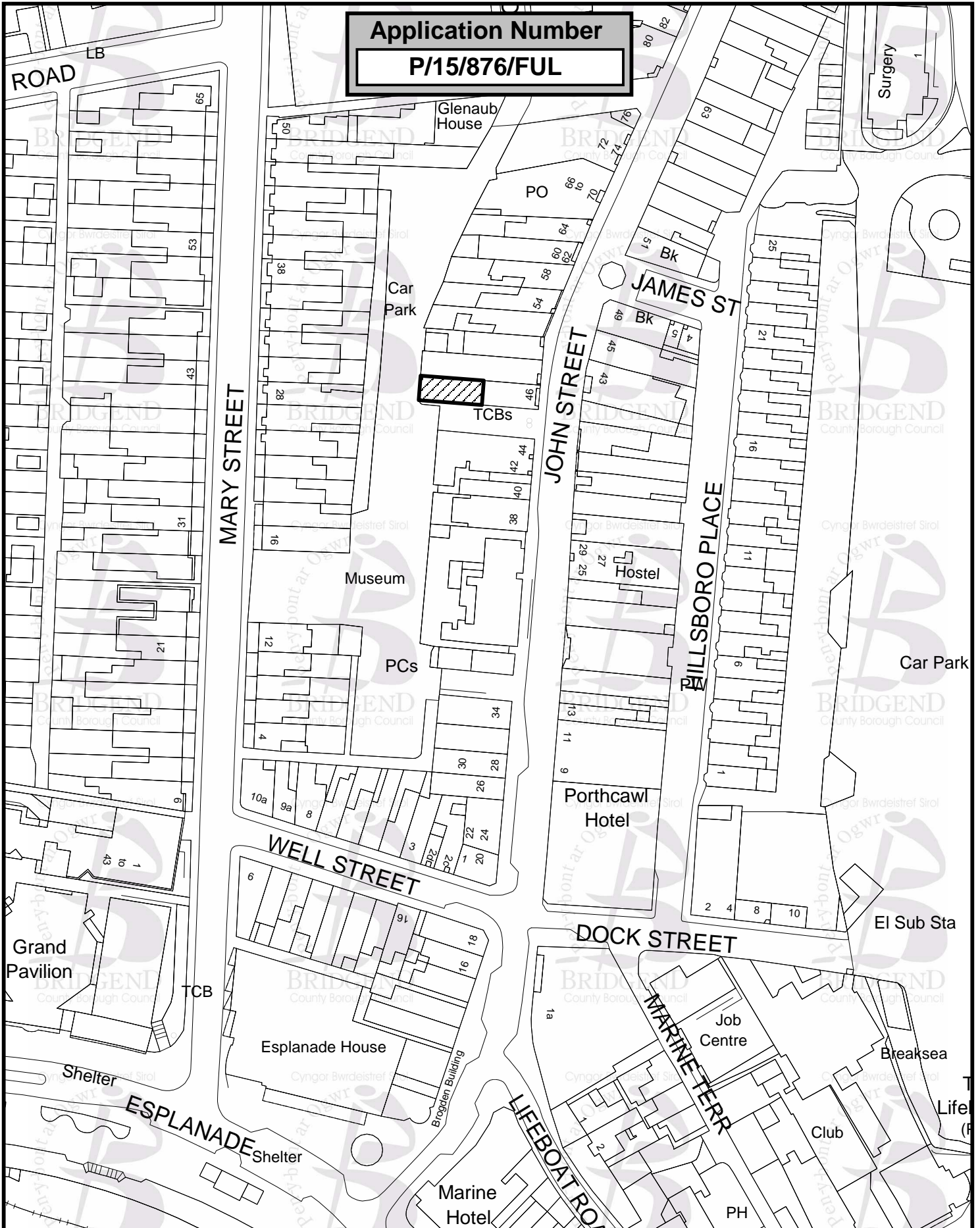
The application has been advertised on site.  
Neighbours have been notified of the receipt of the application.  
The period allowed for response to consultations/publicity expired on 05 February 2016.

## **NEGOTIATIONS**

The applicant/agent was requested to reduce the overall height and scale of the building to a more appropriate two-storey design to reflect the design of nearby properties, ensure the scale of the development is appropriate to its setting and to reduce the visual impact of the scheme.

Application Number

P/15/876/FUL



Scale 1:1,250

Date Issued:  
23/09/2016

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
Council, Civic Offices,  
Angel Street,  
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/  
Committee DC Plan

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## **CONSULTATION RESPONSES**

Porthcawl Town Council: Object to the proposal in terms of 'over intensification of site'.  
Head of Street Scene (Drainage) – No objections.  
Head of Street Scene (Highways) – No objections.  
Conservation & Design Team – No objections.  
Welsh Water Developer Services – No objections.

## **REPRESENTATIONS RECEIVED**

None.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

In relation to the Town Council's comment, the application site is currently a vacant, derelict site within the town centre. Following significant negotiations the applicant has reduced the overall massing and scale of the external dimensions of the building to ensure it appears sympathetic to its surroundings and does not result in an over development of the site. Planning permission has also been previously granted for a coffee shop and office premises at the site (Ref P/04/651/FUL) and it is considered that such a proposal would not result in an over intensified use of the site, within such a town centre location.

## **APPRAISAL**

The application is reported to Development Control Committee in view of the Town Council's objection.

The application seeks consent for the construction of a two-storey detached building to the rear of 46 John Street, Porthcawl. The development would incorporate roof dormers to allow habitable accommodation to be created within the roof space of the building. The ground floor of the building would accommodate two small bedsit units. A two-bedroom flat unit would be created across the first floor of the building comprising a bathroom, living/dining area, kitchen and two bedrooms. Within the roof space of the building a one bedroom flat would be created accommodating a bathroom, living/dining room, kitchen and single bedroom.

The application site comprises a derelict and underused area of land to the rear of the busy John Street in Porthcawl. The site is situated on a side access route that links the commercial high street with a large public car park. There is a commercial building positioned opposite the application site. A high, brick finished annexe abuts the rear of the application site. Immediately to the rear of 46 John Street is a residential flat premise, 46a John Street, which also falls within the ownership of the applicant.

The application site is located within the designated settlement boundary, within the town centre of Porthcawl as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP supports the re-use of land within the urban area for small-scale residential development where no other LDP Policy protects the building or land for an existing or alternative use. The site is located within the established commercial centre where Policy SP10 seeks to ensure that all new development proposals within retailing and commercial centres should provide retail, community or commercial floorspace on the ground floor. At present the site is derelict and bounded by a public car park to the west and a public walkway to the south allowing pedestrian access to John Street which is allocated as Primary Shopping Frontage within the Local

Development Plan. The proposal does not result in the loss of existing retail space and the new built form would improve the visual appearance of this part of the town centre. The proposal represents an opportunity for the re-use of land within the urban area and, on balance, it is considered that the use of the site for residential purposes represents a sustainable and compatible use of the plot. Residential development is therefore, supported in principle on this site.

Policy SP2 of the BLDP establishes the criteria for acceptable design and sustainable place making. This is supported by guidelines set out in Design Guide 1: Dwellings and Domestic Scale Buildings and Supplementary Planning Guidance 2: Householder Development.

Following substantial negotiations between the applicant's agent, the Conservation and Design Team and the Local Planning Authority, the scheme has been significantly revised from its original, large three-storey design to a more appropriate two-storey design with useable roof space that is more in-keeping and sympathetic to the existing buildings that surround the application site. The Council's Conservation Officer welcomes the revisions undertaken to prevent the new building from dominating the site and to ensure the building appears as a subservient addition to the existing built form of the locality. Proposed finishing materials, comprising a rendered finish and slate roof are considered appropriate for the locality and surrounding conservation area and largely in-keeping with the finishes of other neighbouring properties. As such, the proposal would not appear as an overly obtrusive or jarring addition to the street scene and given the amendments undertaken, would not have an adverse impact on the existing visual amenities of the area.

Whilst acknowledging the constraints of the site in terms of amenity provision, given the location of the site within Porthcawl Town Centre and the reasonably close proximity of the site to shops, restaurants, the sea front, community facilities such as doctors, chemists, banks etc and transport links, it is considered that the future occupiers of the individual flats will enjoy a reasonable level of amenity with the proposal not resulting in an over intensive use or overdevelopment of the plot in this town centre location.

In terms of the impact on existing residential amenity it is noted the site is predominantly surrounded by commercial properties that are unlikely to experience any significant loss of privacy or amenity as a result of such a proposal. It is noted that a number of nearby commercial premises benefit from associated first floor residential flat accommodation and, therefore, in terms of the proposed use, the development is compatible with the character of the surrounding area. The primary windows within the development would be positioned within the front elevation of the new building facing towards the public footway fronting the site. As detailed, to the west of the site is a public car park and to the rear, north, is the large annexe of a commercial property that fronts onto John Street. High level windows are only proposed within the rear dormer addition that would have no adverse overlooking impact. One window opening serving the access stairs and a small secondary bedroom window would be positioned within the east facing, side elevation of the building facing a number of windows within the rear elevation of properties along John Street. However, a recommended condition would ensure these windows are obscurely glazed to prevent any direct overlooking from the new development.

A number of window openings positioned within the rear elevation of properties along John Street would experience some loss of outlook and overshadowing as a result of the scheme. However, given the reductions in the height and massing of the building and noting the property most affected by the proposal (no .46a) is also owned by the applicant, with no letters of objection from any neighbouring residents being received following the public consultation process, the proposal does not raise such adverse residential amenity concerns to warrant a recommendation to refuse the planning application.

The Group Manager Transportation and Engineering (Highways) has raised no objections against the planning application. It is commented that the application does not provide for resident parking, however, the property is situated in a town centre location which is close to public car parks and alternative modes of transport and is, therefore, considered sustainable and acceptable in terms of parking.

No statutory consultee, with the exception of the Town Council, has raised any concerns with the proposal. The Council's Drainage Section has advised a standard drainage condition should be attached to any approved consent and note a public sewer crosses the site that may need to be re-aligned or the relevant consent sought from Welsh Water to confirm the acceptability of constructing over the main sewer should permission be granted. Welsh Water has been consulted on the planning application and raise no objections subject to conditions and advisory notes.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21<sup>st</sup> March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

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

Given the previously developed nature of the application site and its currently vacant status, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

Overall, it is considered the development can contribute to creating a quality, attractive and sustainable form of residential accommodation within the Porthcawl Town Centre. Legislation and national planning policy dictates that planning applications must be determined in accordance with the approved Development Plan unless material circumstances suggest otherwise. In this case, notwithstanding the Town Council objection, it is considered that there are no material reasons why planning permission should be refused.

## **CONCLUSION**

This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy, highway safety, visual amenities, land drainage, ecology or so significantly harms neighbours' amenities as to warrant refusal.

## **RECOMMENDATION**

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents received 14/09/2016:

Front elevation, section & ground floor plan scale 1:100

Main section & first floor plan scale 1:100

Rear elevation scale 1:100

End elevations & attic plan scale 1:100

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason : To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the surrounding conservation area.

3. Notwithstanding the requirements of condition no.1, the side window openings positioned within the east facing, side elevation of the building (facing 46 John Street) shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The windows shall be fitted prior to the beneficial use of the building hereby approved commencing and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

4. No development shall take place until a detailed specification for the design of the side entrance gate has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: In the interests of safeguarding the general amenities of the area.

5. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

**\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

a) This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy, highway safety, visual amenities, land drainage, ecology or so significantly harms neighbours' amenities as to warrant refusal.

b) The site is crossed by a public sewer. The developer is advised to contact Dwr Cymrw/Welsh Water for its precise location and details of the safety zone on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

c) If a connection is required to the public sewer system, the developer is advised to contact Dwr Cymrw/Welsh Water on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background papers**

None